

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

105th Legislative Day

May 17, 1988

Speaker McPike: "The House will come to order. The Chaplain for today will be Reverend Donald Mayberry, from the Chatham Baptist Church. Reverend Mayberry is a guest of Representative Hasara. The guests in the balcony may wish to rise and join us in the invocation."

Reverend Mayberry: "Let us pray. Most glorious and exalted Lord, You are to be glorified above all, by spirits of fire and angels in the heavenly realms. And yet in Your love, You have chosen to be glorified by humankind as well on our earth. That You might exalt our mortal race and make us like supernal beings in Your kingdom. Free us, our Father, from those cares that hinder our service to You, and may we seek Your kingdom and its righteousness, according to Your holy commandments that bring life. And so bring honor and glory to Your name, through Jesus Christ our Lord. Amen."

Speaker McPike: "We will be led in the Pledge of Allegiance by the Minority Leader, Representative Daniels."

Daniels - 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: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. Representative Christensen is excused due to illness."

Speaker McPike: "Representative Piel."

Piel: "Yes, Mr. Speaker, would the record show that Representative Sieben is excused today?"

Speaker McPike: "Mr. Clerk, take the record. 116 Members answering the Roll Call, a quorum is present. House Calendar Supplemental #1 Consent Calendar, page 2. House Bill 3655, Representative O'Connell. The Gentleman here?"

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Out of the record. House Bill 3700, Representative Ewing. Representative Ewing? Out of the record. House Bill 3705, Representative Keane. Out of the record. House Bill 3706, Representative Curran. Out of the record. House Bill 3718, Representative Mays. Out of the record. House Bill 3720, Representative Keane. Out of the record. House Bill 3725, Representative Levin. Out of the record. You know the Chair would encourage any Legislators that may be in their offices that the House is in Session and that we would encourage you to come to the House floor. Representative Olson."

Olson: "I'm just premature, Mr. Speaker, when I get to 3769 I will have an Amendment to offer, but I'm not sure it's been distributed."

Speaker McPike: "House Bill 3738, Representative O'Connell. Out of the record. House Bill 3752, Representative Deuchler. Out of the record. House Bill 3769, Representative Olson. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3769, a Bill for an Act to amend the State Employees Group Insurance Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Olson."

Olson, M.: "May I make an inquiry of the Chair with the Clerk? Has the Amendment been printed and distributed as yet?"

Speaker McPike: "No, the Amendment was filed 5 minutes ago. It has not been printed or distributed."

Olson, M.: "That's alright, thank you very kindly."

Speaker McPike: "Out of the record. House Bill 3770,

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Representative Kubik. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3770, a Bill for an Act to amend the Vital Records Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 3799, Representative Currie. Representative Barger? Representative Barger."

Barger: "Thank you, there is an Amendment to 3770."

Speaker McPike: "Mr. Clerk, would you check? Representative Barger, you are correct. House Bill 3770 will be returned to Second Reading."

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

Speaker McPike: "Representative Barger and thank you, Sir."

Barger: "Thank you, Mr. Speaker. Amendment #2 was House Bill 1489 last year and it passed out of here 115 to nothing and got lost in the committee over in the Senate. And I move its adoption."

Speaker McPike: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. If I might just for a moment, point out to you that today we have on the House floor a new daddy. Representative Tate's wife, Cindy, had a baby girl, Saturday night, early Sunday morning. Rory Elizabeth."

Speaker McPike: "The House will stand at ease. Representative Barger. Representative would you present your Amendment again? The House will stand at ease. Representative Barger."

Barger: "Thank you...thank you, Mr. Speaker. The Amendment to House Bill 3770 is the same as House Bill 1489 of last

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year. It passed out of the House 115 to nothing, and got lost in a committee in the Senate. And I move its passage."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2. Is there any discussion? Representative Young."

Young, A: "Could you just explain what the Amendment does? I'm sorry."

Barger: "When a senior citizen residential housing project is built with private funds, they're required to provide a nursing facility. During the first few years, they don't really need the total facility that they have. This allows them to get people in from the outside, a 100 percent the first year, 80 percent the second, 20 percent the 5th year and down to no one from the outside after the 5th year. It's a good system to allow the people to have the facility that they need and have the facility pay for itself."

Young, A.: "Does this Amendment change the definition of what a facility is? That's what my note says."

Barger: "No."

Speaker McPike: "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 O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 3799, Representative Currie. Out of the record. House Bill 3803, Representative Countryman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3803, a Bill for an Act to amend the Criminal Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

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Speaker McPike: "Third Reading. House Bill 3805, Representative Churchill. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3805, a Bill for an Act to amend the Boat Registration and Safety Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Representative Churchill, a request for a fiscal note has been filed. The Bill will remain on Second Reading. House Bill 3806, Representative Shaw. Read the Bill, Mr. Clerk. Representative Shaw. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3806, a Bill for an Act to amend the Health Maintenance Organization Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Shaw."

Shaw: "Yes, Amendment #1 is basically...is saying that emergency...all hospitals...the H.M.O cannot deny you emergency treatment if you didn't check in in advance by telephone or something of that nature. But basically they would not be able to deny you emergency treatment."

Speaker McPike: "Is there any discussion of the Amendment? Representative McCracken on the Amendment."

McCracken: "I'm sorry, could we have some order, Mr. Speaker? I couldn't hear the Gentleman. Would you tell us again, Representative, what the Bill...the Amendment does?"

Shaw: "Number one, it says that hospitals that...right now you have to make a prior phone call, a contact with the hosp...with an H.M.O before the hospital can give you emergency treatment. This Amendment says they can't do

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that. You don't have to do that. In an emergency."

Speaker McPike: "Representative Shaw, could you take this out of the record and give them a chance to read the Amendment? And we'll get back to it."

Shaw: "Yes, okay."

Speaker McPike: "Out of the record. House Bill 3810, Representative McAuliffe. Representative McAuliffe. Out of the record. House Bill 3826, Representative Frederick. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3826, a Bill for an Act to amend the Mental Health and Developmental Disabilities Confidentiality Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 3828, Representative Churchill. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3828, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 3835, Representative Levin. Out of the record. House Bill 3840, Representative Didrickson. Representative Didrickson. Do you wish this Bill called? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3840, a Bill for an Act to amend an Act to revise the law in relation to private employment agencies. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 3841, Representative Ropp. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3841, a Bill for an Act to amend the Wildlife Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Brunsvold, Amendment #1. Representative Brunsvold. Representative Ropp. The Gentleman is not here."

Ropp: "Might I move to table Amendment #1, please?"

Speaker McPike: "The Gentleman moves to table Amendment #1, is there any discussion? Representative Giorgi."

Giorgi: "Mr. Speaker, I would think that in as much as we've been courteous about allowing Members to put their Amendments on Bills, that the Gentleman would take it out of the record until we get a little better attendance. So that these people can get their Bills..."

Ropp: "I'd be happy to do that, is he not here today at all or...?"

Giorgi: "He's here, but I think we ought to, Mr. Speaker, what we ought to do is maybe make a rule that after...let's notify all Members that their Amendments will be tabled if they are not on the floor of the House. I don't think we ought to go this way."

Speaker McPike: "Well, Representative Giorgi, the Chair has announced that we're in Session and we're encouraging people to come over from their offices. Obviously everyone is not here yet. We've taken 10 Bills out of the record. Representative Ropp, what is your pleasure?"

Ropp: "Well, at the courtesy of the Chair if we would come back,

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I would certainly let the..."

Speaker McPike: "We intend to come back to all these Bills."

Ropp: "Okay."

Speaker McPike: "Out of the record. House Bill 3856, Representative Ryder. Representative Ryder here? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3856, a Bill for an Act codifying the powers and duties of the Department of Mental Health. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Amendment was offered, it came up in committee that we had not defined the use of the grants that would be given the facilities and this was a worked out Amendment. And I think it has support and I would ask it to be passed."

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 Amendment's adopted. Further Amendments?"

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

Speaker McPike: "Representative Ryder. Withdraws Amendment #2. Further Amendments? Representative Ryder are you sure that you intended to adopt Amendment #1 which added an effective date and not Amendment #2? You want to take this out of the record and check these?"

Ryder: "Sure, I've got your staff over here telling me what it is that I'm supposed to do. So as soon as he educates me I'll be glad to get back to you."

Speaker McPike: "Out of the record. House Bill 3857,

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Representative Daniels. Representative Daniels, do you want to call this Bill? Out of the record. House Bill 3858, Representative Bowman. Representative Bowman. Out of the record. House Bill 3870, Representative Breslin. Representative Bowman is here. Read the Bill, Mr. Clerk. 3858."

Clerk O'Brien: "House Bill 3858, a Bill for an Act to revise contract and voucher filing requirements. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 3870, Representative Breslin. Representative Breslin here? Out of the record. House Bill 3913, Representative Cullerton. Representative Breslin, did you want to...Representative Breslin, Representative Breslin, did you want to call that Bill? Read that Bill, Mr. Clerk. That's House Bill 3870."

Clerk O'Brien: "House Bill 3870, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1... offered by Representatives Saltsman, Hartke and Leverenz. Offered by Representative Saltsman, Hartke and Leverenz."

Speaker McPike: "Representatives Saltsman, Hartke or Leverenz. Representative Breslin, none of these Gentlemen are on the floor. Oh, I'm sorry, Representative Hartke. Representative Hartke, can you present this Amendment? Representative Breslin."

Breslin: "We better take it out until Representative Saltsman gets back. Thank you."

Speaker McPike: "Out of the record. House Bill 3913, Representative Cullerton. Out of the record. House Bill

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3915, Representative DeJaegher. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3915, a Bill for an Act in relation to the abuse and neglect of elderly persons. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 3931, Representative Ryder. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3931, a Bill for an Act to amend the Nursing Home Care Reform Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Ryder."

Ryder: "This is an agreed Amendment and I'd like for it to go on. I think we've discussed with staff that it's appropriate and it needs to be there. There's a question on the second Amendment, and we'll get to that in a moment."

Speaker McPike: "The Gentleman moves 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's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Representative Ryder."

Ryder: "Move it to Third."

Speaker McPike: "There's no further Amendments. Third Reading. House Bill 3959, Representative Mays. House Bill 3959, Representative Mays. Out of the record. House Bill 3971, Representative O'Connell. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3971, a Bill for an Act to create the Long Term Care Ombudsman Act. Second Reading of the Bill."

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Speaker McPike: "Out of the record. House Bill 3972, Representative Piel. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3972, a Bill for an Act in relation to the sale of banking assets. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Piel."

Piel: "Withdraw Amendment #2."

Speaker McPike: "Withdraws Amendment #2. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill... House Bill 3980... Representative Piel?"

Piel: "Mr. Speaker, could we check with the Clerk on 3972, there was a Amendment #3 that had been filed? A technical Amendment #3."

Speaker McPike: "Mr. Clerk, do you have further Amendments to 3972? Representative Piel, that Amendment was filed about 30 seconds ago?"

Piel: "No it was filed about 10:00, but I just...they said there was no other Amendments and there was Amendment #3, so if it hasn't been printed and distributed we will just hold it on second, but..."

Speaker McPike: "Right, fine House Bill 3972 will be returned to Second Reading, left on Second Reading. House Bill 3980, Representative Flinn. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3980, a Bill for an Act to amend the Illinois Banking Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Flinn."

Flinn: "Thank you, Mr. Speaker. Amendment #1 to House Bill 3980 makes a simple change of changing the word 'facilities' to 'branches'. And I move for its adoption."

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

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

Speaker McPike: "He will."

Piel: "Just for... excuse me, just for clarification, Monroe, this takes care of all the major problems with the Commissioner with exception of one area, Section 48, and they're still working on that. Is that correct?"

Flinn: "Yes, we're working on one other one having to do with Section 48 rather than taking the power away from JCAR to make rule...not make rules, but to judge on rules."

Piel: "Fine. Thank you very much."

Flinn: "We're planning to pull out that portion and put it back as to that Section in the rules rather than in the Bill."

Piel: "Thank you."

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

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 3990, Representative Cullerton. Out of the record. House Bill 3998, Representative Parcells. Is the Lady here? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3998, a Bill for an Act to amend an Act creating the Department of Children and Family

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Services. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Parcels."

Parcels: "Thank you, Mr. Speaker. This Amendment rewrites the Bill, and provides that a close relative who comes forward, or can be identified and who goes through an immediate preliminary approval by DCFS shall be selected as a preferred care provider. The relative must agree to a complete review by the department and for the purposes of this Amendment, close relative, I've taken the language out of the statutes, includes parent, grandparent, uncle, aunt, adult brother, or adult sister. The...this Amendment was requested by DCFS and I think we have a... an agreement on it. It's a good Amendment, because it keeps children who it's traumatic to be removed from their home anyway, it keeps them wherever possible with a family member. The original Bill was... I had drafted... it had some cost to it. I am told that this will have negligible cost to it. I would ask for your approval."

Speaker McPike: "Is there any discussion? The Gentleman from Fulton, Representative Homer."

Homer: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker McPike: "She indicates she will."

Homer: "Representative Parcels, did DCFS appear in committee and object to your Bill at that time?"

Parcels: "I'm afraid I didn't hear your question."

Homer: "Did DCFS appear in committee to raise the objections?"

Parcels: "Yes, yes they did on the original Bill."

Homer: "And then the committee agreed to vote the Bill out with the agreement that you would amend it on Second Reading?"

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Parcells: "Yes."

Homer: "And was it the committee that placed the Bill on the Consent Calendar?"

Parcells: "Was it their idea to put it on the Consent Calendar?"

Homer: "Is that where the Bill was placed on Consent Calendar?"

Parcells: "I cannot tell you that they put it on the Consent Calendar...the committee put it on the Consent Calendar. It had to be amended, therefore I don't think it went on a Consent Calendar. Is that the way it's...it is shown in the Calendar?"

Homer: "Well, it came out of committee without dissent, is that correct? With the understanding that your Amendment would go on the Bill? Alright, what about the problem of the...does the Amendment address the...the potential problem of probable competition between relatives for selection as the preferred care provider?"

Parcells: "Are you talking about a grandparent versus an aunt, if they both stepped forward?"

Homer: "Yeah, for example, what happens if the maternal and paternal grandparents don't agree regarding the department's final selection? How is that issue to be resolved?"

Parcells: "Well, the department felt...we discussed this at some length and the department felt they must have discretion to some degree. And by addressing it this way, the...any relative would be preferable to sending the child to a home with strangers. But, this would still give them some discretion at their level to choose between, say an aunt or grandparent and if nothing else the child himself might say, 'Can I go to grandma's house?' or 'Could I go to aunt's and uncle's?' We had to leave a little flexibility in there, because the department wanted to be able to use their discretion on this."

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Homer: "But the Bill itself has amended this, not established priorities, legislatively, in the case of conflict. Your Bill would leave it up to the discretion of the department to determine the priority in the event of competing conflicting interests?"

Parcells: "Yes, if a grandmother and an aunt both showed up, the department would have to decide on which would be the better home for the child, with some feed-in from the grandparent and the aunt, and feed-in from the child as to where they would be the most comfortable. But, the department felt that this was important for them to maintain that, because if you start putting them in a 'pecking order' you could run into somebody that's not as good a home for that child. As for instance, you might have an alcoholic grandparent and a perfectly fine aunt. So the department in their effort to keep them in a family setting, might choose the aunt in that case. But, if the 'pecking order' said a grandparent would come first, that would be counter productive to what we're trying to do here."

Homer: "Okay, well, I... thank you. I have some concern that there may still be some confusion with regard to that, the way the Amendment's drafted. But I'll... but I see no reason to stand in opposition. I think it's something we should go ahead and approve at this point and then if there are problems that are developed, perhaps they can work those out in the Senate."

Speaker McPike: "Any further 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's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 4011, Representative

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Churchill. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4011, a Bill for an Act in relation to emergency management. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 4027, Representative Cullerton. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4027, a Bill for an Act to provide for the certification of real estate appraisers. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 4033, Representative Parcells. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4033, a Bill for an Act to encourage recycling by State agencies. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 4035, Representative...House Bill 4035, out of the record. House Bill 4039, Representative Mays. Out of the record. House Bill 4052, Representative Olson. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4052, a Bill for an Act to amend the Wildlife Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 4053, Representative

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Olson. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4053, a Bill for an Act to amend the Illinois Conservation Enhancement Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 4057, Representative Berrios. Representative Berrios or O'Connell? Did you want to handle this Bill for Representative Berrios? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4057, a Bill for an Act relating to veterans' homes. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 4063, Representative Cullerton. Representative Cullerton. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4063, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 4075, Representative Ryder. Representative Ryder. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4075, a Bill for an Act to amend the Nursing Home Care Reform Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

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Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 4107, Representative Turner. Representative Turner. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4107, a Bill for an Act to amend the Housing Authority Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. We took House Bill 3857 out of the record. Mr. Clerk, read the Bill. 3857."

Clerk O'Brien: "House Bill 3857, a Bill for an Act to amend an Act in relation to community-integrated living arrangements. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative McGann here? Representative...Mr. Clerk, is there any other names on the Amendment?"

Clerk O'Brien: "No, there isn't."

Speaker McPike: "Representative Ronan."

Ronan: "Yes, Mr. Speaker. Representative McGann and myself and Minority Leader Daniels have agreed on Amendment #2. So I have the authorization of Representative McGann to table Amendment #1 and go to Amendment #2. Withdraw Amendment #1."

Speaker McPike: "Representative Ronan, you're a hyphenated Sponsor on #2. The Chair would out of courtesy ask Representative McGann to step to the floor. And he'll be here in a few seconds. Representative McGann, would you like to withdraw Amendment #1 to this Bill? Representative McGann."

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McGann: "Thank you, Mr. Speaker. We'll withdraw Amendment #1."

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

Clerk O'Brien: "Floor Amendment #2 offered by Representative McGann, Daniels and Ronan."

Speaker McPike: "Representative McGann."

McGann: "Thank you, Mr. Speaker, Members of the Assembly. Amendment #2 which was worked out with the department and on both sides of the aisle, is actually strengthening the House Bill which was presented by Representative Daniels in regards to the licensure system. It takes in many areas. It is a good step forward in working out, so we will not have problems with the integrated living. And I would move for adoption of Amendment #2."

Speaker McPike: "Is there any discussion? Representative Klemm."

Klemm: "Thank you, Mr. Speaker. I was just wondering what the Amendment really does. I understand from the Sponsor that it's agreed to, but what are the provisions?"

Speaker McPike: "Representative McGann, he asked you to explain the Amendment, Sir."

McGann: "Oh, alright that's fine. There's 9 parts to the Amendment, Representative. Requires that the licensure system must be administered by a quality assurance unit within the department, which has no responsibility for determining funding for the programs. Requires the department to adopt by July 1, 1989, rules to establish minimum standards for licensing community-integrated living arrangements. In addition to those requirements, currently innumarated in the Bill, the rules must address notification to recipients of their rights and ability to contact the guardianship and advocacy commission. Emergency actions which could be taken by the department to protect the recipient's rights and any other rules deemed necessary. States the fees for licensures or renewal of

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license cannot exceed \$200. Mr. Speaker, could we just have a little order, because I think it's important that the...questions may be raised. It provides that an agency licensed under the Act is not in compliance, the department must serve notice of the violation, inform the agency of any further action the department may take. The department conducts investigations on receipt of complaints, provides that except in emergency situations, no license may be denied or revoked unless the applicant or licensee is given written notice of the department's action. Seven, it provides that specific grounds for denial or revocation of license shall include certain items. Eight, provides that any community agency continuing to operate after its license has been revoked, is guilty of a business offense, which is a fine of in excess of \$500 not to exceed \$2,000 for each day of the violation. And then it provides the appeal process for revocation of licenses. That's what really actually comprises the whole Amendment. It's been worked out by the department and both sides of the aisle. It was good to reinforce this new concept in the community-integrated living so that we won't be reading in the newspaper someday about different problems occurring."

Speaker McPike: "Is there any discussion? There being none 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 O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 4121, Representative Dunn. Read the Bill, Mr. Clerk. Representative Dunn. Representative John Dunn."

Clerk O'Brien: "House Bill 4121..."

Speaker McPike: "Out of the record. House Bill 4127, Representative O'Connell. Representative O'Connell. Out

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of the record. House Bill 4139, Representative Bowman.
Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4139..."

Speaker McPike: "Excuse me, Representative O'Connell is here.
House Bill 4127."

Clerk O'Brien: "House Bill 4127, a Bill for an Act to amend the
Life Care Facilities Act. Second Reading of the Bill.
Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 4139, read the Bill,
Mr. Clerk."

Clerk O'Brien: "House Bill 4139, a Bill for an Act to amend the
Hearing Aid Consumer Protection Act. Second Reading of the
Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. Amendment #1 was...and Amendment #2 have been
worked out with the Department of Rehab. Services.
Amendment #1 maintains the thrust of the Bill, yet rewrites
the number of its provisions, changes the definition of
teletype device, adds the definition of service area,
provides the public safety agency shall provide for
requests for emergency assistance of ITDD's and so forth.
I'll be happy to respond to questions, but it's...there's a
lot of miscellaneous changes that nevertheless maintain the
thrust of the Bill. So I'd...questions if there are any."

Speaker McPike: "Is there any discussion? Being none the

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question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed 'no', the 'ayes' have it and the Amendment's adopted. Further Amendments?"

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

Speaker McPike: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 is another general cleanup and does some redefinitions. Probably the most significant feature is that it does delete a provision requiring Sheriff's Offices and public safety agencies to install telecommunication devices by January of 1991. Instead we are going to focus on the 911 systems. I move adoption of Amendment #2."

Speaker McPike: "The Gentleman moves the adoption of the Amendment. 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 and the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 4172, Representative Wojcik. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4172, a Bill for an Act to amend the Nursing Home Care Report Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Out of the record. House Bill 4180, Representative Wolf. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4180, a Bill for an Act to amend the

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Uniform Commercial Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 4184, Representative O'Connell. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4184, a Bill for an Act in relation to Illinois Fairness in Lending Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 4194, Representative Hultgren. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4194, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #1 is intended simply to clarify the original intention of the Bill and would move the adoption of Floor Amendment #1. Purpose of the Bill is to determine which of two competing Acts in the Illinois Law apply with the disposal of dead animals."

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 Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 4212, Representative Berrios. Berrios. Out of the record. House Bill 4229,

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Representative Wojcik. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4229, a Bill for an Act to amend the Township Law. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 4232, Representative O'Connell. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4232, a Bill for an Act to amend the Podiatric Medical Practice Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 32... House Bill 4233, Representative O'Connell. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4233, a Bill for an Act to amend Sections of the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 4282, Representative Hicks. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4282, a Bill for an Act to amend the Illinois Horse Racing Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Hicks."

Hicks: "Thank you, Mr. Speaker. Floor Amendment #1 simply takes the Illinois State Fair and Du Quoin State Fair out of this Horse Racing Bill, so that they're clarified under different language. I'd ask for the adoption of the

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Amendment."

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

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Returning to House Bill 3870, Representative Breslin. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3870, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Saltsman."

Saltsman: "Yes, thank you, Mr. Speaker. House Amendment #1, what it does, it puts a cap on the amount of sales tax that could be returned to a tiff district to limit the amount that one city can receive at 50 percent of what their total tax normally would have been, coming back from all sales tax combined. This is a cap to put on to stop some of the cities that got the larger amounts in last years tiff return program."

Speaker McPike: "The Gentleman moves the adoption of Amendment #1 and on that Representative O'Connell."

O'Connell: "Just a question of the Sponsor. My only concern, Representative, on this Amendment, and I think I know what you're trying to do, but I just want to state for the record, that if you are limiting the amount of revenues to be received not to exceed 50 percent of an aggregate amount, it should not include reference to municipal retailer's occupation tax or municipal service occupation tax. So that when the Bill or if the Bill gets over to the

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Senate I would hope that the Sponsor would review this legislation and make certain that my concerns are not founded."

Saltsman: "I'm certain it will be when it gets there."

Speaker McPike: "Representative Regan."

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

Speaker McPike: "Yeah, he indicates he will."

Regan: "Representative, just for a little clarification, what if...what if they're obligated...this flow of money is obligated in bonding already or is this...are you grandfathering this thing? Or is this new tiff's or what?"

Saltsman: "This is strictly on your sales tax return. In other words if your normal...your municipality had a return of a normal sales tax of 1 million dollars a year from the state, you could not go over 500,000, which would be a 50 percent increase. We had one municipality last year that went 80 percent. And we thought that this cap would save what we thought was some of the spoil systems in the return of that money."

Regan: "And that flow of money...well what if the municipality has already obligated the...the larger amount of money for bonding?"

Saltsman: "The information I have nobody has... did that yet."

Regan: "Alright, thank you."

Speaker McPike: "Representative Ropp."

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

Speaker McPike: "Yes, he will."

Ropp: "Representative, does this Amendment then allow for the opportunity for more communities to participate allowing more money in the appropriation for the tiff district?"

Saltsman: "No. There's a Bill in for that. That's already been done in the committee, Gordon."

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Ropp: "I thought...okay, thank you."

Speaker McPike: "Further 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's adopted. Further Amendments?"

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

Speaker McPike: "Representative Saltsman."

Saltsman: "Yes, Floor Amendment #2 where this Bill allows 20 percent of the geographic area the municipality could be used only for a tiff district. What this Amendment does is 15,000 or less population can go up to 40 percent of the size of the municipality."

Speaker McPike: "Any questions on the Amendment? Any discussion? Representative McCracken."

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

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

McCracken: "Representative Saltsman, this change in the percentages, how many more entities or how much more money are we talking about than in the original Bill?"

Saltsman: "Well, the reason this Amendment was asked for is we have some small municipalities that are very small and even with allowing them to go 40 percent they're still not going to be able to generate large sums of sales tax return. And it's...where they had already had commitments and the commitments are in a variety of about 30 percent of this... the municipalities that we've talked to on this. So we've just put 40 percent there to give them a little extra room to work with. They're small enough anyhow that they're not going to generate that kind of money."

McCracken: "So, that if...okay, thank you."

Speaker McPike: "Further discussion? Being none the question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye',

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opposed 'no', the 'ayes' have it and the Amendment's adopted. Further Amendments?"

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

Speaker McPike: "Representative Capparelli."

Capparelli: "Mr. Speaker, would you table Amendment #3 and go to Amendment #4."

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

Clerk O'Brien: "Floor Amendment #4 offered by Representative Capparelli."

Speaker McPike: "Representative Capparelli."

Capparelli: "Thank you, Mr. Speaker. Amendment #4 allows 2 precincts in Roger McAuliffe's area, used to be in my district, they're unincorporated now, to become a city by itself. And I move to adopt Amendment #4."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #4. Is there any discussion? Representative McCracken."

McCracken: "I'm sorry...I couldn't hear anything. Could we have some order, please, and could I hear it again, Representative?"

Capparelli: "Yeah, Amendment #4 allows the community..."

Speaker McPike: "Excuse me, excuse me, excuse me. Let's try to get a little order. Could we have some order on the House floor? Could we have some order on the House floor? Representative Capparelli, proceed."

Capparelli: "Thank you, Mr. Speaker. Amendment #4 allows 2 precincts in Norwood Park Township which are unincorporated at this time to legislate themselves to becoming a city by themselves. I move that we adopt Amendment #4."

McCracken: "Is there...I assume Norwood Park wants to incorporate, is that it?"

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Capparelli: "What did he say? Absolutely, yes."

McCracken: "Okay, and the only area is the two townships contiguous with what will be the city?"

Capparelli: "Right."

McCracken: "And it's that little island within the Chicago on the Northwest side."

Capparelli: "Northwest side, Roger McAuliffe's district."

McCracken: "Okay, thank you."

Speaker McPike: "Further discussion? There being none the question is, 'Shall Amendment #4 be adopted?' All in favor say 'aye', opposed 'no', the 'ayes' have it and the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. We will now return to page 2 of the Calendar, and call all the Bills that were taken out of the record. House Bill 3655, Representative O'Connell. Out of the record. House Bill 3700, Representative Ewing. Is Representative Ewing here? Out of the record. House Bill 3705, Representative Keane. Read the Bill, Mr. Clerk. Representative Breslin in the Chair."

Clerk O'Brien: "House Bill 3705, a Bill for an Act in relation to property tax delinquencies. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. House Bill 3706, Representative Curran. Representative Curran. Representative Keane, we just moved your Bill to Third Reading. Representative Curran, is the Gentleman in the chamber? Out of the record. House Bill 3718, Representative Mays. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3718, a Bill for an Act in relation to collection and deposits of State monies. Second Reading of

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the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Mays."

Mays: "Thank you very much, Madam Speaker. Floor Amendment #1 simply addresses some concerns raised by the Department of Revenue, and they're agreed to by the Audit Commission, on the prompt pay issue. And I would move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 3718. And on that question is there any discussion? Hearing none the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Curran has returned to the chamber. House Bill 3706. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3706, a Bill for an Act to amend the Mobile Home Landlords and Tenants Rights Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative McCracken."

McCracken: "Thank you, Madam Speaker. The Bill prohibits an owner from requiring as a condition of use of the premises for a mobile home park the purchase of the mobile home itself. This Bill would allow the purchase to be required where the lease in question for the original possession...for the original use of the mobile home park

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is in excess of 6 months. That's the Amendment, I move its adoption."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment #1 to House Bill 3706, and on that question is there any discussion? The Gentleman from Sangamon, Representative Curran."

Curran: "Thank you, Madam Speaker. With all due respect...at this point I'd just like to leave the Bill the way it is. I resist the Amendment, because I think it is detrimental to the passage of the Bill."

Speaker Breslin: "The Gentleman opposes the Amendment. The question is, 'Shall Amendment #1...Representative McCracken.'"

McCracken: "Speaker...very brief closing. I understand he doesn't want his Bill tampered with and I respect that. I wish we could have come to an agreement though because, you know, we're talking about a right of contract. Apparently this is a business practice. Where has been the demonstration of harm to the public interest? We don't have such a showing in this case. I've never heard that there's any problem in this regard. There's been no demonstration made to my knowledge, certainly the House as a whole has not had any demonstration of the problem made to it. And for that reason I think we ought to leave it alone. I just don't see why we should legislate in an area of private contractual rights between parties."

Speaker Breslin: "Representative Curran, Representative McCracken has closed on this question. Do you raise a point of order? No. The question is, 'Shall Amendment #1 to House Bill 3706 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question

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there are 47 voting 'aye', 63 voting 'no', none voting 'present'. And the Amendment fails. Are there any further Amendments?"

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

Speaker Breslin: "Representative Curran. The Gentleman withdraws Amendment #2. Any further Amendments?"

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

Speaker Breslin: "Representative Curran."

Curran: "Thank you, Madam Speaker. Amendment #3 prohibits leases which would be executed between the mobile home park owner from containing provisions which require the tenant to purchase a home from the park owner or from making that a condition of the lease agreement. This basically is the intent...is the position I wish this Bill to be in and I would like to...I wish for favorable adoption of this Amendment."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #3 to House Bill 3706, on that question is there any discussion? Hearing none the question is, 'Shall Amendment #3 be adopted?' All those in favor vote...all those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #4 offered by Representative Curran."

Speaker Breslin: "Representative Curran."

Curran: "Thank you, Madam Speaker. This Amendment simply prohibits a park owner from charging an excessive inspection fee in order to get around an earlier provision of the law."

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

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Amendment #4 to House Bill 3706. Is there any discussion?

The Gentleman from DuPage, Representative McCracken."

McCracken: "Will the Sponsor yield?"

Speaker Breslin: "He will."

McCracken: "Is this a situation where you've had some experience with owners charging exorbitant fees in order to force them out? Is that it?"

Curran: "To be honest with you I have...this is only an analysis of what could happen if a mobile home park owner decided to charge an excessive fee to get around the earlier provision of the law. I think maybe you're hearing from now Representative Harris."

McCracken: "He told me where I should be on this and we're all for you, Mike."

Curran: "Thank you."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #4 to House Bill 3706, is there any opposition? Hearing none the question is, 'Shall Amendment #4 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 3720, Representative Keane. Clerk, read the Bill."

Clerk Leone: "House Bill 3720, a Bill for an Act to amend an Act in relationship to State finance. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative Keane."

Keane: "Thank you, Madam Speaker. Amendment #1 to 3720 is a technical Amendment, it just changes the wording from the

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word 'individual'... 'individuals' to the words 'individual employees'. I would move for the adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 3720. Is there any discussion? Hearing none the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 3725, Representative Levin. Clerk, read the Bill."

Clerk Leone: "House Bill 3725, a Bill for an Act to amend the Illinois Historic Preservation Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative Levin."

Levin: "Yeah, thank you, Madam Chairman, Ladies and Gentlemen of the House. Amendment #2 limits the procedure that the Bill provides for, to a one time only basis in terms of giving notice to the people under the legislation. It's an attempt to respond to some of the suggestions in committee."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #2 to House Bill 3725, is there any discussion? Hearing none the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 3738, Representative O'Connell. Clerk, read the Bill."

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Clerk Leone: "House Bill 3738, a Bill for an Act to amend the Juvenile Court Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is being offered by Representative O'Connell."

Speaker Breslin: "Representative O'Connell."

O'Connell: "Madam Speaker, Amendment #1 is simply an Amendment that was provided by staff to correct the reference to a Federal Citation. It's purely a technical Amendment. Thank you."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 3738, any discussion? Hearing none the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 3752, Representative Deuchler. Clerk, read the Bill."

Clerk Leone: "House Bill 3752, a Bill for an Act to amend the duties and powers of the Department of Mental Health and Developmental Disabilities. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 3769, Representative Myron Olson. Clerk, read the Bill."

Clerk Leone: "House Bill 3769, a Bill for an Act to amend the State Employees Group Insurance Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Representative Olson."

Olson, M.: "Madam Speaker, Ladies and Gentlemen of the..."

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Speaker Breslin: "Excuse me, are there Amendments filed?"

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

Speaker Breslin: "Representative Olson."

Olson, M.: "Would you take it out of the record?"

Speaker Breslin: "Out of the record. House Bill 3805, Representative Churchill. Clerk, read the Bill. Out of the record. House Bill 3810, Representative McAuliffe. Representative McAuliffe. Out of the record. House Bill 3835, Representative Levin. Clerk, read the Bill."

Clerk Leone: "House Bill 3835, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative Levin."

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #1 embodies the final agreement between the Secretary of State's Office and the handicapped groups in terms of minor revisions in this Bill."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 3835. On the question the Gentleman from DuPage, Representative McCracken."

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

Speaker Breslin: "He will."

McCracken: "Representative, is this...you say the language is in the form suggested by the Secretary. Is he in agreement or is he neutral because of your adoption of the language?"

Levin: "The...I think my recollection is in committee, the Secretary said that he supported the Bill, particularly as it was going to be amended. And this includes the Amendments that were the result of some substantial

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discussions with the Secretary's Office."

McCracken: "Okay, okay, thank you."

Speaker Breslin: "The question is, 'Shall Amendment #1 to House Bill 3835 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen, I inadvertently skipped over 2 Bills on page 2, one is House Bill 3806, Representative Shaw's Bill. Mr. Clerk, could you read that Bill, please?"

Clerk Leone: "House Bill 3806, a Bill for an Act to amend the Health Maintenance Organization Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Shaw withdraws the Amendment. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Representative Shaw."

Shaw: "Yes, Madam Speaker, I would like to...Amendment #1."

Speaker Breslin: "Amendment #1? Is there an Amendment #1, Mr. Clerk?"

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

Speaker Breslin: "I see, the Gentleman did not withdraw the Amendment. Proceed on the Amendment."

Shaw: "Right."

Speaker Breslin: "Are you presenting the Amendment, Mr. Shaw?"

Shaw: "No, I'd like to withdraw the Amendment."

Speaker Breslin: "Withdraw the Amendment. Are there any further Amendments?"

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Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. The other is Representative Currie's Bill. House Bill 3799. Out of the record. Then proceeding to page 3 on the Calendar appears House Bill 3841, Representative Ropp. Clerk, read the Bill."

Clerk Leone: "House Bill 3841, a Bill for an Act to amend the Wildlife Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Brunsvold. Is Representative Brunsvold in the chamber? He is coming."

Brunsvold: "Thank you, Madam Speaker. Amendment #1 would limit duck stamp competition to Illinois residents only. At present, 44 states with duck stamp competition, only 11 allow out of state competition. Right now in Illinois we are allowing every artist from around the Nation to come in and compete in an Illinois Duck Stamp. I would oppose that and this Amendment removes that stipulation from law saying that we can have competition nationwide and would limit it to only Illinois artists. And I ask for the adoption of Amendment #1."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 3841. And on that question the Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Madam Speaker. I would stand in opposing this particular Amendment. The reason for it is that the State of Illinois was the only state in which artists could draw for the duck stamp up until about a year ago in which we by legislation opened it up to the world. We did not have very many participate and as a result the Department of Conservation and Ducks Unlimited felt that it was in the

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best interest to have the best kind of a stamp...was to open it up unto the world, which we have done. It's only been in effect a very short time. Ducks Unlimited are opposed to this Amendment because it is only in effect for a short period of time as is the Department of Conservation. And I urge a 'no' vote on this issue."

Speaker Breslin: "The question...Representative Brunsvold to close. Excuse me, Representative Tate on the question."

Tate: "Thank you...thank you, Madam Speaker...thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Amendment, primarily because even though I think the Sponsor's well intended, the purpose of the Duck Stamp is not to provide a form for artists in this state to show off their wares. The purpose is to raise money for habitat preservation. And when we... a nationwide contest versus a contest that's limited to Illinois artists alone will not generate the income and revenue that's needed for the program. So, if you care about wildlife preservation, you care about habitat, then you probably should be against this Amendment."

Speaker Breslin: "The Gentleman from Lake, Representative Peterson."

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

Speaker Breslin: "He will."

Peterson: "Representative, I understand the Department of Conservation opposes this Amendment, is that correct?"

Speaker Breslin: "That was a question, Representative Brunsvold."

Brunsvold: "Could he repeat the question, Madam Speaker?"

Peterson: "Yes, I understand the Department of Conservation is opposed to this Amendment. Could you explain why they oppose the Amendment?"

Brunsvold: "Yes, the Department of Conservation is opposed to the Amendment. They feel that the Duck Stamp with the national

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artists which in turn then is used by Ducks Unlimited would garner more funds for the Ducks Unlimited program throughout the State, then they would with local artists. And they feel the national artist itself, wildlife scenery nationwide would attract more dollars than an Illinois artist."

Peterson: "Don't you think that would be certainly a primary purpose and a very important purpose to not adopt this Amendment?"

Brunsvold: "We raised a lot of money, I think 6th in the Nation that with an Illinois artist. In fact the reason I'm sponsoring this Bill is because one of the winners of the Illinois Duck Stamp was one of my residents and is one of my residents now. In fact Lori on the Republican staff is...her father won the Duck Stamp Competition. And..."

Peterson: "Thank you, Representative. To the Amendment, Madam Speaker. The department is opposed to this Amendment and as you already heard the current way the stamps are promoted will bring more revenue into the state. And I urge a 'no' vote on the Amendment. Thank you."

Speaker Breslin: "The Gentleman from Jackson, Representative Richmond."

Richmond: "Yes, would the Speaker...would the Sponsor yield for a question?"

Speaker Breslin: "He will."

Richmond: "Representative Brunsvold, who is in favor of this? I mean, what's the Ducks Unlimited or who's behind this Amendment?"

Brunsvold: "I would think the...from my point of view, the people behind this are the Illinois artists. They're the people that want to compete..."

Richmond: "Well, I happen to be one and also I have a full collection of Duck Stamps and of Illinois and Arkansas and

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various other states that's quite valuable. And the value depends upon the qualifications of the artist and I wonder if this might be damaging to those of us who are in the collection business? My Illinois collection would not be as valuable if some of the Maynard Reese's and various artists that are known for their wildlife art would be eliminated from competing in the Illinois contest."

Speaker Breslin: "Representative Brunsvold to close."

Brunsvold: "In closing I'd like to first of all congratulate Representative Tate for his new baby...new baby Tate. Rory Elizabeth Tate."

Speaker Breslin: "Congratulations, Representative Tate. Did everybody hear that announcement? There's a new baby in the Tate family. Congratulations. Representative Brunsvold to close."

Brunsvold: "Thank you, Madam Speaker. Minnesota presently does not allow out of state competition. Minnesota, however, has some of the best wildlife artists in the Nation. And I would like to have that for Illinois. I think we can't garner any new artists in this state, let's get them started, let them compete with Illinois...other Illinois artists and compete for the Duck Stamp for Illinois. And I move for the adoption of Amendment #1."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment #1. The question is, 'Shall Amendment #1 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 49 voting 'aye', 60 voting 'no' and 1 voting 'present'. And the Amendment fails. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. House Bill 3856, Representative

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Ryder. Clerk, read the Bill."

Clerk Leone: "House Bill 3856, a Bill for an Act to amend an Act codifying the powers and duties of the Department of Mental Health. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Ryder."

Ryder: "Thank you. Inquiry of the Chair, it was my opinion that Floor Amendment #1 was adopted the last time the Bill was called and it was taken out of the record on Floor Amendment #2."

Speaker Breslin: "Mr. Clerk, is that correct? You are correct Mr...Representative Ryder. Are there any further Amendments, Mr. Clerk?"

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

Speaker Breslin: "Representative McGann."

McGann: "Thank you, Madam Speaker and Members of the Assembly. Amendment #2 amends this good Bill by providing that if a grant or gift is made for a particular purpose, the Department of Mental Health shall to the extent practicable, use the grant gift in a way to carry out the intent with regards to what the intent was set forth. And I've talked it over with Representative Ryder, there's no problem and I'd ask for adoption of Amendment #2."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #2 to House Bill 3856 and on the question the Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you, Madam Speaker. The Sponsor's correct, it's...we've worked it out. It's a good Amendment, we should support it."

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Speaker Breslin: "The question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

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

Speaker Breslin: "Representative McGann."

McGann: "Thank you, Madam Speaker and Members of the Assembly. Amendment #3 is just a technical correction; it's deleting the word 'intent' and inserting the word 'purpose'. And once again I've discussed it with Representative Ryder, there's no problem so..."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3 to House Bill 3856. Any discussion? Hearing none the question is, 'Shall Amendment #3 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 3913, Representative Cullerton. Representative Cullerton. Clerk, read the Bill."

Clerk Leone: "House Bill 3913, a Bill for an Act to amend certain Acts in relationship to recycling of waste. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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

Speaker Breslin: "Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. Has a fiscal note been filed on that Bill?"

Speaker Breslin: "It has not according to the Clerk. Mr. Clerk, has it been filed yet? No. Representative Wennlund, it has

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not been filed yet but I understand you're the Sponsor of this Amendment that we're on right now, Amendment #1, so you may proceed with the Amendment."

Wennlund: "Thank you, Madam Speaker. What this Amendment does, Ladies and Gentlemen of the House, this Bill attempts to expand the existing funding mechanisms under the Clean and Beautiful Act to invade the Solid Waste Management Fund which is so badly needed in Illinois for counties and municipalities to start planning for solid waste management. There's less than four years left on existing landfill space in Illinois. That fund, the Clean and Beautiful Act, which was designed to pick up litter along the highways, is a substitute for the Bottle Bill, should not be used to invade the Solid Waste Management Fund which is so vitally needed in Illinois for counties and municipalities to plan for how they're going to dispose of their solid waste that's generated in Illinois everyday. It's severely important that the Solid Waste Management Fund remain intact and be used to fund existing solid waste management programs and those that are planned that have been held up by the litigation for a year and a half. As many of you remember, House Bill 3100 sailed out of here with at least seventy-four votes. The importance of that Amendment was to create the fund to fund Solid Waste Management Plans in Illinois. It's vitally important. I urge a yes vote on this Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 3913 and on the question the Gentleman from Cook, Representative Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Breslin: "He will."

Cullerton: "What does the Amendment do?"

Wennlund: "The Amendment merely eliminates the Solid Waste

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Management Fund as a vehicle for funding under the Clean and Beautiful Act."

Cullerton: "That's fine."

Speaker Breslin: "The Gentleman from DuPage, Representative McCracken. No. The question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', opposed 'nay', in the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "The Fiscal Note Act has now been complied with. The Bill moves to Third Reading."

Clerk Leone: "Fiscal Note has been filed."

Speaker Breslin: "On page 3 appears House Bill 3959, Representative Mays. Representative Mays. Representative Mays, do you want this Bill called? Clerk, read the Bill."

Clerk Leone: "House Bill 3959, a Bill for an Act to amend the Illinois Savings and Loan Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "No Motions or further Amendments."

Speaker Breslin: "Third Reading. House Bill 3971, Representative O'Connell. John O'Connell. Clerk, read the Bill."

Clerk Leone: "House Bill 3971, a Bill for an Act to create the Long Term Care Ombudsman Act. Second Reading of the Bill. No Committee Amendment."

Speaker Breslin: "Is the Floor Amendment been filed yet?"

Clerk Leone: "Floor Amendment #1 is being offered by Representative O'Connell."

Speaker Breslin: "Did you say the Amendment had been filed? Yes. Representative O'Connell on the Amendment."

O'Connell: "Thank you, Madam Speaker. Amendment...I'm sorry Madam Speaker, may I withdraw the Amendment and ask the Bill be held?"

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Speaker Breslin: "Withdraw Amendment #1. The Bill has been read a second time, please hold the Bill on second, Mr. Clerk. House Bill 3972, Representative Piel. Mr. Clerk, House Bill 3972."

Clerk Leone: "House Bill 3972, a Bill for an Act in relationship to the sale of banking assets. It's been read a second time previously. Amendment #3 is being offered by Representative Piel."

Speaker Breslin: "Representative Piel."

Piel: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #3 basically just takes care of some typographical errors on page 21 and removes some redundant language on page 22 and I move for the passage of Amendment #3."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3 to House Bill 3972 and on that question is there any discussion? Hearing none the question is, 'Shall Amendment 3 be adopted'? All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it, the Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 3990, Representative Cullerton. Is the Gentleman on the floor? Representative Cullerton. Clerk, read the Bill."

Clerk Leone: "House Bill 3990, a Bill for an Act to amend the Uniform Commercial Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. On page 4 of the Calendar appears House Bill 4035, Representative Churchill. Clerk, read the Bill."

Clerk Leone: "House Bill 4035, a Bill for an Act to amend an Act

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to establish a program to support educational programs.
Second Reading of the Bill. Amendments #1, 2, 3, and 4
were adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "No Motions. Floor Amendment #5 is being offered by
Representatives Currie and VanDuyne."

Speaker Breslin: "Representative Currie."

Currie: "Withdraw the Amendment."

Speaker Breslin: "Withdraw the Amendment. Any further
Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 4039, Representative
Mays. Clerk, read the Bill."

Clerk Leone: "House Bill 4039, a Bill for an Act to permit the
Pollution Control Board to change certain fees. Second
Reading of the Bill."

Speaker Breslin: "Out of the record. House Bill 4121,
Representative John Dunn. John Dunn. Clerk, read the
Bill. Out of the Record. House Bill 4172, Representative
Wojcik. Kay Wojcik. Is the Lady in the chamber? Out of
the record. On page 5 appears House Bill 4212,
Representative Berrios. Clerk, read the Bill."

Clerk Leone: "House Bill 4212, a Bill for an Act to amend the
Consumer Credit Counseling Corporation Act. Second Reading
of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. Ladies and Gentlemen, we have
skipped over several Bills at the request of the Sponsors.
It is suggested that if you are waiting for an Amendment
and you would like to have the Bill read the second time,
that would be advantageous to you if you wish to move the
Bill tomorrow on Third Reading. If there are others

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besides Representative Currie that would like to have her Bill called again, please let us know. Representative Currie's Bill is on page 2 of the Consent Calendar. House Bill 3799, Clerk, read the Bill."

Clerk Leone: "House Bill 3799, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Currie."

Currie: "The Amendment, withdraw it, please."

Speaker Breslin: "Withdraw #1. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Okay, the Bill has been read a second time, hold the Bill on second, Mr. Clerk. Oh, excuse me, the Bill has been read a second time, move the Bill to Third Reading if there are no further Amendments."

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "On page 4 appears House Bill 4039. Read the Bill on second, Mr. Clerk."

Clerk Leone: "House Bill 4039, a Bill for an Act to permit the Pollution Control Board to charge certain fees. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative McCracken withdraws the Amendment. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen, we are now going to go to House Bills Third Reading on the Consent

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Calendar on your yellow sheet that need to be brought back for an Amendment. Please come to the well and notify us as to what Bills you have on this Consent Calendar on Third Reading that need to be brought back today for an Amendment. On page 5 under the Order of House Bills Third Reading appears House Bill 3788, Representative Homer's Bill. The Bill is on Third, the Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Does he have leave? Hearing no objection, he has leave. Read the Bill on Second, excuse me, Mr. Clerk, is there an Amendment filed?"

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

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker. The Bill addresses the issue of the right of an issuer of a certificate of deposit to demand an indemnification bond for a lost non-negotiable certificate of deposit. The Amendment which is presented to me and drafted by the Illinois League of Savings Institutions would serve to clarify those situations where the issuer has reason to believe that the CD has been transferred or pledged and I know of no opposition. It's an agreed Amendment, would ask for your support."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 3788. On that question the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you. Just a brief question. For the record this is obviously limited to non-negotiable instruments and would not be applicable to a common practice of requiring indemnification for negotiable lost instruments."

Homer: "Right, that is...Representative McCracken is absolutely correct. This Bill as amended would not in any way limit the right of the issuer to require an indemnification bond

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for a lost negotiable certificate of deposit."

McCracken: "Okay, thank you."

Speaker Breslin: "The question is, 'Shall Amendment #2 to House Bill 3788 pass?' All those in favor say 'aye', opposed 'nay', in the opinion of the Chair the 'ayes' have it, Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Again, Ladies and Gentlemen, Representative Homer, did you have a question?"

Homer: "Is the Chair planning to...to have these Bills voted on in Third Reading today?"

Speaker Breslin: "We were planning to but I understand there are a couple of Bills on here that have need for Amendment but they are not filed yet so we're going to it as quickly as those Bills... those Amendments get filed."

Homer: "Well, I only raise the question to request whether it's necessary for me to ask leave for immediate consideration of the Bill today."

Speaker Breslin: "I think it probably is. Representative McCracken."

McCracken: "Yes, I didn't quite understand. What is the Chair's plan for the agreed list? Do you intend to vote on Third Reading today? Tomorrow?"

Speaker Breslin: "Tomorrow, I understand. I'm sorry, Representative Homer, I was misinformed. Again, Ladies and Gentlemen, if there is anyone who has an Amendment to a House Bill on the Consent Calendar on Third Reading, you should get that Amendment filed today and debated today so those Bills can move tomorrow. We are now going to the Order of Special Order of Business under education. We are preparing, Ladies and Gentlemen, to go to the Special Order of Business dealing with education. We are going to do Second Readings first, so prepare your files and get ready

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to do the education agenda. At 2:00 we plan to go to the Special Order of Business dealing with banking so for those of you who have Bills on that order, please be prepared. Under the Special Order of Business Second Reading education. The first Bill on...appearing on page 6 on your Calendar is House Bill 2289, Representative Wyvetter Young. Clerk, read the Bill."

Clerk Leone: "On page 6 of your Calendar House Bill 2289, a Bill for an Act to create enterprise high school laboratory. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Young."

Young: "I withdraw Amendment #1."

Speaker Breslin: "Withdraw #1. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Representative Young, a fiscal note request has been made. That fiscal note has not yet been filed. The Bill has been read a second time, it will be held on second."

Young: "There's an Amendment #2."

Speaker Breslin: "Is there another Amendment, Mr. Clerk? We don't have Amendment #2, if you could make a copy for us. Mr. Clerk, would you clarify the Amendments on this Bill for us, please?"

Clerk Leone: "Amendment #1 was numbered improperly. It should be recorded as Floor Amendment #2 being offered by Representative Young."

Speaker Breslin: "On page 6 on...I see, on Amendment #2, Representative Young."

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Younger: "Thank you, Madam Speaker. Amendment #2 deletes from the Bill in several places, 'enterprise high school laboratory' and replaces it with an insertion of 'enterprise laboratory programs' and I move for the adoption of the Amendment."

Speaker Breslin: "The Gentleman (sic - Lady) moves for the adoption of Amendment 2 to House Bill 2289. Is there any discussion? Hearing none the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', opposed 'nay', in the opinion of the Chair the 'ayes' have it, and Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "The Bill will remain on the Order of Second Reading. Ladies and Gentlemen, we will pause now for a special introduction by Representative Black."

Black: "Thank you very...thank you very much, Madam Speaker. Ladies and Gentlemen of the House, at this time I'm joined by some people who wish to thank you for an action that we haven't yet taken. So at this time since I'm joined by more than seventy of you as co-sponsors on HJR 145 and I'm not sure whether it would be appropriate as I stand up here, but I would like a Motion to adopt HJR 145, if I could. Madam Speaker, I hear a Motion to adopt HJR 145 and a second. Do you want me to call for the vote? All those in favor signify by saying 'aye', opposed 'nay', the 'ayes' have it. Thank you very much. One of the easiest things I've ever gotten out of this chamber, believe me. Let me introduce to you who can thank you far more eloquently than I, a Gentleman who is largely responsible for my getting involved in HJR 145, and that so many of you were kind enough to co-sponsor. Would you welcome with me please, Mr. Herschel Lee, who is President of the Robert Wurtsbaugh Chapter of the Korean War Veterans Association. Herschel."

Herschel Lee: "Thank you very much. I would also like to

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introduce my colleagues who are with me today. This is Ron Mock, Ken Cook, and Don McClure. Ladies and Gentlemen of the Illinois House of Representatives, today marks a great step forward, not only for the undertaking for the Korean War Veterans of the State of Illinois, but it shows leadership from a group of lawmakers who care about the Veterans of the so called forgotten war. All of you can be proud that you had a hand in promoting this Resolution that will be sent to Washington, D. C. My hope is, since Illinois has taken the lead, all States of the United States will follow suit and join in to promote our cause that the veterans of the Korean War will not be forgotten by anyone and that soon a national memorial will stand in Washington, D. C. Again, my thanks especially to Governor Thompson, to Speaker Madigan, Majority Leader McPike, Minority Leader Daniels, my representative, Bill Black, and to more than seventy Members of this chamber who co-sponsored HJR 145. I thank you on behalf of the Robert Wurtsbaugh Chapter of the Korean War Veterans Association of Danville, Illinois and thousands of the Korean War Veterans. By raising public awareness we hope contributions will soon make the Korean War Memorial a reality."

Speaker Breslin: "Going back to the Special Order of Business on education, appears House...excuse me, Representative Ryder for an announcement."

Ryder: "Thank you. If the Ladies and Gentlemen of the House have noticed that the members of the press have been far more attentive to them recently, and for some of us that are ignored all the time by the press, the reason may be that gridiron tickets are on sale and available from those members of the press and the show is scheduled for June 8. For those of you who are interested the rebuttal this year

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will be given by our own House Leader, Lee Daniels. So now's your chance to either get even with or get ahead of the press, buy the tickets while they're hot. Thank you."

Speaker Breslin: "Thank you, Representative Ryder. On the Special Order of Business dealing with education, on page 6 on your Calendar appears House Bill 2393. Representative Mulcahey. Clerk, read the Bill."

Clerk Leone: "House Bill 2393, a Bill for an Act to amend an Act creating the Illinois Department of Veteran Affairs. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Are there any Motions or Amendments?"

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

Speaker Breslin: "Representative Davis."

Davis: "Madam Speaker, I withdraw my Amendment."

Speaker Breslin: "Withdraw #2, any further Amendments?"

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

Speaker Breslin: "Representative Flowers."

Flowers: "Madam Speaker, Ladies and Gentlemen of the House. Amendment #3 merely restores the Bill back to its original form. And I would urge for the adoption of Amendment #3."

Speaker Breslin: "The Lady moves for the adoption of Amendment 3 to House Bill 2393 and on that question the Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Madam Speaker, I would appreciate if the Lady would explain what the Amendment does."

Speaker Breslin: "Representative Braun...Flowers."

Flowers: "Representative Mulcahey, the Bill 2393 inserts rows of multitude of contributors instead of the original Bill says the teachers of history shall include the study of the contributors of American Negro and other ethnic groups

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including but not restricted to the Polish, Lithuanian, German, Hungarian, Irish, these are the people that have contributed to the building of the State of Illinois as well as the United States of America. And Representative Mulcahey's Bill would reduce them down to the rows of the multitude of contributor. And I wish the Bill to stay in its original form. Also Amendment #3 deletes the Labor Union and in my opinion, the union has played a very great role in the building of our country, and I think our students should be allowed to know the role that the unions have played. They have played positive roles and they have played negative roles and I think, again, that our students should know about the unions in our country as well as our State. Thank you."

Speaker Breslin: "Representative Mulcahey did...were you finished?"

Mulcahey: "No, Madam Speaker. I'd like to speak to the Amendment if I may. I rise in opposition to the Amendment. We're...I think it's a fantastic idea and I would support this Amendment most of the time, but you know as well as I do the problems we're having around the State. There's not one Member of this Assembly who hasn't gone back home and heard his school people talking about mandates. Well, here's an opportunity to put the responsibility back to the local school boards as to what they're going to teach in their local areas. And we went through this and we tried to come up with somewhat of an agreement. Let the people in the area, let the teachers, the faculty in developing a curriculum, proceed and teach as they see fit in this... these particular areas. It's a very small mandate to take off of educators in the State today, but at least it's a start and it's something we can work with and I would move for the defeat of this Amendment."

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Speaker Breslin: "Representative Flowers to close."

Flowers: "Madam Speaker, Ladies and Gentlemen of the House. This mandate does not cost the State of Illinois a penny. And I feel that the Bill in its original form is perfectly fine, it speaks of the people that helped build this country as well as the State. It also speaks of the unions that fought for better wages for the people of this State. And I would urge for the adoption of Amendment #3 to House Bill 2393. Thank you."

Speaker Breslin: "The question is, 'Shall Amendment #3 to House Bill 2393 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Representative Davis, one minute to explain your vote."

Davis: "Ladies and Gentlemen of the House, I think this Amendment is one of the most important pieces of legislation that we'll deal with today. The unions support this Amendment. The IEA support this Amendment. And if we demandate the number of things that 2393 demandates we can almost just shut down the school systems. Mandates are not all bad, sometimes if these things weren't mandated they would not be even looked at in the school system. It truly amazes me that so many people are not in support of labor, that so many people are not in support of teaching the contributions of ethnic groups and I certainly hope that a number of you will reconsider and vote green on this issue."

Speaker Breslin: "Any further discussion? Have all voted who wish? The Clerk will take the record. On this question there are 29 voting 'aye', 76 voting 'no', and the Amendment fails. Are there any further Amendments?"

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

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Speaker Breslin: "Representative Flowers."

Flowers: "Madam Speaker, Ladies and Gentlemen of the House.

Amendment #4 again restores the Bill to its original form in regards to commemorative holidays. The Bill as it is now says, 'which recognize specific patriotic, civic, cultural and historical persons of (sic - or) events'. I would appreciate for the adoption of Amendment #4 to 2393, again it would restore the Bill to its original form. Right now Representative Mulcahey's Bill says that the school may include instructions relative to commemorative person but the board shall prepare and make available school board instructional materials. What is the point in the board having to get the material together if the teachers really do not have to teach it. So again I would appreciate the adoption of Amendment #4 to House Bill 2393."

Speaker Breslin: "The Lady moves the adoption of Amendment #4 to House Bill 2393, on the question the Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Thank you, Madam Speaker. The same comment as I made before, this puts the responsibility back in the hands of the local school boards, it takes some of the responsibility of meeting the constant mandates off of the faculty members and off of schools so they can be concerned about other things and I would...I would urge a 'no' vote on this Amendment."

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

Hoffman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I concur with the comments of the most recent speaker. Seems to me that we should give school districts as much flexibility in the celebration of these commemorative holidays. The fact of the matter is that they take their

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own liberties anyway and we might as well put it in the law."

Speaker Breslin: "Representative Flowers to close."

Flowers: "Again, Madam Speaker, Ladies and Gentlemen of the House, these are commemorative holidays, they do not cost the State or your cities or you townships or your villages, they do not cost them, not one dime. Again I would urge for the restoration of House Bill 2393 to its original form. Thank you very much."

Speaker Breslin: "The question is, 'Shall Amendment #4 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Voting is open. Have all voted who wish? Representative Krska, one minute to explain your vote. The Gentleman does not wish to speak. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 30 voting 'aye', 74 voting 'no', 2 voting 'present' and the Amendment fails. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #5 being offered by Representative Satterthwaite."

Speaker Breslin: "Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House. I think that all of us should really give attention to what we are doing with this piece of legislation. In committee this Bill was amended to put in to the Bill the total package that was recommended by the mandates and money task force, put together by the State's Superintendent of Education. This Amendment that I am proposing deletes one portion of that, which I think is a very important change. Currently school districts are required to accept documentation of immunization for school children but the family has until October 15 to provide that documentation without the threat of having their child suspended or excluded from the

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classroom. Without this Amendment what you will find is that school districts will be able to say, on the first day of school, your child cannot be enrolled because we do not have appropriate documentation for immunization. They would all be required to do that by the 15th of October but in fact they could all do it starting the first day of the school session. As we have discussed this mandate over the years it has been very apparent that many of the children cannot produce this documentation on the first day of classes and therefore would be denied the opportunity to have any educational program until that documentation was presented. I believe that if we are really concerned about giving our children an education we must adopt this Amendment so that we are not automatically excluding a number of school children from the classroom. As desirable as it is for this immunization to take place, it is incumbent upon us to provide, particularly for the families who may be moving in from out of State, the opportunity to make a connection with the local doctor and to be able to get the necessary immunization and documentation to present to the school district. We should not put our children behind the eight ball by having them out of class for several days before that documentation can be provided. And for that reason I ask you to adopt Amendment #5 so that we can continue with the program as it is now. We are not having problems with the current system and there is no good reason for change."

Speaker Breslin: "The Lady moves for the adoption of Amendment 5 to House Bill 2393. On that question the Lady from Cook, Representative Didrickson."

Didrickson: "Yes, I think this Amendment makes a lot of sense. Representative Satterthwaite is wise to have put this in and I support it."

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Speaker Breslin: "The question is, 'Shall Amendment #5 to House Bill 2393 be adopted?' All those in favor say 'aye', opposed 'nay', in the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #6 offered by Representative Mulcahey."

Speaker Breslin: "Representative Mulcahey."

Mulcahey: "Withdraw."

Speaker Breslin: "Withdraw #6. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen, there is a lobbyist on the floor. I understand that he is lobbying for mandatory insurance. The Secretary of State of the State of Illinois, Secretary Edgar. On page 7 on your Calendar appears House Bill 2946, Representative Preston. Is the Gentleman in the chamber? Representative Ryder, for what reason do you seek recognition?"

Ryder: "Madam Speaker, I happen to have a copy of the lobbyist face book back here and I don't find the lobbyist to which you referred in that book and I want to know why his picture's not in that book."

Speaker Breslin: "Ah ha! I think that question should be asked as he makes the rounds today. Is there a fee required for being a part of that book? I'm not sure. Is Representative Preston in the chamber? Take his Bill out of the record. House Bill 3011. Representative Preston. Out of the record. House...on page 8 appears House Bill 3093, Representative Hicks. Clerk, read the Bill. Representative Hicks. Clerk, read the Bill."

Clerk Leone: "House Bill 3093, a Bill for an Act to amend the School Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Third Reading. On page 8 appears House Bill...Representative Cowlshaw for what reason do you seek recognition?"

Cowlshaw: "Madam Speaker, in relation to the last Bill, House Bill 3093, I believe there was a request for a fiscal note. Has that been filed?"

Speaker Breslin: "Mr. Clerk, is that true and what is the status of the Bill?"

Clerk Leone: "A fiscal note has been filed to House Bill 3093 as amended."

Cowlshaw: "Thank you."

Speaker Breslin: "Thank you. On page 8 appears House Bill 3094, Representative Hicks. Clerk, read the Bill."

Clerk Leone: "House Bill 3094, a Bill for an Act to amend the School Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. On page 8 appears House Bill 3151, Representative Martinez. Clerk, read the Bill."

Clerk Leone: "House Bill 3151, a Bill for an Act to amend the School Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "None."

Speaker Breslin: "Third Reading. On page 8 appears House Bill 3153, Representative Martinez. Clerk, read the Bill."

Clerk Leone: "House Bill 3153, a Bill for an Act to amend the Public Community College Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "None."

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Speaker Breslin: "Third Reading. On page 8 appears House Bill 3159, Representative Countryman. John Countryman. Is the Gentleman in the chamber? Clerk, read the Bill."

Clerk Leone: "House Bill 3159, a Bill for an Act to amend an Act relating to higher education. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Slater."

Slater: "Thank you, Madam Speaker. Floor Amendment #1 simply adds to the Board of Regents and to the SIU Board of Trustees the Board of Governors, so that the Board of Governors would enjoy the same privilege that SIU and the Board of Regents would. I ask its adoption."

Speaker Breslin: "The Gentleman moves the adoption of Amendment #1 to House Bill 3159. On that question is there any discussion? Representative Dunn."

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

Speaker Breslin: "He will."

Dunn: "Does this Amendment add members...student members to the Board of Trustees of these institutions?"

Slater: "No, Representative, it does the same thing as the underlying Bill and it adds non-voting faculty members not student members. And, of course, at the present time we don't have this legislation. If this legislation is successful it would apply to regents, SIU, and I'm asking simply that it apply also to the Board of Governor's system."

Dunn: "Are the faculty meetings open to the public at the present time?"

Slater: "This has nothing to do with faculty meetings. It has to do with the trustees or the Board of Governor's or the

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Board of Regents. The actual board itself which governs..."

Dunn: "When the boards meet are they open to the public?"

Slater: "I believe they are. Yes, Sir."

Dunn: "Why can't the faculty members attend?"

Slater: "I think they probably can. Representative Dunn, I'm not necessarily in favor of the underlying legislation, I'm saying that if the legislation is successful I'd simply like to have the Board of Governors included."

Dunn: "Alright. Okay. I'm not in favor of the underlying legislation either so if you want...I don't know whether you're helping or hurting the Bill so I think I'll just let you see what happens here."

Speaker Breslin: "Representative Ropp on the Amendment. Representative Ropp."

Ropp: "Would the Sponsor yield, please?"

Speaker Breslin: "He will."

Ropp: "Representative, I didn't understand this originally is...do we have this same provision you are attempting to amend in let's say University of Illinois or the Board of Regents?"

Speaker Breslin: "Representative Slater."

Slater: "Representative Ropp, we do not have this legislation at this point in time. My Amendment simply amends the legislation which would add these people to the various and sundry different boards. I'm saying that if the Board of Regents is going to have it, if SIU is going to have it, that the Board of Governors ought to be treated in an equal fashion."

Robb: "Okay, you're attempting then to equalize all of the university bodies in the same manner?"

Slater: "That's correct. I'm not necessarily in favor of the underlying legislation, as I told Representative Dunn,

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while you were on the telephone. But if it's going to be done for the Board of Governors or rather if it's going to be done for the Board of Regents and for SIU, it seems to me advantageous for us to do it for everybody at one time rather than to come back here piecemeal, time after time, and give this to the Board of Governors and that to the Board of Regents."

Robb: "Okay. Thank you."

Speaker Breslin: "The question is, 'Shall Amendment #1 to House Bill 3159 pass or be adopted?' All those in favor say 'aye', all those opposed say 'nay', in the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

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

Speaker Breslin: "Representative Countryman."

Countryman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 makes it clear that these non-voting faculty members cannot attend meetings of the executive session. This is done at the request of the Board of Regents and the Amendment was drafted with their consent and knowledge and I think clarifies the issue and I move its adoption."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #2 to House Bill 3159. On that question is there any discussion? Hearing none the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', opposed 'nay', in the opinion of the Chair the 'ayes' have it and Amendment's adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. The hour of 2:00 having arrived this House will go to the Special Order of Business dealing with banking. The first Bill appears on page 6 on your

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Calendar, House Bill 1305. Representative Cowlshaw. Clerk, read the Bill. Out of the record. On page 7 appears House Bill 2525. Representative Capparelli. Clerk, read the Bill."

Clerk Leone: "House Bill 2525, a Bill for an Act in relationship to banks and sale of insurance. Second Reading of the Bill."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "Amendments #2 and 3 have been adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "There are no Motions filed, no further Amendments."

Speaker Breslin: "Third Reading. On page 4 appears House Bill 3144, Representative Flinn. Mr. Clerk, going back to House Bill 2525... Mr. Clerk, would you do another search for House Bill 2525?"

Clerk Leone: "House Bill 2525, Amendment #4 is being offered by Representative Churchill and Capparelli."

Speaker Breslin: "Okay. Representative Capparelli asks leave that the Bill be brought back to Second Reading for the purposes of an Amendment, the Amendment is Amendment #4 filed by Representative Churchill. Mr. Churchill on the Amendment."

Churchill: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Amendment #4 to House Bill 2525 does three things from what the original Bill did as it was filed. The first thing is it moves some new language authorizing insurance powers in Section 5 of the Illinois Banking Act from paragraph 15 to paragraph 21. The second thing that it does is it answers the concerns expressed in committee by Director Washburn and it provides that the notice for the 5 day opt-out period must be given immediately prior to the signing of a contract with a bank.

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And the third thing that it does is to remove the immediate effective date from the Bill. Those are the three changes that are made by House Amendment #4 to this Bill."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 4 to House Bill 2525. On the question the Gentleman from Cook, Representative Parke."

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

Speaker Breslin: "He will."

Parke: "Representative Churchill, by removing the effective date what does that in essence do to the Bill?"

Churchill: "It would become effective, I believe, on January 1."

Parke: "By changing that, can you tell me what was the purpose of changing the effective date?"

Churchill: "I believe it was just to allow the Bill to be in the process and go through a normal course of procedure. There's nothing...I don't believe there's anything a...any particular reason why it is removed or not removed. There's no intent to do anything by removing the immediate effective date."

Parke: "Okay. May I ask on the first part of your... what was the purpose of changing it from one Section to another Section?"

Churchill: "It was just for clarification purposes. I believe, that that Section of the law properly applied to paragraph 21 rather than paragraph 15 and so it was a clarification more than anything. I don't believe...I don't believe in any of the first or the third changes, that there was anything substitutive that should be worried about."

Parke: "Thank you."

Speaker Breslin: "Any further discussion? Hearing none, the question is, 'Shall Amendment 4 to House Bill 2525 be adopted?' All those in favor say 'aye', all those opposed say 'no', in the opinion of the Chair the 'ayes' have it,

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the Amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #6 being offered by Representative Levin."

Speaker Breslin: "Representative Levin."

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

Speaker Breslin: "Representative Levin."

Levin: "I don't see...it's not my intent to delay this Bill. Amendment is an important Amendment to me, and I hope I will have an opportunity to present it in the future, but I don't want to delay his Bill at this point."

Speaker Breslin: "So you're withdrawing the Amendment? Withdraw Amendment 5. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. On page...on page 4 appears House Bill 3144, Representative Flinn. Monroe Flinn. Is the Gentleman in the chamber? Out of the record. On page 10 appears House Bill 3478, Representative DeJaegher. Representative DeJaegher. Clerk, read the Bill."

Clerk Leone: "House Bill 3478, a Bill for an Act to amend the Illinois Banking Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. On...on Third Reading appears House Bill 2535, it appears on page 16 on your Calendar. Representative Piel. Clerk, read the Bill."

Clerk Leone: "House Bill 2535, a Bill for an Act to amend the Illinois Banking Act. Third Reading of the Bill."

Speaker Breslin: "Any Motions? Excuse me, Representative Piel."

Piel: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Bill was put in at the request of the Illinois Bankers Association and the Independent Community Bankers

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of Illinois. It's one of those Bills where you happen to have both sides agreeing on it. What it basic does, it provides that the Illinois State Charter Banks shall have basically the same powers as the national banks. It clarifies the language in certain parts of the Banking Act to give both equal and same in powers and it makes other minor technical changes and I'd ask for passage of House Bill 2535."

Speaker Breslin: "The Gentleman moves the passage of House Bill 2535. On that question is there any discussion? Hearing none the question is, 'Shall House Bill 2535 pass?' All those in favor vote 'aye', all those opposed vote 'no', voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 111 voting 'aye', none voting 'no', and 1 voting 'present', this Bill having received the Constitutional Majority is hereby declared passed. Ladies and Gentlemen, we will now go back to the Special Order of Business on Education where we left off. Those Bills we are calling are the Bills on Second Reading. We left off on House Bill 3176. It appears on page 9 on your Calendar. Representative Cullerton. Out of the record. On page 9 appears House Bill 3178. Representative McPike. Out of the record. On page 9 appears House Bill 3250. Representative Hensel. Clerk, read the Bill."

Clerk Leone: "House Bill 3250, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Williamson. Out of...withdraws #1. Any further Amendments?"

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Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. On page 9 appears House Bill 3252. Read the Bill on second, Mr. Clerk."

Clerk Leone: "House Bill 3252, a Bill for an Act to amend the School Code. Second Reading of the Bill."

Speaker Breslin: "Out of the record. On page 9 appears House Bill 3385, Representative Hicks. Clerk, read the Bill."

Clerk Leone: "House Bill 3385, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Cowlshaw."

Cowlshaw: "Thank you, Madam Speaker. Amendment #1 to House Bill 3385 does just one simple thing. It requires the Chicago Board of Education to ensure that the ratio of administrators employed by the district to the number of pupils enrolled in the district for any school year shall not exceed the average ratio of administrators to pupils for all school districts in the State for the previous school year. That is all the Amendment does and I move for its adoption."

Speaker Breslin: "The Lady moves for the adoption of Amendment #1 to House Bill 3385 and on that question is there any discussion? Hearing none the question is, 'Shall Amendment #1 be adopted?' All those in favor...Representative Hicks on the question."

Hicks: "Thank you very much, Madam Speaker. I would have a question of the Lady, if I may?"

Speaker Breslin: "Representative Hicks, did you have a question?"

Hicks: "Yes, I do have a question of the Lady, if I may."

Speaker Breslin: "Proceed."

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Hicks: "Representative Cowlshaw, I would simply like to know if how does this Amendment compare with your school district which you're from as far as administrators to teachers in your district?"

Cowlshaw: "Representative Hicks, I am truly sorry but I cannot hear what you said."

Hicks: "Yes, I'm trying to, Representative Leverenz, thank you. How would your school district in which you're from compare with the school district which your Amendment pertains to? How does it affect that and how does your...how do you compare with administrators in relationship to teachers in your district?"

Cowlshaw: "I do not know."

Speaker Breslin: "Any further..."

Cowlshaw: "It would be necessary for the State Board of Education to provide us with the figure of what the average ratio is for all school districts in the State, of administrators to the numbers of pupils enrolled, for any one of us to be able to determine whether the school districts that may underline our own representative districts are in excess or, you know, lower figure of that ratio."

Hicks: "Okay. This Amendment then pertains to Cook County and Cook County only?"

Cowlshaw: "This Amendment applies only to the City of Chicago schools."

Hicks: "Only to the City of Chicago schools."

Cowlshaw: "That is correct."

Hicks: "Thank you very much."

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

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

Speaker Breslin: "She will."

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Young: "Representative, I'm not quite sure how your Bill would work. Could you tell us how your Amendment would work if it became law?"

Cowlshaw: "Yes, Representative Young. Each year partly as a result of the various materials that are required to be provided by each local school district to the State Board of Education, the State Board already has the statistics in hand to come up with an average of the ratio of administrators to pupils within all of the school districts throughout the State. It would seem to me that whatever is an average ought to be sufficient for operations in nearly all school districts. You know and I know that right now there is a very hopeful and encouraging amount of interest on the parts of large numbers of Chicagoans in improving their schools. One of the things that nearly all of the many groups that have studied those issues and issued reports have pointed to is what appears to be an excessive number of administrators in relation to the numbers of teachers and pupils. One of the things that this Amendment is intended to achieve is to provide more of the dollars available to the Chicago Public Schools in its annual budget for classroom teachers who are the people who after all directly are responsible for the teaching of our students."

Young: "To the Amendment, Madam Speaker, Ladies and Gentlemen of the House, I certainly agree with the concept in this Amendment, however, I see problems with its workability in terms of when this information would become available and how soon a district would have to comply with the last years average. But more importantly there is an effort going on in this General Assembly now, to come up with a reform package for the entire Chicago School system. Ideas very comparable to this are being discussed as part of that

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package. I think to look at the Chicago School system on a piecemeal basis such as this Amendment does is not the approach we should take, that we need to come up with a comprehensible package and therefore even though it is... have... has merit I don't think we should do it piecemeal. I think we should make it part of the overall package and I would urge for a no vote on this Amendment."

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

Ropp: "Thank you, Madam Speaker and Members of the House. Even though the previous speaker mentioned that this is a piecemeal effort, I think it's imparative that this kind of legislation be looked at and be supported because if we don't put it in legislative form it's too easy to have business as usual in the Cook ...in the Chicago area. And that we really not get down to the real intent that we have to improve the school system in Chicago. So I think that this Amendment ought to be passed. It still is in the stage that it kind of keeps everybody's interest, I think almost everybody that we talk to in the Chicago area says that this is a must that we have such a bureaucracy that we really are not putting the dollars that we need in the classroom. And so I would fully support this Amendment, it is a continuing effort to improve a situation that all of us certainly feel needs addressing and even though it may be a piecemeal it is a piece in the right direction and I urge your support."

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

Satterthwaite: "Madam Speaker and Members of the House, regardless of the merits of the proposition put forth in this Amendment, I think that it's entirely unfair to the Sponsor of the Bill to have him have to deal with this

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issue on his piece of legislation. It is usually the courtesy of the House to permit a Sponsor to have the Bill in the form in which they want to have it voted up or down without bringing in other issues that really don't relate to the main subject. Representative Hicks has spent a great deal of time trying to put together a package of legislation dealing with special education. I believe that we owe him the courtesy of giving him his legislation without encumbrances even though they may be good ideas that have nothing to do with the special education reimbursement issue. And for that reason and that reason alone I would suggest to the Sponsor of this Amendment that this issue is not appropriate for consideration on this piece of legislation. There will be other opportunities to provide this Amendment to other Bills on the floor of the House that deal with the issue of Chicago school administration. And I would urge my colleagues to vote against this Amendment on this Bill."

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

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

Speaker Breslin: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'nay', in the opinion of the Chair the 'ayes' have it, the main question is put, Representative Cowlshaw to close."

Cowlshaw: "Madam Speaker, Ladies and Gentlemen of the House. You all know what this Amendment proposes to do. You all know that on its merits it is probably one of the most critical issues to true and genuine reform of the Chicago Public Schools and to providing finally and at last really quality education for the children in the big city beside the Great Lake. I move for the adoption of this Amendment

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and I ask for a Roll Call vote."

Speaker Breslin: "The question is, 'Shall Amendment #1 to House Bill 3385 be adopted?' All those in favor vote 'aye', all those opposed vote 'no', voting is open. Representative Regan, one minute to explain your vote."

Regan: "Thank you, Madam Speaker, Members of the House. I think I have some statistics to come in support of this Bill... Amendment. There is in the City of Chicago forty-nine percent hands on the students and the rest of the State averages sixty-five percent. So you can see it's extremely top heavy and I agree with this and I ask for more green up there."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 53 voting 'aye', 54 voting 'no', and none voting 'present'. Representative Cowlshaw."

Cowlshaw: "Madam Speaker, I would ask for a verification, please."

Speaker Breslin: "The Lady ask..."

Cowlshaw: "Of the negative vote, of course."

Speaker Breslin: "The Lady asks for a verification of the negative votes. Poll the negative, Mr. Clerk."

Clerk Leone: "A poll of those voting in the negative. Berrios. Braun. Brunsvold. Bugielski. Capparelli. Cullerton. Currie. Daley. Davis. DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Granberg. Hartke. Hicks. Homer. Jones. Keane. Krska. Kulas. Lang. Laurino. LeFlore. Martinez. Matijevich. McAuliffe. McPike."

Speaker Breslin: "Excuse me, Mr. Clerk. Representative Jones ask leave to be verified, Representative Cowlshaw, as does Representative Curran and Representative LeFlore. That's

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Jones, Curran, LeFlore, and Representative Mary Flowers. Representative Pedersen votes 'aye'. Representative Klemm votes 'aye'. Representative John O'Connell changes his vote from 'aye' to 'no'. Further people who wish to be verified, Representative Cowlshaw. Representative Kulas asks leave to be verified, that is granted, as well as Representatives Keane and Berrios. And Representative Daley, Matijevich, Lang and Steczo. Yes, Representative Cowlshaw."

Cowlshaw: "Madam Speaker, enough is enough. Every name you read after Representative Braun I will not acknowledge as being here unless in fact they are here in body and spirit as well."

Speaker Breslin: "I'm sorry I...Representative Cowlshaw, I didn't read off Representative Braun's name. So I can't figure out whose been verified and who hasn't. How about if we cut it off now as since I have already gotten those names...oh, I see, you mean you want everybody and then Representative Braun. Is that right?"

Cowlshaw: "That is correct. And then that's that."

Speaker Breslin: "Okay. Representative Braun has leave to be verified as well as the others we have mentioned."

Cowlshaw: "Enough is enough."

Speaker Breslin: "Representative Mautino, why do you seek recognition? Representative Mautino changes his vote from 'aye' to 'no'. Oh he just wants to be registered as voting 'no'. Representative McGann."

McGann: "How am I recorded, please?"

Speaker Breslin: "You're recorded as not voting."

McGann: "Would you kindly register me as voting 'no'."

Speaker Breslin: "Record the Gentleman as voting 'no'. Representative Tuerk."

Tuerk: "How am I voted?"

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Speaker Breslin: "You're recorded as not voting."

Tuerk: "Vote me 'aye', please."

Speaker Breslin: "Vote Representative Tuerk 'aye'. Proceed with the poll of the negative, please. Representative Brunsvold votes 'aye'. Representative Brunsvold changes his 'no' vote to 'aye'."

Clerk Leone: "Continuing with the poll of those voting in the negative. Morrow. Novak. O'Connell. Panayotovitch. Phelps. Rice. Richmond. Ronan. Saltsman. Satterthwaite. Shaw. Steczo. Stern. Sutker. Terzich. Turner. VanDuyne. White. Williams. Wolf. Anthony Young. Wyvetter Younge and Mr. Speaker."

Speaker Breslin: "Do you have any questions of the negative? Representative Cowlshaw."

Cowlshaw: "Thank you, Madam Speaker. Representative Novak."

Speaker Breslin: "Representative Novak is in the chamber."

Cowlshaw: "Representative Rice."

Speaker Breslin: "Representative Rice is in the chamber."

Cowlshaw: "Representative Davis."

Speaker Breslin: "Representative Davis is in the chamber."

Cowlshaw: "Representative Steczo."

Speaker Breslin: "Representative Steczo had leave to be verified."

Cowlshaw: "Oh, I'm sorry. There were so many, Madam Speaker, it's hard for me to remember."

Speaker Breslin: "I understand."

Cowlshaw: "Representative Huff."

Speaker Breslin: "Representative Doug Huff is not voting."

Cowlshaw: "Representative Krska."

Speaker Breslin: "Representative Krska. Representative Bob Krska. How is the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'no'."

Speaker Breslin: "Remove him from the Roll Call."

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Cowlshaw: "Representative Terzich."

Speaker Breslin: "Representative Terzich. Representative Bob Terzich. Is the Gentleman in the chamber? How is he recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Breslin: "Remove him from the Roll Call. Any further questions?"

Cowlshaw: "Representative Laurino."

Speaker Breslin: "Representative Laurino. Bill Laurino. Is the Gentleman in the chamber? He is. Representative..."

Cowlshaw: "Representative VanDuyne."

Speaker Breslin: "Representative VanDuyne. LeRoy VanDuyne. Is the Gentleman in the chamber? How is the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'no'."

Speaker Breslin: "Remove him from the Roll Call. Representative Rea, for what reason do you seek recognition?"

Rea: "Madam Speaker, change my vote from 'aye' to 'no'."

Speaker Breslin: "Change Representative Rea from 'aye' to 'no', Mr. Clerk. Proceed, Representative Cowlshaw."

Cowlshaw: "Representative Farley."

Speaker Breslin: "Representative Farley. Bruce Farley's in the chamber."

Cowlshaw: "Representative Kulas."

Speaker Breslin: "Representative Kulas had leave to be verified."

Cowlshaw: "Representative Richmond."

Speaker Breslin: "Representative Richmond? Representative Bruce Richmond. Is the Gentleman in the chamber? How is the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'no'."

Speaker Breslin: "Remove him from the Roll Call. Representative...proceed, Representative."

Cowlshaw: "Representative Christensen."

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Speaker Breslin: "Representative Christensen is not voting."

Cowlshaw: "Oh, I'm sorry, Madam Speaker, I believe he is..he has an excused absence today. I had forgotten about that."

Speaker Breslin: "Correct."

Cowlshaw: "Representative McAuliffe."

Speaker Breslin: "Representative McAuliffe. Roger McAuliffe. How is the Gentleman recorded?"

Clerk Leone: "The Gentleman's recorded as voting 'no'."

Speaker Breslin: "Remove him from the Roll Call."

Cowlshaw: "That is all, Madam Speaker, and thank you very much."

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

Curran: "Madam Speaker, how am I recorded?"

Speaker Breslin: "You're recorded as voting 'aye'."

Curran: "Madam Speaker, it's been brought to my attention that this subject matter is being discussed in the back room even as we speak out here and so I think I am going to, with Members of this House not with just leadership, and so I want... wish to change my vote from 'aye' to 'no'."

Speaker Breslin: "Change the Gentleman's vote from 'aye' to 'no'. Representative Leverenz, for what reason do you seek recognition?"

Leverenz: "Two points. One an inquiry of the Chair. Does the Chair know where that meeting is being held?"

Speaker Breslin: "I believe so, yes."

Leverenz: "Then I have three. I would like you to tell me where the meeting is because I would like to go."

Speaker Breslin: "Representative Braun in answer to the question."

Braun: "Thank you, Madam Speaker, and specifically to Representative Leverenz or any other Members, we a...the Speaker convened a task force on education, we have had notices, we are in the process of debating the various

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issues, including the issues..."

Leverenz: "Good idea."

Braun: "... covered by this Amendment and we would appreciate your support in defeating the Amendment so that we may reach consensus as a group on education reform for the City of Chicago."

Leverenz: "I think we should all leave the chambers and attend the meeting. Please record me 'no'."

Speaker Breslin: "Change Representative Leverenz from 'aye' to 'no'. Representative Terzich has returned to the chamber. Add him to the Roll Call voting 'no'. Take the Roll Call, Mr. Clerk. On this question there are 53 voting 'aye', 55 voting 'no', none voting 'present' and the Amendment fails. Ladies and Gentlemen, we are now going to the Special Order of Business on children. The first Bill is on page 6...excuse me, that Bill has moved to Third Reading. That Bill is House Bill 3385. Now moves to Third Reading. Were there any further Amendments, Mr. Clerk?"

Clerk Leone: "There were no further Amendments."

Speaker Breslin: "No. Move the Bill to Third Reading. Now under the Special Order of Business on children on page 6 on your Calendar appears House Bill 1844. Representative Preston. Clerk, read the Bill."

Clerk Leone: "House Bill 1844, a Bill for an Act in relationship to the certification of child care workers. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "There are no Motions filed nor further Amendments."

Speaker Breslin: "Third Reading. On page 7 appears House Bill 2862, Representative Daniels. Out of the record. On page 9 appears House Bill 31...3331, Representative Granberg. Clerk, read the Bill. 3331."

Clerk Leone: "House Bill 3331, a Bill for an Act to amend the

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Code of Criminal Procedure. Second Reading of the Bill.

Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative Granberg."

Granberg: "Floor Amendment #2 removes the provision that the trial Judge can allow the jury to hear all the direct testimony from a child witness. I've gone over this Amendment with the Minority Spokesman on the Judiciary II Committee and we have reached an agreement on this Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 3331, on the question the Gentleman from Cook, Representative Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Breslin: "He will."

Cullerton: "Does this amend...does this amend the Section that was added by Amendment #1 or does it amend the original Bill?"

Granberg: "Representative Cullerton, I believe it amends the original Bill."

Cullerton: "And the original Bill...this deletes something from the original Bill, right?"

Granberg: "Correct."

Cullerton: "What did the original Bill provide and what does this Amendment...why does this Amendment delete it?"

Granberg: "This Amendment deletes from the Bill the option given to the trial Judge to reserve his ruling on the competency of a witness until the completion of the direct examination. So the judge now can make that decision...he will make that decision prior to the direct testimony."

Cullerton: "Well, now, let me see if I understand this. The

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original Bill...the purpose of the original Bill is to eliminate presumptions with regard to competency of testimony for certain children. And as I understand the Bill, all persons would be presumed qualified to testify regardless of their age. Is that correct?"

Granberg: "Correct. That is correct."

Cullerton: "And there was something in that Bill that allowed a Judge to reserve ruling on a Motion and what Motion would that be? A Motion to strike testimony?"

Granberg: "On the Motion to rule on the competency, Representative Cullerton."

Cullerton: "Okay, so if someone says I want you to rule on the...I have a Motion...would that be a Motion to find someone incompetent to testify?"

Granberg: "Yes."

Cullerton: "And so the original Bill said that a Judge could reserve his ruling on the Motion until the end of the direct examination of the witness?"

Granberg: "That's right. So in essence the Bill before the Amendment would allow the Judge to rule later so you'd already have the statements available to the jury prior to his ruling on the question of the witness' competency. The Amendment deletes that possibility."

Cullerton: "Okay. Fine."

Speaker Breslin: "The Gentleman from DuPage, Representative McCracken. He withdraws his comments. Is there any further discussion? Hearing none, the question is, 'Shall Amendment #2 to House Bill 3331 be adopted?' All those in favor say 'aye', all those opposed say 'no', in the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

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

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Speaker Breslin: "Representative Granberg. Withdraw #3. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. On page 10 appears House Bill 3496, Representative Curran. Clerk, read the Bill."

Clerk Leone: "House Bill 3496, a Bill for an Act to amend an Act creating the Department of Children and Family Services. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Curran."

Curran: "Madam Speaker, Amendment #1 is a technical Amendment agreed to by the Department and interested parties. It simply puts this Bill in a position where both the Department, the Child Care Association, the Catholic Conference, all agree to the content of the legislation."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 3496. On that question the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you...brief Sponsor...question for the Sponsor."

Speaker Breslin: "Proceed."

McCracken: "Is there currently a caseload study being conducted? Is that what the Bill refers to... by the Child Welfare Advisory Committee?"

Curran: "I'm not aware of a particular new caseload study. The Bill refers to a general longstanding understanding among people who are interested in the field of child abuse and neglect that a caseworker and investigator should handle no more cases than about twenty or twenty-five for caseworkers and about ten to twelve for investigators. This particular

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piece of legislation doesn't get down that far, doesn't do that much good, it just tries to bring Illinois somewhere into the twentieth century."

McCracken: "Alright. I believe this authorizes the Child Welfare Advisory Committee to mandate as a matter of law, the particular reduction to thirty cases. And if so what limits if any are placed upon it? Does it require, for example, that money be appropriated to pick up more staff in order to meet the current caseload at thirty cases per worker? Do you know or...?"

Curran: "It does not...this Bill does not have an accompanying appropriation mechanism. The Child Welfare Advisory Committee is a committee that will be established by the Department with certain aspects of that being determined by law. Ah... I don't..."

McCracken: "Okay. Thank you."

Speaker Breslin: "Any further discussion? Hearing none the question is, 'Shall the House adopt Amendment #1 to House Bill 3496?' All those in favor say 'aye', opposed 'nay', in the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. On page 10 appears House Bill 3504, Representative Curran. Clerk, read the Bill."

Clerk Leone: "House Bill 3504, a Bill for an Act concerning periodic review of certain minors placed in foster care. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments? Representative Curran, for what reason do you seek recognition?"

Curran: "Madam Speaker, there has been negotiations going on for about the last ten days. I believe the final settlement of that negotiation is that the Department will issue a letter

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indicating their intention to do most of what's in House Bill 340...3504 and because of that I wish to take this Bill out of the record at this time."

Speaker Breslin: "Out of the record. On page 10 appears House Bill 3505, Representative Curran. Clerk, read the Bill."

Clerk Leone: "House Bill 3505, a Bill for an Act to amend certain Acts in relationship to abused and neglected children. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative Curran."

Curran: "Madam Speaker, this Amendment #1 simply bring...Amendment #2 simply brings this Bill into the position where the Department can agree, I believe, on the content of the legislation. That is, that what we will be doing now is requiring the Department to develop a plan for a two year voluntary program to train the mandated reporters. It also requires the Department to set up a feasibility study to computerize the case work in certain areas throughout the State. And it also requires the Department to notify certain indicated and unfounded cases of the availability of private social services. I don't know of any opposition to this Amendment and I move for favorable adoption."

Speaker Breslin: "The Gentleman moves the adoption of Amendment #2 to House Bill 3505. Is there any discussion? Hearing none the question is, 'Shall Amendment 2 be adopted'. All those in favor say 'aye', opposed 'nay', in the opinion of the Chair the 'ayes' have it, and Amendment's adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

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Speaker Breslin: "Third Reading. On page... Excuse me, Representative McCracken, for what reason did you rise?"

McCracken: "I was going to suggest to the Gentleman because I thought there is...I have a Floor Amendment #2 that 2 would be technically correct and 1 probably should be withdrawn. I'm a little late if he wants to just move it. I'm sorry."

Speaker Breslin: "This was Amendment 2 that was adopted."

McCracken: "I'm sorry. Okay."

Speaker Breslin: "Yes, and the Bill has been moved to Third Reading. On page 10 appears House Bill 3506, Representative Curran. Clerk, read the Bill."

Clerk Leone: "House Bill 3506, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative Curran."

Curran: "Thank you, Madam Speaker. Amendment #2 becomes the Bill, what this Bill will now do, it will say that the Department can retain certain identifying information in the State's central registry, that's the Department's computer. The reason for this Bill at this point is that sometimes people will commit such terrible offenses against children such as murder, and because the Department is only allowed to keep their names on their computer, their State Central Registry, a person can murder a child in Illinois but before they get out of jail for murder they could actually have their names taken off the computer as a child abuser. What this Bill would do is rectify that situation and would allow the Department to keep the name of someone who is guilty of murder or serious physical injury to a child. It would allow the Department to keep their names

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on the computer for as long as the Department had deemed appropriate."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 2 to House Bill 3506. On that question is there any discussion? Hearing none the question is, 'Shall Amendment 2 be adopted?' All those in favor say 'aye', opposed 'nay', in the opinion of the Chair the 'ayes' have it, and Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. On page 11 appears House Bill 3529, Representative John Dunn. Representative Dunn, you're going to have to pull yourself away from Mike Hallock there and present your Amendment. Read the Bill. Welcome, Mr. Hallock."

Clerk Leone: "House Bill 3529, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments."

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. On page 11 appears House Bill 3534, Representative Currie. Clerk, read the Bill."

Clerk Leone: "House Bill 3534, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments."

Clerk Leone: "No Motions or further Amendments."

Speaker Breslin: "Third Reading. Excuse... Third Reading. On page 11, appears House Bill 3570, Representative Curran. Clerk, read the Bill."

Clerk Leone: "House Bill 3570, a Bill for an Act to amend certain Acts in relationship to the monitoring of families of abused... abused children. Second Reading of the Bill. Amendment #1 was adopted in committee."

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Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Third Reading. On page 12, appears House Bill 3687, Representative Granberg. Clerk, read the Bill."

Clerk Leone: "House Bill 3687, a Bill for an Act to amend the Criminal Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Mo...any Amendments."

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

Speaker Breslin: "Representative Granberg."

Granberg: "Floor Amendment #1 addresses a concern of the Judiciary II Committee. It adds language to the Bill which would allow definitive and affirmative defense to the newly created offense of patronizing a juvenile prostitute which is the subject of the Bill itself. So I would move for its adoption."

Speaker Breslin: "The Gentleman moves to adopt Amendment #1 to House Bill 3687. Is there any discussion? Hearing none the question is, 'Shall Amendment 1 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it, the Amendment's adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. On page 12 appears House Bill 3744, Representative Curran. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3744, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Amendments filed?"

Clerk O'Brien: "No Committee Amendments, no Floor Amendments."

Speaker Breslin: "Third Reading. On page 5, appears House Bill 4215, Representative Pullen. Clerk, read the Bill."

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Clerk O'Brien: "House Bill 4215, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "No Motions, no Floor Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen, we are now going to the Special Order of Business dealing with seniors and the handicapped. The first Bill is on page 6 on your Calendar, House Bill 1491, Representative DeJaegher. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1491, a Bill for an Act in relation to long term care insurance. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Cullerton. Excuse me, Representative Cullerton withdraws Amendment #1. Are there any further Amendments?"

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

Speaker Breslin: "Representative DeJaegher."

DeJaegher: "Remove Amendment #2, please."

Speaker Breslin: "Withdraw #2. Any further Amendments?"

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

Speaker Breslin: "Representative DeJaegher."

DeJaegher: "Thank you, Madam Speaker and Members of the General Assembly. Amendment 3 to House Bill 1491 is now the Bill. It deals with long term insurance. This Bill was considered last year, but the request of the insurance industry it was delayed. Amendment 3 also contains House Bill 3591, dealing with medicare supplemental insurance."

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This Bill is well structured by the Insurance Department of the State of Illinois. Seniors throughout the state are now seeking adoption. This Bill has the support of model legislation that was proposed by the National Association of Insurance Commissioners. I move for adoption of Amendment #3."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #3 to House Bill 1491. On that question the Gentleman from Cook, Representative Pedersen."

Pedersen: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. As a general proposition, I strongly support this legislation but we do have some problems with the loss ratios on the... on the association group. However, we will be addressing that with Amendment #4. So I would recommend a 'yes' vote on this."

Speaker Breslin: "Is there any further discussion? Representative DeJaegher to close."

DeJaegher: "Thank you, Madam Speaker and Members of the General Assembly. Hopefully, that you will be of assistance and be supportive of this particular legislation, seniors throughout the State of Illinois and elsewhere are seeking this proposed change. Hopefully you'll be supportive in this Amendment. Thank you."

Speaker Breslin: "The question is, 'Shall Amendment #3 be adopted?' All those in favor say 'aye', all those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #4 offered by Representative B. Pedersen and Wojcik."

Speaker Breslin: "Representative Pedersen."

Pedersen: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #4 modifies the department's Bill with respect to loss ratios standards for group medicare

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supplement coverages sold through mass marketing and is necessary to preserve this marketing method. Present Illinois standards recognize the fact that mass marketing group medicare supplemental insurance bears a heavier expense load than does regular group insurance as handled by employers. That means they... it costs an awful lot more to handle. And this is the reason why we would want to change that. What we want to do, Illinois presently requires under the present law requires a sixty percent loss ratio for such coverages and groups, rather than the proposed seventy-five percent. The sixty percent standard is also consistent with the present federal law. If the Amendment and its sixty percent loss ratio standard are not accepted, Illinois insurance... insurers writing group coverage in this state will be faced with the choice of selling individual insurance policies or just plain abandoning this market. Small associations in particular are groups that use this kind of mass marketing coverage, and they are just unable to provide the services that a large group can or an employer. Actually what happens in a typical group case is that the employer handles a lot of the administration. They handle the claims, they do... they fill out the forms, they... they... they do all the work. And so the companies have a great deal more expense and they feel that they need the flexibility to have the current standard of sixty percent. If this doesn't happen it creates all kinds of problems. The... either the insurer will pull out of the market completely or they'll just offer straight individual policies, which won't be uniform not only in this state but in other states. So what we're really trying to do here is to provide that this coverage will continue to be available. There are a lot of small associations who would be affected by this. The

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B'nai B'rith, the VFW, the Golden Catholic Age and many small alumni associations. So we strongly recommend that we stay with the present standards of sixty percent. It's always possible that in the competitive market that a particular insurance company can say well we'll go higher than this cause we'd like to write this business. But we... they need the flexibility and all we're saying is that let's keep this market available and not lose it by mandating these loss ratio standards."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #4 to House Bill 1491. On that question, the Gentleman from Fulton, Representative Homer."

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

Speaker Breslin: "He will."

Homer: "Representative Peder...Pedersen. I want to make sure I understand what your Amendment would do now, Representative DeJaegher has a Bill here, that says that where these medicaid supplement policies are marketed by a group, as opposed to an individual..."

Pedersen: "That's correct."

Homer: "...that they have to pay out at least seventy-five percent of the premiums in aggregate benefits. In other words, that his Bill says that at least seventy-five percent of the premiums have to be paid out to the insurance in the form of benefits. Now what your Amendment will do, correct me if I'm wrong, is say no, your Amendment would say we ought to allow for the payment of sixty percent. Thereby, allowing these companies to retain larger commissions and larger amount of money out of the premiums. Correct?"

Pedersen: "That's correct."

Homer: "And the reason you want to do that is what?"

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Pedersen: "The reason for it is that a lot of these association groups are small. If it's a large group it's no particular problem, but there... the market that they serve currently there are an awful lot of small association groups. These small associations do not have the means of providing the service that a typical employer provides. Those services of helping to fill out the applications, handling claims, collections, advertising, the mailings, all the things that you need to do to serve the association. Since the insurance company has to take over those expenses, they can't afford to go to the high levels they do at seventy-five percent that they do with when an employer does all these things for them in a regular employer group."

Homer: "Now, it's my understanding that this issue was raised this past December before the National Associations of Insurance Commissioners. Are you aware of that?"

Pedersen: "Yes."

Homer: "And at that time the insurance groups that you are advocating now, advocated the same position that your Amendment does. Do you know what position that the NAIC took at that time?"

Pedersen: "They went along with the seventy-five percent."

Homer: "And are you familiar with the American Association of Retired People and the group medicaid supplement policy that they have?"

Pedersen: "I am."

Homer: "And do you know what level that they currently have adopted voluntarily?"

Pedersen: "Well, they recommended the seventy-five percent, but you've got to understand that they are a massive large group and so they have the advantage of size and they provide the services."

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Homer: "But, Representative Pedersen, your Amendment would be to their benefit. You would allow them to retain forty percent of the premiums for their expenses, and yet as I understand what you're saying they're the largest distributor of this insurance on behalf of retired people and they say no we don't think we should keep those kind of exorbitant profits. We would rather keep the seventy-five percent limit in effect. Is that your understanding?"

Pedersen: "Representative, this is not a mandate. I mean, the big groups are not going to do that. AARP is not going to do that. I mean if they're doing it at seventy-five percent now and their providing all those services, why would they want to change it?"

Homer: "Well, why wouldn't they want to keep forty percent for themselves, and only pay out sixty percent. Your Bill would let them do that, why wouldn't they want to?"

Pedersen: "Well, because in the world of competition you want to, you want to give the best deal to the consumer."

Homer: "You know there are several local agencies and departments that have taken an interest in senior citizen issues, for example, the Governor's Office on senior involvement. Do you know what their position on your Amendment is?"

Pedersen: "No, I don't."

Homer: "Well, I understand they're opposed. What's the position of the Attorney General's office on your Amendment? It's my understanding they're opposed. Correct me if I'm wrong. The Illinois Department of Aging, it's my understanding they're opposed. The Lieutenant Governor's office on senior citizen advocacy, they're opposed. Madam Speaker, to the Bill. I think this in all due respect to Representative Pedersen is one of the absolute worst forms of special interest that will come before us perhaps this year. This is an effort to allow group policy insurers

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those who would sell medicaid supplemental insurance policies to senior citizens to allow them to retain forty percent of the premiums that these senior citizens pay to them for the purpose of their commission, their profits, their overhead, and those expenses. Representative DeJaegher's Bill would limit them to retaining twenty-five percent. Representative Pedersen ironically says that's going to force some of these companies out of out of the market in Illinois. Glory be to God that that might happen, because what you're talking about is pushing people out of this business that are now praying upon senior citizens and retaining forty percent of these senior citizens' paid premiums for their own personal benefits. And Representative Pedersen is concerned those people will no longer want to do business in this state. And I say that's terrific, because we don't need those people. The largest producer of this insurance, AARP, a very reputable organization, they oppose Representative Pedersen's Bill or Amendment that would allow them to keep more money. They say hey look twenty-five percent is plenty in this business. And we're happy to be in the business, we're satisfying our customers' needs. We're taking care of their concerns and we don't think we need to keep that additional profit that Representative Pedersen's Bill would let them keep. I think that probably speaks legions about the wisdom of this. This is a... really a very simple issue here, the question is very simply on this Amendment. If you think that those who sell, those group insurance companies or groups that sell medicaid supplemental insurance to senior citizens ought to be allowed to keep more money, if you want to advocate their interest and think that they should be able to take... dig deeper in the pockets of senior citizens, then you should go ahead and

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support this Amendment. But if you want to support the position of all the senior citizen advocate groups, the largest seller of these group insurance policies, AARP, the office of the Governor, Department of Aging, Lieutenant Governor, the Attorney General, all of whom are looking out for the best interest of senior citizens, if you would rather be on that side of this issue and try to drive these people and these groups that pray upon senior citizens' fears in this area by retaining exorbitant amounts of their premiums for profit, than you should join Representative DeJaegher and vote no."

Speaker Breslin: "Representative Kubik."

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

Speaker Breslin: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the main question is put. Those who wish to speak will be recognized to speak to explain their vote. Representative Pedersen to close."

Pedersen: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is not a question of profits for insurance companies and we're not, we're not doing anything to the senior citizens, except taking a market away from them. The reason why these groups that the Representative mentioned are supporting this Bill is because the ratios aren't even mentioned in the model. And some of these people at the state level here who are supporting it, do it because they always support the model. But you know in the State of Illinois, we still have to look at the legislation and do what's best for the consumer, for the seniors. Now you can't tell me that these small alumni associations, the B'nai B'rith, the VFW, the Golden Catholics Age, small

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groups who approve of this ratio are, you know, really out of it. What they're really concerned about is that they will have a market and if the insurers pull out there won't be anybody else to do it. So all we're saying is that there's a little netch in this area, where we need to recognize that the coverage is needed, and that we should make sure that our seniors in the State of Illinois are able to... to get the coverage. So I... you got to remember that we're still talking under the present law sixty percent, at the federal level of sixty percent. So we're not... all we're talking is about expenses and we want to provide a coverage for the senior citizens so that they can help pay their medical Bills. It's a service to them and it's easy to say that we're just trying to take advantage of this group of people. What we're really trying to do is offer them the coverage. And I'd urge an 'aye' vote."

Speaker Breslin: "Question is, 'Shall Amendment #4 to House Bill 1491 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Parke, one minute to explain your vote."

Parke: "Thank you, Madam Speaker. You know the person that was arguing against this legislation was making an unsound assumption. That assumption was that these small associations were irresponsible, that they were crooks, that they were ripping off the senior citizens and that is not true. These are small associations that are domiciled in Illinois that want to have an opportunity to be competitive and quite frankly the State of Illinois has an excellent Department of Insurance. And if these companies are unscrupulous and are doing the senior citizens in, the Department of Insurance will take them to task and prosecute them. That is an unsound rationale, to say that

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all of these small associations are ripping off the seniors. It is not a responsible position. I vote yes."

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

Terzich: "Yes, without the adoption of this Amendment the consumer always has a right to refuse that type of coverage and without adopting this Amendment all you're going to do is take a benefit away from the senior citizens and if someone else can come along and offer a better benefit at a lower price, maybe AARP, or some other association, let them go ahead and do it. But this certainly doesn't do any harm. It will simply take the competition out if you do not adopt this Amendment and I would urge your support."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the Record. On this question there are 37 voting 'aye', 70 voting 'no' and none voting 'present'. And the Amendment fails. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #5, offered by Representative DeJaegher."

Speaker Breslin: "Representative DeJaegher."

DeJaegher: "Thank you, Madam Speaker. Amendment #5 is a very simplified Amendment. It makes language corrections to Amendment #3 and basically that's all it does and I move for adoption of..."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #5 to House Bill 1491. On that question is there any discussion? Hearing none the question is, 'Shall Amendment 5 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Pullen in the

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Chair for a special introduction."

Speaker Pullen: "As they are coming up to the podium, I thank the Speaker for giving me the opportunity to introduce to you, along with Representative Linda Williamson, the two of us share Des Plaines, Illinois, proudly. The basketball team and cheerleaders of Maine West High School, who won the State Girls Basketball Championship in Champaign in February. We have a Resolution that we have offered today to congratulate them and if you would please, I would like you to greet the Maine West High School State Champion Girls Basketball Team and their cheerleaders. For just a moment we would like to hear from Derrel Kipp who is the coach of these fine young ladies, to greet the Members of the House. Mr. Kipp."

Kipp: "Thank you, we're very proud and happy to be here. We want to thank you for having us. We're truly excited being able to represent the City of Des Plaines, Illinois, and also we were able to represent Illinois in the National poll, finishing up first in the nation in one poll and second in the USA Today poll. And I just say I'm very proud of these girls and I'm sure that the entire community of Des Plaines is for Maine West High School. Thank you."

Speaker Pullen: "Later today we will be adopting a Resolution to commend and congratulate the team and Maine West and the people of Maine township, and with that I thank you all for coming to Springfield, and we'll give the Chair back to Representative Breslin. Thank you."

Speaker Breslin: "Special Order of Business, dealing with seniors and the handicapped on page 3 on your Calendar appears House Bill 2944, Representative Preston. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2944, a Bill for an Act to amend the Code of Civil Procedure. Second Reading of the Bill."

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Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "No Motions filed. Floor Amendment #2, offered by Representative Hasara."

Speaker Breslin: "Representative Hasara withdraws Amendment #2. Any further Amendments?"

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

Speaker Breslin: "Representative Countryman, do you wish to proceed with this Amendment to Representative Preston's Bill? Withdraw the Amendment. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Representative Countryman."

Speaker Breslin: "Representative Countryman withdraws Amendment 4. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. On page 8 appears House Bill 3020, Representative John Dunn, John Dunn. Out of the Record. On page 15, appears House Bill 4106, Representative Currie. Clerk, read the Bill. Out of the Record. On the Special Order of Business dealing with mental health. On page 5 on your Calendar appears House Bill 849, Representative McGann. Out of the Record. On page 7 appears House Bill 2929, Representative McGann. Out of the Record. On page 7 appears House Bill 2934, Representative Bowman. 2934, Clerk, read the Bill."

Clerk O'Brien: "House Bill 2934, a Bill for an Act to Amend the Mental Health and Developmental Disabilities Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Third Reading. On Page 9, appears House Bill

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3300, Representative Mautino. Out of the Record. Under the Special Order of Call dealing with HMO's appears on page 13 on your Calendar appears House Bill 3876, Representative Shaw. Representative Shaw. Out of the Record. Now back on the Special Order of Call dealing with mental health appears House... on page 9 on your Calendar appears House Bill 3300. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3300, a Bill for an Act to amend certain Acts in relation to community services. Second Reading of the Bill. No Committee Amendments. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. Oh, excuse me, Representative Mautino, there is a request for a fiscal note that is not filed, so the Bill has to be returned to second order. Okay, on the Special Order of Business dealing with state mandates appears on page 11 on your Calendar appears House Bill 3524, Representative Keane. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3524, a Bill for an Act in relation to property taxes. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. On the Special Order of Business dealing with insurance. On page 6 on your Calendar appears House Bill 2143, Representative Martinez. Is the Gentleman in the chamber? Out of the Record. On page 8, appears House Bill 3152, Representative Martinez. Is the Gentleman in the chamber? Out of the Record. On page 13, appears House Bill 3905, Representative Anthony Young. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3905, a Bill for an Act to amend the

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Illinois Insurance Code. Second Reading of the Bill. No
Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Young."

Young: "Withdraw Amendment #1."

Speaker Breslin: "Withdraw #1, any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Anthony Young."

Speaker Breslin: "Representative Young."

Young: "Thank you, Madam Speaker, Ladies and Gentlemen of the
House. Amendment #2 does several things. One it deletes
persons in the Bill and inserts the word company. It also
deletes the minimum award of five hundred dollars and it
adds a paragraph providing that remedies provided under
this Section do not limit remedies provided elsewhere in
the code. Excuse me, and I move for its adoption."

Speaker Breslin: "The Gentleman moves the adoption of Amendment 2
to House Bill 3905, and on that question, the Gentleman
from Cook, Representative Pedersen."

Pedersen: "Thank you, Madam Speaker and Ladies and Gentlemen of
the House. This Bill is really, what it comes down to is
an incentive to sue. It... we already have laws that would
take care of the kind of problems that the Representative
is seeking to solve. What we're talking about is even an
inadvertent error in an insurance office or an agency, the
person involved has a right to under this new created
incentive to go after the person and they can get a minimum
five hundred dollar damage award, plus attorney's fees and
plus cost. This would pick up even routine errors, and all
we're really talking about is lots more litigation and a
lot... and crowding an already crowded court calendar.
This is really the kind of thing that is detrimental to

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business in general. It's the kind of thing that makes a small businessman wonder whether he should continue. What we're really talking about is the jobs climate and what we're talking about is keeping the government off of the little guy's back in particular. They...to repeat the important thing that's happening here is that we're talking about inadvertent type of errors that are routinely taken care of everyday. If you have fraud, if you have really something that's out of order, we've got a Department of Insurance to straighten it out. And we certainly have fraud laws that will take of the serious problems. Like to say to repeat, we're talking here about encouraging people to sue, and we have enough of that kind of thing already. So I urge a 'no' vote on this bad legislation."

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

Parke: "Thank you. Thank you, Madam Speaker. As Representative Pedersen said this is an additional problem that people, small businessmen and women are gonna be faced with. It's an additional way for, additional legal costs that are not necessary. When somebody violates this law, those penalties that are applied, can be applied by the Department of the Illinois Insurance Department. They have the responsibility to enforce these. We do not need another law to make it more difficult to do business in Illinois. We have in place the Department of Insurance to handle this. It just compounds it and increases fees to lawyers and increases the money that they make. This is an anti-business Bill we ask for you to vote 'no'."

Speaker Breslin: "Representative Young, to close."

Young: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would remind the Body and the two previous speakers, this is not Third Reading and we're not voting on the Bill. We're voting on my Floor Amendment which I think

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addresses some of the concerns that have just been raised including the five hundred dollar Amendment, minimum award. So even those people who may be against the underlying Bill, they should be for the Amendment, because the Amendment tries to tone the Bill down and I move for the adoption of the Amendment."

Speaker Breslin: "The Gentleman...The question is 'Shall Amendment #2 to House Bill 3905 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record on this question. There are 44 voting 'aye', 59 voting 'no', none voting 'present' and the Amendment fails. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. On page 13, appears House Bill 3906, Representative Young. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3906, a Bill for an Act to amend the Illinois Insurance Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representatives Novak and Granberg."

Speaker Breslin: "Representative Novak on Amendment #1, to Representative Tony Young's Bill."

Novak: "Wait a minute. Wait a minute. Wait a minute...no one told me about this. Who can I defer to? Madam Speaker, I would like to defer to Representative Granberg, please."

Speaker Breslin: "Representative Granberg, are you prepared on Amendment #1? I think that's called finesse in bridge. Representative Young, it's not your Bill, you can't take the Bill out of the Record. Do you want to withdraw the Amendment? Representative Young. Yes, Representative

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Pedersen, for what reason do you rise?"

Pedersen: "Madam Speaker, has this been printed and distributed?
We don't have a copy of it."

Speaker Breslin: "I see, Mr. Clerk. Has this Amendment been
printed and distributed? Yes, it has been printed and
distributed. Representative McCracken, for what reason do
you rise?"

McCracken: "I don't have it here either. I wonder if we could
take it out briefly. Apparently nobody's read it, we'd
like to see the Amendment, please."

Speaker Breslin: "Representative Young, would you mind, I'll come
back to it as quickly as we can. Would you mind taking the
Bill out of the Record? Sure, he'll take the Bill out of
the Record. By the way a fiscal note has been filed,
request rather has been made on this Bill, so it couldn't
move to Third anyway. House... on page 13, appears House
Bill 3908, Representative DeJaegher. Out of the Record.
Page 22, is House Bill 3902, Representative Cullerton.
Clerk, read the Bill. Representative Cullerton asks leave
to return this Bill from the Order of Third Reading to the
Order of Second for the purposes of an Amendment. Does he
have leave? Hearing no objection, he has leave. Is there
an Amendment filed, Mr. Clerk? 3902."

Clerk O'Brien: "This Bill's been read... This Bill's been read a
second time previously. Floor Amendment #3 offered by
Representative Kubik and Dunn."

Speaker Breslin: "Representative Kubik withdraws Amendment #3.
Any further Amendments?"

Clerk O'Brien: "Floor Amendment #4 offered by Representative
Cullerton."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Yes, thank you, Madam Speaker and Ladies and
Gentlemen of the House. This was an Amendment suggested in

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committee, I believe the Director of Insurance even mentioned this, and we indicated we would amend it on the House floor. The Bill had ex...had eliminated a certain section of the Insurance Code allowing insurance companies to Act in concert with each other under certain circumstances that was chapter 73, paragraph 1065.18-5, we in this Amendment put that back into the Code. We also say that the activities of any insurers or other persons that are limited to collecting, compiling and assembling historical data on paid claims or reserves for reporting claims from insurers or any other source and the activities of any insurers and other persons participating in pooling arrangements would be allowed under this Act. They do not unreasonably restrain competition. So I would move for the adoption of the Amendment. I believe it improves the Bill."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 4 to House Bill 3902, and on that question the Gentleman from Cook, Representative Pedersen."

Pedersen: "Yes, will the Gentleman yield?"

Speaker Breslin: "He will."

Pedersen: "I had a hard time hearing what you were saying. You've taken out the pooling arrangements that were in the previous Amendment."

Cullerton: "No, put it back in. I literally read the language to you, but, its on page 2 of Amendment #4. This is to allow for the pooling arrangements which now take place in various insurance practices. This would allow for them, so I can read it to you if you'd like."

Pedersen: "That's alright."

Cullerton: "The activities of any insurers or other persons that are limited to collecting, compiling, and disseminating historical data on paid claims or reserves for reported

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claims from insurers or any other source, and the activities of any insurers and other persons participating in pooling arrangements or in residual market mechanisms if the arrangement or mechanism is required by law, is authorized and subject to the Illinois Insurance Code as now or here and after amended or does not unreasonably restrain competition. You may recall in the committee that someone said if this Bill passed that we would jeopardize certain pooling arrangements that are, that are required by law. And so one of the things that this Amendment does is to put this language back in. Secondly, there was a section that was repealed which said that two or more insurance companies may act in concert with each other and with others with respect to any matters pertaining to the making of rates or rating systems. The preparation or making of insurance policies, or bond forms, underwriting rules, surveys, inspections, investigations, the furnishing of loss or expense statistics for other information and data or carrying on of research. That was repealed in the original Bill, this Amendment puts it back in."

Pedersen: "So what... we're really back to the basic anti-trust Bill without these certain collections for these purposes. So if I want to really oppose this I have to wait to talk on Third Reading."

Cullerton: "Yea, I think, I know you'll be opposed to the Bill, but this definitely makes it conformative with what we intended to do when we first drafted it in response to the problems that the Director of Insurance had indicated in committee."

Speaker Breslin: "Is there any further discussion? Hearing none, the question is, 'Shall Amendment #4 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair... All those in favor vote 'aye',

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all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the Record. On this question there are 68 voting 'aye', 41 voting 'no' and 2 voting 'present' and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

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

McCracken: "It was brought back from Third, I don't want it to move from second, it changes the title of the Bill. And for that reason it should be held on second and the alternative Rule 37(d) would require that it not be taken up for Third Reading consideration today. But I'd like the Chair to rule first on my Motion to hold it on Second."

Speaker Breslin: "Would the parliamentarian report to the Chair, please. Representative Huff, for what reason do you rise?"

Huff: "Thank you, Madam Speaker. Would you let the record show that I was intended to vote 'aye' on this Bill?"

Speaker Breslin: "That was on Amendment #4, Representative Huff would like to be recorded as voting 'aye'. Representative McCracken, your point is well taken, the Bill should remain on the Order of Second Reading, First Legislative Day. Representative Cullerton, for what reason do you rise?"

Cullerton: "Yes, I would move that we suspend Rule 36(d) as it applies to House Bill 3902."

Speaker Breslin: "The Gentleman moves that we suspend the appropriate rule as it applies to House Bill 3902, and move the Bill to Third Reading. That requires sixty votes and on that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Well, if the Amendment makes the Bill better, what is the purpose of advancing the Bill in all due haste. In fact, this Bill is highly controversial, the Bill in fact

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would apply to the Illinois Anti-trust Act and its prohibitions on various activities to insurance companies which would absolutely debilitate the industry and has virtually no precedent in the nation. Federal law exempts insurances companies from the federal Anti-Trust Act to the extent it's regulated by Illinois regulatory law. Now the Gentleman would have us kill the industry in Illinois, and just because he says this Amendment makes a bad Bill better, doesn't mean that it makes a bad Bill good. The Bill still is an awful Bill and I think that we would do all ourselves a good service by not advancing this percipiently. It changes the title, it's a very substantial Amendment. We ought to hold it on Second Reading, First Legislative Day."

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

Parke: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I don't think it's unreasonable to ask for due process of a legislation to apply. Let's take time to think about these important decisions that affect one of the major industries in Illinois. Let's take time to have proper hearing so the voice of the people can be heard. There's no rush, we still have time to take care of this legislation. Let's have it hold on Second Reading and let it move in the normal process like the majority of all of our Bills are. So I've asked that you vote 'no' on this proposal."

Speaker Breslin: "Representative Cullerton on the question."

Cullerton: "Madam Speaker..."

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

Cullerton: "I thought that..."

Speaker Breslin: "You're recognized to close on your Motion."

Cullerton: "That's what I thought I was doing. Amendment #2 is

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on this Bill, Amendment #2 is a Kubik Amendment which changed the title which is controversial, which we put on as an accommodation to Representative Kubik. No one jumped up and said that changes the title, let's move it back to First Reading, Legislative Day. If they object to the Bill, let's debate the Bill on Third Reading, and they can make their points and they can argue about why they voted against the Amendment which made it less offensive. But at this point in time with a deadline approaching, it's nothing more than trying to abuse the system so that there can't even be a vote on it and there can't even be a debate on it. So that's why I made the Motion, I think it's very reasonable, I would ask Representative Kubik to support me along with all those other people who voted for his Amendment. And I would appreciate an 'aye' vote."

Speaker Breslin: "The question is, 'Shall the House suspend the appropriate rules to allow this Bill to advance to the Order of Third Reading?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Representative McCracken, for what reason do you seek recognition? Have all voted who wish? The Clerk will take the record. On this question there are 60 voting 'aye', 48 voting 'no', 1 voting 'present' and the Motion carries. Representative McCracken, you wish a verification?"

McCracken: "It's a 60 vote requirement."

Speaker Breslin: "Oh, you're right, it is a 60 vote requirement, so the Gentleman asks for a verification of the affirmative. Mr. Clerk, would you poll the affirmative?"

Clerk O'Brien: "Berrios. Bowman. Braun. Brunsvold. Capparelli. Countryman. Cullerton. Curran. Currie. Davis. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Granberg. Hannig. Hicks. Homer. Huff. Johnson. Jones.

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Keane. Krska. Kubik. Kulas. Lang. Laurino. LeFlore.
Levin. Martinez. Matijevich. Mautino. McGann.
McNamara. McPike. Morrow. Mulcahey. Novak. O'Connell."

Speaker Breslin: "Excuse me, Representative McCracken,
Representative Levin asks leave to be verified. That is
granted. Proceed, Mr. Clerk."

Clerk O'Brien: "Phelps. Preston. Rea. Rice. Richmond. Ronan.
Saltsman. Shaw. Slater. Stern. Sutker. Turner. Van
Duyne. White. Williams. Wolf. Anthony Young. Wyvetter
Younge, and Mr. Speaker."

Speaker Breslin: "Representative Young asks leave to be verified.
Anthony Young, Mr. McCracken, the Gentleman has leave.
Representative DeLeo, Representative DeLeo votes 'aye'.
Record the Gentleman as voting 'aye'. Representative
Bugielski changes his vote from 'no' to 'aye'. Do you wish
to proceed with the verification? Proceed with your
questions of the affirmative."

McCracken: "Thank you. Representative Braun?"

Speaker Breslin: "Representative Braun. Representative
Cullerton, for what reason do you seek recognition?"

Cullerton: "Mr. Speaker, Madam Speaker, there's a list of
Legislators who are meeting in the Speaker's Office, I can
give the list to Representative McCracken and perhaps he
could, we could parade them out here or I can give him the
list whichever he prefers."

Speaker Breslin: "Representative McCracken, it's the same group
of people that asked leave to be verified under the last
Bill. They are all meeting in the Speaker's Office. What
is your pleasure?"

Cullerton: "I'll give you the list."

McCracken: "Okay."

Cullerton: "If somebody's not here you shouldn't be, maybe some
of them aren't even voting, I can pick up some more votes."

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Berrios, Kulas, Davis, Flowers, McGann, Jones."

McCracken: "I'm gonna have to go through it, I'm sorry, I can't, it's too important. I would like to accommodate you but I can't do that."

Speaker Breslin: "Representative Daley has returned to the chamber, he asks to be voted 'aye'. Representative Wyvetter Younge asks leave to be verified, she has leave."

McCracken: "Representative Braun?"

Speaker Breslin: "Representative Braun, the Lady is not in the chamber, remove her from the Roll Call."

McCracken: "Representative Flowers?"

Speaker Breslin: "Representative Flowers is not in the chamber, remove her from the Roll Call."

McCracken: "Representative Giorgi?"

Speaker Breslin: "Representative Giorgi is in the chamber. Representative Williams asks leave to be verified. Does he have leave? He does."

McCracken: "Representative Matijevich?"

Speaker Breslin: "Representative Matijevich, John Matijevich, is the Gentleman in the chamber? He is not, remove him from the Roll Call."

McCracken: "Representative Brunsvold?"

Speaker Breslin: "Representative Joel Brunsvold, is the Gentleman in the chamber? Joel Brunsvold, he is not, remove him from the Roll Call."

McCracken: "Representative Bowman?"

Speaker Breslin: "Representative Bowman, Woods Bowman is not in the chamber, remove him from the Roll Call. Excuse me. Representative Bowman is in the chamber, leave him on the Roll Call."

McCracken: "Alright, I'm sorry. Representative Currie?"

Speaker Breslin: "Representative Currie is in the chamber."

McCracken: "Representative Davis?"

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Speaker Breslin: "Representative Davis is not in the chamber, remove her from the Roll Call."

McCracken: "Representative Jones?"

Speaker Breslin: "Representative Jones is not in the chamber, remove her from the Roll Call."

McCracken: "Representative Rice?"

Speaker Breslin: "Representative Rice is not in the chamber, remove her from the Roll Call."

McCracken: "Representative Krska?"

Speaker Breslin: "Who were you questioning, Sir?"

McCracken: "Representative Krska?"

Speaker Breslin: "Representative Krska. Bob Krska. Is the Gentleman in the chamber? He is not, remove him from the Roll Call."

McCracken: "Representative Novak?"

Speaker Breslin: "Representative Phil Novak, Representative Novak is in the chamber."

McCracken: "Representative Turner?"

Speaker Breslin: "Representative Turner is in the chamber."

McCracken: "Representative Martinez?"

Speaker Breslin: "Representative Martinez, Ben Martinez, is the Gentleman in the chamber? He is not, remove him from the Roll Call."

McCracken: "Representative Capparelli?"

Speaker Breslin: "Representative Capparelli, Ralph Capparelli is in the chamber."

McCracken: "I see him."

McCracken: "Representative Terzich?"

Speaker Breslin: "Representative Terzich. Bob Terzich, is the Gentleman in the chamber? He is not voting. Representative McCracken, several people have returned to the chamber."

McCracken: "Yes, they can be verified, you can call them off

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now."

Speaker Breslin: "They have already been removed from the Roll Call. Representative Braun, Representative Davis, add these people voting 'aye', Mr. Clerk. Representative Rice, Representative Jones, Representative Brunsvold. Representative Satterthwaite asks leave to be verified and she does have leave. Representative McGann asks leave to be verified and he has leave. Add Representative Davis to the Roll Call voting 'aye'. Add Representative Flowers to the Roll Call voting 'aye'. Representative Shaw votes 'aye', add him to the Roll Call. Representative Jones votes 'aye'. Representative Berrios asks leave to be verified. Representative Ben Martinez has returned to the chamber, add him to the Roll Call voting 'aye'. Representative Satterthwaite votes 'aye'. Representative Keane asks leave to be verified, and he has leave. Representative LeFlore asks leave to be verified, you voted personally."

McCracken: "Ready? Representative Flinn?"

Speaker Breslin: "Any...Representative Monroe Flinn. The Gentleman is not in the chamber, remove him from the Roll Call. Excuse me, he wasn't voting, is that correct, Mr. Clerk?"

Clerk O'Brien: "No, I just took him off."

Speaker Breslin: "I see. He's removed."

McCracken: "Representative Richmond?"

Speaker Breslin: "Representative Bruce Richmond, is the Gentleman in the chamber? He is not, remove him from the Roll Call."

McCracken: "Representative Christensen?"

Speaker Breslin: "The Gentleman is excused and he is not voting."

McCracken: "Representative Van Duyne?"

Speaker Breslin: "Representative Van Duyne, LeRoy Van Duyne, Representative LeRoy Van Duyne. The Gentleman is not in

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the chamber, remove him from the Roll Call."

McCracken: "Representative Steczo?"

Speaker Breslin: "Representative McNamara asks leave to be verified, and he has leave. Representative Hartke."

Hartke: "How am I recorded?"

Speaker Breslin: "You are recorded as voting 'no'."

Hartke: "Change my vote to 'aye'."

Speaker Breslin: "The Gentleman changes his vote from 'no' to 'aye'. Representative Hartke. And Representative Matijevich has returned to the chamber, add him to the Roll Call."

McCracken: "Did you rule on Representative Steczo?"

Speaker Breslin: "Excuse me?"

McCracken: "Oh, he's not voting."

Speaker Breslin: "Representative DeJaegher, for what reason do you seek recognition? He changes his vote from 'no' to 'aye'. Representative Stern asks leave to be verified, does she have leave? She does."

McCracken: "Okay, Representative Farley?"

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

McCracken: "Representative Mautino?"

Speaker Breslin: "Representative Mautino, Rich Mautino. Is the Gentleman in the chamber? He is not, remove him from the Roll Call."

McCracken: "Representative Ronan?"

Speaker Breslin: "Representative Ronan. Al Ronan, is the Gentleman in the chamber? He is not, remove him from the Roll Call."

McCracken: "Representative Hicks?"

Speaker Breslin: "Representative Hicks. He is in his chair."

McCracken: "Nothing further."

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Speaker Breslin: "Representative Breslin changes her vote from 'no' to 'aye'. On this question there are 60 voting 'aye', 44 voting 'no', 1 voting 'present' and the Motion carries. The Bill is on Third Reading. The next Bill...the next Order of Business is the Special Order of Business dealing with personnel and pensions. The first Bill appears on page 5 on your Calendar, House Bill 12. Representative Capparelli. Representative Capparelli. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 12, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Third Reading. On page 5 appears House Bill 253, Representative Wolf, Sam Wolf. Clerk, read the Bill."

Clerk O'Brien: "House Bill 253, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "No Motions filed."

Speaker Breslin: "Representative Wolf, for what reason do you seek recognition? On the Amendment?"

Wolf: "Amendment #2, Madam Speaker, has been filed."

Speaker Breslin: "Have you found that Amendment, Mr. Clerk? Yes, proceed on the Amendment, Representative Wolf."

Wolf: "Thank you, Madam Speaker and Members of the House. Amendment #2 is simply a technical Amendment which in referring to the attainment of age 70 in Amendment #1, simply makes the Act effective January 1, 1988. And I would move for its adoption."

Speaker Breslin: "The Gentleman moves the adoption of Amendment 2 to House Bill 253, is there any questions? Hearing none

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the question is, 'Shall Amendment 2 be adopted?' All those in favor say 'aye', all those opposed 'no'. In the opinion of the chair the 'ayes' have it. Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. On page 7 appears House Bill 2996, Representative Preston. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2996, a Bill for an Act to amend the Open Meetings Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "No Motions or Amendments."

Speaker Breslin: "Third Reading. On page 14, appears House Bill 4064, Representative Berrios. Out of the Record. On page 16 appears House Bill 4213, Representative Cullerton. Representative Cullerton. Clerk, read the Bill. Representative Wolf asks permission to have the Bill heard. Read the Bill."

Clerk O'Brien: "House Bill 4213, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. On page 16, appears House Bill 4214, Representative Cullerton-Wolf. Clerk, read the Bill."

Clerk O'Brien: "House Bill 4214, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments."

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen, going to the Order of Business of seniors and the handicapped.

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Special Order of Business on page 8 on the Calendar, appears House Bill 3020, Representative Dunn. Do you wish that Bill called? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 30...3020, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "No Motions filed. Floor Amendment #2, offered by Representative Homer."

Speaker Breslin: "Representative Hultgren."

Clerk O'Brien: "Homer."

Speaker Breslin: "Excuse me, Representative Homer."

Homer: "Thank you, Madam Speaker. The Amendment was suggested by a legal practitioner in my district to deal with a practical problem experienced by lawyers in administrating estates by way of small estate affidavit. Because of a legal technicality, the date of transfer of automobiles, for purpose of the transfer tax that we impose is considered the date of death. There are a few instances where attorneys have been able to get the small estate affidavit procedure resolved within thirty days and as a result clients are being forced to pay penalties. This Bill would simply allow for a six month period of time, a reasonable period of time within which to pay the transfer tax to the State of Illinois. And I would answer questions and if none then move the adoption."

Speaker Breslin: "The Gentleman moves the adoption of Amendment #2 to House Bill 3020. And on that question is there any discussion? The Gentleman from Cook, Representative Preston."

Preston: "Thank you, Madam Speaker. I just wanted to ask the Gentleman if he could explain what the HAM plate Amendment means. Why is this called the HAM plate Bill, to start

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with?"

Homer: "Well, you're asking the Sponsor of the Amendment, actually your seat mate is the person who introduced this Bill. And if you lean over and whisper in his ear he may be able to tell you."

Preston: "He didn't understand the question last time when the Bill came up."

Homer: "I would yield to him, however, for an explanation of that because that's beyond the purview of my Amendment."

Speaker Breslin: "Representative Dunn."

Dunn: "I'll be glad to bring you a nice pork chop if you will eat it. And then we'll discover what HAM is really about."

Speaker Breslin: "I thought you were going to say we have plenty of hams in this Assembly. Okay, Representative Homer. The question is, 'shall Amendment #2 be adopted?' All those in favor say 'aye', all those opposed 'no'. In the opinion of the Chair the 'ayes' have it. Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Granberg, are you ready on that insurance Bill? Ladies and Gentlemen, while we're waiting we'll go to the Consent Calendar. We'd like to move those Bills that are, that were held on Second Reading to Third Reading. First Bill is House Bill 3655, this is... the Bill's on Second Reading on the Consent Calendar. Those that did not move to Third Reading. We're going to see if Members are ready to move their Bill to Third Reading. The first Bill is Representative O'Connell's Bill, House Bill 3655. Clerk, read the Bill."

Clerk O'Brien: "House Bill 36..."

Speaker Breslin: "Out of the Record. House Bill 3700, Representative Ewing. Out of the Record. Representative Ewing on House Bill 3700. Mr. Clerk, read the Bill."

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Clerk O'Brien: "House Bill 3700, a Bill for an Act to amend Sections of the Consumer Fraud and Deceptive Business Practice Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "No Motions filed. Floor Amendment #2, offered by Representative Ewing."

Speaker Breslin: "Representative Ewing."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, Amendment #2 has been given to me and with the understanding that all of the parties that have been working on this cleanup language dealing with title insurance have agreed to this wording and I would ask for the adoption of this Amendment."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment #1 to House Bill 3700. And on that question is there any discussion? Excuse me, this is Amendment #2, is it, Mr. Clerk?"

Clerk O'Brien: "Number 2, right."

Speaker Breslin: "Yes, Amendment #2. Is there any discussion? Hearing none the question is, 'Shall Amendment 2 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it, the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. On page 2, appears House Bill 3769, Representative Myron Olson. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3769, a Bill for an Act to amend the State Employees Group Insurance Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "No Motions filed. Floor Amendment #2, offered by Representative Myron Olson."

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Speaker Breslin: "Representative Olson on Amendment #2."

Olson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would like to withdraw Amendment #2."

Speaker Breslin: "Withdraw #2, any further Amendments?"

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

Speaker Breslin: "Representative Olson."

Olson: "Amendment #3 deals with the text of the Bill, which amends the State Employees Group Insurance Act. And Amendment #3 specifically says, nothing contained in this Amendatory Act of 88 shall be construed to permit unilateral changes in health insurance plans by qualified units of local government for employees who are members of established bargaining units pursuant to the Illinois Public Relations Act or the Illinois Educational Labor Relations Act without negotiation between the labor organization representing the affected employees and the appropriate units of local government. And we're also renumbering Section 2 to Section 3. The essence of that means that if there is a contract locally negotiated which is better than one which might come through CMS than that would be subject to negotiation. I move the adoption of the Amendment."

Speaker Breslin: "The Gentleman moves the adoption of Amendment #2 to House Bill 3769. On that question the Gentleman from Cook, Representative Terzich."

Terzich: "Yea, Representative Olson, is this the Bill that allows the Central Management Services to go into the insurance business?"

Olson, M: "This is the similar Bill to the one that you debated with Representative Black in Executive. Yes, it is."

Terzich: "Well, is that what that...this Bill does? It allows Central Management Services to go into the group insurance

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business with local municipalities."

Olson, M.: "It permits them at the request of local units of government, particularly small ones to..."

Terzich: "Does this Amendment that you're offering, does this have a provision where that they will not commingle any of the funds or experience or losses or anything?"

Olson, M.: "This does not deal with the issue of commingling of funds, this is an AFSCME Amendment, which suggests that they would like the opportunity to negotiate rather than a unit of local government or whatever form to go straight forward to CMS."

Terzich: "Well, than what you're saying is that if some municipalities got some union negotiated plan that Central Management Services would allow them to adopt that into the group insurance plan?"

Olson, M.: "No, it's exactly the opposite, the essence of the Amendment is that if they have a plan which is subject to negotiation, it must be negotiated, rather than going straight forward to CMS."

Terzich: "Then if it's a negotiated plan than they couldn't get the insurance through Central Management Services?"

Olson, M.: "No, what this Amendment says that every... anything in this nature must be negotiated."

Terzich: "Madam Speaker."

Olson, M.: "Excuse me. It means that any proposal of this nature must be negotiated in the labor contract."

Terzich: "Then what happens?"

Olson, M.: "Well, if it goes forward. For example, let's say that the local option previously held is in better form than it would not go forward to CMS."

Terzich: "Madam Speaker, you know the noise level is quite high, I really can't hear what the Sponsor is saying. That was a powerful stroke."

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Olson, M.: "Alright, you want me to start that over, Bob?"

Terzich: "Yes."

Olson, M.: "Alright, this Amendment is offered by AFSCME, and in behalf of the other labor organizations and suggests nothing contained in this Act shall be construed to permit unilateral changes in health insurance plans by qualified units of local government for employees who are members of established bargaining units such as, AFSCME, IEA, without negotiations between the labor organizations representing the affected employees and the appropriate units of local government. This is not to the essence of the Bill. This is an Amendment which they offer."

Terzich: "Alright, but would you basically accept an Amendment also on this Bill which would basically not allow the Central Management Services to commingle or in any way, shape or form have this type of an insurance plan associated with the State Employees Group Insurance Plan?"

Olson, M.: "The nature of the legislation in place it does not permit it to be commingled now. It is oversighted by the economic and fiscal. So I don't think an Amendment is appropriate or necessary to the nature of which you suggest."

Terzich: "Well, you're suggesting that they go into the insurance business and utilizing the state employees plan, I assume then we could also have a stipulation as that Central Management Services would not commingle this insurance plan with the state employees program. I understand it's supposed to stand on its own so I would assume, then that you wouldn't be having any objections."

Olson, M.: "The funds will not be commingled because of an auditing procedure, Representative Terzich."

Terzich: "But could we put that legislatively and make sure that..."

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Olson, M.: "I don't think it's required, I'd like to vote on this Amendment in the form in which it is."

Terzich: "Okay."

Speaker Breslin: "Any further discussion? The Gentleman from Livingston, Representative Ewing."

Ewing: "Madam Speaker, this is an important Bill and I couldn't understand what the Sponsor was saying. Could he give us a little better explanation of this Amendment?"

Speaker Breslin: "Representative Olson."

Olson, M.: "I will read the Amendment exactly as it is written."

Ewing: "No, Representative, I'd rather you'd explain it if that's possible."

Olson, M.: "Well, it would be possible if I could have your full and undivided attention, Representative Ewing."

Ewing: "Your muttering again, I can't understand you."

Olson, M.: "This is an AFSCME Amendment."

Ewing: "Madam Speaker, just skip it he can't explain it."

Speaker Breslin: "The question is, 'Shall Amendment 3 to House Bill 3769 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the chair the 'ayes' have it and the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Oh, excuse me, a fiscal note has been requested on this Bill, Representative Olson, so the Bill has to remain on the Order of Second Reading. Representative Giglio in the Chair."

Speaker Giglio: "Alright, On page... The Chair now is going to go to the Order of Business Regulations. We'll take those that are on Second Reading so we could move those to Third hopefully. On page 6 of the Calendar appears House Bill 1573, Representative Giorgi. Representative Giorgi in the chamber? 1573. You ready, Sir? Would you like this Bill

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called, Representative Giorgi? The Landscape Architect Bill, Representative Giorgi. Out of the Record, Mr. Clerk. How about Representative Johnson on 2925? The Chair would like to make a suggestion, it's not...we're not going to have very much time to go back to these Bills. If you're interested in having these Bills moved from Second to Third, I would suggest that you be in the chamber and have these Bills called. There will not be enough time for these Bills to be moved forward. Representative Johnson on House Bill 2925. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2925, a Bill for an Act to amend the Board of Registration Safety Act. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Giglio: "Third Reading. House Bill 3714, Representative White. Is Representative Jesse White in the chamber? Out of the Record. Representative Levin, Representative Levin in the chamber? Out of the Record. Representative... Representative Laurino in the chamber, 3900? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3900, a Bill for an Act to amend the Illinois Vehicle Code. 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...Floor Amendment #3, Laurino, amends House Bill 3900, so forth."

Speaker Giglio: "Representative Laurino, on Amendment #3."

Laurino: "Mr. Speaker, I believe unless it's mislabeled I've got Amendment #2 that's strictly a technical Amendment. Is there a possibility of it being..."

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Speaker Giglio: "Is there...the inquiry is that you have three, you don't know if there was a two?"

Laurino: "I've got Amendment #2 filed on my desk that is strictly a technical Amendment. We adopted one in committee, I would assume two would follow from the floor."

Speaker Giglio: "There was a Motion filed in committee not to adopt Amendment #2."

Laurino: "Oh, well than maybe. Would the Clerk read Amendment #3 then, this way I'll know if it's..."

Clerk O'Brien: "Amendment #3 amends House Bill 3900 as amended with reference to page and line numbers of Amendment #1, on page 2 line 11 by deleting on and inserting in lieu of or..."

Laurino: "That's fine."

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

Laurino: "Okay, Amendment #3 is strictly a technical Amendment, it corrects a typographical error, deleting the word on and inserting the word or."

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 Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #4 offered by Representative Terzich."

Speaker Giglio: "Representative Terzich, on Amendment #4."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #4 is a basically a technical Amendment, what it does is, it replaces the presentation of the ID Card and replaces it with a sticker that the Secretary of State upon an application for the license plates would issue a sticker and would make a visible notification that the automobile that the license was applied for is insured. It certainly would help out throughout the State of Illinois. Would

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replace the identification card but still the onus on the driver to furnish proof that they do have insurance. When the person makes application for the insurance, whoever is distributing the plates after verification that that individual does have insurance they would be issued a sticker, the same way as they have annualized stickers at the present time. And would also make available for every automobile in the state visual notification of whether or not that vehicle is insured and I think it's a good Amendment and should receive its...your support."

Speaker Giglio: "Any discussion on the Amendment? The Repre...the Gentleman from Cook, Representative Laurino."

Laurino: "Well, Mr. Speaker, I'm against this particular Amendment. For the simple reason the Secretary of State's not in the insurance business. His responsibility is to make sure that you get your license plates and your driver's license and so on and so forth. Such a sticker that Representative Terzich is talking about would not prove that the automobile is covered by insurance because there is no way in the world to keep up with that type of a amount of sticker decal type of a situation if the people are getting there, are paying there insurance monthly, that means that they would have to go back to the Secretary of State monthly. There would have to be a different code coloring. It would... it's just ludicrous and I strongly urge the defeat of this Amendment."

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

Pedersen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I com..I certainly commend Representative Terzich for this imaginative and foresightful Amendment. This Bill... the basic Bill is certainly something that we shouldn't have...but the Amendment certainly improves it."

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I think that we should go with this. It's certainly going to make it a lot easier, it's going to be easier to check and all you got to do is look at the car and there's the decal, a big improvement, Representative, and I wholeheartedly support your recommendation."

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

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

Speaker Giglio: "He indicates he will."

Weaver: "Representative Terzich, on the decals, do you have...could you give us an idea, a general ballpark figure on the cost of these things?"

Terzich: "Well, number one, the cost is, you know, very minimal in the fact that one of the reasons for this is that the Bill basically proposes that when a person makes application for his license plates, he has to show or make a statement that he has insurance. And therefore, and supposedly, they have a check of ID cards. All you do is...the same way that you get your sticker when you make that statement that you do have insurance, then you are also issued a sticker with your license plates sticker. You will affix that and then you will have a visual observation of whether or not that that vehicle has insurance. And they still will...still would have the proof of burden to check and so on. But you wouldn't know whether or not a person had insurance, whether he had his plates or not. This is simply a visual check and you would be able to see every vehicle that is supposedly have insurance by that decal. Now, if they violate that, if they have one that's invalid, then the same penalty would go if they had an invalid ID card or if they didn't have any insurance, so the same penalties would apply if they didn't have an ID card, but that...decal will give a visual

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identification of every vehicle that has applied for plates and that has automobile insurance."

Weaver: "Is it your idea, then, that these would be the same...same type of stickers that we put on the license plates?"

Terzich: "It could be similar, different colors for different months for termination because each year you have to renew your plates and you'll have to make the statement that you have insurance when you're applying for the plate."

Weaver: "Where would these be placed?"

Terzich: "That we'd leave up to the Secretary of State. It could be on the rear, the window, it could be on...it could be anywhere. All I'm saying is that a decal will give you a visual observation of whether or not that person does have insurance and it's applied for."

Weaver: "What would happen, say, if some of the people who are not quite as responsible as they should be, who take out an insurance policy and get a sticker and then simply don't pay the premiums?"

Terzich: "I said that the same penalties would apply that if they had an identification card and they said that they had insurance and the ID card was invalid. You'd have the same penalties, because an ID card doesn't say anything other than you may be insured or you may have certain coverages which could also be invalid. The same penalty provisions would apply as if you had a...a ID card that was invalid or you didn't have any insurance. But this will give you a visual observation of the automobile as to whether or not that car supposedly has insurance. And if they don't have that sticker, or if it's an invalid sticker, then they would be subject to the same penalties as if they didn't have an ID card."

Weaver: "But simply by their having the sticker on the car

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doesn't necessarily mean that they're insured."

Terzich: "Definitely not. You're correct."

Weaver: "So what is the purpose of having the sticker if it doesn't imply that they're insured?"

Terzich: "The same way that what's the sense of having an identification card? All this is as I said that it will give you a visual observation of a person that when he applies for the...his license plates that he makes a statement that he has insurance. How do you know whether or not he has...how does a peace officer or anybody know whether or not he has a valid card or is insured or he's not insured. It will show a visual observation and if they put a fraudulent sticker on their automobile that says that they have insurance, then be subject to the same penalty as if they didn't have their ID card or they had an invalid ID card."

Weaver: "Mr. Speaker, to the Amendment."

Speaker Giglio: "Proceed."

Weaver: "The...I think the Sponsor's ideas are correct and probably well founded. However, we're basing two wrongs to try and correct one right. We have, probably, an ID card and a sticker, neither one of which is going to prove unequivocally that the car is insured and if we can't prove it, why have it? I think we really ought to take a harder look at this and go back from the beginning and start over again. So I recommend that we probably ought to defeat this Amendment."

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

McCracken: "Thank you, Mr. Speaker, I think that your position on this Amendment does not have to reflect your position on the underlying Bill. This...this Amendment is well-intentioned, of course, but is not consistent with the

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regulatory scheme which the underlying Bill envisions. Secretary of State is charged with the responsibility for the underlying Bill for the enforcement of that...regulation created by the underlying Bill. And the Secretary's office feels that this will not ensure enforcement of the law's provisions if it were passed. The mere checking of the box on the application and the requirement that a sticker be given as a result of that is not sufficient to allow for the proper enforcement of the Bill. Under the Bill, as currently drawn, there is an insurance card required to be produced upon demand. That insurance card is already provided for or, at least available for, the insurance companies' use. I'm told in most states that it's standard. So that that enforcement comes directly from the insurance company and is actual proof of the existence of the insurance, not merely the assertion by the driver or the owner of the vehicle that he is, in fact, insured. I know it's something that the Sponsor feels strongly about, but I think that given the regulatory scheme of the underlying Bill, we should not support the Amendment."

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

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. One of the problems with the underlying Bill that as proposed, is that we don't have enough people in the Secretary of State's office to police those people who do not have mandatory car insurance. And if that, in fact, is a basic problem, a basic flaw with the legislation that is underlying this Bill...this Amendment, in fact, gives those police and Secretary of State's officers the opportunity to just look at the car as it goes by to make sure that they're in compliance with the law. That's all that people want. They want people to have insurance and this will

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give those people that are charged with the responsibility of enforcing the law the opportunity to check them as they go by and if the sticker's there, they know that they have insurance. I think this is a good Amendment. We should support it."

Speaker Giglio: "Further discussion? Representative Terzich to close."

Terzich: "Yes, as I mentioned that this is a very good Amendment because #1 it gives a visual observation. As a matter of fact, the Bill doesn't really cover all automobiles or trucks or anything in the State of Illinois. So what we're saying is, are we insuring the person driving the vehicle or are we insuring the vehicle? The provision of the Bill is supposedly that all automobiles or vehicles in the State of Illinois are supposedly insured whether they're self-insured, whether they're a truck or a motorcycle or an automobile. That if the Secretary of State is truly concerned to make sure that everyone does have insurance that applies for it that this sticker will simply be a verification that will help law enforcement, it will help the citizens of the State of Illinois to know who the insured drivers are and who the uninsured drivers are. It costs very little, if any money and it's a well thought out Amendment and I'd appreciate your favorable support."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Oh, my God. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 12 voting 'yes', 87 voting 'no', 5 voting 'present' and the Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #5, offered by Representative Laurino."

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

Laurino: "Thank you, Mr. Speaker. Amendment #5 attempts to clarify the Bill in direct response to the people that came to the committee and raised some questions, namely Representative Dunn and some of the insurance people that testified against the Bill. I think it's a good Amendment and I urge its adoption."

Speaker Giglio: "Any discussion? Hearing none, all those in favor signify by saying 'aye', those opposed 'nay' and in the opinion of the Chair the 'ayes' have it and Amendment #5 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. House Bill 3790. 3714, Representative White. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3714, a Bill for an Act to amend the Regional Transportation Authority Act. Second Reading of the Bill. No Committee Amendments. I read 3914. House Bill 3714, a Bill for an Act to amend the Condominium Property Act. Second Reading of Bill. No Committee Amendments."

Speaker Giglio: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative White and Levin."

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

White: "Mr...Mr. Speaker and Ladies and Gentlemen of the House, this Bill was heard in the Executive Committee and I promised our...the committee that I would not proceed with the Bill if I did not have the support of all concerned parties. And at this time I do have the support of those who were concerned about this piece of legislation and it is a...encompassing Amendment #1 and at this time, I'd like to refer to Representative Levin for Amendment #1 to House Bill 3714."

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Speaker Giglio: "Any discussion? Representative Levin."

Levin: "Yes, thank you, Mr. Speaker. First, as is my custom, I'd like the record to reflect that I am associated with a law firm that does represent condominium associations. Amendment #1 embodies the results of the discussion in the Executive Committee. It strikes everything after the enacting clause and deals with some of the problems which have come up in situations in Representative White's district, condominiums which suggest a need for legislation. The three major issues that are dealt with in the Amendment are first of all, it clarifies the procedures when you vote and there is a land trust. Secondly, it deals with the question where a board does not provide access to the books and the records that current law gives to unit owners. And thirdly, it deals with the problem of where a board member of a condominium enters into a contract with the condominium. If there are particular questions, I'll be happy to answer them. This has been extensively reviewed and is very much narrowed in terms of what it does."

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

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

Speaker Giglio: "He indicates he will."

McCracken: "I am advised that at one time the executive council of the Real Property Law Committee of the Chicago Bar Association was opposed. Have you seen a letter to that effect or does this Amendment address those objections in particular?"

Levin: "This Bill...with this Amendment has been...radically changed. I was not involved in the initial drafting of this legislation. It had problems with it that, in talking with what realtors had and other groups have, this

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Amendment attempts to take care of those problems. One of the problems that existed before was the Bill as introduced dealt with the issue of air rights, which is a unique problem in terms that one of the condominiums in Representative White's district, that I was in fact involved in. That's out of the Bill. The Bill is now consistent with what we have done in the past in terms of the Condominium Property Act. We...we worked with the realtors..."

McCracken: "Alright, let me ask another question. Maybe I'll get my answer. Is there now any prohibition or, strike that, any requirement that a right of first refusal be given to a contiguous land owner?"

Levin: "No. That's, I think, the air rights issue you were talking about."

McCracken: "And that's been deleted entirely?"

Levin: "That's correct."

McCracken: "So, whatever law governs air rights issue is unaffected by the Bill."

Levin: "That's correct."

McCracken: "Alright. What about self-dealing? Are there still provisions in the Bill regarding self-dealing?"

Levin: "That has been extensively changed. There are provisions, but it's in the...at this point, in line with disclosure as opposed to prohibition. The..."

McCracken: "Alright, so you don't have an absolute prohibition any more. You propose to deal with it by disclosure and abstention?"

Levin: "The Bill...the Amendment provides that where a contract is entered into by a condominium board with an entity, with a member of the board, or corporation that he's an officer of, there has to be disclosure to the unit owners after that board meeting that approves that and the unit owners

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can then, if they see fit, if 20% want to call a membership meeting to vote on the issue, they then would have the opportunity. It's a backdoor referendum approach."

McCracken: "How does that change current law? Is there any statutory law governing self-dealing now?"

Levin: "There is no law currently dealing with self...dealing with..."

McCracken: "What's the common law or the case law?"

Levin: "We do provide that board members of condominiums occupy a fiduciary relationship with the unit owners."

McCracken: "Alright, well let me...let me ask this question. Under current law, is the self-dealing largely left up to the contracting parties or are there some standards for self-dealing if...if...which if violated would void or be voidable at the option of the objecting party?"

Levin: "That is a question that has not been litigated and I really don't know what the answer is."

McCracken: "Alright. Thank you."

Speaker Giglio: "Further discussion? The Gentleman from McHenry, Representative Klemm."

Klemm: "Thank you, Mr. Speaker. The Sponsors of the Amendment are correct. They came to the committee and had some problems or some questions were raised, I know, particularly on our side of the aisle. They attempted, I think, in an honorable way to clarify all the provisions that were asked and I think they've successfully done so and I think the Amendment seems to be in order. I support it. Thank you."

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

White: "Mr. Speaker, Ladies and Gentlemen of the House, I think the Amendment has been properly explained and I now ask for you to support my effort to pass Amendment 1 to House Bill

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3714."

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

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. Representative Levin, 3790, do you want to hear this Bill, Sir? 3790."

Levin: "I guess, yes. Why don't we move it."

Speaker Giglio: "You want to move it?"

Levin: "Yea, I think we're going to come back for an Amendment later, but why don't we move it with the understanding that we will come back for the Amendment."

Speaker Giglio: "Mr. Clerk, read 3790."

Clerk Leone: "House Bill 3790, a Bill for an Act to amend the Medical Practice Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk Leone: "No Floor Amendments."

Speaker Giglio: "Representative Levin."

Levin: "This has now been read a second time?"

Speaker Giglio: "Yes, we're ready to move it to Third if you would desire..."

Levin: "Leave it on Second, then."

Speaker Giglio: "Leave it on Second. The Bill will remain on the Order of Second Reading. Alright, on this Order of Business appears Senate Bill 566 on the Order of Second Reading, the Gentleman from Cook, Representative LeFlore, Senate Bill 566."

Clerk Leone: "Senate Bill 566, a Bill for an Act concerning the regulation of the practice of respiratory therapy. Second

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Reading of the Bill. Amendments #1 and 2 were adopted in committee."

Speaker Giglio: "Are there any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk Leone: "No Floor Amendments."

Speaker Giglio: "Third Reading. On this Order of Business, Business Regulations, we will now go to Third Reading, final action. On page 18 of the Calendar appears House Bill 917, Representative Brunsvold. Representative Brunsvold in the chamber? Out of the record, Mr. Clerk. Representative Mautino on 972. Sir, are you ready? Final action. House Bill 972. Mr. Clerk, read the Bill. Hold on. Excuse me. It's on postponed consideration. Out of the record. Representative Braun in the chamber? Representative Steczo? Representative Steczo in the chamber? Representative Dunn? 3298, Third Reading. Are you ready, Sir? Alright to call this Bill? House Bill 3289. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3289, a Bill for an Act to amend the Hearing Aid Consumer Protection Act. Third Reading of the Bill."

Speaker Giglio: "Mr. Dunn, the Gentleman from Decatur."

Dunn: "Mr. Speaker, this Bill has to come back to Second for an agreed Amendment. I would ask leave to return this Bill to the Order of Second Reading for the purposes of an Amendment."

Speaker Giglio: "Does the Gentleman have leave? Leave on Attendance Roll Call. Leave is granted. The Bill's on Second Reading. Mr. Clerk."

Clerk Leone: "Floor Amendment #1 is being offered by Representative Dunn and Kubik."

Speaker Giglio: "The Gentleman from Decatur, Representative

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Dunn."

Dunn: "Thank you, Mr. Speaker. Floor Amendment #1 is an agreed Amendment. There...at the time this Bill was considered in committee, the interested parties were working on agreed language. That language has been agreed upon and Amendment #1 is an agreed Amendment. I made a commitment in Committee to bring this Bill back to Second Reading for the purposes of this Amendment and I would urge adoption of Amendment #1 to House Bill 3289."

Speaker Giglio: "The Gentleman...the Gentleman asks leave to...the Gentleman asks for the adoption of Amendment #1. All those in favor signify by saying 'aye', those opposed 'nay' and in the opinion of the Chair, the 'ayes' have it and Amendment #1 is adopted. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. The Gentleman wants to have the Bill called now on Third. He moved it from Third to Second with an Amendment, now we're back on Third. Does the Gentleman have leave...Attendance Roll Call to hear this Bill? Leave is granted. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3289, a Bill for an Act to amend the Hearing Aid Consumer Protection Act, Third Reading of the Bill."

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

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3289 is cleanup language in connection with the Hearing Aid Consumer Protection Act which was passed by this General Assembly a few years ago. The purpose of this language is to...or the purpose of this Bill is to incorporate a number of changes that have been recommended by the professionals in this field. And it has

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been signed off by all interested parties and I would ask for a favorable vote on House Bill 3289. I know of no opposition at this point."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of House Bill 3289 signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? The Gentleman from St. Clair, Representative Monroe Flinn."

Flinn: "Well, Mr. Speaker, while they're voting on this, I don't want to speak on the Bill, but I'd like to announce some sad news for John Cullerton. The Cubs lost to the Cardinals three to nothing."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', none voting 'no', none voting 'present' and this Bill having received the Constitutional Majority is hereby declared passed. The Gentleman from Cook, Representative Leverenz. Are you ready on 3537? Out of the record? Representative Hultgren? Are you ready, Sir? House Bill 3607. Mr. Clerk, read the Bill."

Clerk Leone: "On page 21 of the Calendar, House Bill 3607, a Bill for an Act to amend the Boat Registration and Safety Act, Third Reading of the Bill."

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

Hultgren: "Thank you, Mr. Speaker and fellow Members of the House. House Bill 3607 is an attempt to exempt from the canoe registration requirement certain not for profit organization canoes that are used on private waterways. When we licensed canoes and required the fees to be paid a couple of years ago, we didn't realize that we were creating a substantial hardship on not for profit

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corporations which have not just one canoe, but in fact, a fleet of canoes. This is an attempt to address that problem and would ask for a favorable Roll Call and be glad to answer any questions."

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

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

Speaker Giglio: "He indicates he will."

Young: "How much is this fee?"

Hultgren: "I'm sorry?"

Young: "How much is the fee that we're waiving."

Hultgren: "My understanding is the fee is \$6.00 and in...the case of an individual canoe, that's not probably significant but where...for example, a not for profit camp or something like that might have as many as a hundred canoes, it's a significant expenditure."

Young: "Thank you."

Speaker Giglio: "Further discussion? All those in favor of the Bill signify by voting 'aye', those opposed 'nay'. The voting is open. 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 109 voting 'yes', none voting 'no', 1 voting 'present'. House Bill 3607, having received the Constitutional Majority is hereby declared passed. Representative Martinez. Are you ready on House Bill 3789, Sir? House Bill 3789, do you want that Bill heard? On Third Reading, Sir. Out of the record. We're going to return to Representative Steczo's Bill. Representative Steczo in the chamber? House Bill 3024, Mr. Clerk. Read the Bill."

Clerk Leone: "House Bill 3024, a Bill for an Act to amend an Act in relationship to the licensing of clinical psychologists. Third Reading of the Bill."

Speaker Giglio: "Representative Steczo."

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Steczo: "Thank you, Mr. Speaker. I'd ask leave to bring House Bill 3024 back to the Order of Second Reading for purposes of an Amendment, please."

Speaker Giglio: "Does the Gentleman have leave? Attendance Roll Call to bring this Bill back to the Order of Second Reading for the purpose of an Amendment. Leave is granted. Mr. Clerk, read the Bill. Has the Amendment been distributed?"

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

Speaker Giglio: "Representative Steczo."

Steczo: "Thank you, Mr. Speaker. Withdraw Amendment #3, please."

Speaker Giglio: "Withdraw Amendment #3. Are there further Amendments?"

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

Steczo: "Thank you, Mr. Speaker. Amendment #4 is a cleanup Amendment that provides technical changes. I move for its adoption."

Speaker Giglio: "The Gentleman moves for the adoption of Amendment #4. All those in favor signify by saying 'aye', those...the Gentleman from DuPage, Representative McCracken."

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

Speaker Giglio: "Indicates he will."

McCracken: "We have Amendments 5 and 6 which are technical."

Steczo: "Correct."

McCracken: "Is 4 just essentially a rewrite of the underlying Bill, is that it?"

Steczo: "Representative McCracken, yes. We had taken a few lines of technical language to the reference bureau and we wound up getting a 15, 16 page Amendment back, but it is all technical."

McCracken: "Okay, thank you."

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Speaker Giglio: "All those in favor of the Amendment...the Gentleman from Coles, Representative Weaver."

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

Speaker Giglio: "He indicates he will."

Weaver: "Under...under your Amendment, Terry, would the...a student who is acting as a group facilitator still be able to perform as a group facilitator without licensure."

Steczo: "Representative Weaver, in response, the people that are...that are currently able to do that today under the current Act?"

Weaver: "Under your Amendment."

Steczo: "Yes, but I'm saying...the people who are able to do that today under the current Act, will still be able to continue to do that under the Act we hope to pass."

Weaver: "Okay, it's still permissive then."

Steczo: "Correct."

Weaver: "Okay, thank you."

Speaker Giglio: "Further discussion? 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. Are there further Amendments?"

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

Speaker Giglio: "Representative Steczo."

Steczo: "Thank you, Mr. Speaker. Again, Amendment #5 is one technical change, changing the word 'accepted' to 'excepted' and I would move for its adoption."

Speaker Giglio: "Any discussion? 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 #5 is adopted. Are there further Amendments?"

Clerk Leone: "Floor Amendment #6, offered by Representative

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McCracken."

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

McCracken: "Thank you, Mr. Speaker. Amendment #6 is also technical. Our staff saw it after Amendment #5 was distributed. It deletes a comma and adds an 'and' or something like that."

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 Amendment #6 is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. The Gentleman asks leave to have this Bill heard at this time on the Order of Third Reading. The Gentleman have leave... the Attendance Roll Call? Leave is granted. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3024, a Bill for an Act to amend an Act in relationship to the licensing of clinical psychologists, Third Reading of the Bill."

Speaker Giglio: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 3024 is the rewrite of the Clinical Psychologists Licensing Act. The Bill is necessary to prevent the 1988 sunset of the Act. The Governor vetoed last year's Bill, asking that it be rewritten for this Spring Session and what we have done is to provide for a new license...not a...for a rewrite of existing law and not the major changes that were proposed last year. It has been...the Bill has been negotiated, I think pretty much agreed to and I would appreciate an affirmative vote."

Speaker Giglio: "Any discussion? The Gentleman from McDonough, Representative Slater."

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Slater: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Speaker Giglio: "He indicates he will."

Slater: "Representative Steczo, you say that this Bill is different from the one which we had last year which the Governor vetoed? What are the differences between this Bill and last year's Bill?"

Steczko: "Representative Slater, last year, we were...we attempted to provide something more than just a simple licensure Act. What we are...what we are doing in House Bill 30...3024 is going back to the way the Act was in prior years so there's...there's no major changes in this Act at all."

Slater: "No changes whatsoever from where we were last year, then."

Steczko: "Correct...I mean, law wise, statute wise, last year."

Slater: "I have a...I have a brother-in-law who works for a mental health agency. Does this Bill affect him whatsoever if he's a psychologist?"

Steczko: "Is he a master's level or PhD?"

Slater: "He's a master's level."

Steczko: "Does he currently have...does he currently have clinical psychologist licensure?"

Slater: "He is not a clinical psychologist. He is a psychologist. Does this Bill require that he be working under a clinical psychologist?"

Steczko: "The issue, Representative Slater, that was not resolved in this legislation was the question of master's level psychologists. The Legislature in this state, historically, has licensed only Ph, doctorate level, PhD level Psychologists so therefore, the issue of licensing or licensure of master's level psychologists is not addressed. Therefore, Sir, the law is in the same shape as it has been in previous years."

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Slater: "Tell me, if I have a brother-in-law, as you know, in this kind of business, where should I vote? What should my vote be?"

Steczo: "I'd vote yes and I would tell him that if a clinical psychologists need to be licensed or what have you, that that should be done by separate statute or separate Act."

Slater: "Let me take you back to that other question though. Is it necessary that he and that mental health agency work under the direction of a clinical psychologist as this legislation is now proposed?"

Steczo: "Representative Slater, I believe that mental health facilities may be exempted out of the Act...maybe."

Slater: "The clinical psychologist whom we are licensing here. Who works under him?"

Steczo: "People who are practicing independently."

Slater: "Thank you very much."

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

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

Speaker Giglio: "He indicates he will."

Parcels: "I have had...I agree with you that this Act is about what it was before last year. Last year made some radical changes which the Governor then vetoed, but this Bill goes back to a previous form. I saw one possible change and that was the addition of the word 'clinical' psychologist which I don't know that that was in the Bill before that, but basically it was the same Bill. However, I have had a hundred letters from constituents who tell me this is going to put them out of business. I know that is not your intention. They say, 'We will no longer be able to practice.' Is there anything in this Bill that would let a master's degree person who has been practicing, not practice?"

Steczo: "Representative Parcels, this Bill, this Act is in the

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same posture as the current state statute. The master's level people who are able to practice under the current statute will be able to practice under this statute. The debate has been that some master's level psychologists have said, 'This is a great opportunity for us to get licensure, too.' Although, the state traditionally, has just licensed PhD's. We have chosen not to address that issue and have indicated to those people who are interested in licensure at the master's level to perhaps come in with another Bill at another time and address that issue on its own because that's where...that's where it belongs. That's the arena in which it belongs, not as part of this particular Bill."

Parcells: "Thank you. That was my question. I have been answering their...their letters to that effect and I just wanted to confirm that I was correct. Thank you."

Speaker Giglio: "Further discussion? The Gentleman from Lake, Representative Frederick. I'm sorry, the Lady."

Frederick: "Yes. Thank you, Mr. Speaker. I just simply rise to support House Bill 3024. It has gone through a lot of negotiations to bring it to its present status and I think we've satisfied all the objections that were lodged against it last year. I just move for its passage."

Speaker Giglio: "The Gentleman from Cook, Representative Steczo to close."

Steczko: "Thank you, Mr. Speaker. I...I think that, as I mentioned before...should say, this Bill has been debated. It...the Governor indicated to us last year that he wanted to see us, we in the General Assembly, review...review the Act and just simply last year provided a one...one year extension and I think we have...with the exception of one group of master's level psychologists, have unanimous consent that this is an appropriate Bill and I would appreciate its passage."

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Speaker Giglio: "The question is, 'Shall House Bill 3024 pass?' All those in favor, signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'yes', 2 voting 'no', 3 voting 'present'. House Bill 3024 having received the Constitutional Majority is hereby declared passed. Representative McGann, are you ready with your House Bills on mental health, Sir? The Chair will return to the order of mental health Bills, Second Reading. Alright, on page 5 of the Calendar appears House Bill 849, Representative McGann. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 849, a Bill for an Act to amend an Act in relationship to the community sport systems for chronically mentally ill. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "The Gentleman from Cook, Representative McGann on Amendment #2 to House Bill 849."

McGann: "Thank you...Thank you, Mr. Speaker, Members of the Assembly. Amendment #2 to House Bill 849 amends the Bill to change the definition of referral plan to delete option to provide for the department intervention in the plan to insure provision of services. It requires the Department of Mental Health to secure service from an alternative provider prior to withdrawal of funds from a community health facility that is not operating according to its local service plan and...I'd ask for adoption of Amendment

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#2."

Speaker Giglio: "Any discussion on Amendment #2? Hearing none, all those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and Amendment #2 is adopted. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. House Bill 2929. Mr. Clerk, read the Bill."

Clerk Leone: "On page 7 of the Calendar, House Bill 2929, a Bill for an Act to amend an Act codifying the powers and duties of the Department of Mental Health, Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Are there any Floor...Floor Amendments filed?"

Clerk Leone: "There are none."

Speaker Giglio: "Third Reading. On page 18 of the Calendar...On House Bill 849 that was moved to Third, there was an inquiry as to whether or not the departmental fiscal note has been filed. Yes, it has and a state mandate's note has been filed, so the Bill is on Third Reading. Alright, on this Order of Business, on page 18 of the Calendar appears House Bill 2930, Representative McGann. Representative McGann, on House Bill 2930, this is Third Reading. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2930, a Bill for an Act to establish a bill of rights of persons with developmental disabilities, Third Reading of the Bill."

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

McGann: "Thank you, Mr. Speaker, Members of the Assembly. House Bill 2930 which was passed out of this House in the first part of this Session and was caught up in the Senate creates an Advisory Committee to develop a Developmental Disability Bill of Rights Implementation Plan. It contains a bill of rights and provides that rights are only

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conferred by plan and later, legislation. There is no basic cost to it in fiscal 89 and there is a date to come back to the General Assembly on January 1 of 1989, recommending the legislation and estimated cost of such implementation. This Bill comes from many hours of hearings in the state in regards to the problems with the developmentally disabled. And I would ask a green vote and I would be happy to answer any questions."

Speaker Giglio: "Any discussion? The Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As Cosponsor of this Bill, I would support the language that Representative McGann just used. You should be aware, however, that this does not pass a Bill of Rights for the developmentally disabled. We have had several initiatives on that...in area of 'aging' out for those who are developmentally disabled. Most of that legislation passed out last year. We have raised expectations in this area and at this point, what this piece of legislation does is create a study to determine what needs to be done and how much it will cost. The fiscal impact of this Bill is minimal. But please understand, once we determine the final Bill, it will probably be exceptional. The Bill, however, itself as it currently is, does not carry that price tag and I urge a 'green' vote."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of House Bill 2930 signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', none voting 'no', 1 voting 'present'. House Bill 2930, having received the

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Constitutional Majority, is hereby declared passed. Alright, now the Chair will go to the Order of State and Local Government and on that Order, Second Reading, on page 3 of the Calendar appears House Bill 3007. Representative Curran in the chamber? Out of the record, Mr. Clerk. Representative Hicks? Representative Hicks in the chamber? Out of the record. Representative Breslin? Is Representative Breslin in the chamber? House Bill 3105, Second Reading, state and local government, revenue assessment information revue. This Bill...Mr. Clerk, read House Bill 3105."

Clerk Leone: "House Bill 3105, a Bill for an Act to amend the Civil Administrative Code, Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Giglio: "Third Reading. Representative DeJaegher. Representative DeJaegher in the chamber? Mr. Clerk, House Bill 3267."

Clerk Leone: "House Bill 3267 on page 9 of the Calendar, a Bill for an Act to amend the Uniform Code of Corrections, Second Reading of the Bill. There are no Committee Amendments on House Bill 3267."

Speaker Giglio: "Any Floor Amendments?"

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

Speaker Giglio: "The Gentleman from Cook, Representative Cullerton, on Amendment #1 to House Bill 3267."

Cullerton: "Yes, this is a technical language that was necessitated by a revue of the Bill as it came out of the committee. It deletes language referring to persons committed to the DOC prior to July 14, 1983. Otherwise it doesn't affect the Bill. I'd appreciate your support."

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

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. Representative Olson, House Bill 3447. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3447, a Bill for an Act to amend the State Printings Contract Act, Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Giglio: "Third Reading. House Bill 3914, Representative McPike. 3914. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3914, a Bill for an Act to amend the Regional Transportation Authority Act, Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Giglio: "Third Reading. House Bill 4119, Anthony Young. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 4119, a Bill for an Act to amend the Civil Administrative Code. Second Reading of the Bill. There are no Committee Amendments on House Bill 4119."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Representative Young."

Young: "Withdraw Amendment #1."

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

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

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Anthony Young."

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

Young: "Withdraw Amendment #2."

Speaker Giglio: "Withdraw Amendment #2. Are there further Amendments?"

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

Speaker Giglio: "The Lady from Cook, Representative Parcells on Amendment #3 to House Bill 4119."

Parcells: "Thank you, Mr. Speaker. This Amendment provides that the Department of Transportation shall not comply with the Federal Disadvantaged Business Enterprise Program when awarding highway contracts. The reason for this Amendment is that we've had so much trouble, we've seen in the 'Tribune' that we are trying constantly to curb IDOT in all of the things they are trying to do in building roads. Everybody's happy with the specifications that we have here at the state level and therefore, I think if we withdraw from the Federal and just follow the state mandates in this area, we would be able to comply without holding up the Department of Transportation."

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

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

Speaker Giglio: "She indicates she will."

Parcells: "Yes."

Young: "Do you know what the Department of Transportation's position is on your Amendment?"

Parcells: "No, I do not know."

Young: "Well, Madam Speaker and Ladies and Gentlemen of the House, I rise in opposition to the Amendment. The department has stated that with this Amendment, the adoption of this Amendment would result in the loss of all Federal highway funding since it calls for noncompliance

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with Federal laws. I think the Amendment is meant solely to harass the underlying legislation which would come up in Amendment #4. The underlying legislation would not even deal with the Department of Transportation, but I think it would be a powerful sickness for this House to adopt an Amendment that calls for noncompliance of Federal laws and I ask for...a 'no' vote."

Speaker Giglio: "The Lady from Cook to close, Representative Parcells. Does the Lady wish to close?"

Parcells: "Thank you, Mr. Speaker. I would ask for your 'aye' vote on this. We're wasting a lot of money here at the state right now...wasting time and money on projects such as the Dan Ryan with their constant fussing and picking at this Federal regulation. If we live under the state law, we won't have any problem with this any longer and we can move ahead on these projects and I...I ask for your 'aye' vote on this Amendment."

Speaker Giglio: "Further discussion? Hearing none, all those in favor of Amendment #3 to House Bill 4119 signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 44 voting 'yes', 67 voting 'no' and the Amendment fails. Further Amendments?"

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

Speaker Giglio: "Anthony Young on Amendment #4."

Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #4 would actually become the Bill. It authorizes the Department of Insurance to create a Surety Bond Program protecting against laws for breach of contract on a bid bond. It sets out definitions for a bid bond work and it guarantees for bid bonds between 10,000 and 100,000

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dollar performance. It creates a small contract surety bond guarantee revolving fund to be administered at the discretion of the Director of the Department of Insurance and I would ask for its adoption."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of the Amendment signify by saying 'aye'...the Lady from Cook, Representative Parcels."

Parcels: "Thank you, Mr. Speaker, would the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Parcels: "Representative Young, is there any cost? My figures show that there's quite an extensive cost to this."

Young: "I have requested a fiscal note from the Department of Insurance who advised they cannot give a note on an Amendment unless the Amendment is adopted. So if the Amendment is adopted, they will give me the fiscal note."

Parcels: "Well, I have some figures in front of me that show that this will cost a million dollars and it not only is going to be a million dollars, it's going to be a million dollars from GRF, not from road funds and therefore, I would ask that people vote 'no' on this Amendment."

Speaker Giglio: "The Gentleman from Adams, Representative Mays."

Mays: "Thank you very much. I just rise on the same point as the previous speaker. Section VI of the Amendment, I think, would transfer a million dollars to the...from the General Funds to the Treasurer and Comptroller or into the Surety Bond Guaranteed Fund and I don't know that we've got the dollars to do this so I'd oppose the Amendment and I ask for a Roll Call."

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

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

Speaker Giglio: "He indicates he will."

Churchill: "Representative Young, would you be kind enough to

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explain to me what the Small Contractors Surety Bond Guarantee Revolving Fund does?"

Young: "It's the program we're trying to create with this Bill."

Churchill: "Alright, and what is that program?"

Young: "It would give the Director of the Department of Insurance, at his discretion, the power to guarantee Surety Bonds for small firms engaged in state business, not able to obtain one. One of the requirements is that the small contractor must have an annual gross revenue that is under a million dollars."

Churchill: "And what is it that we're guaranteeing."

Young: "We're guaranteeing the performance of the contract."

Churchill: "And so, in other words, if a small contractor enters into a contract to do state business and the state guarantees that the job is going to get done and the small contractor walks, the state is picking up the cost of doing all this work at the local level?"

Young: "Well, Representative, first of all, if the small contractor walks, then the small contractor will not be paid. Since this is state business, what we're trying to establish is a program where people can start participating in government business without having...who can't afford the original bond money. So, with theory, the contract price will not have been paid and the state will see that the work gets done and there won't be a double-pay process."

Churchill: "So if a small contractor comes in and bids \$5,000,000 for a job and he's the low bidder, and he gets that \$5,000,000 job, gets the job started and all of sudden realizes that job's going to cost him \$20,000,000, not \$5,000,000, so he takes a walk. So the state pays \$50,000,000 to guarantee that job gets done?"

Young: "No, Representative."

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Churchill: "That's what you just said."

Young: "What you're failing to realize is that the state is the one who's actually going to pay whatever it costs to get the job done anyway."

Churchill: "Right. So the small guy walks away. He bid \$5,000,000. It cost \$20,000,000 to do the job, the small guy doesn't get his \$5,000,000 but the state pays \$20,000,000 to do that \$5,000,000 because the small guy underbid it."

Young: "If I could, Representative, all State Agencies have the capability requirement as they issue contracts. They try to issue it to the lowest bidder, but they certainly look at someone's capability. Now, I'm sure if there was a \$20,000,000 job the state would not award it to someone who bid \$5,000,000 and didn't have the capability to do it."

Churchill: "Okay, so if...if this was a private transaction and there was a guarantee bond issued, the bond company would be the one that would come back and make the payment for the uncompleted work. But, what you're saying here is this is not a private transaction with private bonds, private sureties, private guarantees. What you're saying here is that the State is in the business of guaranteeing small contractors complete their jobs and that those jobs are done within bid and if they're not done within bid, the State picks up the tab. So maybe this is a million dollars to start this fund, but this could be hundreds and hundreds of millions of dollars for all those small contractors that decide that they got in over their head and they abandon the work site and they walk off the work site, the State has to pick it up, the state has to complete the job. You're talking about potentially opening up the floodgates for millions of dollars of State expense with this kind of a Bill."

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Young: "The first thing I'd like to point out, though, is that there is nothing mandatory about this legislation. It's done at the discretion of the Department of Insurance who we hope would not issue or not allow someone to participate who does not give the appearance of being able to do the work. And most importantly, the State would not pay any contract prices unless the work is done successfully."

Churchill: "Mr. Speaker, to the Bill, I'd say we don't have to leave it up to the discretion of the department. All we have to do is vote 'no' on this Bill right now and there won't be any discretion so we can save the state the potential problems that this Bill causes. I would ask for...respectfully ask for a Roll Call vote and I'd ask for the Members to vote 'no'."

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

McCracken: "...Thank you, Mr. Speaker. As a practical matter, by creating this surety guarantee fund, you require the state not only to pick up whatever is necessary for buying the bond, the surety is not going to issue the bond in the absence of adequate security, obviously. And if the contractor does not have that security in the first ins...instance available to them, but you have to rely on the state, you've got to assume the state is not only going to have to service the cost of guaranteeing of the debt or the surety bond, but they're going to have to guarantee the principal obligation and they're going to have to pay on the principal obligation. That's the point of a Surety Bond and the private sector where you enter into a bonding relationship, the bonding company is the first liable, but always has the right of indemnification against the person purchasing the bond. That's the whole point of the industry. You get someone solvent that the third party can

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rely on. Well, the only one that's going to be relied on in here is not the surety company, it's going to be the guarantor. The surety company's going to take the loss, they're going to turn to the State and they're going to say, 'You owe us every penny of this bond.' And I'm telling you something, if you think it's not true, just try it, because the experience will show you over night that unless you match dollar for dollar on the extent of the surety company's risk, they will not issue the bonds. That's the whole point of the business. They do not issue the bonds in...in the absence of adequate security. So the question comes, do we want to foot every dollar of every guarantee of every bond at bid? I understand the Gentleman's intent. It's to get the minorities into the business, but it cannot be done in this fashion because it puts the State in the business, not the minorities and that's the problem with this idea."

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

Regan: "Thank you, Mr. Speaker, Members of the House. To this Bill, part of the judgement mechanism that IDOT uses is the underwriting standards of a surety insurance company. They are investigative procedures into the worth of the contractor. Without that underwriting procedures, the State really doesn't know the performance records as well as they depend on the Surety Bond issuance. Removing that removes their judgement and we could have roads torn up forever. This Bill failed in committee time after time and I hope it fails again today. Vote 'no'."

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

Pedersen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Speaker...will the Representative yield?"

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Speaker Giglio: "He indicates he will."

Pedersen: "Representative, would you kind of run past me again why...why these guarantees are needed?"

Young: "The guarantees are needed, there are a lot of small contractors who the main...road block that prevents them from being able to engage in business with the State is the inability to get bonding."

Pedersen: "And why can't they get these bonds?"

Young: "Because insurance companies have not been fair in the past with the way they require their sureties and with their whole dealings with minority contractors, as I think you well know, Representative...why certain areas cannot get bonded and other areas can."

Pedersen: "What you're saying is that they don't have the collateral and the financial backup to satisfy the surety companies?"

Young: "To me, Representative, the collateral and financial backing tends to change from customer to customer."

Pedersen: "Okay. Well, you know...Representative, I know all kinds of small businessmen in this State. They're surviving. They get business. They pay their bills and they do...they're doing fine. But occasionally, occasionally they get a chance at a job that requires a surety. Now, you know when that happens, they have to pull out the balance sheet and they have to go through all that checking to make sure they satisfy the requirements and they can't get surety either. Now, there are literally thousands of small businesses like that in this state. So why should we just have these particular small contractors get the benefit of the state backing them up?"

Young: "Well, Representative, I don't know when you say 'these particular small contractors'. I don't know which ones you're talking about because the Bill just says 'small

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contractors whose gross receipts are under 1.5 million per year'. Now that's the definition of the business people we're talking about under this Bill."

Pedersen: "How many are there? Do you have any idea?"

Young: "Quite a number."

Pedersen: "I beg your pardon?"

Young: "Quite a number."

Pedersen: "Do you have any idea what the possible loss to the State might be?"

Young: "Representative, as I have said over and over, in terms of what the possible cost to the State might be, if I'm allowed to move this Amendment onto the Bill, then I can get a fiscal note from the Department of Insurance through...which department would administer this program and then instead of the Members of this Assembly having to rely on what they think this might cost, we can look and see what the Department of Insurance says."

Pedersen: "We...didn't we have similar legislation like this last year?"

Young: "As a matter of fact, this legislation passed the House last year and hit a road block in the Senate."

Pedersen: "But, it didn't really pass over all. To the Bill, Mr. Speaker."

Speaker Giglio: "Proceed."

Pedersen: "We have...we have literally thousands of small businessmen out there who are surviving just fine, who would want this kind of help and we feel that doing this thing for just a particular group is really not fair to those others and I would certainly recommend that we not pass this Amendment."

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

Turner: "Thank you, Mr. Speaker. I'd like to ask leave, I believe Representative Pedersen reminded us that this Bill

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passed out last year. I'd like to ask leave for last year's Roll Call on this Bill."

Speaker Giglio: "The Gentleman from Cook, Representative Anthony Young, to close."

Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Again, I would say this Bill does not mention...the only particular group this program would address are those with gross receipts under a million and a half dollars. I'd ask this General Assembly to let me put the Amendment on the Bill. You'd have an opportunity to vote against it on Third Reading and if the fiscal note says some of the things that some of the opponents of this Amendment has spoken. I would like to see what the Department of Insurance says this program would actually cost. So until you have that information, I don't think you can adequately judge this Bill. I ask for an 'aye' vote and then we'll see on Third Reading what the costs are."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? The Gentleman from Coles, Representative Weaver."

Weaver: "Mr. Speaker, briefly, to explain my vote, everybody should keep in mind this is a million bucks. When both sides of the aisle are attempting to find money to support the school systems, we can't afford a million dollars that we don't have. Take a hard look at this. This is money that should be going to the schools systems. Vote 'no'."

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

Morrow: "Thank you, Mr. Speaker. I rise in support of Representative Young's Motion here. We're talking about helping out small businessmen where you forget that there's a hotel in this city who has failed on its loan and we're

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about to help bail them out and it's going to be more than a million dollars, so we're going to hurt the little guy and help the big guy. Is that what we're going to do here? Let's see some more 'red' votes."

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

McCracken: "...for verification if it appears to get the...requisite number of votes."

Speaker Giglio: "Have all voted who wish? The Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You know, in the Senate they have a much more civilized way of addressing these issues. As Representative Young points out, this is simply his Amendment to his Bill. Now, if you want to vote against his Bill, you'll have an opportunity to do that on Third Reading. But, I think it is a matter of courtesy to the Sponsor to allow the Sponsor to put the Bill in the shape that he wants to see it. I think that it would be appropriate for all of us to give the 'green' votes on this Bill so that Representative Young will have an opportunity on Third Reading to present his proposition to the entire General Assembly and I encourage a 'green' vote."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this...Amendment, there are 52 voting 'yes', and 54 voting 'no', 1 voting 'present' and the Amendment fails. Further Amendments."

Clerk O'Brien: "Floor Amendment #5, offered by Representative Parcels."

Speaker Giglio: "The Lady from Cook on Amendment #5, Representative Parcels."

Parcels: "Please withdraw Amendment #5."

Speaker Giglio: "Withdraw Amendment #5. Are there further

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Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Any Floor...Representative Steczo in the chamber, 4155? Mr. Clerk, read the Bill, 4155."

Clerk O'Brien: "House Bill 4155, a Bill for an Act to legalize and validate certain appropriation ordinances, 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: "No Floor Amendments."

Speaker Giglio: "Third Reading. Alright, we have two Bills that have to be brought back for Amendments on this Order of Business, so at this time, we have House Bill 3765, Representative McPike. 3765, Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3765, a Bill for an Act to amend Sections of an Act in relation to a system of toll highways, Third Reading of the Bill."

Speaker Giglio: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purpose of an Amendment. Leave by the Attendance Roll Call? Leave is granted. The Bill's on Second Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "Floor Amendment #1, offered by Representatives Ryder and McPike."

Speaker Giglio: "Representative McPike."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Bill as introduced was a shell Bill. Amendment #1 becomes the Bill. Amendment #1 repeals the old State Toll Highway Act because we have a new State Highway Act and the reason for repealing it at this time is because the

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bonds that were sold under the old Act have now been prerefunded and the old Act is no longer needed. I would move for the adoption of the Amendment."

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

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. Gentleman have unanimous leave to hear this Bill on Third Reading? Hearing none, leave is granted. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3765, a Bill for an Act in relationship to systems of toll highways, Third Reading of the Bill."

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

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just explained the Amendment that repeals the old State Toll Highway Act. I move for the passage of the Bill."

Speaker Giglio: "All those in favor of House Bill 3765 vote 'aye', those opposed 'nay'. This is final action. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 112 voting 'yes', none voting 'no', and none voting 'present'. House Bill 3765, having received the Constitutional Majority, is hereby declared passed. On this Order of Business appears House Bill 3767."

Clerk Leone: "House Bill 3767, a Bill for an Act pertaining to condominiums, Third Reading of the Bill."

Speaker Giglio: "The Gentleman asks leave to bring this Bill back to the Order of Second Reading for the purpose of an Amendment. Does he have leave? By unanimous...leave is

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granted. Mr. Clerk, read the Bill."

Clerk Leone: "Floor Amendment #1 is being offered by Representatives Ryder and McPike."

Speaker Giglio: "Representative McPike."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 is a technical and it adds a notice provision requiring the Unit Owners Association to provide the plaintiffs, the unit owners with notice. I move for the adoption of the Amendment."

Speaker Giglio: "The Gentleman moves for the adoption of Amendment #1 to House Bill 3767. Any discussion? Hearing none, all those in favor of the Amendment signify by saying 'aye', those opposed 'nay', and in the opinion of the Chair the 'ayes' have it. Representative McCracken."

McCracken: "I see that Representative Ryder is on this. It...is it an agreed Amendment? I see Representative Levin is filling you in. Let me ask, if it's alright, maybe I could just ask Representative Levin, he's familiar with the subject matter. Representative Ryder's not here. Could you take the mike, your own mike?"

Levin: "Yeah."

McCracken: "Let me just ask a couple of questions. Is that alright, Jim?"

Speaker Giglio: "The Gentleman from Madison, Representative McPike? Representative Levin. Would you like to answer that?"

McCracken: "Yes. May I...may I just ask you a few brief questions? This...this is another matter which apparently came before the Bar Association and they were opposed to the Bill as originally drawn. I've looked quickly at your Amendment and it requires notice to be given to members of the condominium, but does not require to join them as parties individually. Now, does that Amendment address the

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objections adequately of the Bar Association? Are they with you now, or what's the status? Do you know?"

Levin: "...You know, I cannot speak for the Bar Association. We have...by the way, again, I'd like the record to reflect, before we discuss this Bill that I do represent condominium associations and I'd like the record to reflect that. The...your staff has raised a...Constitutional Notice question which I think is a good question which we have, I think, partially resolved in this Bill. There is a Supreme Court decision that requires that there be notice in this type of situation, eminent domain situation. And with this Amendment, we provide what I believe is the Constitutionally required notice to the unit owners. Objectively, it's still a unresolved problem which we're still working on with respect to notice to first and second mortgage holders. That will be resolved."

McCracken: "So you have...so you've got to join all mortgagees or mortgagors under the..."

Levin: "You don't have to...you don't have to join them. You have to give them notice."

McCracken: "You don't have to join the mortgagors?"

Levin: "You have to give them direct notice in..."

McCracken: "But you don't have to join them?"

Levin: "This gives...this Bill gives them the opportunity to become a party. The Supreme Court decision provided that you had to give direct notice that simply publishing notice, in that Supreme Court decision it was publishing notice to the first mortgagees was inadequate. The Constitution interpretation was you have to give direct notice. This Bill does that...with the Amendment to the unit owners and gives them the opportunity to become a party. As they say, objectively, we have not resolved the problems quite yes...yet, in terms of giving the required

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notice to first mortgage holders. But there is no Constitutional requirement that they start out as party. They simply have the opportunity to become a party and that's what this Bill, as amended, provides."

McCracken: "Alright, well then, so it's...it's your position. It's not a Constitutional issue. Alright, well, then if I may address the Amendment briefly."

Speaker Giglio: "Proceed."

McCracken: "I just...I think, then that...that, and I understand that the Majority Leader's not a lawyer and...you know, I don't want to get him embroiled in this unnecessarily, but if you do not require parties with a substantial stake in the common elements to be joined as defendants, you do a disservice to the public generally and you make very bad public policy. As I read this Amendment, the condominium owners, as opposed to the lenders say, do not need to be joined as parties for common elements. They do require individual, actual notice to be given them, however, and I think that that part of the Bill is good public policy. But if you don't...if you don't have to join the lenders when you're talking about common elements which may go to the security of their loan, that's awful public policy. It's absolutely awful. Now, did I misunderstand you? Does the Bill allow them not to be joined in cases of common element eminent domain? I...I guess I started to address the Bill, but I, maybe I misunderstood."

Levin: "Okay. Alright, what the Amendment provides is that the board of the condominium association shall be served as the defendant of...in the eminent domain case."

McCracken: "Just tell me about the lenders. Do the lenders have to be joined individually? The lenders of record, do they have to be joined individually?"

Levin: "No."

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McCracken: "Alright. Well, then this is a bad Bill. In any other case of eminent domain, you are required to join all parties of interest to record, including lenders. They are the first ones on the list to be joined. When you're talking about eminent domain, you are affecting directly, directly the lender's interest and his security. Now, often common elements...in an eminent domain proceeding may not be substantial. You may be talking about three feet of right of way which does not substantially affect the investment or the quality of the security. But, this Bill doesn't allow for minor exceptions. It does not require notice or I should say, it does not require their being joined individually as parties. Mere mail notice is it...is it mail notice, just real briefly, or is it summons notice?"

Levin: "It's, okay what the Bill provides and I agree with you, we have not as I indicated at the beginning..."

McCracken: "Is it mail notice or is it summons notice?"

Levin: "We have not, we have not up to this point dealt with the forced mortgage situation. As far as the unit owners the procedure in the Amendment is you initially serve the association, the Board of Managers..."

McCracken: "Alright, then it's mail notice?"

Levin: "Yes."

McCracken: "And all it is is mail notice. Not only do you not have to join the lenders, you don't even have to serve them personally. What are you doing? Why do you want to hurt the lenders?"

Levin: "I don't want to...I...as I indicated at the beginning of my remarks, we have not completely dealt with this issue. That is an issue that is out there and I think before this Bill moves we have to deal with the lenders. I said that up front."

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McCracken: "It was brought back from Third Reading, wasn't it?"

Levin: "Yeah."

McCracken: "I mean, if you want to put..."

Levin: "Okay, alright."

McCracken: "On an Amendment to require lender notice then maybe we can be for it. We can do that tomorrow I suppose."

Levin: "Okay, alright."

Giglio: "The Gentleman from Madison, Representative McPike."

McPike: "Mr. Speaker, would you take this out of the record?"

Speaker Giglio: "Mr. Clerk, take the Bill out of the record. Representative McPike, we moved the Bill to Second for the Amendment do you want to leave it on Second? Or bring it back to Third without the Amendment? Representative McPike."

McPike: "Yes, if you would move this Bill back to Third Reading and... let's withdraw this Amendment and move the Bill to Third Reading."

Speaker Giglio: "The Amendment's been withdrawn. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. House Bill 2143, Third Reading. On this Order of Business appears House Bill 3152. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3152, a Bill for an Act to amend the Illinois Insurance Code. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Any Floor Amendments?"

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

Speaker Giglio: "The Gentleman from Cook, Representative Martinez on Amendment #1, House Bill 3152."

Martinez: "This simply defines what a space heater is, means...it means that it's a heat radiating device used to warm rooms

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of a house or an apartment, which is approved by underwriter's laboratories. It uses gas, electricity or oil as its primary source of energy."

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

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. House Bill 3905, Representative Young, Anthony Young. Anthony Young, 3905. Mr. Clerk, how about 3906? We move..."

Clerk Leone: "House Bill 3906, a Bill for an Act to amend the Illinois Insurance Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is being offered by Representatives Novak and Granberg."

Speaker Giglio: "Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 to House Bill 3906 amends the Illinois Insurance Code in relation to property and casualty insurance premium rates. It authorizes the department to review and approve or disprove premium rates. It requires the department to approval with respect to a rate increase or decrease of 10 percent or more. The Illinois Insurance Code currently does not give the Director of Insurance authority to regulate insurance rates. With the sole exception of Credit Insurance, insurance rates are set competitively on the free market. This Bill or this Amendment provides that insurance rates for property, casualty insurance, including Worker's Compensation for local businesses and malpractice insurance are subject to approval or disapproval by Director of

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Insurance. I'd like to make a few statements about this. This is a very pro-consumer Bill. Whether you are a businessman, whether you are a homeowner, whether you are a car owner, whether you have a position in Local Government, County Boards, Township Supervisors, Park Districts, all surveys indicate that insurance costs in this state have escalated in monumental proportions. We need to begin to address the problem of putting insurance rates under some reasonable caps. This Bill provides for the Department of Insurance to either approve or disprove any insurance premium increases of 10 percent or more with prior approval. Thank you. I urge for its adoption."

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

Pedersen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. What this Bill does is take Illinois out of competitive pricing of insurance. Illinois is in the vanguard, it's an example to the rest of the Nation that they should follow. Because Illinois does not put cumbersome restrictions on how insurance companies price their policies, companies can react quickly to changes in the market place. So if the current rating system stays in place, Illinois consumers would be some of the first to see rates level off or come down when civil justice reforms are enacted or the market improves. On the other hand, rigid state insurance rate regulation has in the past discouraged rate reduction. So it's anti-consumer, and made it tougher to find insurance for the risky enterprise, already having trouble finding and affording coverage. Fifteen states currently require insurance commissioners and regulators to approve rates before they are used. And they are no better off in terms of affordability or availability of insurance. In fact they'll probably be the last to feel the benefits

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of any insurance recovery, because these rigid regulations slow the whole process down. Here in Illinois we're already seeing examples of lower rates. This Amendment is purely and simply a rate regulatory proposal requiring prior approval of all property, casualty insurance rates. Even though it is described as requiring prior approval of rates when there is only a 10 percent increase. The language clearly implies that such a requirement is applicable regardless of how much the increase or decrease is. The detailed filing requirements and standards are such that no company would put a rate change into effect, regardless of the amount of a change without obtaining approval from the Director of Insurance. In Illinois we have all kinds of territories and we have all kinds of experience across the state. Even within a given policy, we have different coverages that have different experience. And at a given time, the cost will vary a great deal and one of them could be a minor change, the other could be great. The effect is that it would require prior approval in all instances. The filing and reporting requirements will actually cost companies and their policyholders more than they're paying now. The proposal will not solve the problems of cost and availability in insurance. And I have some figures here from Los Angeles Times Editorial. The rates in California for Automobile Insurance in the last two and a half years have increased 40.1 percent. That's a rate regulated state. In Illinois we have like four companies that write over half of the business. State Farm average up was 4.2 percent, Allstate up 7.7 percent, Country Companies up 4.4 percent, Kemper 12.15 percent versus 40.1 percent in California. There's one other thing that we should consider about what we're doing to the consumer. When we were in committee, the Palmer-Belleview

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study was testified about, and what they said was that if Illinois had performed like an average prior approval state rather than have the competitive rating, consumers in Illinois over the period of 77 to 1988 would have paid 8.5 million dollars more in commercial and other liability premiums than they actually did. This is a savings to Illinois Insurance Consumers of 857 million dollars in a 12 year period. What this is is another example of the deadening hand of government of bureaucrats stifling a healthy competitive market place, slipping back, turning back on an initiative that has been a model of progress to the Nation. And I urge a 'no' vote."

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

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Most people who are sitting here right now do not understand this issue. But let me just point out to you, according to an independent ten year research study done by the Palmer-Belleville Corporation comparing the Illinois system, and other insurance rating systems, if we have prior approval system...as...as presented during the period study, Illinois policyholders would have had paid an additional 850 million in premiums for no additional benefits, receive worse consumer value in terms of dollars in claims paid versus dollars in a premium paid, had even less insurance available at any price, and paid an average of 85 million dollars more per year for the same coverage. Prior approval or flex rating would have paid...had us pay higher insurance premiums and spent additional State dollars to reinstitute a system which has proven to be ineffective and provides worse consumer value. Ladies and Gentlemen, I would like to also point out to you that this Bill...this Amendment when it was a Bill, was so bad that

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it was killed in consumer protection, where your colleagues reviewed it, studied it and had testimony found it to be so bad that they killed it from both sides of the aisle. In addition the Senate Committee reviewing this legislation also killed it. This is a bad Amendment, I ask that you vote 'no' on this Amendment."

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

O'Connell: "Thank you, Mr. Speaker. What the Sponsor is attempting to do is to bring some sanity within the confines of the rate structuring for Illinois insurance premiums. All of us are...realize that in the last few years insurance premiums have exhibited enormous fluctuations. And those fluctuations primarily are result of investment practices by the insurance industry. What the Bill will attempt to do would to put some stability through what is called the flex rating system. We as a General Assembly should be making an expression that we do not want to see the same kind of rate increases that surfaced the last couple of years and hopefully this will provide some stability in the rate structuring. Thank you."

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

Regan: "Thank you, Madam Speaker, Members of the House...Oh, excuse me, Mr. Speaker. The hair is growing a little bit on... Frank there, get a haircut. Previous Speaker mentioned that this will flatten out the insurance cycle as far as rates. That has proven to be not true in every state that's got rate regulations, flex regulations. The insurance business is an extremely competitive business. I've been in it 25 years and it's not just competitive because everyone of your brother-in-law's sells it. It's competitive from the company as well. 25 years in the

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business as an independent agent doesn't make me necessarily a friend of the companies. I'm the one in between, the one that battles the companies for the people that I sell insurance to. Let me tell you that the rate fluctuations do go up and down in this industry, and they'll continue to go up and down in this industry because of that competitive nature. Because of the interest rates and because of the positions the company find themselves in, they up their reserves and sell their products. Every state that's regulated causes the insurance consumer to pay more. A classic example is the State of Florida, when insurance companies just pulled out of that state with the heavy regulations and they had to get on a bicycle and ride backward a hundred miles an hour. Let's not make the same mistake in Illinois, I'd urge a 'no' vote."

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

Huff: "Thank you, Mr. Speaker. I rise to support Representative Novak's excellent Amendment. We've seen to often in the past, Ladies and Gentlemen of the House, that the claims of the actuary's... of claim losses are arbitrary to rate fluctuation, is made up, is smoking mirrors. There's no actual fact as to loss according to zip codes. When you're asked to put a zip code, they back away from you the way Dracula backs away from the crucifix. I think it's high time that we give the insurance company the mechanism to determine what is real and what is phony. Let's vote for this Amendment."

Speaker Giglio: "Lady from Cook, Representative Parcels."

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

Speaker Giglio: "He indicates he will."

Parcels: "Have you talked to the department about this Bill? Department of Insurance?"

Novak: "I under...but I understand the department is opposed to

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it."

Parcells: "The Department of Insurance is opposed to this Bill?"

Novak: "Right."

Parcells: "And I know a fiscal note was filed. Have you happened to talk to anybody about what it's going to cost? Or have they filed that yet?"

Novak: "No, I don't believe a fiscal note has been filed."

Parcells: "Well, I've heard rumors that it's going to be in the..."

Novak: "I'm sorry, a fiscal note is being prepared currently."

Parcells: "Yeah, I've heard rumors that it's going to be in the vicinity of a million dollars. Another million, Ladies and Gentlemen. Here we go, a million here, a million there. I think to the Bill or to the Amendment, on April 15th, the department submitted its annual report pursuant to the Illinois Insurance Cost Containment Act. Do you realize what they said? The report in a nutshell said they recommended against more state regulation of the Insurance Industry. Against, and here we are the reports barely dry and we're out here trying to regulate again. Ladies and Gentlemen, we have one of the finest insurance laws in the State of Illinois. We are a model for the rest of the Nation. Why we would want to discourage insurance companies from doing business in Illinois is beyond me. I ask for your 'no' vote on this Amendment."

Speaker Giglio: "Further discussion? The Gentleman from Lake, Representative Matijeich."

Matijeich: "Speaker, Ladies and Gentlemen of the House. If we are the model for the whole country I think we're all in bad shape, and I guess that is really the fact of the matter. We all are in bad shape. You know, she talked about a million dollars. We don't have to hold any tag days for the insurance industry, believe me. In 1987 they

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earned 13.6 billion, now that's not million, that's billion. Where did that come from? That came from your constituents and mine. Now I don't think there's anybody on the floor of this House has not had some constituents tell them, 'What are you going to do about the insurance cost?' Everybody's had that posed to them, everybody here. And we all...we all cop out, we all cop out, and we say there's nothing we can do about it because it's competitive. Well, if it really were competitive that would be a good answer. But it's not competitive, you know we all fought that matter of the liability issue, and what do they do? They not only conspired...it was collusion, and they earned more money that year than in the history any year. We had rate regulation, you know, we're not talking about decreases, we're not talking about insurance companies losing money. We're talking about holding down increases, that's what we're talking about. Now there's only two sides of this issue. If you are for the consumer, if you are for your own constituent, you're going to at least allow the state to regulate, at least have a ratings system or you are really in the pockets of the insurance industry. That's the only two sides to this issue. Now...now the bottom line is this, if this were...if this were not good for the consumers would the insurance companies be fighting you to vote against it? No, there's only one reason they are against it, the issue is they want to make more money. And if I thought they needed it, I'd be in their corner. But they're making enough, they're making a fortune. Now are you for your constituents or against them? That's the issue. When we send a Roll Call all we have to read up there 'are you for your constituents' or 'against'? That's all. Don't make the issue more complex than it is. Now run the Roll Call.

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Consumers versus insurance industry. That's what should really be read up there."

Speaker Giglio: "Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Mr. Speaker. It's not the consumers who are calling for this, It's IPAC, that Democratic front organization. All they do...all they do is wrap people who earn an honest living. Have you ever noticed that? They don't do anything else. They sit...they...what they tell you and what they tell the public and what they tell the media and what the media prints, belies the truth. The truth is in California over the last 2 1/2 years, insurance rates have risen 40 percent. And they have a pre-charge notice there, whatever this is here. It isn't even as bad as the flex rating. It isn't even as bad as the flex rating you propose. 40 percent, if you look at the statistics, every industrial state with large metropolitan areas charges or cost more for insurance than in the State of Illinois. What you claim belies the facts. That's what IPAC says, they want you to feel that they represent the consumers. In point of fact, they represent themselves. They don't care about you. They don't care about the consumers. They don't care about the small businessman, all they want to do is get on their political horse and ride south. That's all they want to do. The truth of the matter is that competition is the best way to hold the rates down and that's been the experience in Illinois."

Speaker Giglio: "The Gentleman from St. Clair, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. The...one of the previous leaders from the other side of the aisle said that this is going to be an important Roll Call and he's absolutely right. And for the press' benefit he has said that, you

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know, make sure you look at the votes and see what side the consumers are on whether the...Republicans and Democrats are with or not with the consumers. Representative Novak is Sponsor of the Amendment. The fact of the matter is that this is a vote for or against you. This is a vote that we can...you can take back to your district and you're going to have to explain why it is that you wanted to raise insurance rates for the constituents in your district. So it's your constituents who's going to be...are going to be judged by this vote, absolute facts are the...that if we pass this Amendment, it is adopted and signed by the Governor, you're going to be responsible for raising insurance rates in Illinois. It'll be on your back in November and you are making a serious mistake."

Speaker Giglio: "Gentleman from Kankakee, Representative Novak to close."

Novak: "Ladies and Gentlemen, thank you. I'd like to address the business community. What happened in 1975 when all these worker compensations were passed? They were passed in the business community claim for years, they still claim for years. This is a pro-consumer Bill. This is a pro-business Bill. Go back to your local villages, what do they complain about the most? Excessive and high insurance rates. It's about time we start reasonably dealing with caps on insurance rates and this is a reasonable Bill. I want to see an 'aye' vote up there. Thank you."

Speaker Giglio: "You heard the Amendment, all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 67 voting 'yes', 41 voting 'no', and 4 voting 'present'. And the Amendment...record Representative Williams as 'aye'."

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Representative Bowman."

Bowman: "Well, just to point out, it must have been a good Amendment because all the targets voted 'aye' on it."

Speaker Giglio: "Representative Morrow."

Morrow: "Aye."

Speaker Giglio: "Morrow 'aye'. Have all voted who wish? Mr. Clerk, take the record. Morrow, did you get Morrow? On this question there are 69 voting 'aye', 41 voting 'no', 3 voting 'present'. And the Amendment's adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. There's been a request for a fiscal note. This Bill will remain on Second Reading. We will...the Chair will now return to the Order of Business Regulation. Page 18 in the Calendar, Representative Brunsvold. Are you ready on 917, Sir? This Bill's on Third Reading. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 917, a Bill for an Act in relationship to licensing regulating fire equipment distributors. Third Reading of the Bill."

Speaker Giglio: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill was called the other night and Representative Ewing asked to take it out of the record to see the impact note which did not contain...or contain the information that didn't have any impact. To review the provisions of the Bill it would set up a fire equipment distributor an Employee Regulation Act. It would set up three divisions for equipment distributors and three divisions for employees to be regulated under this Act. It would set up a payment of application fee of \$100 and a yearly fee also which would be deposited in the Fire Marshal's Fund. And there are 16 other states that

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currently require licensure of fire equipment companies. Most of you have seen the problem or the fire in California where the large hotel had major damage to the equipment. I would hope that in that situation we don't have fire distributor equipment dealers in this state dealing with sprinkler systems that aren't licensed. And this Bill is a move towards licensing responsible individuals to set up these fire protection sprinkler systems and extinguisher systems. And I would answer any questions and ask for the passage of House Bill 917."

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

Terzich: "Representative, on this you mentioned fire equipment distributors. What is considered fire equipment?"

Brunsvold: "Well, the Bill sets up in the Bill, Representative Terzich, three classes of distributors dealing with sprinkler systems, engineered systems on sprinklers and then regular hand units are also set up and depending on the class you're...A, B or C of the provisions of the Bill."

Terzich: "Well, would that be like a hand fire extinguisher or something of that nature?"

Brunsvold: "Well, it could be...yeah, some distributors would have hand units, be in charge of charging hand units and that type of equipment, units that were in restaurants for foam for grease fryers and then engineered sprinkler systems and the division is set up like that in the Bill."

Terzich: "What would happen if you purchased a fire extinguisher at Walgreens or K-Mart or someplace, whether it was for your home or for your boat or for your office, for your building, you know, they got different chemical fire extinguishers. You know, gas discharged type distinguishers, water distinguishers for different types of

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fires. What would happen there? Would they have to be licensed to sell those or distribute them or...?"

Brunsvold: "I believe most of those fire extinguishers are sold through equipment dealers now, aren't they, Representative?"

Terzich: "That's correct..."

Brunsvold: "We have dealers locally, like we have some in my district, those individuals that would sell fire equipment, extinguishers like that..."

Terzich: "They're also sold in retail stores if I remember..."

Brunsvold: "I would say they would have to be sold by the licensed individual and maintained by those individuals."

Terzich: "Then like K-Mart or Sears or some retailer would have to be a licensed fire equipment distributor to sell those or distribute..."

Brunsvold: "If they're going to handle that type of equipment, yes, they would have to be from what I garner from the Bill."

Terzich: "Alright, and what would the qualifications be for someone to sell this equipment or service this equipment? Would they have to be like a former firefighter or architectural engineer, or what would be the qualifications for a fire equipment distributor?"

Brunsvold: "Well, the boiler plate in the Bill sets up a licensing procedure, sets up a board of examination, where there's individuals dealing in fire equipment. And that would be regulated by the State Fire Marshal, setting up those rules."

Terzich: "Well, do you think me as a fireman or former fireman whatever the case, do you think I could qualify? You know, there's a lot of firefighters and so forth that do that work, you know, go out and check different systems, go out and recharge fire extinguishers and so forth. Would they

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have to be licensed to do that?"

Brunsvold: "Yes, correct. Definitely, the people charging the systems would have to know those systems, make sure they're charged properly, and make sure they work on the very, very few occasions when you would use one. Most of the fire equipment we see, sits around and is never used, thank goodness. And...but the time when you need that fire equipment, you need the fire equipment to work at that time and you don't need a unit that has been charged, supposedly charged and has not been charged by someone that works their business out of a back of a garage."

Terzich: "They're going to... alright, thank you."

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

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

Speaker Giglio: "He indicates he will."

Ropp: "Representative, is there any cost in this piece of legislation?"

Brunsvold: "Cost to whom?"

Ropp: "To the State of Illinois."

Brunsvold: "No. The Bill is set up so that the application and yearly fees would actually not...it wouldn't cost...it's not under the professional regulations department. It's under the State Fire Marshal's. And actually the money...excess monies would be gained through the licensure of these individuals and be deposited in the State Fire Marshal's Fund."

Ropp: "Isn't there currently within certain municipalities inspection agencies that actually inspect these kinds of facilities?"

Brunsvold: "I don't know if there is, Representative."

Ropp: "Well, in the Bill, aren't we pre-empting home rule?"

Brunsvold: "As far as the licensure is concerned?"

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Ropp: "Yes."

Brunsvold: "I wouldn't think so."

Ropp: "Well, in our analysis it says that it pre-empts home rule. It seemed to me like there are certain municipalities that actually now inspect fire extinguishers and other kinds of devices now, don't they?"

Brunsvold: "They might...I don't have any... in my area that I know of. They would have to be licensed under this and if they do they would in fact pre-empt home rule."

Ropp: "So you're saying that if they do, this would pre-empt whatever they're doing now?"

Brunsvold: "This would require everyone that works on these units to be licensed."

Ropp: "Okay, thank you."

Speaker Giglio: "Further discussion? The Gentleman from Will, Representative Wennlund."

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

Speaker Giglio: "He indicates he will."

Wennlund: "Under this Act will every hardware store, marina, gas station, Sears & Roebuck or any store in the State of Illinois have to pay \$1,000 annual license fee in order to sell a small hand held extinguisher for a car, boat, household use?"

Brunsvold: "People who meet the license requirement would be able to sell them, Representative."

Wennlund: "It...but even all those, every store in the State of Illinois that normally sells small hand held fire extinguishers for boats or automobiles or household use would have to pay \$1,000 annual license fee in order to sell the fire extinguisher?"

Brunsvold: "You'd have to be serious about being in the fire extinguisher business."

Wennlund: "So even for the small hand held fire extinguishers

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you'd have to be licensed and have to pay \$1,000 a year annual fee just to be able to sell them?"

Brunsvold: "That's correct."

Wennlund: "What is the purpose of that?"

Brunsvold: "Pardon?"

Wennlund: "What is the purpose of regulating the sale of small hand held fire extinguishers and charging \$1,000 a year?"

Brunsvold: "Well, someone that sells real...the small units would also be in the business for large units. And they would be...that would be part of the business, selling all sizes of the fire extinguisher units. And that would just be part of the business. No one's going to get in the business to sell a hand unit and that's all."

Wennlund: "Well, the availability of fire extinguishers, they're at every hardware store in the State of Illinois. They're in every K-Mart or WalMart. They're at every Ma & Pop Hardware store, gas stations, and marinas would be out of the business and could no longer sell fire extinguishers. Is that correct?"

Brunsvold: "Representative, I have...I misread that paragraph, and that paragraph is...it doesn't say to sell, it says to service. And I misread it and thought it said 'to sell'. I'm sorry."

Wennlund: "So that the sale of small hand held fire extinguishers is not covered by this licensing Act?"

Brunsvold: "It says, 'To service or recharge', and I misread the paragraph."

Wennlund: "So the Bill would only apply for instance to the off-duty firemen who are on 24 and off 48 who normally service fire extinguishers now would no longer be able to do that without being licensed and paying a \$1,000 annual fee?"

Brunsvold: "It says, 'To service, recharge, hydro-test, install,

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maintain'."

Wennlund: "The sale or distribution then is not covered?"

Brunsvold: "It's not mentioned on any of the licensure my staff person says. I was mistaken."

Wennlund: "Will the \$1,000 fee...an annual \$1,000 fee, it appears that the Bill is designed to put all those small businessmen who are now in the business like such as off-duty firemen from servicing and recharging fire extinguishers, is that correct?"

Brunsvold: "The \$1,000 would, in fact, put the individuals that are in the business in a serious situation if this is what they should be doing. Maybe we wouldn't have the phone problem in the collar counties if we would have had some fire extinguisher service at the telephone company."

Wennlund: "If there was someone there, of course, to operate the fire extinguishers. To the Bill, Mr. Speaker. This Bill is intended to put small businessmen who have been in the business for 30 and 40 and 50 years of servicing fire extinguishers, particularly in Southern Illinois and Downstate Illinois where you have off-duty firemen who are engaged in the business of charging and recharging, who cannot afford to pay \$1,000 fee. It's designed to put small businessmen out of business, and to make it an exclusive trade for large business who can afford to pay the \$1,000 and it's going to increase the price of every recharge and servicing of a fire extinguisher. I urge a 'no' vote."

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

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

Speaker Giglio: "He indicates he will."

Black: "Thank you. Representative, let me ask you one question,

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I know we all at this time of the year get a number of mailings which we can buy certain things to perhaps pass out in the months ahead. And one mailing I got last week, you could buy an automobile safety kit with perhaps your name on it, for re-election purposes. And in that kit is a fire extinguisher. Now that was through a mail order house. If I'm interpreting your Bill correctly, even a mail order house to do business in Illinois would require a license if they were going to include a fire extinguisher in an automobile safety kit. Am I correct or incorrect?"

Brunsvold: "What Section are you looking at, Representative?"

Black: "It was under the...under the Section about a fire equipment distributor selling...I can quote you, 'selling, installing, maintaining, etc., hydro-testing any device', so forth and so on."

Brunsvold: "What page are you on, Representative Black?"

Black: "I'm not looking at the Bill, Representative. I'm looking at my analysis."

Brunsvold: "We can't find where it says sell here, that's what we're looking at. You said sell and we're looking at the licensure and it's talking about services, maintenance and rechargings."

Black: "And we have asked in all due respect to you, and that may be true. We've ask for a copy of the Bill, we don't have one in our Bill book. I'm hoping that you're right because I think if you're trying to include all of those who sell a hand held or hand operated fire extinguisher, I see some real problems with the Bill. Let me just..."

Brunsvold: "We can't find 'sell' Representative, if you can tell us where you see that in the Bill we'd like to..."

Black: "As soon as we get a copy, we'll get back to you on that. Let me just make one thing clear, I think you answered Representative, another Representative on this, but it's my

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understanding that this Bill does pre-empt home rule as to licensure requirements, correct?"

Brunsvold: "That was in the original Bill, and was removed in the First Amendment that was put on in committee. No on the floor, excuse me, on the floor."

Black: "Thank you, thank you very much. Ladies and Gentlemen, to the Bill, Mr. Speaker. I think the Sponsor is very well intended and I have a letter from an association out of the State of Maryland, talking about why they favor this Bill. And that is they say and I quote, 'As an association made up of the 15 largest suppliers of fire equipment as well as a group of 130 distributors which design, install and service automatic fire suppression systems, we applaud the efforts of House Bill #0917'. Well, if the Bill is designed to regulate those who design and service fire suppression systems, I guess I would feel differently about it. But, until I can clarify in my own mind what has previously been said those of us downstate rely on primarily welding supply houses to sell and service hand held fire extinguishing units. And if there is any way that this Bill will affect their right and ability to do business in that area when we don't have large fire suppression systems downstate, I can only at this time urge a 'no' vote on the Bill."

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

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

Speaker Giglio: "Indicates he will."

Pedersen: "Representative, is the public at large demanding this kind of legislation? Who's...who's behind it, I mean where's this...where's this interest coming from?"

Brunsvold: "Representative, the public at large will not demand a Bill like this until we have a major disaster. And then we

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would...this Body would then react instead of acting. And I'm trying to beat that if you would, and act in a Bill here that would stave off a major catastrophe if we could have professional people installing engineered sprinkler systems, foam sprayers in restaurants that actual work when they're needed. We don't need sprinkler systems that are turned off like in California. We need units that work when infrequently they are needed. And I think that is the position of why the fire equipment people say, yes, we ought to be licensed."

Pedersen: "Yeah, well, thank you, Representative. Is there any evidence that the present suppliers are not doing the job, that it's really dangerous to the public health? I mean are the fire...the fire chiefs or the municipalities or the people like that telling us there's a problem?"

Brunsvold: "No, this...would you repeat that question, Representative, I didn't hear you?"

Pedersen: "Yes, Representative. Is there any evidence that the suppliers of this...of these systems now presently are not doing the job? Is that...that there's some danger to the public health that our fire departments or municipalities..."

Brunsvold: "No, we have units...we have units now that are stamped 'Inspected' when in fact they aren't inspected. We have units that have been checked for charged and aren't charged. Now, if the need comes that the extinguisher needs to be used and it's dead, then we're going to have a catastrophe or a problem in that situation, maybe it'll cost a human life. And so we're asking now let's put some professionalism into the thing and make sure the people that are in the fire business are really serious about it and they don't have people working at part time jobs that maybe get out and inspect them and maybe they don't.

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That's a situation we have right now."

Pedersen: "Yea, but does that have...and you feel that licensing...licenses are going to make sure that I recharge my little extinguisher properly."

Brunsvold: "It will do as good as our licensure of doctors and dentists and everyone else in the professionals as far as guarantee you good service."

Pedersen: "Thank you, Representative. To the Bill, Mr. Speaker."

Speaker Giglio: "Proceed."

Pedersen: "Appears to me, that what we're really talking about is another one of these turf battles. We want the Government to come in and eliminate some of the competition. But what that means to the consumer in the long run, is higher cost and we should be against this kind of legislation. So I urge a 'no' vote."

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

Hultgren: "Will the Sponsor yield?"

Speaker Giglio: "Indicates he will."

Hultgren: "Thank you, Representative Brunsvold, if I may follow up on some questions that were previously asked by my seatmate and we now have a copy of the Bill. Direct your attention to the amended Bill which I believe is now the Amendment becomes the Bill, first page, line 22 where it indicates that a fire equipment distributor..."

Brunsvold: "Amendment #1, Representative or Amendment #2?"

Hultgren: "Yes, Amendment #1."

Brunsvold: "Alright."

Hultgren: "Says that a fire equipment distributor means any person, company, or corporation which sells and that goes on to say fire extinguishing devices. I assume that would be for example, a fire extinguisher, is that right? Any person who sells a fire extinguisher is by definition then

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a fire equipment distributor or have I missed something?"

Brunsvold: "The license is on the licensure section of the Bill, does not refer to 'sell'."

Hultgren: "Well, but, would you agree with me that the definition section, anyone who is a fire...or anyone who sells fire extinguishing devices is a fire equipment distributor by definition, is that...am I reading the definition correctly?"

Brunsvold: "That's just a definition. That is not what the licensure Section says."

Hultgren: "And then...well, then in Section 3 which would be page 2 of Amendment #1, lines 24-28, it references that definition of fire equipment distributor and it said no person shall Act as a fire equipment distributor and we determined that by definition that's someone who sells a fire extinguisher, unless licensed by the State Fire Marshal. Am I reading that correctly, Section 3, page 2, lines 24-28?"

Brunsvold: "That is not the intent of what we intended the Bill to be, Representative. If that...if you read that into it that is not what was intended in the licensure."

Hultgren: "Well, do you...if that's not what is intended, do you see this...perhaps the ambiguity here that I see?"

Brunsvold: "I could see it being removed."

Hultgren: "I'm...it seems to me that there's some...there's a problem here in perhaps the language of the Bill extending beyond the Sponsor's intentions and would suggest that perhaps that's something that could be cleared up with an Amendment...without an Amendment create some real problems with the Bill."

Speaker Giglio: "Representative Brunsvold to close."

Brunsvold: "The licensure Section of the Bill indicates what is required of a licensed fire equipment dealer and their

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employees. It does not indicate that sales are involved. And if that is a particular problem, I don't think it is, that's not the intent of the legislation. It is only dealing with the people maintaining, recharging equipment. And I would ask that you consider the Bill in closing that we need professionals dealing with recharging, engineering, sprinkler systems and making sure they work properly. And to do that we need to license these people and make sure they are performing their duties as required. I'd ask your support of House Bill 917."

Speaker Giglio: "Question is, 'Shall the House pass House Bill 917?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open and this is final action. Have all voted who wish? Have all voted who wish? The Gentleman from Will, Representative Regan."

Regan: "Thank you, Mr. Speaker. With the understanding that this will be amended in the Senate. Is that alright to move that ambiguity in regards to sales? Then I will vote 'yes'."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 32 voting 'yes', 66 voting 'no', 14 voting 'present', and this Bill fails. Representative Mautino, 972. I'm sorry, postponed consideration. We're on Third Reading. Representative Braun, 2755. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2755, a Bill for an Act in relationship to the practice of speech, language, pathology and audiology. Third Reading of the Bill."

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

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I will be brief. This legislation makes Illinois the 37th state to provide minimum clinical and educational requirements for and licensure for speech-pathologists and

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audiologists. The reason this is important is because that is a very specialized area of medical practice, having to do with speech pathology. I have had personal experience in my own family, in which we have had to turn to a speech pathologist for assistance. It really...for the public protection it is very important that we have people certified to provide these services, because it can be so critical not from only the health aspect but also because of the effect, the psychological effect, on the life it can have on individuals who need these services. I would be delighted to answer any questions for you regarding the specifics of the legislation. The Bill is supported by the profession and there is no cost to the State of Illinois associated with it. I'd like to respond to any questions you may have."

Speaker Giglio: "Any discussion? Hearing none...the Lady from DuPage, Representative Cowlshaw."

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

Speaker Giglio: "She indicates she will."

Cowlshaw: "Thank you, Representative Braun, my...I intend to vote for this Bill and I am sure that it will pass. But I just want to reflect with you, one concern that I have about this. Some of the people in this profession are employed in the public schools in this state. It is my understanding that the reason why this Bill will cost nothing to the state is because the people who have to be licensed will have to pay for those licenses. My only concern is since the people who are employed in our public schools are hardly what you would regard as over-paid to begin with, I am really concerned about the cost of this license for those people employed in the schools, many of whom may also be people who are certified to be teachers and for that they also have to pay. I don't know whether

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the department could make some special provision for those persons employed in public schools and provide perhaps a lesser cost or something along that line. But if you could look into that, I really think it's a valid concern."

Braun: "But we will, and we have addressed it. And I have...will be working toward getting an exemption or a change made for school professionals who provide these services, that is correct."

Cowlshaw: "Thank you very much."

Braun: "We have discussed that. Yes."

Speaker Giglio: "Further discussion? The Gentleman from Adams, Representative Mays."

Mays: "Thank you very much. Would the Lady yield for a question please?"

Braun: "Certainly."

Mays: "Are there any costs associated with this Bill?"

Braun: "No, Sir, we have a fiscal note and there is no cost. It's right here."

Mays: "Who's going to regulate them?"

Braun: "The department. Department of Regulation, the Department of Professional Regulation."

Mays: "How are they going to regulate them? What kind of fees do we have coming in?"

Braun: "The fees...the fee structure is...okay...the fees...the initial application fee is \$35. The application of licensure for a person for outside of Illinois is \$100. Renewal is \$20, restoration of a license is \$10. It's a very moderate fee schedule as you can see."

Mays: "Well, I guess the thrust of the question is, you're going to have to have some start up. When we put the previous Acts through that became effective this year, medical practice and some of the others, we had an immense start up cost that we had to consider that the fees which generally

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come in a year later, this couldn't cover. I guess it's important to note that this Bill and several others in the licensing area, the department currently regulates and licenses about 34 professions in this state. There's been proposals this year that would add another 27 professions to the department's responsibilities. Now, I just think that we've got to view this proposal in those kind of contexts and we've got to realize that there's going to be a fiscal impact, whether intended or not. And as a result we reluctantly rise in opposition to the Bill."

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

Preston: "Thank you, Mr. Speaker. Would the Lady yield for a question?"

Braun: "Yes."

Speaker Giglio: "She indicates she will."

Preston: "Representative Braun, this Bill would not touch speech teachers in any way? So that somebody wouldn't have to be licensed in order to teach someone how to give speeches? So..."

Braun: "No...that's correct...no...no this goes to the medical...in my own situation, my son had to have surgery for a palate, a cleft palate. And as part of that surgery he had to have speech audiology and training. For those services right now we have no provision to protect the public, that the people who do the kind of mandible training and all the rest get's very specialized."

Mays: "And that is in the Bill?"

Braun: "That's correct."

Mays: "Okay, thank you."

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

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

Speaker Giglio: "He indicates...she indicates she will."

Hensel: "Representative, I have an Amendment that I don't think has been adopted. Is that going to be put on this Bill or will it go on in the Senate or if it gets over there. It increases the...changes the application fee from 35 to 90 and renewals from 20 to 50. Is that something that might be adopted, do you know?"

Braun: "Representative Hensel, did you...I didn't see it, did you file the Amendment? You didn't file it, did you?"

Hensel: "Is it filed in the House?"

Braun: "No, no, I said you did not file the Amendment that you're referring to."

Hensel: "So, it's possible it won't be attached to this Bill then?"

Braun: "No, it's an Amendment that we're going to consider. Yes, yes, yes, indeed."

Hensel: "Okay. And how many people do you think will be regulated under this new Act if it goes into effect?"

Braun: "2,800."

Hensel: "About 2,800. And I think Representative Mays asked you what the cost would be based on the original fee so if the increase in the fees would be changed, would that make a difference in the amount of money coming in?"

Braun: "Well, no, Sir. The fiscal note which I have here says there's no fiscal impact on the state or on local school districts and so, no, there should be no fiscal impact from the Bill, either in its present form or as it is contemplated to be amended."

Hensel: "Okay, no further questions."

Braun: "Thank you."

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

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

Speaker Giglio: "She indicates she will."

Parcells: "Thank you. I have a little problem understanding the difference between licensure and title protection. With this Bill if I don't call myself a speech-pathologist, if I wanted to work with a child, say a neighbor child or something, am I prevented from ever helping anybody?"

Braun: "No, not at all. That was kind of the question that Representative Preston was asking. You know, helping people to learn how to give speeches, for example, would not be included in this. This is the very particular and specialized training that's required for people who have medical speech problems, speech problems that are medical or have some other kind of genesis, but in terms of just learning how to give a speech or how to...teaching someone how to speak better, which you could give me lessons, Representative Parcells, on that. It would not be included."

Parcells: "If they were just helping with enunciation perhaps, if they were a musician or something and trying to improve their enunciation, that would be permissible. It's just that they cannot call themselves a Speech Pathologist? Thank you."

Braun: "That's correct, no, that would be...that's correct. Yes."

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

Frederick: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 2755, since speech-pathologists and audiologists work in conjunction frequently with pediatricians and otolaryngologists and neurologists and psychologists, I think we ought to be sure that they are professionally trained and they are licensed so that we have no problems on that score. So I urge a

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'yes' vote on this Bill."

Speaker Giglio: "The Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Gee, Mr. Speaker, I move the previous question."

Speaker Giglio: "Previous question, you heard the Gentleman's Motion, all those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and the previous question has been moved. The Lady from Cook, Representative Braun, to close."

Braun: "Thank you, Representative Kubik will close."

Speaker Giglio: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would point out that 30...37 other states do license these people. I'd also point out that from the standpoint of the audiologist, we have numerous Acts in the State of Illinois that speak of audiologist in terms of being...having the audiologist check people prior to dispensing hearing aids. And yet we have not defined the educational requirements of an audiologist. This legislation would do that, this legislation would put into effect rules and regulations for audiologists. We've tried to attempt the...to address the issue of costs by raising the fees so that there would be no cost to the state. I think the legislation...we've done everything we can to try to address those issues. It's necessary legislation in order to make sure that individual to have peech...speech and hearing impairment are dealt with correctly and properly. I urge a 'yes' vote on this Bill."

Speaker Giglio: "Question is, 'Shall the House pass House Bill 2755?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

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question there are 111 voting 'yes', none voting 'no', 3 voting 'present'. Representative Shaw, 'aye'. On this question, 112 voting 'yes', none voting 'no', 3 voting 'present' and this Bill having received the Constitutional Majority is hereby declared passed. On this Order of Business appears House Bill 1573, Representative Giorgi. Mr. Clerk, read the Bill."

Clerk Leone: "On page 6 of your Calendar, House Bill 1573, a Bill for an Act to register landscape architecture. Second Reading of the Bill. Amendment #2 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Anthony Young on Amendment #3."

Young, A.: "Withdraw Amendment #3."

Speaker Giglio: "Withdraw Amendment #3. Are there further Amendments?"

Clerk Leone: "Amendment #4 offered by Representative Giorgi."

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

Giorgi: "Mr. Speaker, Amendment #4 becomes the Bill and all it does now is registers landscape architects. It does nothing else except register landscape architects. And I urge the adoption of the Amendment."

Speaker Giglio: "On that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "I'm sorry, I couldn't hear you, Zeke. What does the Bill do now?"

Giorgi: "All of the objections registered at the committee have been met. The Bill has been stripped of everything except the registration of landscape architects. It just allows

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for the registration of them."

McCracken: "Doesn't license them or anything? They just have to register?"

Giorgi: "No, Sir, it just allows for registration."

McCracken: "Okay. Thank you."

Speaker Giglio: "Further discussion? 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. Are there further Amendments?"

Clerk Leone: "Floor Amendment #5 offered by Representative Anthony Young."

Speaker Giglio: "Representative Young."

Young, A.: "Withdraw Amendment #5."

Speaker Giglio: "Withdraw the Amendment #5. Further Amendments?"

Clerk Leone: "Floor Amendment #6 offered by Representative Anthony Young."

Speaker Giglio: "Amendment #6, Representative Young."

Young, A.: "Withdraw."

Speaker Giglio: "Withdraw Amendment #6. Are there further Amendments?"

Clerk Leone: "There are no further Amendments?"

Speaker Giglio: "Third Reading. Is Representative Leverenz in the chamber? Representative Martinez, are you ready on 3789? Out of the record. Representative Levin, out of the record. Representative Braun. Representative Braun. Is the Lady in the chamber? Representative Cullerton, 3896. Out of the record. Ought to go home Friday night or Saturday though, don't worry. We will now go to the Order of County Government. County Government on that Order of Business appears House Bill 1820, Representative Ropp. Out of the record. How about 3526, Representative Ryder? Representative Ryder in the chamber? Out of the record. House Bill 3717, out of the record. House Bill 3927,

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Representative Barnes. Is the Lady in the chamber?
Representative Barnes, are you ready on 3927? Page 14 of
the Calendar, Mr. Clerk, this is on the Order of Second
Reading. Read the Bill."

Clerk Leone: "On page 14 of the Calendar on the Order of Second
Reading. 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. No Committee
Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

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

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

Barnes: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. Floor Amendment #1 was one that was requested by
the committee. And it really spells out the amount of
money that will be paid to the county health board
salaries. The reason for the salaries was that some of
them spend an awful lot of time there. They're
professional men. They're doctors. The president of the
board spends some time every day there. The total amount
of all the salaries combined will be \$28,800. And we have
said there will be no more paid than \$200 a month to the
board members and the president will receive no more than
\$400 a month. I would ask for an 'aye' vote."

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

Cullerton: "Would the Sponsor yield?"

Speaker Giglio: "She indicates she will."

Cullerton: "This Bill is...provides for compensation for the
board of health members? The county board of health
members, right?"

Barnes: "That is correct."

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Cullerton: "For the...only the counties of DuPage, Kane, Lake, McHenry and Will?"

Barnes: "That is correct."

Cullerton: "How many members are there of the county board of health that would qualify for this compensation?"

Barnes: "To begin with this is Amendment #2 that we're discussing."

Cullerton: "Right. Which limits it to 200 per month for members and 400 per month for the president of the com...of the board of health. I just wanted to know...I assume there is only one president and I want to know how many members there were of the board of health in those counties?"

Barnes: "There are enough members to make it a total of \$28,800, Representative Cullerton."

Cullerton: "Okay, so we would just subtract 400...per each county or the total..."

Barnes: "No, we're just discussing...it's permissive and we're just discussing DuPage County. They are the ones that are interested in this at the moment."

Cullerton: "Okay, so DuPage County would cost Dupage...the Dupage County residents 28,000 total?"

Barnes: "Out of a 15 million dollar budget, Representative Cullerton, they will allocate \$28,800."

Cullerton: "I know, I'm not...believe me I'm just asking questions to inquire. I'm not trying to take a position, yet. It's only Second Reading."

Barnes: "Good."

Cullerton: "I just wanted to know how many members of...if you know how many members are there of the board of health?"

Barnes: "Twelve members."

Cullerton: "Thank you."

Barnes: "They are appointed by the chairman of the county board for a three year term."

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Cullerton: "Mr. Knuepher."

Barnes: "The Honorable Knuepher."

Cullerton: "Thank you."

Barnes: "You're welcome."

Speaker Giglio: "Further Discussion? The Gentleman from DuPage, Representative McCracken."

McCracken: "DuPage already has a similar provision, don't they, so that George Dunn can pay his board members for Cook, I mean? It's already the law. No, well, he would if we'd let him. But, you know, what is the point? Every time a DuPage County Bill comes up, Representative Cullerton gets up and Acts like the black plague has set in here. I don't know what the point of the hit is all the time. It's a few bucks we want to spend locally. It's just a good point, I'm sorry."

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

McCracken: "My apologies."

Speaker Giglio: "Representative Barnes."

Barnes: "Mr. Speaker, I do not want to be upsetting the other side when it's House Bill 3927 and it's sponsored by Representative Barnes. I would ask for an 'aye' vote, please."

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

Cullerton: "Yeah, I think he...my name was just mentioned. I just wanted to indicate if there was a hit or something on this Bill it wouldn't be on the Special Order. Right? We're calling it, right? So I'm just asking, you know. I'm just asking. And besides we're on Amendment #2, at least that's what she described. Did Amendment #1 get adopted?"

Speaker Giglio: "The Lady wishes to withdraw Amendment #1. Further Amendments?"

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

Speaker Giglio: "Representative Barnes on Amendment #2. Representative McPike in the Chair."

Barnes: "Thank you, Mr. Speaker. Amendment #2 was the Amendment that we just discussed. I would ask for an 'aye' vote for Amendment #2 to House Bill 3927."

Speaker McPike: "Is there any discussion? Representative Cullerton."

Cullerton: "Yes, would the Sponsor yield for a question? How many members are there of the...."

Barnes: "There are 12 members, but we may be moving you to DuPage much sooner than you think."

Cullerton: "Did you know that this applies to other counties besides DuPage?"

Barnes: "Yes, Lake County and Will County."

Cullerton: "Do they want this permissive power?"

Barnes: "Yes, they do, Representative Cullerton."

Cullerton: "Okay. Thank you."

Barnes: "You're welcome."

Speaker McPike: "Further 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: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 4115, Representative Hartke. Read the Bill, Mr. Clerk."

Clerk Leone: "On page 23 of the Calendar, House Bill 4115, a Bill for an Act to amend the Illinois Highway Code. Third Reading of the Bill."

Speaker McPike: "Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. House Bill 4115 is a...amends the Highway Code. It

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increases the maximum tax rate for township road districts by front door referendum, in those townships that have an equalized assessed evaluation of 10 million dollars or less. I would answer any questions if you have any. If not I'd appreciate a favorable vote."

McPike: "Is there any discussion? Representative Weaver."

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

McPike: "Yes, he will."

Weaver: "Representative, the way the Bill is structured now with the Amendments, correct me if I'm wrong, but the referendum is of the voters attending the township meeting?"

Hartke: "No, this is done at a referendum. A front door referendum, not a back door referendum. It is a front door referendum. Individual citizens may petition the board and...for this tax increase."

Weaver: "And it would be held during a general election?"

Hartke: "It cannot...it cannot be done at a town meeting. This must be done at a vote at a general election."

Weaver: "Okay. Thank you."

Hartke: "The township officials of Illinois are very in supportive of this Bill."

Speaker MCPike: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. Just to point out there might be some confusion about House Bill 4115. There were some talk that there might have been a down arrow on this side of the aisle, and that's not the case. I stand in support, I think, Representative Hartke, you've got a great idea. A much needed concept and it gives local control that people at home can vote for this if they wanted it...if I understand the Bill correctly. I rise in support."

Speaker MCPike: "Representative Cullerton."

Cullerton: "Yeah, I just want to clear up the confusion over on this side of the aisle, the down arrows are only for the

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targets, since this is a property tax increase and probably the same thing is true on the Republican side and that's why there's some confusion. I hope I cleared it up."

Speaker McPike: "Representative Hartke to close."

Hartke: "Thank you very much, Mr. Speaker. I appreciate those words of confidence from Representative Cullerton and Mr. Stephens on the other side of the aisle. The township officials are for this. It's a front door referendum. It is a tax increase for those townships who so wish to vote for that tax on their townships for their road districts."

Speaker McPike: "The question is, 'Shall this Bill 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 86 'ayes', 26 'nos', none voting 'present'. House Bill 4115 having received the Constitutional Majority is hereby declared passed. On House Calendar Supplemental #1, the Consent Calendar, page 2 of the Calendar. House Bill 3799, Representative Currie. Representative Currie asked leave to return the Bill to Second Reading for purposes of an Amendment. Any objections? Hearing none the Attendance Roll Call will be used. Leave is granted. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3799, this Bill has been read a second time previously."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Currie."

Currie: "I'd like leave to withdraw the Amendment."

Speaker McPike: "The Lady withdraws Amendment #2. Further Amendments?"

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

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Speaker McPike: "Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. Amendment #3 was requested by the Departments of Agriculture and the Environmental Protection Agency. The Amendment deals with the regulation of pesticides and fertilizers in the state. I know of no opposition and would be happy to answer your questions and would welcome your support."

Speaker McPike: "Is there any discussion? Representative McCracken."

McCracken: "I'm sorry, I didn't follow you. What does this do?"

Speaker McPike: "Representative Currie."

Currie: "This was an Amendment requested by the Environmental Protection Agency and the Department of Agriculture. It deals with the agencies opportunity to regulate pesticide and fertilizers in respect to their containment and storage. As I say, I know of no opposition. It is my understanding that the Chemical and Fertilizer Association is in support of this Amendment to House Bill 3799."

McCracken: "Okay, thank you."

Speaker McPike: "Representative Ropp."

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

Speaker McPike: "She indicates she will."

Ropp: "Did you just mention that it deals with pesticides in the soil or being applied to the soil?"

Currie: "It deals with the containment and storage of pesticides and fertilizers as I understand it."

Ropp: "Does the department now not have those regulations that deal with pesticides and insecticides for regulatory action?"

Currie: "The Department of Agriculture tells me that they do not have presently adequate authority over containment and storage issues. And that's why they've requested this

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Amendment and as I say my understanding is that the Chemical and Fertilizer Association supports the Amendment."

Ropp: "Okay, thank you."

Speaker McPike: "There being no further discussion the question is, 'Shall Amendment #3 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it and the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 3990, page 3 of the Calendar, Representative Cullerton. The Gentleman asked leave to return this to Second Reading for purposes of an Amendment. Is there any objections? Hearing none, leave is granted, Attendance Roll Call will be used. The Bill is on Second Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3990, this Bill has been read a second time previously. Floor Amendment #1 offered by Representative Cullerton."

Speaker McPike: "Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Bill is on the Consent Calendar because it's a result of an agreement between the banking interest and the commerc...retail merchants. And Representative Hallock's my co-sponsor. This is also an agreed Amendment and amends the Bill to provide that no fee may be charged against any person in connection with a N.S.F. check, except the drawer of the check, any bank or depository institution, any non-commercial checking account, or any person who knew or should have known for reasons of previous history that the instrument would not be honored. I would be happy to answer any questions and appreciate your support on the Amendment."

Speaker McPike: "Is there any discussion? Being none the

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question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it and the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Page 4 of the Calendar, House Bill 4172, Representative Wojcik. The Lady asks leave to return the Bill to Second Reading. Oh, it's on Second Reading, I'm sorry. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4172, a Bill for an Act to amend the Nursing Home Care Report Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Pullen."

Pullen: "Please withdraw that Amendment."

Speaker McPike: "The Lady withdraws Amendment #2. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Page 6 of the Calendar, House Bill 4091, Representative Churchill. The Gentleman asks leave to return the Bill to Second Reading for an Amendment. Is there any objections? Hearing none, leave is granted, Attendance Roll Call will be used. The Bill is on Second Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4091, this Bill has been read a second time previously. Floor Amendment #1 offered by Representative Churchill."

Speaker McPike: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 was basically created to satisfy

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some of the concerns that were expressed by Representative McPike. Basically this provides that the Department of Commerce and Community Affairs must be provided with proof that a non-Illinois site which would benefit, if there was a designation of a high impact business status be made prior to the designation in this Bill. It provides for certain times when revocation procedures can be initiated. It provides that the Department of Revenue can go back to recover wrongly corrected or exempted taxes. It provides that the business cannot qualify for other state programs for ten years in the event that it has misapplied under the terms of the Bill. It also provides that a business that is seeking this status must provide to the General Assembly and to the Economic and Fiscal Commission the various terms and guarantees which has received from the State of Illinois. And so I believe that this satisfies the requirements of the other side of the aisle and that we now have a Bill which is in a form that can be agreed upon by all parties."

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 Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. To Order of Call, Health and Safety appears House Bill 3026, Representative Stern. Mr. Clerk, a fiscal note request had been filed. Do you have the fiscal note?"

Clerk O'Brien: "Fiscal note is filed."

Speaker McPike: "Third Reading. When the Chair inadvertently moved that Bill to Third Reading there was an Amendment filed to the Bill. The Bill will return to Second Reading. Out of the record... Mr. Clerk. The Chair is not ready to

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adjourn. Agreed Resolutions."

Clerk O'Brien: "House Resolution 193, Barger...that's House Joint Resolution 193, Barger."

Speaker McPike: "Proceed, Mr. Clerk."

Clerk O'Brien: "1407, Wennlund. 1408, Wennlund. 1409, Wennlund. 1410, Wennlund. 1411, Wennlund. 1412, Wennlund. 1413, Wennlund. 1414, Wennlund. 1415, Wennlund. 1418, Petka and Wennlund. 1419, Matijevich. 1420, Williams. 1421, Kirkland. 1422, Hasara. 1423, Capparelli. 1424, Speaker Madigan. 1425, Barnes. 1426, Williamson. 1427, Wyvetter Young. 1428, Novak. And 1430, Parcels."

Speaker McPike: "Representative Matijevich."

Matijevich: "Yes, Mr. Speaker, we have examined the Resolutions. They are all congratulatory and I move the adoption of the Agreed Resolutions."

Speaker McPike: "The Gentleman moves the adoption of the Agreed Resolutions. All in favor say 'aye', opposed 'no'. The 'ayes' have it and the Resolutions are adopted. We are not going to adjourn, so if anybody's leaving the floor we are not adjourning yet. Special Order of Call, Local Initiatives. Those Bills on Second Reading, page 8 of the Calendar. House Bill 3132, Representative Cullerton. Out of the record. Local Initiatives, Third Reading, page 16 of the Calendar. House Bill 3085, Representative Cullerton. Representative Cullerton."

Cullerton: "Yes, did the Clerk read the Bill?"

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

Clerk O'Brien: "House Bill 3085, a Bill for an Act to amend an Act in relation to improvements of the Chicago Park Districts. Third Reading of the Bill."

Speaker McPike: "Representative Cullerton."

Cullerton: "This is, believe it or not, not very controversial. It amends...it's true, yeah. But it is now so I'll take it

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out of the record."

Speaker McPike: "General Resolutions."

Clerk O'Brien: "Senate Joint Resolution 127, Madigan and Cullerton. Senate Joint 128, Cullerton. Senate Joint 129, Cullerton. House Resolution 1416, Johnson. 1417, Phelps."

Speaker McPike: "Committee on assignment... Death Resolution."

Clerk O'Brien: "House Resolution 1429 offered by Representative Curran, with respect to the memory of Nancy T. Clauter."

Speaker McPike: "Representative Giorgi moves for the adoption of the Death Resolution. All in favor say 'aye', opposed 'no'. The 'ayes' have it and the Amendment's adopted. Allowing the Clerk perfunctory time for Senate Bills First Reading, Representative Giorgi now moves that the House stand adjourned until tomorrow at the hour of 9:00 A.M. All in favor say 'aye', opposed 'no'. The 'ayes' have it and the House stands adjourned."

Clerk O'Brien: "Senate Bill 1876, Flowers, a Bill for an Act to amend the Illinois Public Aid Code. First Reading of the Bill. Senate Bill 1978, Hallock, a Bill for an Act to release easements and restore access rights to certain described lands. First Reading of the Bill. Senate Bill 1989, O'Connell, a Bill for an Act to amend the Unified Code of Corrections. First Reading of the Bill. Senate Bill 2028, Hannig, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 2087, Madigan and Cullerton, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 2232, Hallock, a Bill for an Act to create the Heritage Preservation Fund. First Reading of the Bill. Senate Bill 2234, Black, a Bill for an Act to amend an Act to provide for the representation and indemnification in certain civil lawsuits. First Reading of the Bill. No further business, the House now stands adjourned."

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