

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

108th Legislative Day

May 20, 1988

Speaker McPike: "House will come to order. House will come to order. The chaplain for today will be Reverend Ray Hudson, from the First General Baptist Church in Abingdon. Reverend Hudson is a guest of Representative Hultgren. The guests in the balcony may wish to rise and join us in the invocation."

Reverend Hudson: "Our Heavenly Father, as we come to You this morning, we just give Thee praise and glory. And Lord, we just ask that You would just be over this assembled group here today, and Lord You have reminded us in the word that Lord You have made a ministers and Lord to give honor to them and praise to them, we just ask that You would guide their minds, anoint them today to do those things that Lord You would have us to do in this country, in this state and Lord we just give thee all the praise in Jesus' Name. Amen."

Speaker McPike: "Be led in the pledge of allegiance by Representative Hensel."

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

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

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

Speaker McPike: "Representative Matijevich."

Matijevich: "Yes, Mr. Speaker we have Ray Christensen excused due to illness."

Speaker McPike: "Take the record. 117 Members answering the roll a quorum is present. Consent Calendar. Read the Bills, Mr. Clerk. Third Reading."

Clerk O'Brien: "Consent Calendar, Third Reading, House Bill 923, a Bill for an Act to amend certain Acts in relation to

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proceedings for the support of certain persons. Third Reading of the Bill. House Bill 1576, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. House Bill 1638, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 2159, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill. House Bill 3059, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of the Bill. House Bill 3144, a Bill for an Act to amend certain Acts in relation to standards to be adopted by specific state agencies. Third Reading of the Bill. House Bill 3179, a Bill for an Act to amend the Environmental Protection Act. Third Reading of Bill. House Bill 3253, a Bill for an Act to amend the School Code. First (sic, Third) Reading of the Bill. House Bill 3304, a Bill for an Act in relation to state and local occupation and use taxes. Third Reading of the Bill. House Bill 3393, a Bill for an Act to create the Private Enterprise Review and Advisory Board. First Reading of the Bill. Third Reading of the Bill. House Bill 3417, a Bill for an Act in relation to administration of certain state Tax Acts. Third Reading of the Bill. House Bill 3462, a Bill for an Act in relation to the transfer of real property. Third Reading of the Bill. House Bill 3534, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill. House Bill 3550, a Bill for an Act in relation to land conveyance by the Department of Conservation. Third Reading of the Bill. House Bill 3646, a Bill for an Act to amend an Act in relation to children. Third Reading of the Bill. House Bill 3665, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill. House Bill 3687, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill. House Bill 3715, a Bill for an Act to amend the

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School Code. Third Reading of the Bill. House Bill 3717, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill. House Bill 3733, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill. House Bill 3769, a Bill for an Act to amend the State Employees Group Insurance Act. Third Reading of the Bill. House Bill 3772. House Bill 3800, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill. House Bill 3805, a Bill for an Act to amend the Boat Registration and Safety Act. Third Reading of the Bill. House Bill 3810, a Bill for an Act in relation to the regulation of motor vehicles. Third Reading of the Bill. House Bill 3828, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill. House Bill 3872, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill. House Bill 3881, a Bill for an Act to amend certain Acts in relation to job search training and work programs. Third Reading of the Bill. House Bill 3914, a Bill for an Act to amend the Regional Transportation Authority Act. Third Reading of the Bill. House Bill 3931, a Bill for an Act to amend the Nursing Home Care Reform Act. Third Reading of the Bill. House Bill 3940, a Bill for an Act to amend an Act in relation to budgets of counties. Third Reading of the Bill. House Bill 3946, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. House Bill 3947, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill. House Bill 3971, a Bill for an Act to create the Long Term Care Ombudsman Act. Third Reading of the Bill. House Bill 4035, a Bill for an Act to amend an Act to establish programs to support educational programs. Third Reading of the Bill. House Bill 4120, a Bill for an Act to amend the Illinois Public Aid Code.

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Third Reading of the Bill. House Bill 4122, a Bill for an Act to amend an Act in relation to public graveyards.

Third Reading of the Bill. House Bill 4175, a Bill for an Act in relation to the conveyance or transfer of land.

Third Reading of the Bill. House Bill 4215, a Bill for an Act to amend the Abused and Neglected Child Reporting Act.

Third Reading of the Bill. House Bill 4236, a Bill for an Act to amend the Timber Buyers Licensing Act. Third Reading of the Bill. House Bill 4286, a Bill for an Act to amend the Transit Merchant Act. Third Reading of the Bill."

Speaker McPike: "Those Bills will be held on Third Reading, they have been read a Third time. Mr. Clerk, Agreed Resolutions."

Clerk O'Brien: "Agreed Resolutions. House Resolution 1441, offered by Representative Black. 1442, Kubik. 1444, Slater. 1447, Curran. 1448, Parcells. 1449, Dunn. 1450, Berrios. 1451, Preston."

Speaker McPike: "Representative Matijevich."

Matijevich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. We have, as Zeke Giorgi says, perused the Resolutions, they are all agreed to and we move the adoption of the Agreed Resolutions."

Speaker McPike: "Gentleman moves the adoption of the Agreed Resolutions. All in favor say 'aye', opposed 'no'. The 'ayes' have it and the Agreed Resolutions are adopted. General Resolutions"

Clerk O'Brien: "House Resolution 1445, offered by Representative Wyvetter Younge."

Speaker McPike: "Committee on Assignment. Death Resolution."

Clerk O'Brien: "House Resolution 1443, offered by Representative Anthony Young, with respect to the memory of John R. Tucker."

Speaker McPike: "Gentleman moves, Representative Matijevich moves

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for the adoption of Death Resolution. All in favor say 'aye', opposed 'no', the 'ayes' have it and the Resolution is adopted. ...local initiatives, we intend to go right down the line. First Bill on the list, House Bill 2004, Representative Ryder. Read the Bill, Mr... Out of the Record. House Bill 2550. The Chair would, it's not necessary to remind everyone, but today is the last day and we may not get back to any Bill taken out of the record. We are going to try to recognize the Sponsor of the Bill to present the Bill and one opponent of the Bill, and if we can cooperate maybe we can get a few more Bills called today. House Bill 2525 (sic, 2555) Representative DeJaegher. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2555, a Bill for an Act in relation to finance and development. Third Reading of the Bill."

Speaker McPike: "Representative DeJaegher."

DeJaegher: "Thank you, Mr. Speaker. Members of the General Assembly. 2525 (sic, 2555) is a Bill that was approved by the citizens assembly and of course all of you are knowledgeable to the citizens assembly is a bipartisan group of Legislators that make recommendations to the General Assembly. What 2525 (sic, 2555) would be."

Speaker McPike: "It's 2555."

DeJaegher: "You told me 2525 the first time. Okay. But...but anyhow, what it does it enables the State of Illinois to be in accordance with the federal law. According to the developed finance authority Illinois current law, because it does not reflect the new federal trade code is inoperable and has become a barrier to non-home rule units of governments, which have sought to issue IRB's of this year. So basically that's the intent of the Bill, is to conform the State of Illinois with the Federal Government. And with that I move for passage of House Bill 2555."

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Speaker McPike: "Does anyone stand in opposition to the Bill? Question is, 'Shall House Bill 2555 pass?' All in favor vote 'aye' opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 113 'ayes', no 'nays', 3 voting 'present'. House Bill 2555, having received the Constitutional Majority is hereby declared passed. House Bill 2569, Representative Currie. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2569, a Bill for an Act to amend the Freedom of Information Act. Second Reading of the Bill. Amendments #1, 2 and 8 were adopted in committee."

Speaker McPike: "Any Motions or Amendments?"

Clerk O'Brien: "No Motions."

Speaker McPike: "Any Amendments?"

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

Speaker McPike: "Representative Bowman. We're on your Amendment. Representative McCracken, to stop this from getting a little confusing, Amendments 1 and 2 were adopted last year. They were last year Amendments. Amendment #8 is a 1988 Amendment, was adopted this year. Now we have Amendments 3 through 7 filed from this year. From last year, I'm sorry from last year."

McCracken: "3 through 7 are from last year?"

Speaker McPike: "Yes."

McCracken: "Well, we'll see if they are good Amendments."

Speaker McPike: "And 9 and 10 are from this year. Proceed, Representative Bowman."

Bowman: "Please withdraw Amendment #3."

Speaker McPike: "Number 3 is withdrawn. Further Amendments."

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

Speaker McPike: "Representative Currie withdraws Amendment #4."

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Further Amendments."

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

Speaker McPike: "Representative Currie withdraws Amendment #5."

Clerk O'Brien: "Floor Amendment #6, offered by Representative Currie."

Speaker McPike: "Representative Currie withdraws Amendment #6."

Clerk O'Brien: "Floor Amendment #7, offered by Currie."

Speaker McPike: "Representative Currie withdraws Amendment #7. Amendment #8 has been adopted. Further Amendments."

Clerk O'Brien: "Floor Amendment #9, offered by Representative Parcels."

Speaker McPike: "Representative Parcels."

Parcels: "Thank you, Mr. Speaker. Representative Currie has a better Amendment #10, so I will withdraw Amendment #9."

Speaker McPike: "The Lady withdraws Amendment #9. Further Amendments."

Clerk O'Brien: "Floor Amendment #10, offered by Representative Currie and Parcels."

Speaker McPike: "Representative Currie."

Currie: "Thank you, Mr. Speaker, Members of the House. The Amendment was requested of the Illinois Municipal League and it changes the requirement that a judge award plaintiff's attorneys fees from a mandate to a discretionary requirement on the part of the judge. I move it's adoption."

Speaker McPike: "Does anyone stand in opposition to the Amendment? Representative McCracken."

McCracken: "Thank you, will the Sponsor yield?"

Speaker McPike: "Yes."

McCracken: "Are there any... Well, in the Act generally, is there authority for the discretionary awarding of attorney's fees now?"

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Currie: "The language in the Bill as introduced required a judge to award attorney's fees in the event the judge found that the plaintiffs substantially prevailed that the information was in the..."

McCracken: "Is there now, other than this Amendment... Is there in the law now the discretionary award of attorneys' fees?"

Currie: "No."

McCracken: "So is there a mandatory award of attorneys' fees in the law now?"

Currie: "No. And there is not under this Amendment."

McCracken: "Does this Amendment apply to the entire Act?"

Currie: "Yes."

McCracken: "And are there any standards set forth to guide the court in it's discretion to determine whether attorneys' fees should be granted?"

Currie: "Yes."

McCracken: "What are those?"

Currie: "The standards are that the plaintiff substantially prevails, that the information is clearly of significance to the general public and that the public body lacked any reasonable basis for denying the request."

McCracken: "And is that, in your opinion, if those three elements are found by the court, would the court be required to award the attorney's fees?"

Currie: "With the adoption of Amendment 10, no, the court may award attorney's fees if the court finds those three elements. But the court is not required to award attorney's fees in that instance."

McCracken: "Alright."

Speaker McPike: "Question is, 'Shall Amendment #10 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."

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

Clerk O'Brien: "House Bill 2569, a Bill for an Act to amend Sections of the Freedom of Information Act. Third Reading of the Bill."

Speaker McPike: "Representative Currie."

Currie: "Thank you, Mr. Speaker, Members of the House. The Freedom of Information Act has been in effect for nearly four years. This Bill, House Bill 2569, is an effort to close several of the loopholes in the law. Basically, what it provides is a way for a court to determine an index of records in the event that there is a lawsuit under Freedom of Information so that both the plaintiff and the defendant have an understanding of what the issues in those records were. It makes some changes in respect to corrections and police activities, and it makes a minor change in the attorney fee Section of the Bill. Let me say for the record that we are still working on some of the provisions of the Bill. I know that there are two agencies that we are continuing to work with, because there are several outstanding concerns and we have made a commitment to continue work with those agencies. With the adoption of Amendment 10 the Bill is not opposed by the Illinois Municipal League, and it has the strong support of the Illinois Press Association, the AFL-CIO, Common Cause, League of Women Voters, the American Civil Liberties Union. I'm happy to answer your questions and would appreciate your support."

Speaker McPike: "Does anyone stand in opposition to the Bill? Question is, 'Shall House Bill 2569, pass?' All in favor vote 'aye' opposed vote 'no'. Have all voted? Have all voted? Have all voted who wish? Representative O'Connell. Do you wish to explain your vote, Sir?"

O'Connell: "I thought there was a problem with the Bill, but I'm

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advised by the Sponsor that the Amendment was tabled.."

Speaker McPike: "Have all voted? Have all voted who wish? Clerk will take the Record. On this Bill there are 86 'ayes', 25 'nos', 4 voting 'present'. House Bill 2569, having received a Constitutional Majority is hereby declared... Representative Parke."

Parke: "Continue. Go ahead, take the record."

Speaker McPike: "Mr. Parke, would you turn off your light until we announce the roll? On this Bill there are 86 'ayes', 25 'nos'. House Bill 2569, having received a Constitutional Majority is hereby declared... Representative Parke, do you wish to speak on this? Would you turn off your light until we announce the roll? This Bill having received a Constitutional Majority is hereby declared passed. Representative Parke."

Parke: "Thank you, Mr. Speaker. I didn't mean to confuse the Speaker. I have a... the Memorial Day addresses for Members of the General Assembly who may be having to give speeches. Also, there are people selling poppies and I would ask that we don't forget the veterans. Thank you."

Speaker McPike: "House Bill 2004, Representative Ryder. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2004, a Bill for an Act to amend the Open Meetings Act. Second Reading⁰ of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative McCracken, Amendment #1."

McCracken: "Thank you, Mr. Speaker. Amendment #1 deletes the underlying Bill and amends the Open Meetings Act in three respects. Providing that all final action taken at an open session shall be proceeded by a public recital of the

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nature of the matter being considered and also requires that the public Body, no less than semi-annually meet to review the minutes of all closed sessions and report in open session whether the need for confidentiality still exists. And in addition extends the time in which the States Attorney may bring an action for violation of the Act to the greater of the current limitation or 45 days within the discovery thereof by the States Attorney. I move its adoption."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1. Does anyone stand in opposition to the Amendment? Question is, 'Shall Amendment #1, be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it, the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

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

Clerk O'Brien: "House Bill 2004, a Bill for an Act to amend Sections of the Open Meetings Act. Third Reading of the Bill."

Speaker McPike: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. The Amendment that we just put on becomes the Bill. I would ask for favorable consideration. Thank you."

Speaker McPike: "Does anyone stand in opposition to the Bill? Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the Record. On this Bill there are 113 'ayes', no 'nays', none voting 'present'. House Bill 2004, having received a Constitutional Majority is hereby declared passed. With leave of the Chair we're gonna skip... With leave of the Body we're going to skip down to House Bill 3794, Representative Giglio. So Representative Giglio can take the Chair. Read the Bill,

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Mr. Clerk."

Clerk O'Brien: "House Bill 3794, a Bill for an Act relating to the qualification of judges. Third Reading of the Bill."

Speaker McPike: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's a very simple Bill, and I think it does to each and every one of us a lot of soul searching in deep thinking as to whether or not a lawyer who is qualified to be a judge could have at least eight years of experience before he's a candidate to become a judge. I think it's very important in this day and age actually people coming out of law school with one or two years experience could actually be a candidate, which some have, to sit in judgement of life and death, divorce, probate, child abuse, etc. It's just too important. I think they may have a lot of the theory in back of them, but the practical experience and working in a courtroom as to comment I think that can only come by a number of years being in practice. So I would be happy to answer any questions. If not, I would ask for your favorable support."

Speaker McPike: "Does anyone stand in opposition to the Bill? Representative Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think all the reasons stated by the Sponsor of the Bill are probably good reasons and qualifications that ought to be in any candidate for judge, whether he be associate...he or she be associate...judge or candidate for circuit judge, but I don't think we can impose an experience requirement on anybody. I don't think we can impose an experience requirement on what experience in life you should have before you come to the Legislature. I would assume, and I think we have to assume, that this Bill violates the premises of our Constitution in terms of how

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it adds an additional requirement to the office of judge. I've had a law degree for seventeen years, and I know I still have a lot to learn about the law, and experiences in life. And I know that the Sponsor of the Bill doesn't have a law degree, and he may have a lot of experiences in life, and a lot of knowledge that I don't have that he could use if he were a judge. But we've set the requirement. The requirement is that you hold a valid law license, that you've had that experience and that training. Beyond that, I think the public, the electorate, the circuit judges if they are selecting associate judges are the ones that have to make the decision whether or not that training is adequate. I don't think years of experience necessarily give that to you. Somebody can get a law license and sit around and be a plumber for eight years and then run for judge. And they have gained really nothing more than they had when they were out of law school. As a matter of fact, sometimes when people come out of law school they know more law than they do at any other point in their legal career, so with all due respect to the Sponsor, and I know his motives are good, I think the purposes of this Bill violate the Illinois Constitution to add additional requirement to the proposition that somebody become a judge. I think we should cast a 'no' vote. I thank you."

Speaker McPike: "Question is, 'Shall this Bill pass?' All those in favor vote 'aye', opposed vote 'no'. Representative Preston, one minute to explain your vote."

Preston: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I'm gonna be opposing this Bill, though I have great respect for the Sponsor and his intent and for none of the reasons expressed by the previous Speaker. I don't think eight years is enough. I think we should go to ten or twelve years as a minimum experience requirement in

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order to qualify to be a judge, in the State of Illinois. I think that we have experienced in the state and in Cook County some dissatisfaction with the method by which judges are allowed to run, simply by getting five hundred signatures on a petition, and there should be some minimal requirement and certainly a ten or twelve year experience requirement is not too great to impose when somebody is seeking to be elevated to the bench. So I'm voting 'no', though I agree with the intent of the Bill. I just don't think it goes far enough."

Speaker McPike: "Representative O'Connell to explain your vote."

O'Connell: "I think that the Sponsor, Mr. Speaker, should be commended for this legislation. I'm voting 'present' because I don't think it's constitutional. The General Assembly cannot determine the practice of law. That is in the purview of the judiciary. I would suggest, however, that the content of this Bill is...has great merit and I would encourage the Sponsor and I would join with the Sponsor in adopting a Resolution, promoting a Resolution and requesting the Illinois Supreme Court to set some kind of a limit as the Sponsor has suggested."

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

Giglio: "Well, thank you, Mr. Speaker. I just want to make just a few more comments, maybe I can change somebody's mind. You know, one of the Speaker's says you don't have to have much experience. It took me ten years to do plumbing before I went in the plumbing business. If the Sp... And somebody else said something about not having much experience at all. Well, if that's the case, then why be lawyers to be a judge? Maybe even a plumber could be a judge. But I don't think putting eight years... I look around and see some of the staff people, what do they know about courtroom procedure? What do they know about... But

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it scares me to have somebody sit up there with that black robe on determine life and death over somebody and not having any practical experience at all. It just blows my mind. I thought there would be a lot more votes and this thing would fly out."

Speaker McPike: "Have all voted? Have all voted who wish? Clerk will take the Record. On this Bill there are 41 'ayes', 62 'nos', 12 voting 'present'. House Bill 3794 having failed to receive a Constitutional Majority is hereby declared lost. Representative Giglio in the Chair."

Speaker Giglio: "I guess I can drown my sorrows in the Chair. Representative Preston."

Preston: "Thank you, Mr. Speaker. You shouldn't feel too bad about that last vote. I had a Bill requiring ten years experience and I couldn't even get a 'do pass' Motion in committee."

Speaker Giglio: "Alright, we're going to continue right down the Calendar, and hopefully we could make some headway today and finish up. On page 3 of the Calendar under local initiatives appears House Bill 2917. Representative Mautino, 2917. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2917, a Bill for an Act in relation to waste water treatment. Third Reading of the Bill."

Speaker Giglio: "The Gentleman asks leave to have the Bill be brought back to second, where he can read it for the purpose of an Amendment. Does the Gentleman have leave? Leave is granted. Mr. Clerk, read the Bill."

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

Speaker Giglio: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker. Amendment #2, takes... We have a problem, because Amendment #1 was adopted and Amendment #2...Wait a minute, Amendment #1 was adopted by

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McCracken. We have a problem of adding both the original proposal and Representative McCracken's Amendment. We have to square this away with this Amendment, by stripping both and passing a vehicle because Mr. McCracken wants to discuss further the terms of the loan, etc. This is the only way I could figure to do it, Mr. Speaker."

Speaker Giglio: "Any discussion? All those in favor of the Amendment signify by saying 'aye', those opposed 'nay'. In the opinion of Chair the 'ayes' have it, the Amendments adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Gentleman have leave by the Attendance Roll Call to hear the Bill on Third Reading immediately? Hearing none, leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2917, a Bill for an Act in relation to waste water treatment. Third Reading of the Bill."

Speaker Giglio: "Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker. This Bill now is a shell Bill for the revolving funds for those 226 cities that are under the compliance order of the EPA. We've still got things to work out and at the request of Representative Cullerton and McCracken we'd like to do it. So therefore, I would ask for your favorable support on 2917."

Speaker Giglio: "Any opposition? All those in favor of House Bill 2917 vote 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 113 voting 'yes' none voting 'no' and none voting 'present' and House Bill 2917, having received a Constitutional Majority is hereby declared passed. House Bill 3007, Representative

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Curran. Are you ready with this one, Sir? Out of the record. Representative O'Connell. Representative O'Connell. Representative.. Representative Curran, on House Bill 3007. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3007, a Bill for an Act to amend the Civil Administrative Code of Illinois. This Bill's been read a second time previously. No Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Representative McCracken."

McCracken: "Mr. Speaker, the underlying Bill allows a person to be represented at this stage of the revenue litigation. This stage, or this paragraph, amended... requires the taking of test or allows for the taking of testimony, the compulsory production of witnesses and documents and can have an effect on the litigants rights if the administrative review goes against him and by that I mean this. You have to make your record under the Administrative Review Act before the administrative body. If you don't make your record there, you cannot, you are precluded from making a new record in the circuit court, so for that reason it's a very crucial stage of the process. Now, I understand the Gentlemen would like not to have to go to the expense of an attorney and I am willing to meet him halfway on that issue. But because of the importance of making a record in the administrative hearing and because of the probable constitutional question of allowing non-attorneys to represent third parties, I propose Amendment #1, which designates accountants or other agents as just that. Agents of the taxpayer. So that it is the taxpayer who is representing himself if he so chooses and the other non-attorney parties may assist him in that

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regard. It may seem like a semantical distinction, I think that there is more to it than that. But it's my attempt to meet half way what the Gentlemen wants to accomplish. The Department of Revenue asked me to Sponsor this Amendment to the Bill."

Speaker Giglio: "Further Discussion. The Gentleman from Lee, Representative Olson."

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

Speaker Giglio: "He indicates he will."

Olson, M.: "Representative McCracken, you and I and the other Members of JCAR, over the winter months, received much mail from the CPA's and others. Will this specifically address their concerns?"

McCracken: "Well, the Bill specifically addresses their concerns. My Amendment would allow them to act the same as if the Bill had been passed unamended. I do designate them agents of the taxpayer, however, and not parties able to act independently of the taxpayer. They can only act in conjunction or the assistance of the taxpayer. But yes, he doesn't have to have a lawyer if he chooses not to and the accountant may participate as an assistant or agent of the taxpayer."

Olson, M.: "To the Amendment and to the Bill. We should very well consider what Representative McCracken has said and what Representative Curran proposes in this Bill. It has been a significant issue in the six years I've been on JCAR, we've received more mail on this issue and phone calls than any other concern. And with the assurance from revenue that it's in the form that will be amenable to our constituents, to small businessmen, we will be supportive."

Speaker Giglio: "Representative Curran. Representative McCracken. Representative McCracken."

McCracken: "Speaker, I misidentified my Amendment, I misstated it

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inadvertently. This would require that the attorney represent the party and that the accountant may act as an agent of the attorney. Frankly, I thought that this had been drafted for the purpose of satisfying the accountants but designating them as agents of the taxpayer. So I'll withdraw the Amendment."

Speaker Giglio: "Withdraw? Withdraw the Amendment. Further Amendments."

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

Speaker Giglio: "Withdraw Amendment #2. Further Amendments."

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

Speaker Giglio: "Amendment #3, Out of the...withdraw."

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Does the Gentleman have leave for immediate consideration by the Attendance Roll Call. Hearing None, Leave is granted. Mr. Clerk, Read the Bill."

Clerk O'Brien: "House Bill 3007, a Bill for an Act to amend Sections of the Civil Administrative Code. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Sangamon, Representative Curran."

Curran: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. Very simply here, this Bill says that if your accountant figures out your taxes, you go before the Department of Revenue to appeal on a hearing that you don't have to drag a lawyer along with your accountant into the Department of Revenue. Very simple, good business procedure and I'm sure that Representative Olson stands in favor and I believe that Representative McCracken understands the importance of the Bill, because he withdrew the Amendments. I would appreciate an 'aye' vote."

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Speaker Giglio: "Any opposition? Hearing none, all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 110 voting 'yes', none voting 'no' and none voting 'present'. House Bill 3007, having received the Constitutional Majority is hereby declared passed. Representative O'Connell on 3027. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3027, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

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

O'Connell: "Thank you, Mr. Speaker. This is House Bill 3027. It's received quite a bit of notoriety of late. Quite frankly, I introduced this Bill rather innocently because in my district I lost... am in the process of losing one of our largest employers which formerly was known as the Fisher Body Auto Parts. And I've got several constituents that are in the auto repair industry and they pointed out to me a major problem in the industry today, and that is that the replacement parts on automobiles and motor vehicles are often not the same quality of the parts that are removed due to collision or automotive accidents. And that many of the insurance companies are insisting that the auto parts that are replaced are done so with what is referred to as the non-original equipment manufactured parts, or after market parts. This has presented a problem in many respects as to the fit of the part, as to the corrosiveness of the part, and most importantly as to the safety of the part. Now, there has been much information that's been disseminated of recent past as to what this Bill actually does. Let me try to dispel some of the things that it does not do. It does not refer to small

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parts, such as mufflers or batteries or devices that are placed in the vehicle. This is addressed exclusively to the exterior of the motor vehicle. That is, such things as the hoods, fenders, bumpers and doors. We're asking that when a motor vehicle is worked on or the parts are replaced that if the non...the aftermarket part is not from the original manufacturer that the consumer simply be advised as such. And most importantly, we're asking that the aftermarket part be tested in a fashion comparable to what the original part is tested. This is the most important aspect to the consumer. And the state of the art is such that there are testing laboratories that can treat the aftermarket parts and test them similar to what the original parts are tested as. Presently we are not dealing on a level playing field, that the original parts are gone through the testing and...or stand before the manufacturer of that part as to its quality and fitness. Often the aftermarket parts that are placed on motor vehicles come from the Far East and have experienced absolutely no testing as to their quality, fitness and finish. So I would be happy to answer any questions and hopefully convince you of the importance of this Bill."

Speaker Giglio: "On this question, the Gentleman from Rock Island, Representative Brunsvold."

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

Speaker Giglio: "He indicates he will."

Brunsvold: "John, if I had a used car parts... auto parts junk yard, and I had spare parts, like fenders off of Oldsmobiles, and someone wanted to use one of those fenders to put on a repaired car, how would that work?"

O'Connell: "If you're talking about a junk yard, Joel... two things. Often, you're talking about a car that is of... I believe there is a... I believe a car of a certain age

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would not fall under this category. Secondly, the part that you are putting on may well be an original manufactured part, only it's in a junk yard. I don't believe this would apply to the junk yard situation. What it would apply to is, if you are going into a body repair shop and you've experienced an accident you need the fender removed. When you purchase a new fender, if that fender is an aftermarket part, not an original part, you have to be advised as a consumer that this is, and that the part is of like quality of fit and finish of the original."

Brunsvold: "So the consumer then can receive a... say a used fender off another car. But he at least has to be notified that that's the situation that's happening?"

O'Connell: "Yes, that's it. Its a simple matter of disclosure."

Brunsvold: "Where do the junk car dealers, the auto remanufacturers stand on this Bill? Are they with this, are they supportive?"

O'Connell: "The auto manufacturers and the body repair work... owners are for this Bill. The insurance companies are opposed to it as well as the automotive wholesalers of Illinois. Now, may I address that as long as you raised the question? There was a letter that was sent out to most of the Members... all the Members of the General Assembly, including myself, got a letter opposing the Bill. Some of you, however, got a check along with that letter. Now, I didn't receive a check, and... for obvious reasons. But all of this emphasis that this organization is placing on this Bill is misfounded. Because I took out most of their opposition which is... they were saying originally that batteries would have to be tested, that windshield wipers, that all these items that are sold in your auto parts stores, it doesn't apply to that. It's exclusively exterior parts."

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Brunsvold: "Thank you, Representative."

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

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

Speaker Giglio: "He indicates he will."

Black: "Thank you. Representative, your Bill is entitled the Vehicle Replacement Safety Law. If all we're dealing with here is external sheet metal, might the Bill not perhaps be mislabeled?"

O'Connell: "Well, a fender is a replacement part. A hood is a replacement part."

Black: "Oh, I have no difficulty with the word replacement, I'm focusing on the work safety."

O'Connell: "Well, certainly the safety aspect of a bumper is obvious."

Black: "Are you aware, Representative, that if you have a relatively new car, if you have a minor collision and damage the front end plastic grill or trim parts it's an OEM situation. There is no competition in that. And I can tell you I've had a vehicle tied up for a month waiting for that replacement part. Let me ask you another question. Are all OEM parts manufactured by Ford, General Motors or Chrysler in American factories by UAW workers?"

O'Connell: "Oh, no. We're talking about the original manufactured parts."

Black: "Okay, let me focus in on that. Then it could be that an OEM part might very well be out sourced or a supplier of an OEM part could be used to whipsaw a UAW plant. Would you agree with that?"

O'Connell: "Well, no. I'm not going to agree with that conjecture or characterization of whipsawing. No."

Black: "Alright. Thank you very much, Representative. To the

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Bill, Mr. Speaker. Ladies and Gentlemen of the House, I think the Speaker is very well intentioned in this Bill. I think that we do need a constructive notice to the consumer. So that when you go into a body shop, you know whether or not you're purchasing an OEM part or some hood, deck lid, quarter panel, manufactured somewhere else, perhaps not to the standards of your new automobile. And you should be constructively notified of that and make a informed decision. I think, however, and I commend the Sponsor for trying to work this out... I think the perception is that this Bill goes beyond that, and I can assure you that every small automobile aftermarket seller in your district is opposed to this Bill. Right or wrong, the perception is that it can be used later on to regulate such after market items as shock absorbers, brakes, what have you. This Bill does not do that, but the perception is out there and it's very real that that's where they're headed and your small aftermarket auto suppliers would urge you to vote 'no'."

Speaker Giglio: "The Gentleman from Lake, Representative Matijevich."

Matijevich: "Mr. Speaker. I wasn't going to speak on this Bill, but I do rise because I'm one of those guys that got a check. And I want to rise because I got a hundred dollar check and then there was a P.S. on it as to this Bill. When I saw that P.S., I returned the check with the bottom portion and said because of the accompanying letter I cannot accept the check. But the reason I rise is that very often we get donations and in it there's typical letters that come with the donation. I may have not read that P.S. and accepted the check. And could have been indicted for it, probably. And that's the reason I say that sometimes prosecutors ought to be very careful when

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they indict people because of the fact that I think we try to vote our conscience. I was going to vote against this Bill, because of all that I... my research was in the Bill and felt that the Bill was in the interest of the consumer. But I wonder if I had, I had like everyone of us do very often, we accept donations and sometimes we read the letters later in full. And so that's the danger of those who give us donations. I am going to vote for the Bill because it is in the best interest of consumers. I returned the check, but some of you may have not of returned the check, and may vote either way in good conscience. So, but that's why I rise on this Bill and intend to support it."

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

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

Speaker Giglio: "He indicates he will."

Parcels: "Representative, it says a disclosure statement. I mean when I go in to get my car fixed, he can't just say to me, I can give you this GM door, or I've got another door. If you've got an old junker you might want this other door. He can't just say it, he has to give me a statement? I mean he has to write this up for me?"

O'Connell: "Well, it's a pre-written form. It's not unprecedented in the annals of business that there be a pre-written form. And that's correct. Has to be a written form."

Parcels: "I'm wondering why I had a lot of mail on this. Incidentally, I must say for the record that I also received a check. Unfortunately for me, my check was only fifty dollars, but mine also went back as did many of my colleagues who... that I talked to about this. I think that the sender of that check did himself a disservice. I think he's gonna drive people to the other side, when in

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fact the right vote for this Bill is a 'no'. Because I agree with Representative Black, that the perception out there is that it will become more and more confining. I think that as we put these people out of business, and we will, according to all the letters I received, the parts people will eventually be put out of business. And then these parts will become ever more expensive and when they become more expensive, we've done a great disservice to the consumer. Therefore, I think a 'no' vote is a right vote on this Bill."

Speaker Giglio: "The Gentleman from Fulton, Representative Homer."

Homer: "Thank you, Mr. Speaker. I was not one of those who received a check, but I think much too much is being made of that and I think what that shows more than anything, and I understand that that organization which represents very small auto wholesale dealers and is not a very sophisticated lobby group has issued an apology and a recognition that what it did was wrong. But I think more than anything, it highlights the problem here. And that's that we're dealing with some lobby giants on the one hand, representing the major car manufacturers, the big three or the big four, doing battle against this little David who doesn't even know how to go about lobbying properly, who represents these little guys out there who sell these replacement parts. And don't kid yourself about the language that the Bill would require to be disclosed. It says that the repairer would have to tell in writing the customer that replacement parts supplied by a non-original equipment manufacturer may vary in terms of quality, fit and performance from the original parts supplied on the vehicle. Now, how many of you would go in and get your car repaired and when you were handed something like that and

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told that that's what they intended to use on your car. Now the implication is clear and the perception is very clear. This is exactly what the big three want to do and that's to instill a chilling effect, they know customers don't want to put a part on their car where that kind of a disclaimer is given. The problem is... is the underlying assumption is these replacement parts are inferior. There is no evidence that they're inferior. What there is evidence of, is that by letting these other competitors into the aftermarket, that it's shown to have driven down the cost, to the consumer and insurance companies allowed for insurance cost to be kept down and it's broken up the monopoly of these big car manufacturers. Well, this isn't just an Illinois situation, the car manufacturers have decided to take a national blitz to try to knock out these competitors, these little guys that are in your hometown who are trying to make an honest living selling quality replacement parts. As Representative Black says, there's no safety issue here, we're talking about these. We're not talking about the frame of the vehicle, that's what safety is incorporated in. We're talking about the sheet metal and plastic exterior, cosmetic parts. That's what this Bill deals with. And by putting this chilling notice into effect, what you're doing is penalizing these little guys in your community that have written you letters asking for help. And I would certainly hope that even though Representative O'Connell certainly introduced this Bill for only the finest motives, I certainly wouldn't question his. I think that those who are supporting this Bill behind the scenes have less than pure motives and are simply trying to invoke anti-competitive monopolistic practices on this industry. So I would hope that we would not allow that to happen and put up our red votes."

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

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

Speaker Giglio: "The Gentleman moves the previous question. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the previous question has been adopted. Mr. O'Connell to close."

O'Connell: "Thank you, Mr. Speaker. I think I can ask all of the Members in this General Assembly if they got a letter from any consumer. I'm not talking about a person who sells auto parts, or even the auto repair people or even the auto manufacturers, I'm talking about consumers. If they had any opposition to this Bill. All we are asking for is that people who make auto replacement parts be playing on a level playing field. That the part that comes from the factory in Taiwan which is made at a quality level far less than that which is being made at the General motors plant in Michigan or the Fisher Body Plant in Willow Springs, Illinois or the Belvidere Chrysler Plant in Belvidere. That they be playing on the same playing field. It's a good Bill, it's a simple disclosure Bill and a requirement of testing. And I ask that there be a favorable vote. Thank you."

Speaker Giglio: "The question is, 'Shall House Bill 3027 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. To explain his vote, Representative Regan. Representative Regan."

Regan: "Thank you Mr. Speaker, Members of the House. I also received a check and it went back the same day. But I'm voting against this Bill for the basic reason that, a few years ago, you'll remember it hit all the newspapers that a fifteen thousand dollar car costs thirty five thousand

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dollars to replace in the aftermarket. That's why these things came about, that's why the prices start coming down. The big car dealer, the big car manufacturers who are charging so much for the replacement parts that competition came into play. That's what we need a 'no' vote on here for."

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

Hartke: "Thank you very much, Mr. Speaker. I'm opposed to this Bill, too. The Sponsor indicated and asks the question how many letters did you get from your consumers opposing this Bill. Well, I've got to say that I did not receive a letter from one consumer who is opposed to this Bill, but I didn't receive one letter from any of my constituents who are for this Bill. I think it's an attempt to corner the market and before long, as many previous speakers have said, we will put the small parts businesses out of business, and your repair parts are going to go up. I would urge more red votes up there to defeat this Bill."

Speaker Giglio: "The Gentleman from Cook, one minute to explain his vote. Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker. I'm voting 'no' on this Bill, because of my constituents, because of my consumers. The Sponsor said how many constituents have I heard from about this problem. I haven't heard from one. What this really does is help the big guys again, the big automobile manufacturers, not the consumers. So I urge everybody to vote 'no.'"

Speaker Giglio: "Representative McNamara, one minute to explain your vote."

McNamara: "Thank you Mr. Speaker, Members of the House. This is a very important safety issue contrary to what some other people have said. When the tensile strength of the

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material fails and hoods come off and go through a windshield in order to kill people, as tests have shown from inferior replacement parts, this is something that is serious to each one of our constituents. When we have the misfitting parts, the automobile repair shops have to spend the extra hours in labor in trying to put those in. On top of that, the consumer doesn't get what they're paying for. They're getting misfitted automobile parts that will rust out within a year. This doesn't put anybody out of business, this brings American manufacturers into the tolerances that have to be brought by the OEM part. If you have a 1987 car, you have the right to have that car to be produced at the same way it was originally. I urge an 'aye' vote."

Speaker Giglio: "The Gentleman from Will, Representative Wennlund, one minute to explain your vote."

Wennlund: "The right vote on this for the protection of consumers in Illinois is a 'yes' vote. While all this does is tell the consumer what kind of parts are being placed on his car. If you're concerned about your consumers, you'll vote 'yes' on this Bill, because this Bill will tell the consumer what is being put on his car when there is no way in the world he would otherwise know. I urge a 'yes' vote."

Speaker Giglio: "The Gentleman from Winnebago, Representative Giorgi."

Giorgi: "Mr. Speaker, let the record indicate that the Dean of the House, didn't get a check and I wonder why. I'm voting 'aye' anyway."

Speaker Giglio: "The Gentleman from Cook, Representative Martinez. One minute to explain your vote."

Martinez: "Mr. Speaker, thank you very much and I would like to say that I am one of those that received this letter and

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because I receive my mail at my home, it was laying in my table when I got there. I put it aside for a few days but within a couple of days, I received another letter apologizing for the error that apparently somebody had made in the previous letter. I am gonna vote for this legislation because I think it's good. It calls for the replacement of authorized parts and I think that the consumers are entitled to have authorized parts that are made for a certain car."

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 64 voting 'yes', 49 voting 'no', 4 voting 'present'. House Bill 3027, having received a Constitutional Majority is hereby declared passed. Representative O'Connell on 3056. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3056, a Bill for an Act to create the Illinois Energy Conservation Finance Authority. Third Reading of the Bill."

Speaker Giglio: "Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. House Bill 3056 will create the Illinois Energy Conservation Financing Authority Act. It will be a political subdivision of the state for the specific purpose of coordinating financing and managing energy conservation measures in Illinois public buildings. That includes the state, county, local school and governmental facilities. The conservation projects would include improvements and repairs of any building or provision of equipment that results in reducing energy costs of the facilities. The Bill is a creation of certain individuals who have worked in the bonding industry and their first effort was in the State of Iowa, where this authority was created, and it has

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been very successful in the State of Iowa. Also, the State of New Jersey has done a similar... created a similar authority. In light of the fluctuation and the general increase of energy costs, this initiative will not only assure our public facilities of energy efficient equipment, but will do so at absolutely no cost to the taxpayer. That the bonds, the debt service for the bonds, will be financed through the cost savings that result in the placement of the energy efficient equipment. I'd be happy to answer any questions on this piece of legislation."

Speaker Giglio: "Any discussion. Hearing none. The Gentleman from Adams, Representative Mays."

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

Speaker Giglio: "He indicates he will."

Mays: "Representative, will this cost anything?"

O'Connell: "No. As I said, Representative, it will not cost anything because the debt service on the bonds that would be issued would be paid for by the difference between the the...current energy cost and the savings that result will result from the placement of the energy efficient equipment."

Mays: "How many Bonds are you talking about issuing?"

O'Connell: "Well, that would vary. What would have to be done, would there would have to be a state audit or an audit of the facilities that are requesting that efficient equipment be placed in, and it would depend on the audit and the needs at the time."

Mays: "Who would do the audit?."

O'Connell: "The Energy and Natural Resources would be the appropriate entity to do the audit."

Mays: "How will they do the audit? With what funds?"

O'Connell: "They've got the funds now. As a matter of fact, they are deemed with the responsibility of doing an audit now."

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Mays: "Alright, have they done their audit?"

O'Connell: "To my knowledge, no."

Mays: "Rather than prolong this... Here we have a classic case of a great idea competing with a whole bunch of other great ideas. You know, as we speak we're trying to put together funding mechanisms for waste water treatment and a number of other things that are gonna require bonded indebtedness, things that are probably equally as good. But they're not quite as glamorous. We could probably say that waste water treatment plants bonding would save us money by allocating what we would have saved by not incurring the federal fines of all the municipalities and make a great case in that regard. I would simply say at this time it's not the time to step into this program and I would urge a 'no' vote."

Speaker Giglio: "Representative O'Connell to close."

O'Connell: "Well, Mr. Speaker. Now, is the time that we should exercise some..."

Speaker Giglio: "Excuse me. Excuse me, Representative O'Connell. Representative Bowman."

Bowman: "Just one question, please. Are these G.O. bonds or revenue bonds?"

O'Connell: "Revenue Bonds."

Bowman: "Thank you. Well then, I think Representative Mays point is not well taken. Thank you."

Speaker Giglio: "Proceed, Representative O'Connell."

O'Connell: "Mr. Speaker, now is the time that we should exercise some imagination and try to cut the spiraling cost of government. This is not going to cost the taxpayer anything. The last question was 'Is this a revenue bond or a G.O. bond?' It is a revenue bond that will be paid for by the cost savings of the instruments and the equipment that are placed in to save energy. The Department of Energy and Natural Resources reports that Illinois State

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Government spends \$120,000,000 annually for energy. Local governments add another 200,000,000 to the state energy... public energy Bill. Schools save... spend rather, \$150,000,000 on energy. Now we need to exercise some imagination. This as an instrument to further that imagination for the betterment of the consuming public and the taxpayer. It is not cost generating, it is a cost saving measure and I'd ask for an 'aye' vote."

Speaker Giglio: "Question is 'Shall House Bill 3056 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. The Gentleman from DuPage, Representative McCracken, one minute to explain your vote."

McCracken: "Thank you, Mr. Speaker. I rise in opposition to the Bill. I know that the Sponsor is well intentioned and does describe a need at the local government level. However, this allows for a tax increase without a referendum for the purpose of retiring these bonds. No referendum of any kind is required, front door or back door, and also this debt... any of the debt incurred under this Act will not count in determining the municipalities debt limit. So any debt that the municipalities now have will not affect how much of this can be offered for sale, and conversely, no matter how much debt they incur under this Act does not affect their other debt limitations. So not only is it a tax without a referendum, but it is wholly outside of the limits of our current financing authority for Local Governments."

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 52 voting 'yes', 51 voting 'no', 9 voting 'present'. Representative O'Connell."

O'Connell: "Leave for postponed consideration."

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Speaker Giglio: "Does the Gentleman have leave for postponed consideration? Leave is granted, postponed consideration. Mr. Clerk, 3091."

Clerk Leone: "House Bill 3091, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from southern Illinois, Representative Hicks."

Hicks: "Thank you very much, Mr. Speaker. House Bill 3091, is a very straightforward Bill. It allows 65 mile an hour on all roads, the rural interstate highways that cars are currently allowed to go 65. I'd be happy to answer any questions."

Speaker Giglio: "Any discussion? Hearing none. 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? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, this is to explain my vote. As I understand the Bill, it would allow trucks to go 65 miles an hour. I think it's been expanded to include recreational vehicles, trucks pulling trailers, and I don't think it's a very good vote too, if you're concerned about safety on the highways. So I just wanted to let people know what it is. I'm sure it will pass, but I thought you might be aware of what you're voting on. Thank you."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 83 voting 'yes', 26 voting 'no', 4 voting 'present'. House Bill 3091, having received a Constitutional Majority is hereby declared passed. House Bill 3093, Representative Hicks. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3093, a Bill for an Act to amend the School Code. Third Reading of the Bill."

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Speaker Giglio: "The Gentleman from Jefferson, Representative Hicks."

Hicks: "Thank you very much, Mr. Speaker. House Bill 3093 is the special education one in the package of Bills of special education dealing with the termination of the students residency and party responsibility for cause of those special education services. Be happy to answer any questions."

Speaker Giglio: "Any discussion? Hearing none. All those in favor... The Gentleman from DuPage, Representative McCracken."

McCracken: "I'm waiting to defer to Representative Cowlshaw."

Speaker Giglio: "The Lady from DuPage, Representative Cowlshaw."

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

Speaker Giglio: "He indicates he will?"

Cowlshaw: "Representative Hicks, as I remember, I believe we had a Bill that was either identical or very similar to this, which I think was House Bill 1581, which was passed by both chambers of the General Assembly in 1987. It was vetoed by the Governor because of its cost to the state. Could you please tell us what the cost to the state would be if we were to enact House Bill 3093?"

Hicks: "Thank you very much, and it's a very good question you have. There was misinformation determining during the Governors veto saying that the Bill cost the State of Illinois ten million dollars. In actuality, I think he said \$10,439,275. In fact that, I believe, was an error. In fact that, because even though there is more money put into special education, that money is deducted directly from the formula in which the money's given to them. So it is actually a wash in, in the fact that they give it to them with one hand but they take it back with the other hand, so in reality we think that it will go before the

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Governor and the staff will be more aware. The state board is in agreement that that is what actually happens and hopefully the Governor this year will see that that is the reality of what the Bill actually does."

Cowlshaw: "So, if I understand this correctly, it is the view of the Governor that enactment of this Bill would cost approximately ten million dollars. It is your view that it would not cost anything."

Hicks: "Well, that is correct. In actuality, it does affect FY 90, not even 89 and in the year that it's given it's taken back in the following year. So now that it doesn't affect FY 89, in fact it is actually a wash and there is no money effect to the state whatsoever."

Cowlshaw: "There seems to be quite an interesting difference of opinion about whether or not there is any cost to this Bill, and if so, what that cost may be."

Hicks: "I believe there is a fiscal note on file from the state board, stating what I'm telling you how it does wash out."

Cowlshaw: "Thank you very much."

Speaker Giglio: "Further discussion? The Gentleman from Jefferson to close, Representative Hicks."

Hicks: "Thank you, I just ask for an affirmative vote."

Speaker Giglio: "All those in favor of House Bill 3093, vote '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. Mr. Clerk, take the record. On this question there are 87 voting 'yes', 27 voting 'no', 1 voting 'present'. House Bill 3093, having received a Constitutional Majority is hereby declared passed. House Bill 3094, Representative Hicks. Mr. Clerk, Read the Bill."

Clerk Leone: "House Bill 3094, a Bill for an Act to amend the School Code. Third Reading of the Bill."

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Speaker Giglio: "The Gentleman from Jefferson, Mr. Hicks."

Hicks: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3094, is the Bill for determining eligibility of districts for the formula of determining the amount of state reimbursement. Beginning in FY 1990, the Bill does have some cost involved, it is a cost of twenty million dollars so everyone knows. Representative Cowlshaw, I'm sure, would want to know that and I want to tell that up front. It is a change, though, in the formula of special education reimbursement. There again it would not do anything if the money is not available, so I would ask for an affirmative vote and would be happy to answer any questions."

Speaker Giglio: "Any discussion? The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Representative Hicks. Would you yield for a question, please?"

Hicks: "Yes."

Cowlshaw: "Thank you. Representative, does this Bill encourage the placement of young people who need extraordinary special education services into public, rather than private, schools?"

Hicks: "What it act...yes, Ma'am. What it actually does is, it takes extra special ordinary kids. Those kids that you have a tremendous cost, in that, and that is not really spread equally around the state because one area may have two or three extra special ordinary kids, and in doing so it says that in those areas the determination for who actually pays for that child, that needs to be spread more evenly throughout the state and that determination of how it is actually spread out is more equally divided than this, and it takes one area and it wouldn't just totally break an area, if I may use that term, as far as dollars go

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and it will help the actual cost of educating that child and taking care of that extra special ordinary child, a child who has many, many, many problems."

Cowlshaw: "I'm sorry Representative, I don't think I... perhaps I didn't express my question clearly. Does this Bill encourage placement in public rather than private schools?"

Hicks: "Representative, I don't know if I know the answer to that question. I... possibly you may, I can't answer that, honestly. I just...I don't know that answer."

Cowlshaw: "Okay, thank you very much."

Speaker Giglio: "Further discussion? The Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Question of the Sponsor. Larry, did you say this costs... what was it, twenty mill?"

Hicks: "Twenty Mill."

Mulcahey: "I think the concept is fantastic. Twenty, it's quite a bit of jack though, isn't it?"

Hicks: "It is a lot of money, I agree with that, but basically were looking at the formula itself on how we reimburse for those extra special ordinary kids. The Bill that we passed out of here a couple of times before, it's a Bill that we've tried to change the actual way that happens and makes the determination of who actually pays for extra special ordinary kid. You know, in a local county where they provide special education services, if you have one child who is an extra special ordinary kid he could take all the finances, all the dollars available to educate all of those special education children and it would have to be used for that one child. And this simply puts a cap on what those locals are going to have to pay. It increases, actually, the amount that before the threshold they actually pay more up front costs of those kids for the actual payment of educating those kids, but then the extra ordinary cost are

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what... where the state comes in."

Mulcahey: "I think the idea is fantastic. I'm just concerned, this time of the year, about the money problem."

Speaker Giglio: "Further discussion? Hearing none. The Gentleman from Jefferson to close."

Hicks: "Thank you, Mr. Speaker. I'd just simply ask for a green vote."

Speaker Giglio: "Question is 'Shall House Bill 3094 pass?' All those in favor signify by voting 'aye', those opposed 'nay', the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 46 voting 'yes, 53 voting 'no', 15 voting 'present'. House Bill 3094, having failed to receive a Constitutional Majority is hereby declared lost. In order to expedite the Bills today which is the last day we're going to go to the Consent Calendar for the purpose of those that have to be read a second time and those who wish to bring them back to Second Reading. On Page 2 of the Calendar appears House Bill 3669, Representative Stange. Mr. Clerk, read the Bill."

Clerk Leone: "On the Order of Second Reading, House Bill 3669, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Representative Homer."

Homer: "Thank you, Mr. Speaker. Who's the Sponsor of this Bill?"

Speaker Giglio: "Representative Stange."

Homer: "Is Representative Stange here?"

Speaker Giglio: "Representative McCracken. Stange-McCracken. Any Floor Amendments?"

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

Speaker Giglio: "Representative Levin. Representative Homer."

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Representative Homer."

Homer: "Could you hold one...yes, could you hold just one moment please?"

Speaker Giglio: "Representative Homer."

Homer: "Speaker, there's only one Sponsor that I can ascertain on the Bill and that's Representative Stange. That Sponsor is not here in the Assembly. We object to leave to any other Member that's not a principal Sponsor handling this Bill."

Speaker Giglio: "Representative Homer, it's the understanding of the Chair through the Clerk's Office that Mr. McCracken is a hyphenated Cosponsor of this Bill."

Homer: "Is that correct?"

Speaker Giglio: "That's correct."

Homer: "Well, the Clerk is saying that...is that correct Clerk, Mr. Clerk?"

Clerk Leone: "Representative McCracken is a hyphenated Sponsor."

Homer: "Okay, thank you."

Speaker Giglio: "Representative Levin for the purpose of the Amendment."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's rare that we have not one but two opportunities to present an Amendment and we... you know, began the discussion of this Amendment last night. And without going into tremendous amount of details since we did begin the discussion, let me just indicate that this is an extremely important Public Health Amendment. It gives to the consumers information that is necessary in order to be able to make a determination whether or not food items, whether or not other kinds of things that people are purchasing are safe or whether they can cause...have contained pesticides and chemicals that are known to cause cancer or birth defects. This is modeled on a portion of proposition 65 which was considered by the voters in

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California and approved by better than a 2 to 1 margin and is now the law in that state. And it provides that there a list of chemicals will be developed by a panel of experts of chemicals that are known to cause cancer. And that when you go to the supermarket if a food item is being sold that contains one of those listed chemicals it must be disclosed at that particular crate of oranges, or bananas contains whatever it is that is known to cause cancer or birth defects. So that people have the opportunity to make a choice. As I indicated last night, this is very similar to the concept of open dating of foods. Where you put the date on the food item which allows the consumer to be able to decide if that item is fresh. This is, I think, good free enterprise. It gives the consumers basic information that they need. It doesn't regulate anything. It doesn't say you can't sell anything. But it gives the consumers information that they need to be able to make informed decisions as to the safety...the health and safety of the items that they are purchasing. It is currently the law for 20 percent of the consumers in the United States. Manufacturers are doing it now. And we're simply asking through Amendment #1 that the same benefits that exist for 20 percent of the residents of the United States including California..."

Speaker Giglio: "Will the Gentleman bring your remarks to a close, please?"

Levin: "Yeah...be available to the consumers of Illinois."

Speaker Giglio: "Further discussion? The Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Mr. Speaker. I started to speak on this Amendment last night and I said, in some jest, that any Bill good enough to have been a proposition in California doesn't belong here. And I'm not kidding when I say that."

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Not only has this been adopted in California, but to my knowledge something like this has been the law for many years at the Federal level. As a matter of fact, in your experience I'm sure...sure you will recollect that at almost every other day something causes cancer. Sunlight causes cancer, drinking water causes cancer, the whole thing is insane. And as a matter of fact, some of the theories which underlie this Amendment are being called into question. One of the leading researchers in the Nation in the original area of cancer causing agents is coming back on his theory and reconsidering his theory. As a matter of fact, his position is that many of the things he at one time thought caused cancer probably don't cause it. And in dis...in discussion...discussing the subject, the Gentleman has often cited organic materials that have been with us since time immemorial which have as much carcinogen as some of these toxic chemicals. Not to say there aren't toxic chemicals, not to say they don't have...or that they don't present a...an environmental and health concern, they do. However, this Bill takes all of the wrong and bad experience of the prior Acts, both this California Act and the Federal Act and writes into law everything that's bad about those proposals. A list has to be created, the list will grow days and weeks depending on which scientist says what. People will have to comply with listing requirements that are both onerous, and frankly, are not always well founded in the scientific studies. And just cause mass confusion and mass cost. It's just a silly idea, it's been proved silly at the Federal level and the proof of it's being silly is that it apparently was adopted in California."

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

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

Speaker Giglio: "He indicates he will."

Peterson: "Representative Levin this Amendment came about originally as a Bill you sponsored, House Bill 3948?"

Levin: "That is correct. And I timely requested that that Bill be posted for the last meeting of the Energy and Environment Committee. When I found out that it had not been posted I got back to our staff. Our staff admitted that I had timely made the request, that they had made a mistake. We then had asked to have that Bill have consent on the floor so that Bill could be heard and it was your side of the aisle that refused to accommodate, even though we had...you know, I had complied with all the requirements in terms of having the Bill posted."

Peterson: "Well Representative, I think a Bill, or an Amendment as it is at this time of so much importance to wait till the last minute to decide that it was or was not posted doesn't show good organization on your part. If this was such an important Bill it should have been posted immediately so we could have had thorough discussion during our committee hearing. And I know Chairman Kulas has been very generous by working with people from both sides of the aisle to make sure that they get their Bills heard in committee. To the Amendment, Mr. Speaker. I think..."

Speaker Giglio: "Representative, this seems to be controversial Bill. This Bills on Third Reading...Second Reading Consent only for technical Amendments. We're getting into something...does Representative Levin want to proceed with this Amendment or would you consider taking this out? It's going to be...it's on the Consent Calendar. If this Amendment goes on I understand it's going to be withdrawn. Take it off the Consent. Representative Levin. Do you want to..."

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Levin: "Alright."

Speaker Giglio: "You want to withdraw the Amendment?"

Levin: "Okay. Mr. Speaker, since I... You know, I think this is an important issue and I certainly would like the opportunity to present this. I also respect the Sponsors of this Bill. I know they worked hard on their Bill and I will withdraw it, you know, with the under..."

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

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

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

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 merely clarifies that a fill for only construction debris is, in fact, not a regional pollution control facility. There's been confusion by the EPA as to whether or not construction debris itself does or does not constitute a regional pollution control facility. It's a clarification of the Act so it makes it crystal clear that in fact it was never intended to be covered and is not covered. I ask for the adoption."

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

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

Speaker Giglio: "Amendment #3, Representative Wennlund. Out of the record. Withdraw...withdraw the Amendment, Mr. Clerk. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. Would...and would you read the Bill a third time, Mr. Clerk?"

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Clerk Leone: "House Bill 3669, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Giglio: "It shall be held. House Bill 3876, Representative Shaw. Representative Shaw. House Bill 42...Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3876, a Bill for an Act to amend an Act regulating contributions by certain employers to benefit funds. Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Out of the record, Mr. Clerk. Representative DeLeo in the chamber? 4217. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 4217 on the Order of Second Reading. House Bill 4217, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Representative McCracken."

McCracken: "Thank you, Mr. Speaker. This allows counties to establish rights of way for future county roads. Does not implicate whatever authority they have to create those county highways. And requires the public hearing and notice to the land owners and the creation of a map which establishes the approximate widths of the rights of way. Requires that in the event a land owner wants to make substantial improvements within those rights of way that he notify the county and allow the county... I believe it's 45 days to respond. If the county does not wish to condemn the property at that time, then of course, he builds the

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improvement and at condemnation any improvement made in accordance with this Act would be compensated for. I move its adoption."

Speaker Giglio: "This is...this is a controversial Amendment Representative McCracken. Representative McCracken, do you care if...consider withdrawing the Amendment?"

McCracken: "Just vote it up or down. I can't withdraw it."

Speaker Giglio: "Representative McNamara."

McNamara: "Yes, Mr. Speaker. Is this Amendment germane?"

Speaker Giglio: "The Gentleman from Fulton, Representative Homer."

Homer: "Thank you, Mr. Speaker. Could I inquire as to the Sponsor of this Bill?"

Speaker Giglio: "Sponsor of the Bill is Representative DeLeo."

Homer: "Is Representative DeLeo present?"

Speaker Giglio: "Representative McCracken. Representative McCracken withdraws the Amendment. Amendment's withdrawn. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

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

Clerk Leone: "House Bill 4217, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Giglio: "The following Bills are on Third, we're going to bring them back to Second for the purpose of technical Amendments. The Gentleman from... 3931, Representative Ryder. Representative Ryder on 3931. The Gentleman asks leave to bring the Bill back to the Order of Second Reading. Does he have leave? Leave is granted. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3931 on the Order of Second Reading. Amendment #2 is being offered by Representatives White, Ryder and Currie."

Speaker Giglio: "Representative Ryder."

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Ryder: "Withdraw it."

Speaker Giglio: "Withdraw Amendment #2. Are there further Amendments?"

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

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

Ryder: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would ask that this Amendment be favorably adopted. It takes out some of the offensive portions of the Bill and puts it in the proper posture so that we can pass it over to the Senate."

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 Amendments adopted. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. Mr. Clerk, it's been read a Third time. Is Mr. Churchill in the chamber? House Bill 4035. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 4035, a Bill for an Act to amend an Act to establish a program of support educational programs. Second Reading of the Bill. Amendment #6 is being offered by Representative Churchill."

Speaker Giglio: "The Gentleman asks leave to bring the Bill back to the Order of Second Reading. Leave is granted. Mr. Churchill on Amendment #6."

Churchill: "Please...please withdraw Amendment #6."

Speaker Giglio: "Withdraw Amendment #6, Mr. Clerk. Are there further Amendments?"

Clerk Leone: "Floor Amendment #7 being offered by Representative Churchill."

Speaker Giglio: "Representative Churchill."

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

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House. This is the Bill that puts together all of the...the basis for the state providing a low level nuclear waste facility. Those of you who have followed this know that we've been working on this Bill for several years. And we have several communities now that are vying to obtain a low level nuclear waste facility. This Amendment becomes the Bill and basically puts into place all of the grants and the scholarships and the site characterizations and the fee structures and everything for the low level nuclear waste site. It's a Bill that's been agreed to by both sides of the aisle. It's received hours and hours of study. And I would recommend to the Body that we adopt Amendment #7 and eventually pass this Bill."

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

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. House Bill...Representative Hensel, what purpose do you rise, Sir?"

Hensel: "Thank you, Mr. Speaker. If I could have the attention of the House. In the synopsis of the Consent Calendar under House Bill 3253, there's a little confusion as to whether it's a back door or a front door referendum. In the House Amendment #1 it put in the front door referendum so if anybody was concerned about it being a back door, it is not. And I would hope that they would look at it favorably and not knock it off the Calendar. Thank you."

Speaker Giglio: "Your comments are well taken. House Bill 3828, Representative Churchill. Mr. Clerk...the Gentleman have leave to bring this Bill back to the Order of Second Reading for the purposes of an Amendment? Hearing none,

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leave is granted. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3828 on the Order of Second Reading. Floor Amendment #1 is being offered by Representatives Hultgren and Churchill."

Speaker Giglio: "Representative Churchill."

Churchill: "Leave to withdraw Floor Amendment #1."

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

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

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

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This just limits the application of the Act to counties in excess of 3 million and those that are contiguous. Just the six counties in the State of Illinois at the request of Southern Illinois counties. Technical Amendment."

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

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. Is Representative McCracken in...or Representative McPike in the chamber? Representative Piel."

Piel: "Thank you, Mr. Speaker. Point of personal privilege. I noticed that something was just delivered to my seatmate. It's a beautiful cake and it says Happy Birthday Jack, you old...well, I guess I can't read it all. But Jack Kubik's having a birthday today and he's got a birthday cake here and anybody who would like birthday cake come on over."

Speaker Giglio: "Congratulations. Is there any other Bills that are on the Consent Calendar that any of the Representatives

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would like to have brought back? That's on the Consent.
Representative Hallock. Hallock."

Hallock: "Thank you. Yes, Mr. Speaker, House Bill 3462... we
have a Technical Amendment, Mr. McPike and I."

Speaker Giglio: "Mr. Clerk, read the Bill. 3462, the Gentleman
has leave...does the Gentleman have leave to bring the Bill
back to the Order of Second Reading for the purpose of an
Amendment? Hearing none, leave is granted. Mr. Clerk,
read the Bill."

Clerk Leone: "House Bill 3462, now on the Order of Second
Reading. Floor Amendment #3 is being offered by
Representative McPike and Hallock."

Speaker Giglio: "Representative Hallock."

Hallock: "Thank you, Mr. Speaker. This Amendment is agreed to.
It's technical only and I would move that it be adopted."

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 adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. Do...is there leave to have
these Bills that were just heard, that was just Amended?
Is there leave to bring these Bills that were heard...that
were brought back on Second Reading for the purpose of
Amendment, to have immediate consideration and be placed
back on the Consent Calendar? Leave? Leave is granted.
These Bills will be heard on the Consent Calendar today.
And on that Order, Representative Parcells."

Parcells: "Thank you, Mr. Speaker. I wanted to clarify something
in the synopsis, too. House Bill 3179, it appears that we
have removed the thousand foot requirement distance from a
residential home. That is just in the case of a residence
that is in a commercial area. The Bill still reads that

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there is a thousand foot marker from an area zoned residential. So do not be concerned that they will be putting a transfer station in your backyard. It was just an error in the drafting of this explanation. Thank you."

Speaker Giglio: "Lady's points are well taken. Representative Parke, 3772. The Gentleman asks leave to bring this Bill back to the Order of Second Reading for the purpose of an Amendment. Hearing none, leave is granted. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3772 on the Order of Second Reading. Floor Amendment #1 is being offered by Representative Preston and Parke."

Speaker Giglio: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1, in fact, takes out... everywhere out of the Bill except for Cook County. That's to comply with some problems that the realtors had on the Bill. So this Bill now only applies to Cook County. The Bill also puts back in the right to appeal to court if the assessor denies appeal. I ask for passage of Amendment #1."

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, the Amendments adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. The Gentleman asks leave for immediate consideration to place this Bill back on the Order of the Consent Calendar. Does the Gentleman have leave? Third Reading? Hearing none, leave is granted. Alright, we're going to come out with another Consent Calendar for those Bills that were taken off and then we'll have consideration in about half hour to an hour for these Bills that are on the Consent. The Order of Business now

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is going to be children, children. Bills on Third Reading. Representative Daniels, Granberg, Curran, Dunn, Preston. House Bill 2862, the Gentleman Minority Leader, Representative Daniels. Mr. Clerk, read the Bill."

Clerk Leone: "On page 10 of the Calendar, House Bill 2862, a Bill for an Act to amend an Act in relationship to various aspects of the Welfare System in Illinois. Third Reading of the Bill."

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

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2862 deals with the subject of welfare reform and contains many provisions, as all of you understood from yesterday's lengthy debate. The contents of House Bill 2862 amends various child support statutes, the Public Aid Code, the Vital Records Act. To require immediate child support income withholding. Establishing a single grant amount for assistant units which contain adults and a separate single grant amount for units containing only children. Authorizes the department to participate in demonstration programs authorized by Federal law. And require that all birth certificates record the name of the mother and the father. This Bill has been thoroughly debated yesterday, as you know. I ask for your favorable support."

Speaker Giglio: "Any discussion? The Gentleman from Macon, Representative Dunn. Gentleman from Champaign, Representative Johnson."

Johnson: "I really...I don't mean to tell everybody else what to do. But I do think this is an important Bill and I would appreciate it if you'll get a little bit of order so we people can understand what we're talking about."

Speaker Giglio: "Would you give the Gentleman your attention

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please?"

Johnson: "I think to begin with, people ought to understand what the current law is. So you...so lest you think we don't have strong remedies against people that don't pay child support, you ought to know what the current law is. You go to court, you obtain a divorce and father or mother is ordered to pay child support immediately. Under current law when that child support order is entered there's also withholding order entered. The court signs the order, the Judge signs the order and it's put in the court file. The first time father is late, or whoever is paying the child support is late, that court order is sent to the employer and there's automatic...withholding at that point. So that you have a situation already where people who don't pay child support already, as a matter of law in this General Assembly, have a court order entered against them and their wages can be garnished. That's really not what the actuality is, but that's the common term we apply to it under current law. What this Bill does... and you're going to hear a lot of debate here about delinquency, and fathers who don't pay and that sort of thing. That's not what this Bill does. This Bill applies to fathers who do pay, who do pay up to date, who are meeting their responsibility to support their children. That's what the current...the...this Bill would do if we change the law. And let me tell you one of about ten reasons why this Bill is so bad, and so pernicious and so unfair. Let's say you have somebody who's in a situation of working 40 or 45 hours a week, and then for a labor reasons or whatever, their work is cut back to half. They only work 20 hours a week or they're made unemployed, the court...the earliest you could ever get a modification of that order of child support would be two or three months down the line. But

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that withholding order goes on anyway, so you really can potentially and in actuality have a situation where somebody would have every dime that they make garnished and they wouldn't have one dime left to eat or to take care of their children during visitation or to pay their utility bills or to pay their basic expenses of living. There's no opportunity to fairly allocate as between the child and between a parent in the event of unemployment or a cut back in employment. Every employer in this state, now let me...I think this is an important point, is going to be subject to this. And I would suggest that this is probably in the long run going to mean 50 or 100 dollars extra that every consumer in Illinois after five years is going to wind up paying in every product in Illinois. Because there's going to have to be that much added on to the price of consumer products because of the tremendous burden this is going to put on Illinois business and employers for processing. You're going to have to hire in any decent sized business one or two people to process this situation where somebody's simply trying to keep records on people who are already up to date on their support. John Countryman raises a very good point and I don't think with all due respect to people who are responding to this really understood what he was talking about, about privacy. You have a situation now where if somebody's behind then perhaps their privacy ought to be invaded. If they're delinquent it ought to be invaded. But in this situation you have a situation where the court order immediately goes to the court so that every co employee, their employer, and everybody else who works with them knows who they pay to, how much they pay, when they have to pay. And everything else that's a matter of private concern is immediately to an honest, up to date paying person, made a matter of

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record in the particular employment plant where the person works. We might as well, as John Dunn suggests, carry this to extremes. There's a lot of parents probably including half of us here, who don't give our kids enough protein. Sometimes we, you know, feed them too much starches. So maybe we should have some kind of a court order that allows a Governmental entity to decide how much we spend on protein and how much we spend on bread and whether we buy them enough toys for Christmas or anything else. This is really an invasion of the private sector. And it's an invasion of parents who are being good parents. And that doesn't make any sense at all. As a practical matter, I don't know why the Department of Public Aid and everybody else in the Department of Public Aid is here on the House Floor lobbying this Bill. Cause it really doesn't have anything to do with that situation. And as a matter of fact, it will imply... this Bill will apply to the cases where it really won't work. The seasonally unemployed, the unemployed, the self-employed or the person with a nu...who works for a number of employers is not going to be able to be subject to this anyway. And in a good many cases they're the ones who are most likely to be delinquent in any event. Every employer in Illinois, and those of you who are concerned about business in Illinois ought to realize this, is going to have to probably double or triple their insurance. Because the chances now... an employer now has to check...will have to check the court file, they'll have to hire a lawyer to check the court order. And if they're wrong, they'll have committed negligence that'll be subject to liability for causing somebody whose paying to starve to death, because they didn't properly interpret a court order. So that the malpractice, if you want to call it that, the errors and omissions policies of

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the typical employer in Illinois is probably going to double or triple because nobody's going to insure them under current errors and omissions policies given this real possibility of liability. Now after I get done, you're going to hear all the bleeding hearts stand up and talk about delinquency and children who aren't receiving child support payments. I'm concerned about that, too. And I resent the implication that I'm not and other people aren't concerned about that. Parents who don't pay ought to go to jail. They ought to be subject to the sanctions of the law to the full extent we have it. But honest, up to date, paying parents ought not to be presumed guilty until proven...until proven innocent. This is a ridiculous Bill. It's a ridiculous anti-American, anti-anything concept that anybody believes in here. And if you think...the best way I suppose to assure that everybody pays child support is to have some kind of a Government Welfare Program, where everybody pays into it and then we haven't even got any choice about individual payments. It's a bad concept, it's dictated by the Federal Government only, although as John Countryman again will point out, there's no Federal mandates on this at all. There's only six states in the union that have it. And I suggest that it's an idea that ought to be resoundingly defeated."

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

Currie: "Thank you, Mr. Speaker, Members of the House. Let me address several of the red herrings we've just been...been offered on House Bill 2862. First of all, employers in this state are already required to do income withholding when there has been showing of delinquency. This is not a new burden for employers. And when you realize that at any given time, at any given moment, 70 percent of the people

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who owe child support are in arrears. The implication is clear that employers will not be additionally burdened by this program. Secondly, we're told that if an individual loses income that this will create a problem under this Bill. That problem too, is already there. If an individual owing child support loses a job, is laid off, has hours reduced, that individual today has to go into court and ask for a decrease in the amount of the support ordered. Finally, we're told it's a stigma, it's a burden, it's an onus on the individual for whom child support payments are withheld by the employer. I would put it the other way around altogether. When everybody does it, there's no onus on any individual who participates in the program. The Federal Government, the Internal Revenue Service garnishes our wages week in and week out, month in, month out, year in, year out. It may well be true that Uncle Sam doesn't trust me, but I don't think any of us goes about feeling stigmatized because our income is withheld to pay our tax bill at the end of the year. I would say to you Ladies and Gentlemen of the House, that our money that's taken from our wages to feed the battleships in the defense program is not nearly as critical as the money that will be taken from wages to see to it that children have food on the table, roofs over their heads, clothes on their bodies. 70 percent of child support payments are not current. To show delinquency generally takes several months...several months, while our children are going hungry. This is not a Bill about withholding wages for car payments. It's not a Bill about withholding money for the Internal Revenue Service, that already happens. This is a Bill to see to it that our children are well cared for. This is an important step for Illinois and it's an important step for our children.

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Children in this country are increasingly living in poverty. The figures for child poverty have increased over the last decade. Making sure that support for children is timely, is there when they need it, that's a key responsibility for this General Assembly. Ignore the red herrings, there's no stigma, there's no onus. Employers do it already. This Bill is for children, it's to see that they eat. Not in two months time, but to see that they eat and eat well today. I urge your 'aye' vote."

Speaker Giglio: "The Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I don't think there's an issue which will bring about more Government interference in the lives of individual law abiding citizens of our state than this Bill. I think the one thing that you have to look at is the fact that the people that are going to be jeopardized by this Bill are the people who want to support their children. The people who want to be involved with their children. And they don't want somebody to deduct child support, or they don't want their privacy to be invaded by Government coming in and saying, 'When they've lived their life according to the law and done everything according to the book that they're going to be subjected to this.' There's one other element here, there's an opt out provision. But you know, when you're in a divorce situation, parties use tools against each other. They're love/hate relationships. And in those relationships one party stabs at the other and they stab back. This just adds one more of those tools to that love/hate relationship. Just stick them with a withholding order and make the employer pay. I've asked the department a number of questions and I don't know that I have a lot of answers.

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But I guess they claim that this is... applies to self-employed people. So if you employ yourself in a private business, you're going to be subjected to a withholding order. What good does that do? What difference does it make? There's penalties in this Bill for the employers failure to make the payments up to 200 dollars. But I've asked the question, does this become a conditional judgment, just the way any other garnishment? No answer. I think we're going to drive people from this state. We're going to drive people from their responsibility. They're going to say 'Why should I even care? The state seems to want to think that they're going to take care of me. If that's the reason, I'm going to leave this state and go somewhere else.' What happens when there's a reciprocity order that comes in from another state? Does this Bill apply to it? What we're saying if we pass this Bill is the Government should control our lives in every respect, control a divorce case in every respect. Even for those people who want to comply with the law. Who want to respect their children. Who want to be a part of their children's lives. I think the red herrings really have come from the people who talk about...about children and the rights of children. I think that this Bill will drive fathers away, it'll drive supporting non-custodial parents away from being involved in their children. And I think it will take our society one step further down the road to George Orwell's 1984. I recommend a 'no' vote."

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

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill, for those of you who may not have heard prior explanations, will require every employer in this state,

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whether they have one employee or 50,000, to withhold from the paycheck of employees every child support payment and send it to the appropriate court. Now let's take someone who owns a gasoline station, and has four employees and no computer, and is struggling four times a year to send in the form 941's that take care of withholding payments. And along comes a letter from a court that says 'Your employee has to pay child support.' And here's the order that tells you every week to take \$14.67 from his check and mail it to the court in Effingham, Illinois. And next week you get another employee. So now that you have two employees out of your four who are paying child support and you get a letter from the court that says 'This employee pays every other week and the amount is \$62.47.' And you have to mail it to the court in Madison County, Illinois, a hundred miles away. So now while you're out there trying to make a buck pumping gasoline, keeping ends...trying to keep your head above water, make ends meet, fill out the 941 reports. You've got to mail a check every week to a court in Effingham and a check every week to a court in St. Clair County and there are provisions and penalties if you screw it up and don't do it or get it wrong. Now let's say that the employee leaves, what is your obligation? Do you have to contact that court in Madison County and tell them that the employee no longer works for you? The Bill is silent about that. But you'll be nervous, won't you? You'll wonder if you're going to get in trouble if you don't notify them. What if the employee goes back to court and the amount of the child support is changed? You don't get the order for a month. Who's going to tell you what you have to do? Do you send the check into the court at the old amount or the new amount? You'll have to call a lawyer. I'm a lawyer, that's good for business. But I

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don't want this kind of business. I don't want this burden placed on people who are employees. I don't want this burden placed on employers. I don't want this privacy invaded by the good people who are paying child support. Supposing you've been paying child support for 7, 8, 9 years on time, never missed a payment. If this Bill becomes law your check will be deducted at your employer's office. The employer will have the burden of doing it. You'll have the embarrassment the ignominy of everybody knowing what your child support payments are. Yes, there are public records at the court house now, but how many of you ever went down to the court house to look up your neighbor's child support? How many of you employers ever went down to the court house to see what your employees are paying in child support? Now you'll know, because you'll have to cut the check. And I hope you have a nice computer that can handle a check for one employee in the amount of \$12.50 and another one for \$62.25 and another for \$100.00 a week and then figure in those who pay once a week, once a month, twice a month. And be ready to adjust on a moment's notice when the court changes the order. This is one of the worst Bills to ever come down the pike. Just this morning I was back in the room off here meeting with as many lobbyists for large employer groups in this state as I can find they have not had a long time look at this Bill. But I can tell you as a result of that meeting there isn't one major employer in this state who likes this Bill. They know it's going to put a burden on them. They get a few bucks to process these payments. They're not enough to cover the cost. We talk on this side of the aisle about trying to help business. We get accused of not helping business, we do the little things, the best we can. Everything, every Democrat has done for the last ten years

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will be unwound by this Bill on your side of the aisle over here. All the pro-business moves you've taken can be unwound by this Bill. This Bill stinks and it's not necessary right now. The lobbyist for the Department of Public Aid and his boss met with me this morning, this is part of a proposed Federal mandated program. The mandate has not been adopted yet by the United States Congress. It's not law at the Federal level. We don't have to do this now. This is their dream, their pipe dream, it can wait. We can talk about it over the summer. We can put this on a Conference Committee Bill. There's millions of Public Aid vehicles out here. This is Public Aid telling the private employers what they shall do. We heard testimony about 70 percent of the people not paying their bills. Where do those 70 percent of the people work? Do they work at Caterpillar, or Standard Oil, Deere? Not very likely..."

Speaker Giglio: "Will you kindly bring your remarks to a close Representative?"

Dunn: "But Caterpillar, Standard Oil and Deere will have to take the...the money out of all their employees paychecks if you pass this Bill. It's the worst Bill we ever had in this General Assembly. Vote 'no'."

Speaker Giglio: "Representative Goforth."

Goforth: "I move the previous question."

Speaker Giglio: "Representative Goforth moves the previous question. The question shall be put. All those in favor say 'aye', those opposed 'nay'. And the 'ayes' have it. Representative Daniels to close."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House the dialogue from the Gentleman on the other of the aisle reminds me of the height of inconsistency. Speaking in terms of trying to help businesses on an issue like this

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when he consistently votes against that position. But the fact still remains that child support delinquency is the largest cause of poverty for single mothers and their children in the United States. The largest cause for poverty. This Bill, a part of this Bill addresses that question. Yes, there is an immediate withholding provision starting January 1, 1989 that does set in force. It is not retroactive. If you're under a child support order today it does not require you to go in and withhold unless you become delinquent. And yes, there will be an opt out provision that the people can appear in court and decide not to fall under the provisions of this Bill. And yes, it does require a reporting mechanism in withholding just like they do in the taxes, the Federal Government and the State Government. And yes, if a person is self employed they'll write the check just as if they wrote the check anyhow because they're self employed. But what it does do is address the issue of poverty and children in the state. And this action is necessary because 70 percent of those people obligated to pay support fall into delinquency. This is a Bill that will save our welfare rolls over 14 million dollars a year and help people stay off the poverty level. It's an issue that I commend Director Duffy for his bringing it to our attention. Speaker Madigan, Tom Ryder, John Cullerton, Karen Hasara, Jane Barnes and many others for participating along with Representative Currie in bringing this Bill to our attention. There's other provisions in the Bill that you should be aware of, Amendment language that clears up some of the language from that great Welfare Reform Bill that we passed last year. It also talks in terms of the Department of Public Aid's Project Chance where the program is not just a check, but a chance for dignity and employment. And the provisions of

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this Bill apply to that. This Bill is Welfare Reform step #2, one in another step of Director Duffy's series of meaningful welfare reform. I thank you for your attention to this matter. I thank you for your consideration for the children. For keeping people off the poverty rolls. I ask you to support this legislation."

Speaker Giglio: "Question is, 'Shall House Bill 2862 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. And on that, Representative Barnes, one minute to explain your vote."

Barnes: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I am not an attorney like many of the previous Speakers that have been ranting and raving on this House Floor about this issue. I have always been in the forefront of child support for the children. When Speaker Giglio said we're going to an Order of Business, the Order of Business is children. And that's what this issue is all about. I speak as a wife of 44 years. I speak as a mother of 5 grown children. I speak as a grandmother of 3 and about to have a few more. Tell me when you ever see a husband and a wife that are getting divorced that it's ever friendly. Don't say this is another bargaining chip, because it isn't. Tell me when the wife and the husband that are divorced don't call each one of the other with an adjective that starts with a capital 'B' and we all know what that is. And they use the children to get back at one another. When I was married, no matter what the problems were, you worked at it and you worked it out. But today the young wife she has to go and she has to find herself. And then you talk to the husband and he walks in, he's tired of being married. And what about the children? What about the responsibility that we have as human beings? We owe this Bill to the children of Illinois and I would urge

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an 'aye' vote."

Speaker Giglio: "The Gentleman from Kankakee, Representative Novak. One minute to explain your vote."

Novak: "Thank you, Mr. Speaker. Representative Barnes, your point's well taken. Divorced people do use children in their fights and their scraps. But as yesterday as I talked I supported Representative Johnson's Amendments. I believe as a good, responsible parent, you've been paying your child support all of a sudden you're going to be lumped into the same barrel with those irresponsible people that have been walking away on their families. Causing their wives or their husbands to go on the welfare rolls and causing their kids to go on welfare rolls. I'll support this Bill. I'll vote for it. I have to vote for it, because we do have to look out for the children in the State of Illinois. And we do have to save the taxpayers money as far as Public Aid's concerned. But I do want to say publicly that for all responsible men and women that pay child support to have their checks automatically bricked is outrageous."

Speaker Giglio: "The Lady from Sangamon, Representative Hasara."

Hasara: "Thank you, Mr. Speaker. Let me bring up another issue that I don't believe has been raised. When you go back to your districts, you ask people who they think is footing the bill for these kids who are not receiving ordered child support. The voters, the people in your districts are footing the bill. This is a Public Aid issue. When a mother cannot receive child support or a father, they have to go on Public Aid. You and I and all the tax paying citizens of our districts are paying for those people. So this becomes a big economic issue for the State of Illinois. Let me ask you something else, do you know what it's like for a child to feel that one of his or her

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parents is not willing to support him or her? It is a terrible experience for a child to watch that mother or father who's supposed to be getting a check every month, call up the Clerk's Office and beg to know where that check is. To be able to be assured that you are going to get a check for child support every month would be a major factor in giving a child self esteem. To be able to realize that, yes indeed my parents really do care about me. That would have a very long term effect on the children in this state. I urge you to vote 'yes' on this Bill."

Speaker Giglio: "The Gentleman from Cook, Representative Turner. One minute to explain your vote, Sir."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Yesterday on this issue I thought about it quite a bit last night. Yesterday at this time I probably would have voted 'no' on this Bill. I stand before you today to, first of all, express that I do have a potential conflict of interest in this Bill. And that is that I own a children's retail clothing store. And so the passage of this Bill will certainly help retail children clothes throughout this state. But I...I...the business side of this is that I think that the burden that it places on employers also is something that should be considered. And to those deadbeat dads out there, let's try to see what we can do to rectify this situation. Thank you again and I will vote 'aye'."

Speaker Giglio: "The Gentleman...the Gentleman from Lee, Representative Myron Olson. One minute to explain your vote."

Olson, M.: "Thank you very much, Mr. Speaker. I'm very pleased to be listed among those bleeding hearts who want to send child support on to their children. And I also wish to add a fact that wasn't described... that this Bill has some

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significant elements of reform in the Illinois Administrators Procedures Act, which Public Aid and JCAR have worked on for months."

Speaker Giglio: "Have all voted who wish? Mr. Clerk take the record. On this question there are 97 voting 'yes', 14 voting 'no', 3 voting 'present'. And House Bill 2862 having received a Constitutional Majority is hereby declared passed. The Chair just wants to say that we spent 35 minutes on this Bill and it had over 93 votes. Those of you that want to talk on very important issues, very understandable, we have a lot of Bills and we're going to go home today at the proper time. I would ask that you consider your remarks very closely. Yes, Representative Doederlein?"

Doederlein: "Mr. Speaker, I forgot to vote on that vote. I'd like to be registered as 'aye'."

Speaker Giglio: "Let the record so indicate Mr. Clerk. We will now go to Special Call, State and Local Administration. Page 16 of the Calendar, House Bill 3918. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3918, a Bill for an Act to amend an Act in relationship to various county officers. Third Reading of the Bill."

Speaker Giglio: "Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. We did add some Amendments to this Bill and let me just get those. Okay, thank you. The Bill increases fees in counties over a million and Cook County. It exempts Law Enforcement Agencies from payment of certain fees. It eliminates the exemption for units of Local Government and School Districts."

Speaker Giglio: "Representative McCracken, for what purpose do you rise, Sir?"

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McCracken: "Well, you know this is an important Bill. I acknowledge that and I'm happy to have it heard today. But why are we skipping around on the local initiative? You passed up a lot of Bills to get to this one. Why don't we just call them in order?"

Speaker Giglio: "These Bills were...the Sponsors were busy in meetings, Representative McCracken. And we had to go over some of their...some of these Bills in number and we're just catching up. We're going back and we're trying to just proceed with... very expeditiously."

McCracken: "Well Speaker, I mean this Bill was not passed earlier today. You just skipped a lot of Bills now to get to it which is fine. I know it's going to get called. I know it's going to pass. I'm not complaining. But we want them in order. Why don't we just do them in order on the local initiative?"

Speaker Giglio: "Well, Mr...Mr. McCracken, if you recall we skipped over a lot of other issues to go over to a very important Bill of the Minority Leader Daniels. So now we just want to give equal time to this side of the aisle. We'll come back to you. Representative Cullerton. Proceed, Representative Cullerton."

Cullerton: "Thank you. As I was saying, it eliminates the exemption for units of Local Governments and School Districts from payment of certain fees. It eliminates the repeal of the Section relating to automated record systems and applies that Section to all counties rather than just counties outside of Cook. And it amends an Act to revise the law in relation to recorders to remove the deadline until which the county board may provide for an additional filing fee of \$2.00 to cover the cost of converting the county's storage system to computer. And then in addition, we have...that was what the Bill did. In addition we added

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Amendments 1, 4, 11 and 12. Amendment #1 was, I believe, offered by Representative Matijevich. This Amendment added two new Sections to the Bill. One referencing the Municipal Code and the other referencing the Illinois Drainage Code. The Municipal Code Section provided that in counties that have established a real estate index system, most counties have, the index numbers must accompany the descriptive petitions filed with the Circuit Court currently required by law. The...also amends existing law to provide that a certified copy of the petition noted above and the assessment roll of the municipality shall be immediately delivered to the Clerk of the court to the petitioner. Who shall record the certified copy with the recorder of deeds at that county. That was Amendment #1 that was adopted. Amendment #4 was also adopted, giving county collectors authority to assess five dollar fee for parcels against a purchase of property for delinquent taxes so as to be used as an automation fee. Amendment #11 was offered by Representative Giorgi authorizing counties to permit clerks to impose a two dollar charge for certified copies of vital records for purposes of computerization. And Amendment #12 I believe was Rep...Rep...was requested by Representative McCracken dealing with authorizing certain downstate...that is outside of Cook County, clerks to charge a \$10.00 fee for Motions to vacate or amend final orders in criminal or quasicriminal proceedings. I would appreciate your support of the Bill."

Speaker Giorgi: "Further discussion? The Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Mr. Speaker. The underlying Bill is what concerns me the most. And how much money is this going to raise? Do you have an estimate of how the fee increase in Cook County will...how much money that should generate?"

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Cullerton: "I believe it's...would be a tax savings of the property tax owners of Cook County of approximately 13 million dollars."

McCracken: "So it will raise 13 million and then is it your intention that this be used to offset property taxes? Is that it?"

Cullerton: "Well it certainly would offset an increase in the property taxes."

McCracken: "Well, is the plan to effect a reduction in property taxes in that amount?"

Cullerton: "Apparently there will be an abatement of a proposed tax increase if these...if this Bill would pass."

McCracken: "Alright, What...what proposed tax increase is that? I can't recall at the moment?"

Cullerton: "I think the county board had indicated they would have needed to have a property tax increase of almost a hundred million dollars in Cook County. This would be an alternative to approximately 13 million dollars of that property tax increase."

McCracken: "So this increase would go to your... or the county general revenue fund, or whatever the term is?"

Cullerton: "Yes, yes, that's correct. I don't know what DuPage County is going to do with their extra fees that are included in this Bill. But again we...all we can do is just speculate."

McCracken: "Our...our extra fees are very modest."

Cullerton: "They might build a new jail..."

McCracken: "To the Bill. I just want everyone to know that we could care less what this Bill does for DuPage County or any other county in this state. What I'm concerned about is saving the people of Cook County from themselves. There's no requirement, of course, that this money be used anywhere in particular. It's not a dedicated fund."

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Apparently in Cook County the office, the Clerk's Office, even though it's a fee office, is funded out of the General Appropriation from the county board. You know, whether we see a tax savings or not, who knows. It is also quite possible that this could be used just to beef up the county clerk's office itself. And any amount of money of this magnitude goes far beyond what is necessary to make the office efficient at this time. Or reasonably necessary to make the office any more efficient at this time. Certainly there are improvements that can be made in every office. But putting it on the backs of the litigants who come before the court and are required to pay fees for the use of a taxpayer's supported office, just strikes me as very unfair to the taxpayer. I could understand this Bill if the...if the office were supported solely by the fees. That is if the fees paid for the office and they stayed in the office of the Clerk of the Circuit Court. They do not stay in that office. They go to the General Fund of the county. The Clerk's Office is supported by appropriations by the county board. This bears no relationship to any necessity of making better the Clerk's Office. So what...what...what happens? A simple litigant, a person in a divorce action, a person injured in a car accident has to pay more money to file those documents to get access to the court. But does that money stay in a court related function? Does it help a court related function be better? No, the taxpayer gets hit twice. He pays the vastly increased fees, and also has to pay the taxes that support the office generally. There is no demonstration of a need of this type of increase. It is far from modest. It bears no relationship to anything necessary to be done to improve that office and I recommend a 'no' vote on this and I don't think we should allow ourselves to be co-opted by various

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little Amendments that are on the Bill. They're not important enough. This is too important to let go by."

Speaker Giglio: "The Chair would like to make an introduction. At 12:00 o'clock we're going to have a band that's going to play downstairs and they're from Representative Piel's district and Representative Giglio's district. Welcome to Springfield the McKinley Junior High School Band from South Holland, Illinois in the gallery. Representative Cullerton to close."

Cullerton: "Yes, well...I...that was a nice try. But I find the logic very convoluted. Let me make it very clear what the Bill does and I agree with Representative...the previous Speaker that the Amendments are not as significant as the original Bill. The original Bill raises about 13 million dollars by charging additional fees for people who find themselves in litigation. As a result, it will have the effect of lowering the property tax bill of everyone in Cook County by the same 13 million dollars. So if you are a Legislator who resides and represents Cook County you should vote for this Bill if you believe that the property taxes should be reduced by 13 million dollars. I don't think I have to name names of the Republican Members who should vote for this Bill. I think they should know who they are. I think it's clear that the people throughout the state should vote for the Bill because the Bill does indeed increase the fees for certain filings throughout the state. So I would be happy...I would appreciate your 'aye' vote."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is Third Reading. Have all voted who wish? The Gentleman from Cook, Representative Panayotovich."

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Panayotovich: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Holding Representative Cullerton to his word saying that this money is going to go to reduce the property taxes in Cook County, I will vote 'aye' and then we'll watch and see what happens in Cook County."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Braun, the Lady from Cook."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen. I am a candidate for Recorder in the County of Cook, and as such have a potential... I don't believe there is a conflict with this good piece of legislation. I am going to vote for it and vote my conscience. But I wanted to make certain that the Body... that I announced my potential appearance of a conflict in this situation. Thank you."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 64 voting 'yes', 48 voting 'no', 2 voting 'present'. Representative McCracken, for what purpose do you rise, Sir? The Gentleman asks for a verification. Representative Cullerton asks for the Poll of the Absentees. Mr. Clerk proceed."

Clerk Leone: "A Poll of those not voting; Representative Huff, Martinez and Ronan."

Speaker Giglio: "Representative Van Duyne. Representative Van Duyne. You seeking recognition? Change Representative Van Duyne's vote to 'aye'. Representative Phelps 'aye'. Representative Phelps. Hannig. Representative Hannig votes 'aye'. Representative McCracken, do you still wish to verify? Is that a yes? Representative Hannig, are you seeking recognition, Sir? Mr. Clerk, proceed with the verification."

Clerk Leone: "A Poll of those voting in the affirmative; Berrios.

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Bowman. Braun. Breslin. Brunsvold."

Speaker Giglio: "Representative McCracken."

McCracken: "I'll withdraw the verification."

Speaker Giglio: "Withdraw the verification. On this question there are 67 voting 'yes', 46 voting 'no', 1 voting 'present'. And House Bill 3918 having received a Constitutional Majority is hereby declared passed. Special Call, Local Government, page 10 of the Calendar appears House Bill 2159. Representative Hasara. 2159."

Clerk Leone: "House Bill 2159, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Hasara: "This Bill is on the Consent Calendar."

Speaker Giglio: "Out of the record. Representative Pullen, 3394, page 13 of the Calendar. House Bill 3394, Representative Pullen. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3394, a Bill for an Act to amend an Act in relationship to the prevention of certain communicable diseases. Third Reading of the Bill."

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

Pullen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Last year we passed a law which requires public health authorities to notify school officials if a school age child is found to be infected with the AIDS virus or diagnosed with AIDS. That Bill included confidentiality provisions. So does this one. That one very strictly limited who in the school could know the identity of the child. This one...when we did that, we...according to the way we passed it we had the notification going to the superintendent. The Governor changed that in his Amendatory Veto to the principal of the school and cut the superintendent out altogether. During the winter, several school authorities have come to me and told me that they thought that the way the Governor had changed it from what

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we had done was not workable for what they needed to do in terms of a need to know within school district operations. This Bill would provide that the principal disclose the identity of the child to the superintendent of the school district. And it also provides that, as necessary, the principal may disclose the identity of the child to those persons who pursuant to Federal or State Law are required to decide the placement or educational program of the child. This is in terms of special education placement which some of these children need to be involved in. It still provides for tight confidentiality procedures, but it does make the School District Notification Bill we passed last year more workable for the school people who have to implement policies flowing from it. And I urge the House and request the House to pass House Bill 3394. Thank you."

Speaker Giglio: "Heard the Lady's Motion. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. The Gentleman from Cook, Representative Levin. One minute to explain your vote, Sir."

Levin: "Isn't there discussion? I had my light on before."

Speaker Giglio: "Pardon?"

Levin: "I had my light on..."

Speaker Giglio: "One minute to explain your vote, Sir."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House the Governor was right last year to limit this Bill. We might...if we're going to pass this we might as well require that every school district put a full page ad in the newspaper every time there's a kid with AIDS. It's too broad already. We don't need to broaden it anymore."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 91 voting 'yes', 10 voting 'no', 7 voting 'present'. House Bill 3394 having received a Constitutional Majority

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is hereby declared passed. On this Order of Business appears House Bill 3890, page 20. The Gentleman from Cook, Representative Turner."

Clerk Leone: "House Bill 3890, a Bill for an Act to amend an Act to create the Illinois Affordable Housing Program. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from...Representative McPike."

McPike: "Excuse me, Mr. Speaker, Ladies and Gentlemen of the House. Representative Turner, before you start I just wanted to introduce someone standing next to me. Most of you know my secretary, Carla Masterson, and she's leaving for a new job in Texas today. We just wanted to wish her well in her new pursuit."

Speaker Giglio: "Representative Regan."

Regan: "Thank you, Madam...Mr. Speaker and Members of the House. A point of personal privilege, I'd like to announce that my Senator, Aldo DeAngelis, the silver fox has gone through successful heart surgery. He's awake and coherent and will be home Monday."

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

Turner: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 3890 creates the Illinois Affordable Housing Trust Fund. It is a Bill that we discussed just two days ago, and I know that during that time we tried to bring out as many facts as you possibly can on a very complicated issue. And over the last two days we were able to discuss it with a few more of our colleagues. In summation, what this Bill does is, it creates 11 member...an 11 member an advisory commission in which the Director of the Illinois Housing Development Authority sits on it. The Director of the Department of Commerce and Community Affairs and nine other members appointed by the Governor and approved by the Senate all make up the members

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of this commission. They receive no compensation. The Affordable Housing Program will combine several funding sources for housing in Illinois. And I might add that for every one million dollars invested in housing in Illinois, 30 people, or 30 jobs are created. And we know the need for employment in this state. This program will be funded through a... some call it a tax, we call it a users fee, an increase in the transfer tax by 25 cents. This 25 cent increase will generate 13 million dollars. There's another 12 million dollars which would be generated through the UDAG program, IDAG and CDBG's are creating a total of 25 million dollars in this trust fund pool. I might add that this is a state wide program. It is not limited to the City of Chicago. This advisory commission is made up of statewide representation. I think it's an issue that it's time has come, here in this state. This 25 million is a small drop in the bucket in terms of solving the housing crisis here. And I ask for your 'aye' vote on this favorable and great issue."

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

Piel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Gentleman yield for some questions?"

Speaker Giglio: "He indicates he will."

Piel: "Representative Turner can you explain exactly where this tax is going to be levied? Is this just in Cook County, the collar county area, or the entire state?"

Turner: "You are...excuse me, Representative Piel, you referred to it as a tax and again I think there's a matter of semantics here. But the fund whatever term we use comes from an increase of real estate transfer transaction. An increase of 25 cents. This is a state wide transferred user fee that is applied throughout the entire state."

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Piel: "25 cents for the real estate transfer?"

Turner: "25 cents per \$500.00 evaluation."

Piel: "Oh, for \$500.00. Oh."

Turner: "Right. Which comes to a total of about \$50.00 on a \$100,000.00 house."

Piel: "\$50.00 or \$500.00 dollars?"

Turner: "\$50.00 on a \$100,000.00 house."

Piel: "\$50.00?"

Turner: "\$50.00 on \$100,000.00 house. That would be the total tax on it."

Piel: "Where do the different groups stand on this, I mean, like let's say, like the realtors? I know they were initially opposed to it. Now are they in favor of it now with Amendment #1 being on?"

Turner: "You know, I was never clear where the realtors stood. They told me they were opposed to it, but I consider myself a small realtor. I own a couple of small pieces of property in the City of Chicago. And as a small realtor and I think a lot of small realtors would agree, I don't see how we lose in this situation. Actually, we're going to build more houses in this state and the fact that you build more houses means that there will be more real estate transactions. As a result, broker fees and commissions will still be made. The industry as a whole is opposed. The big realtors."

Piel: "Okay the...the...okay, this money is going into a trust fund. This trust fund, or fund... How is the money to be dispersed on this?"

Turner: "The 11 member commission is to set up the rules and regulations as to how it is to be dispersed. And as I mentioned earlier, the Chairman of the Illinois Housing Development Authority, Mr. Peter Dwars, will be on that as well as the Director of the Department of Commerce and

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Community Affairs. The guidelines are pretty much established where those who qualify or would meet the needs...the income needs in terms of 80 percent of the immediate income for a given county."

Piel: "Okay, is DCCA still the oversight agency on this program?"

Turner: "Yes. DCCA is the oversight agency for this particular trust fund. I might add that the Bill..."

Piel: "What's their position on it?"

Turner: "Pardon?"

Piel: "What's DCCA's position on the Bill?"

Turner: "DCCA supports the concept. They said DCCA supports the concept, IDA supports the concept, but they felt in terms of money issues that the Illinois Legislature was much more important and much more knowledgeable in terms of where the funds should come from. As you know, we're discussing taxes this year and all kinds of ways of generating new funds here in the state and so they didn't want to get into the Legislative duties in terms of determining how this would be funded. But they do support the concept."

Piel: "Okay, what you're...what you're basically saying then...what you're basically saying then is that they're supporting the concept but not the funding mechanism?"

Turner: "Uh..."

Piel: "Okay, let me ask you, how do they stand on the funding mechanism?"

Turner: "No position."

Piel: "No position on it?"

Turner: "No position on the funding. They said that we were much wiser than they were in making that determination."

Piel: "Where's...where's the housing going to be placed? What is the criteria for where the housing's going to be placed?"

Turner: "It's statewide. And the criteria will be determined by DCCA and IDA wherever there's a need. And I think the need

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has been demonstrated that there's a statewide need for housing. Wherever the homeless are, wherever there's a need for housing. If you happen to live in one of those communities where you've ran out of space then certainly you would not...there would be no great need in your particular area. But we've got a lot of open land in this state. And there's certainly a lot of homeless people."

Piel: "How does the Bill deal with home rule communities?"

Turner: "I didn't hear the question?"

Piel: "How does the Bill deal with home rule communities? Do they have the authority or does this usurp their authority dealing with the affordable housing?"

Turner: "There's nothing here to preempt home rule. So I don't see where there's any complication. Hopefully home rule communities would encourage house...individuals in housing organizations to apply to the state for those funds. You know the normal..."

Piel: "Then what you're saying...what you're saying is if a home rule community opts not to have the affordable housing in their community they do have that right?"

Turner: "That's right. This is not a mandatory program for any particular community. It just allows all communities to participate. But it is not mandatory that they have to participate."

Piel: "My question...the one thing that's still a little bit vague in my mind is exactly how this housing is going to be placed? You say it's going before authority. What...under what...what is...what is the..."

Turner: "Well, local..."

Piel: "What is the...I see, the authority, but the people are coming in. So let's say that they've got a hundred applications, what is their criteria? I mean, if all the people fit into the same category?"

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Turner: "Repeat the question, I'm...I can't hear."

Piel: "Okay, what is the authority's...how is the authority going to divvy out the money for the different housing projects?"

Turner: "The authority will set up the criteria to disperse the money. It's up to them. If you have some recommendations or some additional suggestions, I..."

Piel: "The legislation has no...has no criteria whatsoever?"

Turner: "The..."

Piel: "...don't take advise from Zeke, we had problems last night."

Speaker Giglio: "Bring your remarks to a close."

Piel: "The...but the...the authority...the legislation has...the enabling legislation has no...you know, criteria for the authority? The reason I'm asking the question, let me...let me go farther. If the authority, if the legislation does not state so, and the authority has a carte blanche stamp on how they want to run the program, I cannot see why this authority can't come in and usurp home rule powers."

Turner: "Well, we do not give the authority to usurp state zoning..."

Piel: "But you are giving the authority to...you just said a minute ago that you are giving the agency or the authority has the right to put the housing where they want to."

Turner: "No. They have the right to determine who gets the money. They do not determine where the housing will be built."

Piel: "But the Bill does not have a criteria. That's the one thing that I think we're lacking in the legislation."

Turner: "There's an income...there is an income criteria in terms of who's eligible for the program."

Piel: "To the legislation, Mr. Speaker."

Speaker Giglio: "Proceed."

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Piel: "Ladies and Gentlemen of the House, I think I...you know, the man's idea is very laudable, but I do believe that there are some flaws with the legislation. You don't sit here and say well we're going to give an agency authority to go out and...just really willy nilly approach this thing with a taxing power of a...you know, no input from the community. Plus, I do feel that this agency could end up becoming a real big bureaucratic mess as far as coming into home rule communities and causing problems in home rule communities and I would ask the Members of the chamber to look at this legislation very closely before they vote for it."

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

Braun: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this good Bill and this good program. I would point out to the Members of this General Assembly that Representative Turner and others have met for many, many hours with representatives of the industry, representatives of the Governor's office and of the various agencies in State Government in order to construct a program that not only will provide for housing for poor people, or for housing for people who need it, but also will stimulate the business activity in this state. Building housing is good for Illinois. It puts people to work. It stimulates the construction industry. It stimulates the real estate industry and it also winds up with a social good attached to it. It cannot be wrong to stimulate business and at the same time address some of our social needs in the State of Illinois in one program and that is precisely what this program does. I encourage your support for this good Bill. Take a look at it. You will be proud of this Bill should it become law and should it go into effect in the State of Illinois."

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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 Turner, is this a shell Bill? Is this Bill in its final form? I'm sorry. I can't hear him."

Turner: "This is not a shell Bill, Representative."

Churchill: "It's in its final form?"

Turner: "It's in its final form."

Churchill: "Does this Bill create a commission?"

Turner: "No."

Churchill: "What is the Illinois Affordable Housing Commission if it's not a commission?"

Turner: "Well, it's a nonpaid commission if you refer to it as a commission. I considered it a eleven member government, governing body. But it is a nonpaid commission in which the Director of the Illinois Housing Development Authority, the Director of DECCA, and nine rep...nine people throughout the state, approved by the Senate, serve on that particular body."

Churchill: "But it is a commission. We're creating a new commission in this Bill."

Turner: "Okay. It's...I refer to it as a governing board."

Churchill: "Well, that's fine, but it is a commission. That's okay. You stated it is a commission, the title says it's a commission. We create a commission and..that...you know, that's what it is. Let me ask you, does this have a definable program in it or is it a study?"

Turner: "This is not a study. This is not a legislative commission. The guidelines that have been established thus far is that primarily the money will be used to create affordable housing here in the state. The program funds will be used to serve individuals and families meeting

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federal Section VIII income guidelines, i.e. fifty to eighty percent of the county medium income in which the housing is considered. The priority of the program will go to the people at...those who...income fall fifty percent below the medium income for that given county."

Churchill: "Our analysis says that it establishes the duty of the commission to primarily study the problems of low income housing. Is that true? Does this create a study?"

Turner: "It will study the need as well as make recommendations as well as review development and policy procedures for the administration of this program. It also encourages the collaboration of both federal and state agencies, local government, and private sector in the development of affordable housing. I mentioned earlier that this Bill would generate \$25,000,000. That's only IDA, DECA, and the money raised from the trust fund. There's an additional \$75,000,000 that can be created or generated through the private sector through this particular program. Yes, it is a study because it's never been done before here in this state. One of our colleagues earlier referred to this as a 'willy nilly' commission. We created an agency called 'IDA' a few years ago and gave them the charge to create housing, affordable housing in this state. They have not done so. They have...they are looked upon by individuals in this state as a bank. Now, you want to talk about a commission or a bank. The issue is, housing, affordable housing is not being built in this state. There's a board that has to be built. We either deal with it today or you can deal with it next year or two years from now when the cost is even greater."

Churchill: "To the Bill, Mr. Speaker. I think that Representative Turner's correct in the attempt of what he's trying to do here. I just don't think that this is the

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proper Bill to flush out that attempt. This Bill is a Bill that creates a commission. A couple of years ago, we came into the legislative process and we eliminated commissions. We tried to get rid of commissions. We don't want to expand commissions. We want to eliminate commissions and yet this Bill creates a commission. Tie that to the fact that the commission's basic purpose is to create a study, so we have a study commission and to fund the study commission, we create a new tax. So in other words, you've got a commission that's going to study something and it's going to be paid for with a new tax. Of all the things you don't want to have in this legislative process is what this Bill provides. The intent is fine, but this Bill is the wrong way to do it."

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

Ronan: "Thank you, Mr. Speaker and Members of the House. I rise in support of this fine piece of legislation. Representative Turner has indeed worked two years to try to come up with a plan that's going to make a difference concerning housing stock here in the State of Illinois. Yesterday I rose to speak in favor of home equity because I believe that the people of the City of Chicago are concerned about their neighborhoods, they're concerned about home ownership, they're concerned about the future of the City of Chicago. This is another fine piece of legislation that's going to protect the home owner, it's going to encourage housing rehabilitation, and it's going to make a difference on making a better neighborhood for people to live in, not only in the City of Chicago, but this is a statewide project. I commend Representative Turner and I urge everyone who was for home equity yesterday to be for the affordable housing project today. Thank you."

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

McCracken: "Thank you, Mr. Speaker. We debated this once, earlier. It's on postpone consideration after having failed to receive enough votes and I think it sends out the wrong message to people. I...I think you send out a message of hope when in fact, this...this cannot possibly do what you want it to do. First of all, it doesn't raise enough money to make a difference. And secondly, even the approach, I think, over the experience of the states and the federal government in the last forty years has demonstrated the inherent weakness in a program of this type. Housing is rehabilitated on a mass enough level to provide new stock and cheaper stock only when it is economically feasible or a profit is possible. This does not create that type of atmosphere. If you want housing to...you know, the housing stock to become more readily available, to become more cheap, you should attack the cost of housing, not merely encouraging an expensive piece of rehabilitation or construction and hoping that the state can become the largest landowner in the entire area. It just isn't...it's just the wrong message. I know it's well intended, but it is doomed to failure. It is inherently defective. It does not address that which creates affordable housing and increases housing stock generally. An example, in a related area, is rent control in New York City. Have you ever been to the Bronx of New York City or large areas of Brooklyn? They look like Berlin in 1945, they're bombed out. They are razed. There are no buildings above three stories for miles as far as you can see. And the ones that are above three stories are all abandoned and scheduled for demolition. It is the wrong way to do it. Just as housing control or rent control in

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New York is wrong, it's killed entire areas of the city, this sends the wrong message. This does not create enough stock. It does not address the real problem, and it unfortunately... unfortunately, it will only lead to expectations being dashed. It is going to have an adverse effect on what you seek to do."

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

Sutker: "Mr. Speaker, Ladies and Gentlemen of the House, this is a good piece of legislation that should be seriously considered. I disagree with the previous Speaker, the previous Gentleman from the other side of the aisle when he said that this legislation delivers the wrong message. I think this legislation delivers the right message. He is correct when he says it's insufficient money toward an important goal, but I think it's a small step toward a significant goal and I want to commend Representative Turner for...for presenting this legislation at this time. I would urge an 'aye' vote. I think that message that he is delivering to this House should be delivered throughout the state."

Speaker Giglio: "Further discussion? The Gentleman from Cook...excuse me, the Gentleman from Macon, Representative Dunn. Representative Dunn, are you seeking recognition, Sir?"

Dunn: "I always seek recognition. I rise in support of this legislation because I think we need to...do the things which need to be done. We've heard comments about the housing stock in this state and if...if I want to sell my house, I better mow the grass and trim the bushes and tidy up around the yard to put my best foot forward if I want to sell my property and encourage someone to take a look at it. Here in the State of Illinois, if we want to encourage others to come in and live and work in our state, we ought

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to tidy up. And by...we have a lot of homeless people out there, we have a moral, a social commitment to address their problems and if we fail to do so, if we turn our back on those problems, we're kidding ourselves. Outsiders will know, outsiders will know that we should be doing this. This is a good Bill. Please rise in support of this fine piece of legislation. It's a good Bill. Let's put this over the top."

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

Bowman: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise only because one of the previous speakers, in bashing this Bill, started talking about rent control and spent so much time on that subject, that if people weren't paying very close attention, they might think that...that's what this Bill is. This Bill has absolutely nothing to do with that. That speech was completely off in outer space. The...the economics of this affordable housing program are vastly different and very sound, very sound indeed. Particularly because we have a...a funding mechanism here. I mean, how many times do you hear people get up and say, 'Well, this is a great idea, but there's no funds for it, there's no funding mechanism.' There is a funding mechanism built right into this Bill, and it's tied right to the housing market. So we are recycling money from the housing market back into the housing market. I that's reasonable, that is responsible, that is good economics. This is an excellent program. You should all vote for it."

Speaker Giglio: "Representative Turner to close."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen. It is said that this issue is try...is being made up...on being looked upon as a partisan issue. People who need housing, it does not make any difference whether they're Democrat,

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Republican, red, black, yellow, or whatever color. And I...I hope that we do not look at this as a partisan issue. But...but for those who want to look at it from that standpoint, let me remind you, IDA is on...the Director of IDA and the Director of DECA are on this commission. They are the people who are responsible for setting up the policies for this nonpaid commission and I ask for your favorable roll...for a favorable roll call on this vote."

Speaker Giglio: "The question is, 'Shall House Bill 3890 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Lady from LaSalle, Representative Breslin. One minute to explain your vote."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, I don't intend to bore you with the speech that I gave yesterday, but I think it must be noted that when people look to the City of New York and condemn it for its housing efforts, I think you should know that this Bill seeks to prevent a New York City. New York City knows that it needs more low income housing. Last year, in 1986, it appropriated 500 million dollars. The city did, for housing within the city and its expected need is 12.5 billion. Do we want to wait until this State of Illinois looks bombed out like Brooklyn does before we do anything? It's good for all of us. We don't want New York's problems. We ought to learn by their disastrous mistakes. We must begin now. I agree, it is a small start, but it is a first step. Please vote 'aye'."

Speaker Giglio: "The Lady from St. Clair, Wyvetter Youngue."

Youngue: "Thank you very much. We should really be supporting this Bill because it provides a forum for the only entity in Illinois that can help do something about the housing crisis to be effective in finding a solution. That entity

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is private enterprise, the...the banks and the financial community. This Bill will provide a forum for the public entities like IDA and the private communities like the financial structures and not for profit corporations to have a forum and have input so that a solution for Illinois can be come up with. Each state is different. The State of Illinois has the highest foreclosure rate in the nation. The truth is that housing is absolutely out of the reach of our people. Many of us sitting here will have a terrible shock when our sons and daughters marry and try to go out and get a house. They will not be able to find any affordable houses and it is...this is not a black issue. It is not a ghetto issue. This is not a suburban issue. This is an issue which affects all of the people of the State of Illinois and I think that the Representative's... Representative Turner's Bill, in coming up with an affordable housing program, presents us with a forum to begin to determine what the policy for the solution to this problem is. And I think that rather than wrangling around for a half an hour on this issue, we ought to put the votes on there and...and use this table top in a very, very stormy sea of the inability of our society to find shelter and to meet the shelter needs of its people and I think it's time for us to act and act now on this desperate problem."

Speaker Giglio: "The Gentleman from Cook, Representative Huff. One minute to explain your vote, Sir."

Huff: "Thank you, Mr. Speaker. I'll take less than that. I'm not asking for this vote because of...the sponsorship or because of all of the entreatments that have been made by various speakers. I'm asking for this one vote of compassion from the other side of the aisle because the issue is real. Thank you very much."

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Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 59 voting 'yes'...Representative Mulcahey. Vote Representative Mulcahey 'aye'. Representative Davis? On this question, there are 60 voting 'yes', 47 voting 'no', 7 voting 'present' and this Bill...Representative McCracken? The Gentleman asks for a verification. Representative Turner asks for a Poll of the Absentees. Leave Representative Berrios to be verified and Representative Braun, Braun over here...this...at the well. Representative Breslin to be verified."

Clerk Leone: "That's three."

Speaker Giglio: "Representative Ronan."

Clerk Leone: "Four."

Speaker Giglio: "Proceed, Mr. Clerk."

Clerk O'Brien: "The poll of those not voting: Barger. DeLeo. And McGann. No further."

Speaker Giglio: "Representative McCracken, do you wish to proceed? Mr. Clerk, proceed with the verification."

Clerk O'Brien: "Berrios. Bowman. Braun. Breslin. Brunsvold. Bugielski. Cullerton. Curran. Currie. Daley. Davis. DeJaegher. Deuchler. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Hartke. Hicks. Hoffman...I'm sorry, that's Homer. Huff. Jones. Kirkland. Krska. Kulas. Lang. Laurino. LeFlore. Leverenz. Levin. Martinez. Matijevich. Mautino. McPike. Morrow. Mulcahey. Novak. Myron Olson. Panayotovich. Phelps. Preston. Rice, Richmond. Ronan. Saltsman. Satterthwaite. Shaw. Steczo. Stern. Sutker. Turner. Van Duyne. White. Williams. Wolf. Anthony Young. Wyvetter Young. And Mr. Speaker."

Speaker Giglio: "Any questions of the affirmative."

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McCracken: "Yes, thank you, Mr. Speaker. Representative Flinn."

Speaker Giglio: "Is Representative Flinn in the chamber?
Representative Flinn? Mr. Clerk, how is the Gentleman
recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Giglio: "Remove the Gentleman from the roll call."

McCracken: "Representative Richmond."

Speaker Giglio: "Representative Richmond. Representative
Richmond in the chamber? Mr. Clerk, how is the Gentleman
recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Giglio: "Remove the Gentleman from the roll call."

McCracken: "Representative Van Duyne."

Speaker Giglio: "Representative Van Duyne. Is Representative Van
Duyne in the chamber? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Giglio: "Remove the Gentleman from the roll call."

McCracken: "Representative Laurino."

Speaker Giglio: "Is Representative Laurino in the chamber?
Representative Laurino? Mr. Clerk, how is the Gentleman
recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Giglio: "Remove the Gentleman from the roll call."

McCracken: "Representative Stern."

Speaker Giglio: "Representative Stern. Is Representative Stern
in the chamber? How is the Lady recorded?"

Clerk O'Brien: "The Lady is recorded as voting 'aye'."

Speaker Giglio: "Remove the Lady from the roll call."

McCracken: "Representative Leverenz."

Speaker Giglio: "Representative Leverenz. Is Representative
Leverenz in the chamber? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Giglio: "Remove the Gentleman from the roll call and

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replace Representative Van Duyne as voting 'aye'.
Representative Leverenz has returned. Put Representative
Leverenz in the affirmative. Representative McCracken?"

McCracken: "Nothing further."

Speaker Giglio: "Does Anthony Young have leave to be verified?
Leave is granted. Further questions?"

McCracken: "No. I'm done."

Speaker Giglio: "Mr. Clerk, what's the count? Representative
Currie?"

Currie: "Leave to be verified?"

Speaker Giglio: "The...I believe we're finished. On this
question there are 56 voting 'yes', 47 voting 'no', and 7
voting 'present' and the Bill fails. Speaker Madigan in
the Chair."

Speaker Madigan: "Ladies and Gentlemen, we hope to leave around
5:00 o'clock and we have several Bills on the Calendar and
so we would propose that we now start calling Bills with
the view toward accommodating as many people as possible.
I would suggest further that we try and limit the debates
so there be one proponent, one opponent and then we can go
to a roll call. Under a system such as that, we will
maximize the number of Bills we will be able to consider
today. So the first Bill will be by Mr. Hensel, page 13
of the Calendar, House Bill 3429. Mr. Clerk, has the Bill
been read a third time?"

Clerk O'Brien: "The Bill has not been read a third time."

Speaker Madigan: "Read the Bill."

Clerk O'Brien: "House Bill 3429, a Bill for an Act to amend the
Radiation Protection Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Hensel."

Hensel: "Thank you, Mr. Speaker and Members of the House. House
Bill 3429 is an Act Bill to...to amend the Radiation
Protection Act. And what it actually does, it makes some

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specific changes that include the definition of byproduct material to expressly include mill tailings. It also provides that the Department of Nuclear Safety rules regulating mill tailings shall require compliance with standards for the protection of the public health and safety and the environment which are equivalent or more stringent than those of the NRC. It also gives authority to the Governor to enter agreements with the NRC for the transfer of regulatory jurisdiction from the NRC to the state to expressly include agreements regarding mill tailings. It also authorizes the Department of Nuclear Safety to collect license fees to expressly include fees from mill tailings installations, including fees for decommissioning and decontamination activities. The reason for this Bill is, there's a property up in my district that has basically mill tailings located within the city limits and we do not feel that that is the proper disposal site for that type of material. The NRC said that they will accept source materials in other areas, but they feel that it should be left right where it's at. We do not feel that that is the proper place. In fact, the State Legislature passed recently that hazardous materials such as that should not be deposited or stored within a mile and half of municipalities without the approval of the municipalities. The city is now, has been, and continues to fight since the last seven years to remove it from West Chicago. We feel that because of the proximity, that it's located near schools, within blocks of the schools, churches, residences and recreational areas, that we feel that the state should have control over where this material should be deposited. And I would just answer any questions, that time is getting late and I would just ask for support on this very important Bill for the health, safety and well-being, not

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only of the people in my district, but for the people in the State of Illinois."

Speaker Madigan: "Mr. Kulas, do you rise in opposition to the Bill? Mr. Kulas."

Kulas: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise to oppose House Bill 3429. This problem has existed since 1979 and the City of West Chicago has been fighting Kerr McGee and trying to figure out what they're going to do with 33,000 truckloads of radioactive waste. Since that time, the NRC has finally come about, they're ready to settle this problem and all of a sudden, what we're going to do, we're going to go back to 1979 and say, 'Well, let the State Department of Nuclear Safety, look at this problem now.' It'll take them another ten years. Let's leave the situation where it's at. Let's let the NRC work out the problem and let's not create another problem for a state agency which had its own problems siting on low level nuclear waste. Nobody wants waste in their backyard. Here we're going to have 33,000 truckloads...where are we going to put it? Do you want it in your backyard? Nobody wants it into their backyard so let's work it out for the safety of everybody in the State of Illinois. I vote...I urge a 'no' vote."

Speaker Madigan: "Alright, we've had one proponent, one opponent. I would propose to open the record and take the roll call. Those in favor of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Mr. Parke to explain his vote."

Parke: "Thank you, Mr. Speaker. I rise in support of this legislation. Why should we stick our head in the sand and ignore a problem? We have a community that is reaching out to the General Assembly to help solve a problem. I think we have an obligation to address the situation that faces

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one Member's legislative district as we have done traditionally. I think we should vote 'yes' on this legislation, not ignore it, but deal with the situation like this General Assembly has the responsibility to do."

Speaker Madigan: "The Bill now has 73, 74 votes. The Chair would suggest...Mr. Hicks insists that he wants to explain his vote."

Hicks: "Thank you, Mr. Speaker. I'll be very brief, but...let me tell you, if you think this is only one problem, you're wrong. This is a problem for every county in the State of Illinois. There's 33,000 truckloads of this material, radioactive material that could go in your backyard. So if you think it's only one town's problem we're trying to solve, you're wrong. It's everybody's problem. I'd suggest you vote 'no' on this. Let them encapsulate it on site where they've already spent 20 million dollars to do. You'd better let it be done right there on site rather than being in your own backyard."

Speaker Madigan: "The Bill now has 74 votes. The Chair will propose that we take the record. Mr. Clerk, take the record. On this question, there are 71 'ayes', 34 'nos'. This Bill having receive a Constitutional Majority is hereby declared passed. Let me reiterate that if we wish to move Bills, we cannot debate a Bill that receives 71 votes at that length. The next Bill will be House Bill 3870, Representative Breslin. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3870, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Madigan: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker. This Bill amends the Illinois Municipal Code to provide that the total area of all redevelopment project areas in a TIF district shall not exceed 20 percent of the entire area within such a

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municipality's corporate limits. That's what the main Bill does, there is an Amendment on it that is sponsored by Representative McAuliffe. I would yield to Representative McAuliffe."

Speaker Madigan: "Mr. McAuliffe."

McAuliffe: "Speaker, Ladies and Gentlemen of the House, this Amendment #4, sponsored by myself and Representative Capparelli will solve a problem in my district. I have two precincts that are in an unincorporated area. They don't...do not wish to be annexed to the City of Chicago. They've come to me and asked me as their Legislator if they could establish their own city. This Bill...this Amendment would accomplish that."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 'ayes', no one voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. The next Bill will be House Bill 3619, page 14 of the Calendar. Mr. Clerk, read the Bill. The Chair recognizes Mr. McPike."

Clerk Leone: "House Bill 3619, a Bill for an Act to amend an Act creating the Board of Higher Education. Third Reading of the Bill."

Speaker Madigan: "Mr. McPike."

McPike: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #2 that was adopted yesterday afternoon, yesterday evening, became the Bill that was pretty well debated and explained at that time. It requires most of the universities in this state, when we appropriate the money to them, that we do it by line item the same way that we do it for all the Governor's agencies. I move for the

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passage of the Bill."

Speaker Madigan: "In opposition, Mr. Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. This is the Bill, as I understand it, that excludes University of Illinois and also community colleges from this. It seems like if we are attempting to provide better information for this Body to deal with appropriations, we should not exempt one of the institutions that has more than 50 percent of the total budget of higher education and I urge a 'no' vote."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye', those opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 109 'ayes', 4 'nos'. This Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes Mr. McPike for a Motion to suspend the posting requirements."

McPike: "Yes, Mr. Speaker and I so move."

Speaker Madigan: "The Motion is to suspend the posting requirements for the following committees: On Tuesday, Human Services, Higher Education, Appropriations I. On Wednesday, Economic Development, Appropriations II, Revenue Judiciary II. Mr. McCracken, have you been apprised of this? This appears to be an agreed Motion. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Motion is adopted. We will now proceed to take the roll call on the Supplemental Calendar #1A, Consent Calendar on the Order of Third Reading. House Bill 3304 has been removed from this list. Let me repeat, this concerns the Consent Calendar, Supplemental Calendar #1A. The matter is on Third Reading, House Bill 3304 has been removed from the list. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who

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wish? Mr. Klemm."

Klemm: "Yes, Mr. Speaker. I noticed that we were...received on our desks two different voting tallies for the Consent Calendar if we have objections. I see some have been pulled off and some have not, but they haven't been indicated. I would suggest to the...Clerk that perhaps they put revised copy or something so we don't keep duplicating our work when you've made changes on the call, those that are on Consent. It's just a suggestion to help us out."

Speaker Madigan: "Fine, thank you. Mr. Leone, would you comply with that request? Thank you. So, Mr. Clerk, take the record. On this question there are...okay, so on this question there are 116 'ayes', no one voting 'no'. The matters will not be declared passed at this time because we will afford you one hour to adjust your vote at the Clerk's station. The next Bill will be House Bill 3462, Mr. McPike. Mr. Clerk, read the Bill. 3462, Mr. McPike."

Clerk Leone: "House Bill 3462..."

Speaker Madigan: "Mr. Clerk, thank you. It's on the Consent Calendar. The next Bill will be House Bill 3615 on page 14 of the Calendar. Mr. Clerk, read the Bill. 3615."

Clerk Leone: "House Bill 3615, a Bill for an Act in relationship to the offense of aggravated battery of a senior citizen. Third Reading of the Bill."

Speaker Madigan: "Mr. Daley."

Daley: "Thank you, Mr. Speaker and Members of the House. House Bill 3615 creates a new offense of aggravated battery of a senior citizen committed by a person who causes great bodily harm or permanent disability to persons 60 years of age or older. The Bill would make the offense of aggravated...aggravated battery of a senior citizen nonprobational."

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Speaker Madigan: "Alright, Mr. Daley has stood as a proponent to the Bill. Mr. Johnson, do you stand in opposition? Mr. Johnson."

Johnson: "Yes, I do. Mr. Daley, Representative Daley, does the perpetrator of this crime have to know that the person that they assault is a senior citizen, or have reason to know? What if somebody just looks young, but they're really over 65, like Representative Countryman here next to me?"

Daley: "I don't know if they have to know."

Johnson: "It's because of his clean living that he looks so good."

Daley: "I don't know, Tim, but I think the senior citizens are the most preyed upon victims..."

Johnson: "No. My question is, is really pretty simple. Either...does the Bill require a know...that you know that the person that you commit the crime on is a senior citizen?"

Daley: "Yes."

Johnson: "And how many of these offenses a year in Illinois would you say occur?"

Daley: "I can't answer that, but I do know in these...there are a number of seniors who are victimized and...because great bodily harm is caused to them that they will..."

Johnson: "What if you...what if you have somebody in a situ...well, the reason I ask that question is, I was just interested in how many new prisons we're going to have to build to house this offense?"

Speaker Madigan: "Mr. Johnson...Mr. Daley."

Johnson: "Yeah, no...that's alright, probably one or two, that's no problem. That's...that's a small price to the trea...to the treasury of Illinois if we only have to build two new prisons to deal with this. It's easily resolvable. We do it all the time, anyway. I...I guess the basic problem I

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have with this Bill is that we continue to do this session after session after session. I would say there are a good...there are a number of situations where if a person commits a battery on a senior citizen that they probably ought to go to the penitentiary. You probably have somebody that's a second offender, somebody who's committed the crime with a gun. There's a whole lot of reasons why they should, but there's also some reasons, probably, why an individual who's 19 or 42, has no previous criminal record at all, has a family to support, goes to church every Sunday, is a good citizen, but went out of control one day and...and did something that he or she shouldn't have done and should be sanctioned, should be penalized, should have the force of the law brought down on him. But to make another crime nonprobationable, just as we did home invasion and everything else, to me, just smacks of a simplistic approach towards the criminal justice system. All you do is, you get a good press release out, we're protecting senior citizens, we're protecting victims, we're protecting everyone else, so we build two or three penitentiaries at the cost of hundreds of millions of dollars to the taxpayers and we forget that there are alternatives to throwing people in this one way street that our penitentiary system is. Intensified probation, work release, restitution, and a whole variety of new, innovative projects where people not become only more useful citizens, impressed on the regretfulness of their act, but aren't thrown into this meat grinder institution of a penitentiary because they committed one offense, one time, with no record at all before that, but because this Legislature wanted to send out 118 good press releases that we make something nonprobationable. When you take the discretion away from the court to look at the individual,

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to look at his circumstances, to look at the victim, to look at the particular events surrounding this the commission of an offense in a particular circumstance of an individual in the system, we just take a ridiculous, simplistic, unrealistic approach towards the criminal justice system just so we can say we were tough on crime. Somebody suggested one time that the most sense we can make is to pass a law that made everybody a felon and made their existence nonprobationable and then just went along the way and made exceptions. Maybe you could make an exception for the Legislature when we're in servi...in service, and we could make an exception for teachers who are doing a good job. I don't mean to berate Representative Daley because I know he sincerely believes in this Bill. It's just misplaced when we go to the place of making a new offense nonprobationable and making a system that used to work, used to have some deterrent effect to the place now where everybody has to plea bargain, because if you don't plea bargain, and we'll probably have five or six Bills in here to make plea bargaining illegal, when you don't allow plea bargaining...the only way that you're going to make the system work is to require the state's attorney to plea bargain these offenses down because we've made so many offenses nonprobational that it...that it's impossible to do otherwise. So with all due respect to the Sponsor who is a good person and very sincere, I would suggest that if you want to try to make citizens more useful citizens, and if you don't want to spend hundreds of millions of dollars on a penal system that simply makes persons...people a criminal and ruins their lives and ruins their family's life, we ought to leave some discretion in the court and vote 'no' on this Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those

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in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 92 'ayes', 16 'nos'. This Bill having received a Constitutional Majority is hereby declared passed. The next Bill is on page 3 of the Calendar, House Bill 3049, Mr. Hensel."

Clerk Leone: "House Bill 3049 has been read a second time previously. Floor Amendment #1 is being offered by Hensel and Deuchler."

Speaker Madigan: "Mr. Hensel."

Hensel: "Would you take this out of the record, please?"

Speaker Madigan: "Mr. Hensel, do you not wish to call 3050? The next Bill?"

Hensel: "That's correct."

Speaker Madigan: "Okay. Those two shall be taken from the record. The next Bill will be House Bill 1820, Mr. Ropp. 1820, Mr. Ropp. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1820, a Bill for an Act to codify the law relating to counties. Third Reading of the Bill."

Speaker Madigan: "Mr. Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. House Bill 1820, as amended, merely codifies all of county government law into one section of our current statute. I...be happy to answer any questions and move to support the passage of 1820."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Yes, a few questions for legislative intent. Representative Ropp, was this codified by the Legislative Reference Bureau?"

Ropp: "Yes, Sir."

Cullerton: "Okay, a couple of questions for you. On page 464, there's a new section 5-23018. This doesn't correspond to

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the old section 22-2. On page 483, is a new section 5-24005 this does not correspond to the old section 5. On page 506, section 5-24010 should probably be 5-25010 and on page 559, section 5-32001 should probably be 5-32002 and on page 731, Representative, line 14, the word is...that's printed there is 'present' and I believe that you intend for it to be the word 'prevent'. So, perhaps the enrolling and engrossing can take care of that if this Bill does not come back to the House."

Ropp: "Thank you, Mr. Representative. That will be taken care of in the corrections in the Senate."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 'aye', 1 person voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. The next Bill is House Bill 2946, Mr. Preston. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2946, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2946 is a Bill that has been supported and even suggested recently by Secretary Bennett who spoke before this House, suggesting that we have to, in order to fight the drug problem, educate our youth in elementary school. What House Bill 2946 does is to require elementary schools in Illinois to include in their curriculum an (inaudible)...of instruction in kindergarten through eighth grade a unit of instruction on drug abuse prevention. This is very cost effective. It will save the State of Illinois, in effect, hundreds of millions of dollars over

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the years by curbing the drug problem before it becomes a problem with young people rather than trying to intervene after somebody already has a drug habit. Henry Hyde in the United States Congress has proposed this kind of legislation and I would solicit your 'aye' vote, and be glad to answer any questions."

Speaker Madigan: "There are four people seeking recognition, I presume to speak against the Bill. On the Republican side, Representative Cowlshaw and Hallock and then Representative, Mr. Mulcahey, could Representative Cowlshaw represent your position? Representative Cowlshaw to oppose the Bill."

Cowlshaw: "Thank you, Mr. Speaker...Thank you, Mr. Speaker. I am rising only to ask a question. Mr. Preston, was an Amendment adopted to this Bill that has something to do with the holocaust?"

Preston: "No."

Cowlshaw: "That's what I thought. There seems to be widespread misunderstanding about that. All this Bill does is ask that school districts provide instruction in drug and substance abuse but leaves to local school boards the decision of how much time they want to devote to that. Is that not correct?"

Preston: "That's exactly correct, thank you."

Cowlshaw: "Thank you...very good. Thank you very much, I urge support for this piece of legislation."

Speaker Madigan: "Mr. Hallock, do you stand in opposition? Mr. Hallock."

Hallock: "Yes, Mr. Speaker. I deferred because I thought she was going to be an opponent, but I do rise as an opponent of the Bill. First of all, we have here being suggested another mandate on local schools and I suppose if there's one thing that's a common thread throughout all our

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discussions down here on education this session it has been that we've tried to not put any more mandates on local schools and, of course, they in turn have asked us to please not do that, to not put any more mandates on them. This in fact does that. But beyond that, this is a mandate that won't work. We're saying that we should teach drug abuse courses in kindergarten. I guess if you stop and think about that, it's ludicrous on its face. This Bill should be defeated for those two reasons and I urge a 'no' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 67 'ayes', 44 'nos'. This Bill having received a Constitutional Majority is hereby declared passed. The next Bill will be House Bill 3661 on page 14 of the Calendar, Mr. O'Connell. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3661, a Bill for an Act in relationship to the attorney general investigators. Third Reading of the Bill."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. House Bill 3661 provides that the investigators for the Attorney General's office will now have peace officer's status. I would be happy to answer any questions that might be presented by the floor."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 98 'ayes', 12 'nos'. This Bill having received a Constitutional Majority is hereby declared passed. The

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next Bill will be House Bill 3124, Mr. Ewing. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3124, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Ewing."

Ewing: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill was introduced to try and help address the problem of some of the two hundred and some communities that are under the gun to meet state and federal EPA standards by this July. And this Bill merely says that the state cannot require stricter standards for these communities than the federal government has set. And this is for communities, I believe, from 12,500 and less and I would ask for the passage of the Bill."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 109 'ayes', 1 person voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. The next Bill shall be House Bill 4014, Mr. Giorgi. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 4014, a Bill for an Act to amend an Act in relationship to asbestos."

Speaker Madigan: "Mr. Giorgi."

Giorgi: "Mr. Speaker, this Bill has been debated a couple of times and all it does is, it adds the chairman of the capital development board as chairman of the Illinois Asbestos authority and I urge the support of the Bill."

Speaker Madigan: "Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. This was debated at length yesterday and the reason it was debated at length was because it failed to receive passage. This is on postponed

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consideration. Nothing's changed between yesterday and today. I'd ask all the Membership on both sides of the aisle to keep that in mind. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 65 'ayes', 49 'nos'. This Bill having received a Constitutional Majority is hereby declared passed. The next Bill will be House Bill 4016, Mr. Ronan. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 4016, a Bill for an Act concerning regulation of motor vehicles. Third Reading of the Bill."

Speaker Madigan: "Mr. Ronan. Mr. Ronan. Mr. Cullerton, could you explain this Bill? 4016."

Cullerton: "Can I ask the Clerk...which Amendments have been adopted?"

Speaker Madigan: "Mr. Clerk, take this out of the record. The next Bill shall be House Bill 3381, Mr. LeFlore. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3381, a Bill for an Act in relationship to plant closings and relocations. Third Reading of the Bill."

Speaker Madigan: "Mr. LeFlore."

LeFlore: "Thank you, Mr. Speaker. House Bill 3381 as amended creates the Labor Management Notification and Consulting Act to require an employer, with certain exception, who owns and operates an industrial and commercial facility employing 100 or more persons to give 60 day notice of proposing to closing, relocation, initiation of mass lay off of employees and they will be...these employees will be given assistance by the Department of Labor and the Department of Commerce and Community Affairs. This Bill

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was amended in committee to reduce the number of days from 90 to 60 and I...of course, everyone knows that this was in the labor package on the national level and it passed both houses and we're trying to bring it line in the State of Illinois. I'd like to have affirmative votes."

Speaker Madigan: "Mr. Weaver."

Weaver: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to this Bill. If you take a real close look at it, it does a couple of major things that I think we'll have a little trouble living with. It's going to provide a red flag to those businesses that are looking to the Illinois economy for expansion and for growth. They're going to look at it as another means of...of the state having a bad business climate and it's going to keep them out. It would also prohibit a layoff, closing, or relocation indefinitely if the director decides that negotiations were not continuing in good faith. I have a personal problem with that provision of the Bill simply because I've got a coal mine that recently opened in my district and any of you that have united mine workers in your areas, there's about 5,000 UMW folks out of work. We need to keep open every coal mine that we can keep open in the State of Illinois. This coal mine is in the process of being...going under, financially going under. We have a prospective buyer for the coal mine who seems to indicate that if we put any more road blocks in the way, he's going to walk away from the deal. So we're going to find all these coal miners that were looking to this new operation to go back to work, not having that opportunity. I think the Gentleman is well intentioned and...and there are some good parts to the Bill, but it will set up some serious road blocks to economic development in this state and I think we need to sit back and take a little...little harder

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look at it before we go much further with it. I urge a 'no' vote, or at least a 'present' vote on this Bill."

Speaker Madigan: "Mr. Tuerk."

Tuerk: "Mr. Speaker, Members of the House, this Bill has been in the chamber here for a number of years. It's no better today than it was some years back. There have been some changes made to the Bill. However, it's still a counter-productive type of legislation. Had we adopted the Didrickson Amendment yesterday or the day before whenever it was heard, it may have helped the Bill, not that that was a panacea, but it was certainly much better than what House Bill 3381 is today. What this will do is strap employers of any prerogative it may have to run its own affairs. It's just bad public policy in the...in the area of layoffs, for example, it's almost impossible, almost impossible for an employer to give anywhere near 60 day notification of a mass layoff. I just think it's bad, bad legislation, should be defeated resoundedly today in the House. Thank you."

Speaker Madigan: "Mr. Regan."

Regan: "Thank you, Mr. Speaker and Members of the House. Again, I reiterate the fact that in some circumstances, supplies are cut off. Technical changes also cause a plant not to be able to compete. With the way the electronics industry is going nowadays, it can happen overnight. Suddenly, you can be out of business. Also, your credit can be cut off and not due to bankruptcy, but it's just that you might have extended your credit to the point that you can't get any more money to purchase supplies so you can't manufacture. As well, the Bill pertains to layoffs, pre-advanced notification of layoffs. Some businesses just absolutely have swings up and down requiring what the demand is on their product, what the supply chain of the

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product that they manufacture comes in. I would urge a 'no' vote."

Speaker Madigan: "Representative Didrickson."

Didrickson: "Thank you, Mr. Speaker and Members of the House. Would the Sponsor yield for questions, please?"

Speaker Madigan: "The Sponsor yields."

Didrickson: "Representative LeFlore, this Act requires that an employer disclose trade secrets to his employees for the purposes of agreeing to a mutually satisfactory alternative to the closing or relocation of employers...facility. While trade secrets may be subject to protective order by the Director of Labor, to what authority would the employer be allowed to appeal a decision by the director who has sole authority here not to issue a protective order with respect to a particular piece of information?"

LeFlore: "From my understanding, Representative, it doesn't require any...disclosure information of trade secrets."

Didrickson: "Would you please refer to the Bill on page 4 and 5. On page 4, we've got subsection B here with disclosure of competitive information and then we've got over here on page 5, subsection D with regards to civil actions against representatives for disclosure purposes. We went through this on Second Reading and my question to you is why do we have that then if it doesn't allow for disclosure of trade secrets in the Bill?"

LeFlore: "I think this same question...I think this question was raised when the Bill was on Second Reading, Representative."

Didrickson: "Exactly, and it was never answered. So I'm asking you on Third Reading which is final passage, now to answer that for this Body, for the employer community and everybody so that we have it for the record."

LeFlore: "Okay. If you are...check on page 4, Section B, line

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14, and that should be...you should be...it should give you the definition that you are looking for."

Didrickson: "Look at lines 15-20 right there, underneath that article that you're saying. It's not clear enough. It contemplates disclosure and then over on page 5 in those instances where disclosure has occurred, it contradicts itself."

LeFlore: "From what I understand, that provides an enforcement."

Didrickson: "Why would one have an enforcement, then if it wasn't that we were going to be revealing a trade secret by an employee?"

LeFlore: "That's a good question, Representative."

Didrickson: "Exactly. That's my point. To the Bill, Mr. Speaker."

Speaker Madigan: "Proceed."

Didrickson: "There is a very good Amendment that was offered on Second Reading with regards to notification of a plant closing or a layoff. My...we had bipartisan support on that one. We didn't accept it. There isn't anybody here on this floor that's going to disagree with the fact that good, valued employees need to be notified when there's going to be a layoff. But they don't have to be told what our trade secrets are. Those are our own particular ideas and right now that exists in this Bill and if not for any other reason but the fact that you're revealing trade secrets with this piece of legislation, it ought to be turned down. We ought to all vote 'no' on this. But it goes even further. It allows for unlimited, unlimited liability, clearly something we shouldn't be doing with this Bill, and it also give absolute full discretion to the Director of Labor, the final arbiter. And if that Director of Labor says, 'Hey, employer. Hey, employee community, I don't think you're negotiating in good faith here.' He or

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she, as it is today, she can then suspend that notification indefinitely. There are just too many loopholes...loopholes in this Bill. It's riddled with a lot of statements that should not be in a pure plant closing notification piece of legislation. But the bottom line is, this isn't going to save one job, not one job. A 'no' vote is the only appropriate right vote on this piece of legislation."

Speaker Madigan: "Mr. Panayotovich."

Panayotovich: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield? Will the Sponsor yield for a question?"

Speaker Madigan: "The Sponsor yields."

Panayotovich: "Representative LeFlore, again, so we can clarify this so everybody knows. Isn't it a fact that this is identical to House Bill 810 which passed out of here in the Spring, other than changing the number of employees from 90 to 60? In other words, lowering. Is that correct?"

LeFlore: "I think it's better than the one that we passed out last year because we reduced the...from 90 days to 60 days."

Panayotovich: "Okay, and also isn't it a fact that this Bill died in the Senate by one vote?"

LeFlore: "That's true."

Panayotovich: "To the Bill, Mr. Speaker, and I know this...everybody wants to get out of here, but it's a very important issue. If I could just bear along for one second from the 'Wall Street Journal' the other day that talked about plant closing, a quarrel distorts a modest idea. The country of Canada gives 1 to 16 weeks depending on a case for plant closing. The country of Germany gives 30 day notice after informing the government. The country of Britain gives up to 90 days depending on the case. The

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country of France gives 2 to 14 weeks depending on the case. And as also stated in the 'Wall Street Journal', all this Bill does, in fact, is the language it says requiring stable companies that know well beforehand of plans to close plants, order mass layoffs, to share this information 60 days in advance with the affected workers. Also, the other day, in the 'Register Journal' down here, 'State Journal Register', it says that in England, the European...economic community says, 'We have been doing this for 30...for years.' Whether it be 30 or 60 or 90 days, I don't understand why the United States is so upset. Come November 8th, Ladies and Gentlemen, we're talking about giving people 60 days notice. Come November 8th, some political plants might close down. Some of our lives are going to be changed like the people in these plants that are back home. We are still going to be paid if we are not allowed to come back because of our voters. We will be on a payroll for 65 days until an inauguration. We have 65 days. We are asking in this legislation to give an individual 60 days notice when his lifestyle is going to be changed. Our lifestyle could be changed on November 8th, but we have 65 days. It's a people issue. We're not telling business that they cannot close down. We're saying, 'Be fair and give people 60 days.' I urge an 'aye' vote."

Speaker Madigan: "Mr. Flinn."

Flinn: "Thank you, Mr. Speaker. I think we've discussed this enough. I move the previous question."

Speaker Madigan: "The Gentleman moves the previous question. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it and the previous question is moved. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all

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voted who wish? Representative Parcels to explain her vote."

Parcels: "Thank you very much...thank you very much, Mr. Speaker. The previous speaker mentioned that other countries, France... several other countries have this. That's not who we compete with in Illinois. We compete with the surrounding states, Indiana, when somebody wants to expand a business or somebody wants to start a new business, they're not going to be in Illinois with this thing. None of our competitors in this country have this legislation, the ones we really compete with. This is bad legislation. It'll mean less jobs for Illinois. I urge your 'no' vote."

Speaker Madigan: "Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 66 'ayes', 49 'nos'...There's a request for verification from Mr. McCracken. Mr. Clerk, would you please read the names of those voting 'aye'. Mr. McCracken, would you give leave to Mr. Bugielski? I think he's hungry. Proceed, Mr. Clerk."

Clerk Leone: "Proceeding with the Poll of the Affirmative. Berrios. Bowman. Braun. Breslin. Brunsvold. Bugielski. Capparelli. Cullerton. Curran. Currie. Daley. Davis. DeJaegher. DeLeo. Farley. Flinn. Flowers. Giglio..."

Speaker Madigan: "Mr. Clerk...Mr. McCracken, would you verify Mr. Hicks and Mr. Huff? Proceed, Mr. Clerk."

Clerk Leone: "Continuing with the Poll of the Affirmative. Giorgi. Goforth. Granberg. Hannig. Hartke. Hicks. Homer. Huff. Jones. Keane. Krska. Kulas. Lang. LeFlore. Leverenz. Levin. Martinez. Matijevich. Mautino. McGann. McNamara. McPike. Morrow. Mulcahey. Novak. O'Connell. Panayotovich. Phelps. Preston. Rea. Rice. Richmond. Ronan. Saltsman. Satterthwaite. Shaw.

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Steczo. Stern. Sutker. Terzich. Turner. Van Duyne.
White. Williams. Wolf. Anthony Young. Wyvetter Younge,
and Mr. Speaker."

Speaker Madigan: "Mr. Homer is verified. Have you finished, Mr.
Clerk? Mr. Clerk, have you finished? Mr. McCracken, any
questions?"

McCracken: "Representative Levin wishes to be verified. That's
fine."

Speaker Madigan: "Any questions?"

McCracken: "Yes, Sir. Representative Giglio."

Speaker Madigan: "Mr. Giglio. Remove Mr. Giglio from the Roll
Call."

McCracken: "Representative Farley."

Speaker Madigan: "Mr. Farley. Mr. Farley, remove Mr. Farley.
Then, Mr. McCracken, would you verify Representative
Davis?"

McCracken: "Yes."

Speaker Madigan: "Mr. McCracken."

McCracken: "Representative Van Duyne."

Speaker Madigan: "Mr. Van Duyne is in his chair."

McCracken: "Representative Hartke."

Speaker Madigan: "Mr. Hartke. Mr. Hartke. He's on the
Republican side and restore Mr..."

McCracken: "Where he belongs, where he belongs."

Speaker Madigan: "And restore Mr. Farley to the roll call."

McCracken: "Representative DeLeo."

Speaker Madigan: "Mr. DeLeo. Remove Mr. DeLeo from the Roll
Call."

McCracken: "Representative Phelps."

Speaker Madigan: "Mr. Phelps is in his chair."

McCracken: "Representative Brunsvold."

Speaker Madigan: "Mr. Brunsvold is in his chair."

McCracken: "Nothing further."

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Speaker Madigan: "Restore Mr. Giglio to the roll call. On this question there are 65 'ayes', 49 'nos'. This Bill having received a Constitutional Majority is hereby declared passed. House Bill 3179, Representative Parcels. Mr. Clerk, read the Bill. 3179."

Clerk Leone: "House Bill 3179..."

Speaker Madigan: "Mr. Chief of Staff, I'm told that matter's on the Consent Calendar. House Bill 3600, Representative Deuchler. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3600, on the Order of Second Reading, amends the House Authorities Act."

Speaker Madigan: "Mr. Clerk, did you say this Bill is on Second Reading?"

Clerk Leone: "It's on the Order of Second Reading. Amendment #1 is being offered by Representatives Deuchler and Kirkland."

Speaker Madigan: "Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment 1 amends House Bill 3600 which would permit the housing authority commissioners of any city, 60,000 population or more, to be paid a small per diem. It also limits any travel that those commissioners would take for travel within the State of Illinois. I move the adoption of the Amendment."

Speaker Madigan: "Those in favor of the Amendment say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, has this Bill been read previously?"

Clerk Leone: "The Bill was read a second time on a previous day."

Speaker Madigan: "Mr. Clerk, read the Bill for a third time."

Clerk Leone: "House Bill 3600, a Bill for an Act to amend the House Authorities Act. Third Reading of the Bill."

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Speaker Madigan: "Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 3600, as now amended, allows any city over 60,000 population to pay housing authority commissioners a per diem when they serve on those housing authorities. It also limits any travel to travel within the state."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 93 'ayes', 18 'nos'. This Bill having received a Constitutional Majority is hereby declared passed. The next Bill is House Bill 4016, Mr. Ronan. Mr. Clerk, read the Bill."

Clerk Leone: "On page 17 of the Calendar, House Bill 4016, a Bill for an Act concerning the regulation of motor vehicles. Third Reading of the Bill."

Speaker Madigan: "Mr. Ronan."

Ronan: "Thank you, Mr. Speaker and Members of the House. House Bill 4016 has been a negotiated settlement that's been worked out with the Attorney General's office and a number of the special interest groups that deal with repairing of automobiles here in the State of Illinois. I want to make sure as people look at this legislation, this is not the original Bill that was introduced. The original Bill dealt with the licensure of auto repairmen. This Bill is a tremendously scaled down version of that concept. What the Bill does is it mandates one thing. If you go in to get your auto repaired by a repairman, you have to receive a written estimate of what the costs are going to be. There have been numerous examples in the state from all over the state of complaints in the Attorney General's office concerning auto repairmen who come in and give a verbal

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estimate, when you come back and pick up your car, the estimate often times has been changed two, three, four times the amount. This is a consumer protection Bill. It doesn't damage the industry. In fact, it protects the industry from the unscrupulous repair people. I'll be glad to answer any questions concerning the legislation and I hope we can have...pass out this much watered down version over to the Senate where it...continued negotiations could go on between the industry and the Attorney General's office. Thank you."

Speaker Madigan: "We would like one person to stand in opposition. Mr. Churchill and Mr. Mautino are both seeking recognition. Could there be an agreement between you two? Mr. Churchill."

Churchill: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this Bill is in the process of negotiation, but it is not at the point of completion, yet. I have been asked to advise the Members of the Body that the Illinois Retail Merchants Association is not satisfied with the Bill in its present form and opposes it. The new car, new truck dealers oppose this Bill. The petroleum marketers oppose this Bill and the petroleum council still oppose this Bill. At this point, a 'no' vote seems to be a proper vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 40 'ayes', 67 'nos'. The Bill fails. The next Bill is House Bill 3064, Mr. Homer."

Clerk Leone: "House Bill 3064, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Homer. Mr. Homer. Mr. Clerk, take this matter from the record. Mr. Preston, your Bill will be

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next. House Bill 3011. 3011, Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3011, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3011 is a Bill that would require elementary schools and high schools of...once during the curriculum of the student to include in the curriculum a unit of instruction and teaching of the events occurring between 1933 and 1945, commonly known as the holocaust in which millions of people... Jews and non-Jews... throughout Europe and indeed throughout world were systematically killed by the Nazis during that period. I would be glad to answer any questions. This has been debated thoroughly in committee and I'd solicit your 'aye' vote."

Speaker Madigan: "We would like one person to stand in opposition. Mr. Hoffman and Mr. Mulcahey is seeking recognition. Chair recognizes Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill along with a number of other Bills have laudable aims. But the fact of the matter is that we're mandating the designation of one week in April of every year for this particular purpose. We have had a great deal of discussion around the State on this issue..."

Speaker Madigan: "Mr. Hoffman. Excuse me. Mr. Preston for what purpose do you seek recognition?"

Preston: "Thank you, Mr. Speaker. The Gentleman I know is well intended but he's talking about the Bill before the Amendment was adopted. It does not do what the Gentleman suggested at all."

Speaker Madigan: "Let me suggest that we take this matter out of the record and Mr. Preston can visit with Mr. Hoffman and Mr. Mulcahey and we can return to the matter by Mr. Homer."

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Mr. Homer, you have House Bill 3064. The Bill has already been read for a third time. The Chair recognizes Mr. Homer on House Bill 3064. Mr. Homer."

Homer: "Thank you, Mr. Speaker. Back in 1981 the General Assembly passed what was commonly referred to as Senate Bill 172, which was signed into law and which allowed for local units of government to approve siting decisions prior to a landfill developer or the developer of a regional pollution control facility obtained a permit from the Illinois EPA. The law provides that where the project is in the unincorporated area of the county the County Board has the siting authority. Where it's in a municipality the governing body of the municipality has the authority. A problem's arisen in my area which certainly could affect anybody else in the State where a developer, in order to circumvent county jurisdiction over siting, annexed a three thousand acre plot to a two hundred and fifty acre village. The developer now owns ninety percent of this village which is a tiny little village. It was done with the sole intentional reason of circumventing county board jurisdiction over the siting of land fills. So without House Bill 3064 this developer would be allowed to circumvent the obvious intent of Senate Bill 172 from 1981. This Bill simply says that where there's been an annexation within the past five years that, in addition to receiving authority for siting from the municipal officers, the issue would also be subjected to a county wide referendum in order to discourage this type of activity of circumventing county control over the siting issue. I'd be happy to answer questions or I guess at this point we're not doing that but I certainly would appreciate your favorable consideration."

Speaker Madigan: "Mr. Kulas."

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Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to House Bill 3064. We're always hiding our heads, we're always afraid to face the problem that's ahead of us. In the last eight years this General Assembly has passed the toughest siting laws in the United States. You can't get a landfill sited today. But people continue to make garbage. People don't stop making garbage. So what do these people do, they want to make it tougher yet. We want to have a referendum. They go around yelling don't let Fulton County become Chicago's dump. Scare the people some more. That garbage got to go someplace. We only have two or three years of landfills left in this State. If we don't face this problem what are we going to do, dump it in the Mississippi? Maybe send it over to St. Louis? Well it just doesn't make sense to make our siting laws tougher when they already are the nation's toughest. And I would seriously have each and every one of you consider opposing this legislation."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 79 'ayes', 32 'nos'. This Bill having received a Constitutional Majority is hereby declared passed. We can now return to House Bill 3011, Mr. Preston. The Chair recognizes Mr. Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I appreciate your indulgence and I also appreciate the fact that there are young people in the gallery because I think that this Bill impacts on their futures. House Bill 3011 would require, as a condition of graduation from elementary school or from high school, a unit of instruction having been taught on the events taking place

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from 1933 to 1945 in world history commonly known as the period of the holocaust in which millions of people, Jews and Gentiles and others, were systematically slaughtered by the Nazis' in Europe. I heard an argument before that there are many things we ought to teach in our schools that we are not teaching. This Bill came from studies that were done that indicated that as many as sixty percent of high school graduates, you should listen to that number, sixty percent of high school graduates never heard of the name Adolf Hitler, never heard of the holocaust, much less ever heard of some of the events that took place during that period. It is unfortunate that a Bill like this has to be put forth because I would like to think that our schools were doing a far better job. That our parents were demanding that our schools do a far better job but unfortunately that simply has not been the case. It is outrageous where there has been a systematic program of extermination of a people that was so incredibly successful as that that was promulgated by the Nazis and yet we have our young people getting out of school and have never heard of the events. This was World War II, Ladies and Gentlemen, this was not some isolated incidence of insanity. This took place over a period of some twelve, fifteen years where there was a political party that legally passed laws to exterminate a whole people belonging to a single religion. Who sought to exterminate political opponents, who sought to exterminate the gypsies, who sought to exterminate gay individuals, men and women, who sought to exterminate people who had physical handicaps and yet our schools have not properly taught that such an event went on, not two hundred years ago, not five hundred years ago, but only a very few years ago, in our own lifetimes. And yet there are people graduating from grammar school and

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high school who have not been taught anything about it and indeed have never heard about it. That's the reason for House Bill 3011. I'd be glad to answer any questions, but please don't tell me that they're also not taught about the Industrial Revolution. The Industrial Revolution did not seek to exterminate a whole religion, a whole race of human beings. There's a difference between the two. Thank you."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I still rise in opposition to this legislation. As I indicated, I don't question the motives of the Sponsor, I don't belittle at all the significance of the event, having been a high school history teacher at one time, I would have been very surprised if that kind of a survey would have been taken where I was teaching. The fact of the matter is, however, I'm not talking about the issue, I am talking about mandating and I'm talking about this Legislature adding another mandate, regardless of how laudable the intention may be, on the schools in this State. That's the only point that I wish to make and I would like for the Members of this General Assembly to look at this particular piece of legislation in that context because that's where my opposition is coming from. And for that reason and that reason alone I ask that you not support this legislation."

Speaker Madigan: "Those in favor of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 80 'ayes', 24 'nos', this Bill having received a Constitutional Majority is hereby declared passed. The next Bill is House Bill 3828, Mr. Churchill. Mr. Clerk, read the Bill. For what purpose does Representative Wojcik

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seek recognition? Representative Wojcik."

Wojcik: "Mr. Speaker, I was not here when a vote was taken and that is on House Bill 3064. I wanted to vote no on that."

Speaker Madigan: "Your statement will be..."

Wojcik: "Let the journal record that, please."

Speaker Madigan: "Your statement will be noted in the record."

Wojcik: "Thank you."

Speaker Madigan: "Thank you. The next Bill shall be House Bill 4241, Mr. Black. Mr. Black. 4241, Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 4241, a Bill for an Act to amend the Public Community College Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. As amended, House Bill 4241 simply corrects an oversight and allows community college board Members and community college trustees to enjoy the local government Tort Immunity Act features. I would urge your support of House Bill 4241."

Speaker Madigan: "Those in favor of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 115 'ayes', no one voting 'no', this Bill having received a Constitutional Majority is hereby declared passed. The next Bill is House Bill 3478, Mr. DeJaegher. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3478, a Bill for an Act to amend the Illinois Banking Act. Third Reading of the Bill."

Speaker Madigan: "Mr. DeJaegher."

DeJaegher: "Thank you, Mr. Speaker, Members of the General Assembly. I'll try to make this rather brief. 3478 has the support of the Illinois Banking Association, and the independent community banks and also the commissioner of

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banks is supportive of this piece of legislation. This legislation is not unusual, there are sixteen States in the United States...there are sixteen States in the United States, namely, some of the largest in the United States. California and New York, Ohio and Pennsylvania already has this legislation. Hopefully you'll be in support of this legislation. Thank you."

Speaker Madigan: "Mr. Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition of this Bill. I think that we've got to go back, and as I said the other day, back into the depression and look at the reasons why banks folded. I heard on the news today that the FSLIC may be thirty-five billion dollars in debt. It's because the institutions, financial institutions, aren't paying attention to their business that they get into this problem. Who's going to bail them out? When they're worried about booking Caribbean cruises they aren't going to be worried about the loans they made and the entrustment in people's monies. I don't think banks have any business selling gasoline or travel agencies. I think this is a bad Bill and I urge a 'no' vote."

Speaker Madigan: "Those in favor of the passage of the Bill, signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 50 'ayes', 51 'nos', the Bill fails. The Members shall be advised that the Clerk has stopped taking changes on the question of the Consent Calendar which is contained on Supplemental Calendar #1a. The Clerk has stopped taking changes on the question of the Consent Calendar. The next Bill will be House Bill 3378, Mr. Saltsman. Mr. Clerk, read the Bill. Mr. Clerk."

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Clerk Leone: "House Bill 3378, a Bill for an Act to amend the wages of employees of Public Works Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Saltsman."

Saltsman: "Yes, thank you, Mr. Chairman. All that this Bill is, is a shell Bill. There's not much to it yet and we just want to get it off of Third Reading and I ask for its support."

Speaker Madigan: "Representative Didrickson."

Didrickson: "I'm not aware...thank you, Mr. Speaker, Members of the House. Representative Saltsman, I'm not aware of any particular need for a shell Bill. I think a no vote is a good vote on this one."

Speaker Madigan: "Mr. Saltsman."

Saltsman: "Yes, there's three Bills in JCAR with Republican Sponsors that have to be worked out yet."

Speaker Madigan: "Representative Didrickson."

Didrickson: "Thank you, Mr. Speaker. Representative Saltsman, is that what we're going to do with this, then? In the Senate?"

Saltsman: "Well that would definitely be looked at also, but to say it's going to be the whole Bill, I'm not going to commit to you no more then you would commit to me if it were your Bill."

Speaker Madigan: "The Chair would suggest that Representative Saltsman and Representative Didrickson can discuss this."

Saltsman: "No, I would just want to vote."

Didrickson: "I would just like this side of the aisle to know that we have a vehicle for the JCAR Bills. A no vote is the right vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish?"

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Have all voted who wish? The Clerk shall take the record. On this question there are 67 'ayes', 47 'nos', this Bill having received a Constitutional Majority is hereby declared passed. The next Bill is House Bill 3379, Mr. Saltsman. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3379, a Bill for an Act to permit employees to review personnel records. Third Reading of the Bill."

Speaker Madigan: "Mr. Saltsman."

Saltsman: "Thank you, Mr. Chairman. All this Bill does, it redrafts the exemption Sections that meets the Supreme Courts objections of the Bill that was ruled unconstitutional. Supreme Court and I ask for its support."

Speaker Madigan: "Representative Didrickson."

Didrickson: "Thank you, Mr. Speaker and Members of the House. I'm going to make three points on this Bill because this is not agreed. First point, the legislation extends an employee's right of access to management materials considerably. Then the employees personnel record, it says that any document that included any reference to a specific employees job qualifications, capabilities or performance would be required to be disclosed to the employee. It's a broad sweep of the legislation. It could require the disclosure of sensitive, competitive information, simply because the material alluded to a particular employees performance, even if it did not mention the employee by name, and the third point is that Caterpillar Tractor Company does not agree with this language. For that reason alone I think we should vote no on this Bill."

Speaker Madigan: "Mr. Tuerk, we've had one proponent, one opponent, did you wish to speak also? Mr. Tuerk."

Tuerk: "Mr. Speaker, no. The previous speaker made the point I

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was going to make. She was rather incisive on her arguments. I think it's a bad Bill and should be defeated."

Speaker Madigan: "Mr. Tuerk, Mr. Giorgi would like to thank you. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 67 'ayes', 46 'nos'. This Bill having received a Constitutional Majority is hereby declared passed. The next Bill will be House Bill 3927, Representative Barnes. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3927, a Bill for an Act to amend an Act in relationship to multiple counties public health departments. Third Reading of the Bill."

Speaker Madigan: "Representative Barnes."

Barnes: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3927 addresses the Board of Health. It allows them a monthly compensation that shall not exceed two hundred dollars except in the case of the President of the Board of Health whose monthly compensation shall not exceed four hundred. I would ask for an 'aye' vote."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Cullerton: "Did we ever figure out how many commissioners there were in DuPage County that would benefit from this Bill?"

Barnes: "Well, I gave you the figure. I thought maybe you could figure it out. Remember, Cullerton, it was twenty-eight thousand eight hundred dollars, but it's twelve."

Cullerton: "Thank you."

Speaker Madigan: "Those in favor of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted

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who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 75 'ayes', 25 'nos', this Bill having received a Constitutional Majority is hereby declared passed. The next Bill is House Bill 3506, Mr. Curran. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3506, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Curran."

Curran: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I don't think anybody will disagree with this Bill. What it says is the Department of Children and Family Services can keep the name of someone who has either murdered a child or seriously injured a child on their computer as a child abuser for more then five years. I ask for a favorable Roll Call."

Speaker Madigan: "The Gentleman has explained the Bill. Those in favor of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 114 'aye', no one voting 'no', this Bill having received a Constitutional Majority is hereby declared passed. The next Bill is House Bill 3017, Mr. Curran. Mr. Clerk, read the Bill. 3017."

Clerk Leone: "House Bill 3017, on page 3 of your Calendar on the Order of Second Reading."

Speaker Madigan: "Mr. Curran."

Curran: "Thank you, Mr. Speaker. This Bill is fairly simple. It responds to the potential in the future that we may...that some community... for example, this community, Springfield, may decide to annex some property involuntarily and what this Bill says is that during that first year there will be no property tax increase for those people involuntarily

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annexed into a community. I ask for a favorable Roll Call."

Speaker Madigan: "Mr. Curran, the Clerk tells me this Bill is on the Order of Second Reading. Mr. Clerk, are there any Amendments?"

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

Speaker Madigan: "Representative Satterthwaite on Amendment #1. The Lady is not in the Chamber. Mr. Curran what is your pleasure?"

Curran: "Table."

Speaker Madigan: "The Gentleman moves to table the Amendment. Those in favor...the Lady has arrived. Mr. Curran. She has arrived. Representative Satterthwaite on Amendment #1."

Satterthwaite: "Mr. Speaker, although some of the staff believe that the current language of the Bill means that the Bill would be prospective only. I felt that as an additional guarantee we needed to put in another phrase so that we can make sure that we are talking only about property that is annexed after the date of the new law and that there is no way that a piece of property that has been annexed previously can go back to be assessed for...or to have an abatement of a tax that has already been assessed. And I would ask for the adoption of Amendment #1."

Speaker Madigan: "The Lady moves to adopt the Amendment. Mr. Curran. Mr. Curran."

Curran: "That's alright. It don't mean apples."

Speaker Madigan: "Those for the Amendment say 'aye', those opposed say 'no', the 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, has this Bill been

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read a second time on a previous day?"

Clerk Leone: "The Bill has been read on a second time on a previous day."

Speaker Madigan: "Mr. Clerk, read the Bill for a third time."

Clerk Leone: "House Bill 3017, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Madigan: "Those in favor of the passage of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 107 'ayes', no one voting 'no', this Bill having received a Constitutional Majority is hereby declared passed. The next Bill is House Bill 3385, Mr. Hicks. Mr. Clerk, read the Bill, 3385."

Clerk Leone: "House Bill 3385, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Hicks."

Hicks: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3385 provides for the way that the State reimburses the special education teacher's salaries based upon a statewide average of fifty percent. I'd be happy to answer any questions."

Speaker Madigan: "Those in favor of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 41 'ayes', 53 'nos', the Bill fails. The next Bill shall be House Bill 3386, Mr. Hicks. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3386, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Hicks."

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

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House Bill 3386 is the change in the references from days... school days, to pupil attendance days, dealing with special education and special education only. I'd be happy to try to answer any questions on the Bill."

Speaker Madigan: "Representative Cowlshaw."

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

Speaker Madigan: "Sponsor yields."

Cowlshaw: "Representative Hicks, is this going to encourage students to attend school more days or fewer days?"

Hicks: "Representative Cowlshaw, I would believe that the intent here would be that they would attend more days. And the fact that we're basically dealing, though, with the reimbursement idea here and the fact that reimbursement with kids in special education ought to be based upon the fact that it's more difficult sometimes for them to be in attendance at the classroom and simply that this should encourage that, ma'am."

Cowlshaw: "Mr. Speaker, to the Bill."

Speaker Madigan: "Proceed."

Cowlshaw: "The fact is, the reimbursement from the State is linked not to how many days the pupils are in attendance but simply to how many pupils are enrolled in the program. There is much less, certainly much less motivation on the part of parents, to make certain that those children get to school and on the part of school personnel to encourage parents to do so. I do not think this Bill is in the best interest of special education students."

Speaker Madigan: "Those in favor of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 65 'ayes', 48 'nos', this Bill

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having received a Constitutional Majority is hereby declared passed. The next Bill shall be House Bill 3942, Representative Wojcik. Mr. Clerk, read the Bill. 3942."

Clerk Leone: "House Bill 3942, on page 7 of the Calendar, on the Order of Second Reading. House Bill 3942, a Bill for an Act to amend certain Acts relating to counties. Second Reading of the Bill."

Speaker Madigan: "Are there any Committee Amendments?"

Clerk Leone: "There are no Committee Amendments."

Speaker Madigan: "Are there any Amendments? Any Floor Amendments?"

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

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

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

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

Clerk Leone: "There are no further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, has this Bill been read a second time on a previous day?"

Clerk Leone: "The Bill has been read a second time on a previous day."

Speaker Madigan: "Read the Bill for a third time."

Clerk Leone: "House Bill 3942, a Bill for an Act to amend an Act to certain Acts relating to counties. Third Reading of the Bill."

Speaker Madigan: "Representative Wojcik."

Wojcik: "Yes, Mr. Speaker, and Members of the House. House Bill 3942 amends the Counties Act and the County Zoning Act. It allows all counties except Cook to impose subdivision regulations on unincorporated lands. Requires agricultural

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buildings to meet floodplain and wetland regulations. The reason for the change is to provide for a greater oversight of development. I ask that it has a favorable passage."

Speaker Madigan: "Those in favor of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 111 'ayes', 2 people voting 'no', this Bill having received a Constitutional Majority is hereby declared passed. The next Bill shall be House Bill 1809, Representative Currie. Mr. Clerk, read the Bill. House Bill 1809."

Clerk Leone: "House Bill 1809, a Bill for an Act to amend the Illinois Human Rights Act. Third Reading of the Bill."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. The Bill provides that complainants and defendants in suits filed before the Illinois Department of Human Rights have an opportunity to check the files after two hundred ten days. It's consistent with legislation passed last year. The purpose is to make sure that charges are properly understood. To make sure that the individuals involved in the case will have some way of using their due process right to go to court thirty days after three hundred days have elapsed. And I believe it will have the effect of encouraging that department to move on complaints brought before it and to do an appropriate job of investigating and acting upon those issues. I would appreciate your support."

Speaker Madigan: "Those in favor of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question

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there are 72 'ayes', 35 'nos', this Bill having received a Constitutional Majority is hereby declared passed. Next Bill is House Bill 3496, Mr. Curran. 3496. Mr. 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. Third Reading of the Bill."

Speaker Madigan: "Mr. Curran."

Curran: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 3496 is a Bill that passed out of here last year, simply didn't clear the Senate because of a confusion over which Bill was to be called in the last hours. What this Bill does is, it changes the staffing ratios and it gradually, very gradually, in the Department of Children and Family Services from where they are now down to somewhere in the vicinity of where they are recommended to be by national organizations. What we do is over four years it would move the staffing ratio for case workers down to thirty to one and the staffing ratio for investigators down to twelve to one. And so I would ask for...would remind that you this Bill is favored by the National Association for the Prevention of Child Abuse, the Children's Defense Fund, the Voices for Illinois Children, and the National Association of Social Workers and remember that this Bill will be phased in over four years. I ask for an 'aye' vote."

Speaker Madigan: "The Gentleman has spoken in favor of the Bill. There are two people seeking recognition to oppose the Bill, Mr. McCracken and Representative Parcels. Representative Parcels."

Parcels: "Thank you, Mr. Speaker. Although this is a laudable idea, it would be wonderful if we could get this ratio down and yes it did pass out of here last year. The cost is

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twenty...over twenty-eight million dollars per year. In this year of tight finances and people talking about tax increases, but tax increases not happening, there's no way we can afford twenty-eight million dollars and therefore I would suggest a 'no' vote."

Speaker Madigan: "Those in favor of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 47 'ayes', 48 'nos', this Bill having failed to receive a Constitutional Majority is hereby declared lost. House Bill 3570, Mr. Curran. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3570, a Bill for an Act to amend certain Acts in relationship to monitoring the family of abused children. Third Reading of the Bill."

Speaker Madigan: "Mr. Curran."

Curran: "Thank you, Mr. Speaker. This Bill also deals with children. It's must simpler. The Department of Children and Family Services, I believe, is in favor of this concept. As a matter of fact, Gordon Johnson appeared on the Geraldo Rivera show and said that he was in favor of the concept, about thirty million witnesses. The concept is that the Department shall expand its tracking system and for child protective cases based upon a certain risk protocol with the highest risk categories requiring a bi-monthly administrative case review until there's no longer a condition of high risk. What happens, sometimes, is that people will have maybe children taken away from them because they're horrible parents or horrible guardians but then in coming years, maybe five, ten years down the road, the woman would have a child again or there would be another problem that would surface again. This Bill just allows the Department of Children and Family Services to do

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the prudent thing and keep track of those people who are already determined to be at risk. I ask for a favorable roll call."

Speaker Madigan: "Representative Parcels."

Parcels: "Thank you, Mr. Speaker. This is not a good Bill. We could call it Orwellian. It's going to track you forever. It refers to parent or parents childbearing years. What is the length of a man's childbearing years? I don't think we have a handle on that, but the more...you might be tracked forever, Gentlemen. Forever. But the real impact on this is, it's another expensive Bill, it's over a million dollars a year. I don't think we can afford it. I don't think it's well drafted. And I think it's entirely too restrictive. I would encourage a 'no' vote."

Speaker Madigan: "Those in favor of the Bill signify by voting 'aye', those opposed by voting 'no'. Mr. Mautino to explain his vote."

Mautino: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, this is a good Bill. Let me give you a specific case, what... a Bureau County case, where the child was killed. The father was no part of it but was in the household when it went on. After six years the court has determined that the other children in the family could go and be with the father, although he knew this was going on. I think that this type of legislation will track those individuals and for the protection of those children would be very beneficial. I recommend an 'aye' vote. If there's ever been any tragedies to children by parents in any district in this State, this is a good proposal."

Speaker Madigan: "Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 69 'ayes', 40 'nos', this Bill having received a Constitutional Majority is hereby declared passed. Next

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Bill shall be House Bill 4111, Mr. Hicks. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 4111, a Bill for an Act to amend the Illinois Enterprise Zone Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Hicks."

Hicks: "Thank you, Mr. Speaker. This is a merely Bill of the Session. Merely raises the number of authorizations for enterprise zones from 67...from 65 to 67. It increases the current authorization by two."

Speaker Madigan: "Those in favor of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 98 'ayes', 13 'nos', this Bill having received a Constitutional Majority is hereby declared passed. Next Bill is House Bill 4266, Mr. Giglio. Mr. Clerk, read the Bill. 4266."

Clerk Leone: "House Bill 4266, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Giglio."

Giglio: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. This Bill with the Amendment on it only applies to Cook County. What it does, it says that those that are candidates for the assessor's office does not have to have the certificates like a candidate and those that replace a assessor during the time of his reign, if something should happen to the elected assessor, only his intention to go to school to get any of those certifications and I would ask for your favorable support."

Speaker Madigan: "Those in favor of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 71 'ayes', 42 'nos', this Bill having received a

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Constitutional Majority is hereby declared passed. Next Bill is House Bill 3598, Mr. McCracken. Mr. Clerk, read the Bill, 3598."

Clerk Leone: "House Bill 3598, a Bill for an Act in relationship to Health Care Agencies. Third Reading of the Bill."

Speaker Madigan: "Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. This House Bill would amend various provisions of the current Power of Attorney Act. It's agreed upon by that Act's Sponsor, Representative Sutker and by the Chicago Bar Association. Makes certain provisions so that the Act shall not be construed as a public policy approval of euthanasia or suicide and allows health care providers not be subject to professional discipline if in their conscience they cannot act in a certain manner. This clearly authorizes the Power of Attorney Act. It does not impinge upon that, I think most people would agree that these provisions are complimentary in nature."

Speaker Madigan: "Those in favor...the Chair recognizes Mr. Sutker."

Sutker: "Mr. Speaker and Ladies and Gentlemen of the House. I just want to state that this Bill amplifies and clarifies and hones the provisions of the Powers of Attorney Act that we had. They were three companion Bills. This affects the health care provisions of one of them. It adds to the Bill, it should be supported."

Speaker Madigan: "Those in favor of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Clerk shall take the record. On this question there are 115 'ayes', no one voting 'no', this Bill having received a Constitutional Majority is hereby declared passed. Next Bill is House Bill 196, Representative Younge. Mr. Clerk, read the Bill,

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196."

Clerk Leone: "House Bill 196, a Bill for an Act to amend the Metro East Sanitary District Act. Third Reading of the Bill."

Speaker Madigan: "Representative Younge."

Younge: "Thank you, Mr. Speaker. May this be taken back for... to Second Reading for purposes of an Amendment?"

Speaker Madigan: "Is there leave? Leave is granted to place the Bill on the Order of Second Reading for the purpose of an Amendment. Mr. Clerk are there any Amendments filed?"

Clerk Leone: "Amendment #3 is offered by Representative Wyvetter Younge."

Speaker Madigan: "Representative Younge."

Younge: "Yes, Mr. Speaker, I'd like to table Amendment #1 and 2."

Speaker Madigan: "Mr. Clerk."

Clerk Leone: "There is a Motion to table House Amendments 1 and 2 to House Bill 196."

Speaker Madigan: "Mr. Clerk were these Amendments adopted in committee? The Lady moves to table Amendments #1 and 2. Those in favor say 'aye', those opposed say 'no', the 'ayes' have it. The Motion is adopted. Amendments 1 and 2 are tabled. Mr. Clerk are there any further Amendments?"

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

Speaker Madigan: "Representative Younge."

Younge: "Thank you, Mr. Speaker. I move to adopt Amendment #3 that corrects an error in reference to this Bill. This Amendment becomes the Bill and it changes the rate for the Metro Sanitary District from point two to point four seven eight. I move for the adoption of the Amendment."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. The Chair recognizes Mr. Stephens."

Stephens: "If the Lady will yield for a question the..."

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Speaker Madigan: "The Lady yields."

Stephens: "It raises the rate to point four?"

Younger: "A point four seven eight. That was an error in the assumption of the..."

Stephens: "Any change in the back door or front door referendum?"

Younger: "No it's a front door referendum still."

Stephens: "Thank you."

Speaker Madigan: "Those for the Amendment say 'aye', those against say 'no', the 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Madigan: "Third Reading. Is there leave to consider the Bill on the Order of Third Reading? Leave is granted using the Attendance Roll Call. Representative Younger. Mr. Clerk, has the Bill been read a third time?"

Clerk Leone: "The Bill has been read a third time."

Speaker Madigan: "Representative Younger."

Younger: "Thank you very much. This Bill effects the Madison and St. Clair County area served by the Metro Sanitary District and it permits a front door referendum to raise the rate from point two to point four seven eight for a period of five years and then it reverts the rate reverts back to point three one. The need for the Bill is that the Congress of the United States has made available seventy-five percent of the monies to repair the flood gates and pumping stations in the Metro Sanitary District area and also money for a ground water project and this rate increase will give the twenty-five percent local share and I ask for the passage of this Bill."

Speaker Madigan: "Mr. Wolf."

Wolf: "Thank you, Mr. Speaker and Members of the House. I rise in support of House Bill 196 as amended. Representative Younger, through this legislation, is attempting to provide

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a means to enable the people in that area to address two very serious problems, that is surface water and ground water. It's a very good Bill and I think it deserves the support of this General Assembly."

Speaker Madigan: "Those in favor of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 109 'ayes', 2 people voting 'no', this Bill having received a Constitutional Majority is hereby declared passed. Next Bill will be House Bill 3694, Mr. Farley. Is Mr. Farley in the chamber? Mr. Clerk, read the Bill. 3694."

Clerk Leone: "House Bill 3694, a Bill for an Act to amend the minimum wage law. Third Reading of the Bill."

Speaker Madigan: "Mr. Farley."

Farley: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What this Bill allows is for the State of Illinois to automatically have an increase in the minimum wage if the Federal Government does it on the Federal level and I would move for its passage."

Speaker Madigan: "Representative Didrickson."

Didrickson: "Thank you, Mr. Speaker and Members of the House. I think everybody ought to understand it's a one time vote on increasing the minimum wage for the rest of our time in the State of Illinois. It's the same delegation of powers with regards to our own wages when we delegate it to the compensation review board. It's anti-small business, it's anti-jobs, it's anti-women, it's anti-minorities, it's a bad Bill, and a bad precedence. I would vote no on it."

Speaker Madigan: "We've had one person speak for the Bill, we've had one person speak against the Bill. Mr. Tuerk would like to ask questions of Mr. Farley. Mr. Farley yields."

Tuerk: "Would the Sponsor yield?"

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Speaker Madigan: "The Sponsor will yield."

Tuerk: "Is Congress currently considering some Amendments to the minimum wage?"

Farley: "Yes, they are."

Tuerk: "What are they? What's the consideration, do you know at the moment?"

Farley: "One of them, I'm told, would raise the minimum wage to \$4.65 an hour."

Tuerk: "When will that take effect?"

Farley: "It would take effect upon passage and signature of the President."

Tuerk: "Well, isn't there some stages that they're considering? I mean, stages of increase in minimum wage."

Farley: "I'm not aware of the stages. One of my colleagues says, though, that he is and he said that they are considering it. I am not but...to answer your question, I think they are."

Tuerk: "You think there are stages?"

Farley: "I think there are."

Tuerk: "Of increase. Well, as a matter of fact there are stages of increases being considered. It would seem to me... speaking to the Bill, Mr. Speaker, it would seem to me that that would be the prudent way, rather than Illinois trying to adopt any changes in minimum wage. Wait till Congress acts and see what develops at that stage."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 64 'ayes', 49 'nos', this Bill having received a Constitutional Majority is hereby declared passed. Next Bill is House Bill 4064, Mr. Berrios. Mr. Clerk, read the Bill. Mr. Berrios. Mr. Berrios. Mr. Clerk, read the

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Bill."

Clerk Leone: "House Bill 4064, on the Order of Second Reading has been read a second time previously."

Speaker Madigan: "Are there any Amendments?"

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

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

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

Speaker Madigan: "Mr. Berrios."

Berrios: "Amendment 2 becomes the Bill. It is an Amendment that we've worked with the department on to structure it so that they would agree to it. Basically, the Amendment becomes the Bill. It...what it calls for is that the department will monitor compliance with the Human Rights Act and that the Department of Central Management Service will list all vacancies in all their offices. And I move for the adoption."

Speaker Madigan: "Those in favor of the Amendment say 'aye'. Mr. Mays."

Mays: "Thank you very much, Mr. Speaker. Just a couple of questions for the Sponsor of the Amendment. Is the Department of Central Management Services aware of this Amendment?"

Berrios: "Yes, we sat down with them as I had stated before, and we worked it out and this is their Amendment."

Mays: "Thank you very much."

Speaker Madigan: "Those for the Amendment say 'aye', those against say 'no', the 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Madigan: "Third Reading. Is there leave to hear the Bill

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on Third Reading? Leave is granted, using the Attendance Roll Call. Mr. Clerk, read the Bill for a third time."

Clerk Leone: "House Bill 4064, a Bill for an Act in relationship to state employment. Third Reading of the Bill."

Speaker Madigan: "Mr. Berrios."

Berrios: "As I stated before, the Amendment became the Bill and I would ask for a favorable vote."

Speaker Madigan: "Those in... Representative Parcells."

Parcells: "Thank you, Mr. Speaker. Last year, Representative Berrios, we passed House Bill 1646 which urged employment of Hispanics I wondered why this was necessary since we already have that on the books?"

Berrios: "It was brought to my attention that all the provisions in the Bill last year weren't being complied with in the Department and we felt that adding this wordage into the law could help it."

Parcells: "Well, we really haven't had very much time to see. I would suggest, Ladies and Gentlemen, that we hold off a little while on this. Not vote this through this year because we haven't had time to really implement and see if House Bill 1646 from last year has had a chance to work. Therefore, I suggest we have a 'no' vote."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 63 'ayes', 49 'nos', this Bill having received a Constitutional Majority is hereby declared passed. Next Bill is House Bill 3989, Representative Jones. Mr. Clerk, read the Bill. 3989."

Clerk Leone: "On page 17 of the Calendar. House Bill 3989, a Bill for an Act to amend the Unified Code of Corrections.

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Third Reading of the Bill."

Speaker Madigan: "Representative Jones."

Jones: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. House Bill 3989, the Code of Corrections, amends... House Bill 3989 amends the Code of Corrections. It requires the Department of Corrections to provide a prerelease mother and child reunification program to begin six weeks prior to the inmate's expected date of release and to continue for six months or later. I would like for this Bill...I'm sorry...to go back to second for purpose of an Amendment."

Speaker Madigan: "Leave is granted to place the Bill on the Order of Second Reading for the purpose of an Amendment. Mr. Clerk, are there any Committee Amendments?"

Clerk Leone: "There are no Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is being offered by Representatives Deuchler and Jones."

Speaker Madigan: "Representative Jones. Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 is a plan, an implementation plan that we are suggesting that the Department of Corrections develop. It would be working with female inmates who are serving sentences for nonviolent crimes and who have two years or less to serve. They would either be pregnant or have one or more children under the age of six. We are working with the John Howard Association to develop this plan. There will be grants available for this."

Speaker Madigan: "Those for the Amendment say 'aye', those opposed say 'no', the 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

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Speaker Madigan: "Third Reading. Leave is granted to hear the Bill on the Order of Third Reading using the Attendance Roll Call. The Chair recognizes Representative Jones."

Jones: "Thank you, Mr. Speaker. House Bill 3989 would create a single parent child reunification initiative in all state correctional facilities where fifty percent or more of the inmates are single parents. The legislation directs the reunification process to begin six months prior to release and continue for six months after release. At the present time this program is in force now but it is only for children that are wards of the State. My Bill will also be for children that are home with family members. Warden Huck at Dwight also supports this legislation. I urge an 'aye' vote."

Speaker Madigan: "Those in favor of the Bill vote 'aye', those opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 71 'ayes', 36 'nos', this Bill having received a Constitutional Majority is hereby declared passed. The next Bill is House Bill 4277, Mr. Hultgren. Mr. Clerk, read the Bill."

Clerk Leone: "On page 8 of the Calendar, House Bill...on the Order of Second Reading, House Bill 4277, a Bill for an Act to amend an Act to establish the technical task force on community mental health services. Has been read a second time previous."

Speaker Madigan: "Mr. Clerk what Order of Business are we on?"

Clerk Leone: "House Bill 4277 is on the Order of Second Reading."

Speaker Madigan: "Second Reading. Were there any Committee Amendments?"

Clerk Leone: "There are no Committee Amendments."

Speaker Madigan: "Are there any Floor Amendments?"

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

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Representative Satterthwaite and Hultgren."

Speaker Madigan: "Representative Satterthwaite."

Satterthwaite: "On the Amendment, please."

Speaker Madigan: "Proceed."

Satterthwaite: "Withdraw the Amendment."

Speaker Madigan: "Oh, withdraw the Amendment. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 4277, a Bill for an Act to amend an Act to establish technical task force on community health... mental health services. Third Reading of the Bill."

Speaker Madigan: "Mr. Hultgren."

Hultgren: "Thank you, Mr. Speaker, Members of the House. The technical task force on community mental health was established last year by the Legislature. It had about three months to operate before the reporting deadline in the original legislation. It was not enough time for the task force to complete it's work and one of the recommendations of the task force was that its life be extended. Representative Satterthwaite and I are both Members of that task force, we agreed with the task force that we would introduce this legislation to extend its life through the end of this year. We would be glad to respond to any questions and would request a favorable roll call so that this could get over to the Senate."

Speaker Madigan: "Mr. McGann."

McGann: "Thank you, Mr. Speaker and Members of the House. I'd ask all of the Members on this side of the aisle to vote no on this House Bill 4277 for the following reasons. Yes, they did have a task force. Yes, they did give a report. Yes, they did have very little time. But one of the main priorities of that task force was to mandate community

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services here in the State of Illinois. The Republican side of the aisle and the department does not feel as though they can move in this area because of the cost. I believe it would be just a ruse on the people of the State of Illinois to continue this task force in this area. This matter can be handled through the legislation that's going to be put forth. Also, it can be handled by the Citizen's Council on Mental Health and Developmental Disabilities and it also could be handled in the subcommittee delivery...subcommittee of the delivery of mental care that's already in structure. I'd ask for a 'no' vote. There's no sense of carrying on fooling the people any longer in this area with a task force that was chaired by the budget director of the State of Illinois who stated, 'My eyes have been opened. Oh my goodness gracious, things are going to look better'. They're not looking any better for those poor people out there that are in need of the help... who are so mentally disabled. I ask to place a 'no' vote and please cooperate. Thank you."

Speaker McPike: "Question is, 'Shall this Bill pass?' All those in favor say...vote 'aye', opposed vote 'no'. Representative Satterthwaite to explain her vote."

Satterthwaite: "Mr. Speaker and Members of the House. Representative McGann and I have both been very actively involved in community mental health issues. This really is not something we should be quarrelling about. All we're asking is the continuation of a group which has come up with a productive report but need some additional time and I'm happy to see that the votes are up there for the passage of this legislation."

Speaker McPike: "Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 87 'ayes', 19 'nos' 6 voting 'present', House Bill 4277 having received a

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Constitutional Majority is hereby declared passed. House Bill 3083, Representative Brunsvold. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3083, a Bill for an Act in relationship to farm debt mediation. Third Reading of the Bill."

Speaker McPike: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. 3083 is the same Bill that went out of here last year with 89 votes under the number of 705, House Bill 705, passed the Senate and was on the Governor's desk and the Governor vetoed the Bill saying that he would rather of signed it had it not been for the cost of the Bill. Well many of the objections that were voiced during the process have been answered and an Amendment was place on the Bill earlier and also with the cost. The Federal Government has passed a legislation in January signed by the President to match monies on State mediation programs. That will cut the cost in half, more than in half. Also the Amendment that we added a couple of weeks ago would address the hundred day moratorium which now we're phasing in the period of mediation so that we won't hang some bankers out for a lengthy period of time. We've also addressed prior bankruptcies. We have a lot of support for this Bill. The Illinois Farm Bureau has been working hard on the Bill. Farm Credit Banks are with us, Deere and Company, the Department of Agriculture, Illinois Impact, Illinois Conference of Churches, and over the past year we've been working with the Illinois Bankers Association. They have been in negotiations now dealing with a couple of provisions they are asking for on the Bill, and in my opinion, they are only technical changes. One dealing with the hour provision and one dealing with the mediation that would occur in the county of the farmer and even though the

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bankers, the IBA is not jumping up and down about this Bill, they have withdrawn their support so I thank them for that. I would answer any questions that anyone might have."

Speaker McPike: "Does anyone stand in opposition to the Bill? Representative Ropp, are you opposed to the Bill, yes or no? Representative Piel. Representative Piel to oppose the Bill."

Piel: "First thing, Mr. Speaker, Ladies and Gentlemen of the House. First of all, may I ask a couple of questions in reference to the Bill, Mr. Speaker?"

Speaker McPike: "Yes."

Piel: "Representative, can you tell me why the independent community banks have come out opposed to this...in opposition to this Bill?"

Brunsvold: "Before I answer that, I might have said the IBA, they have withdrawn their opposition to the Bill. At this point. You know they're not..."

Piel: "The reason that I ask you, they just stopped me a little bit ago and gave me an article from yesterday's Wall Street Journal dealing with how the banks are running into, you know, a lot of problems with this type of legislation. And the"

Brunsvold: "The community bankers, I don't believe philosophically..."

Piel: "Which basically...the reason I'm asking... the community bankers is because, let's face it, the community bankers cover the small towns and the small towns are usually the farming towns."

Brunsvold: "Philosophically, Representative, I don't think the community bankers would ever support this Bill, even though they did in Iowa, and in Iowa not only did it not dry up money, it actually made money more available in a mediation

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program in Iowa which the Illinois version is very much the same. In fact, sixty... over sixty percent of the mediation cases in Iowa have been resolved and it has actually done very much to help the farm situation in the State of Iowa. And we have about nine thousand farmers in this State that would possibly use this mediation process. They're in a serious situation, even though the farm economy is coming up, we're getting higher prices and that's great, but we still have about nine thousand farmers out there that could come into use of this Bill."

Piel: "Thank you very much."

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

Piel: "To the Bill, Mr. Speaker. Ladies and Gentlemen of the House, there are quite a few different organizations who are opposed to this. Not just necessarily because of the cost, which ranges from approximately over two point five million dollars, but also because of what it will do to the State economy and what it will do to the potential farms in the State of Illinois. I would... Ladies and Gentlemen, I would say a 'present' or a 'no' vote would be the...if you represent a small town agricultural area, a yes or a... I'm sorry, a 'present' or a 'no' vote would be the proper vote on this."

Speaker McPike: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', opposed vote 'no'. Representative Ropp, to explain your vote."

Ropp: "Thank you, Mr. Speaker, Members of the House. I think this Bill is certainly well intended. I think the Bill probably would have been better served for agriculture about three years ago, but it is a Bill now that there are some eight or nine thousand farmers who may need it. My only concern was, and somewhat reservation, was the fact that many bankers have said that they are currently doing

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what this Bill is intending to do and I certainly hope that the arguments that have been spoken about have been resolved..."

Speaker McPike: "We have 77 votes Mr. Ropp."

Ropp: "What?"

Speaker McPike: "We have 78 votes. Have all voted who wish? Have all voted? The Clerk will take the record. On this Bill there are 80 'ayes', 31 'nos'. House Bill 3083 having received a Constitutional Majority is hereby declared passed. House Bill 3437, Representative Young. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3437, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill."

Speaker McPike: "Representative Young."

Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3437 amends the Public Utilities Act to limit the commission from approving any monthly utility service or access charge that is not include the actual cost of such service. According to the ICC policy, monthly customer fees should be built around the cost of the meters, the cost of the meter reading, the cost of the service drop and the cost of customer service operations. Currently, some of the rates also include the cost of new nuclear power plants. In 1982, the cost to all residential customers for Commonwealth Edison was a dollar ninety four. Now for a single family home it's eleven sixty four. Illinois Power has the same problems. I urge an 'aye' vote."

Speaker McPike: "Does anyone stand in opposition to the Bill? Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Representative Morrow to explain your vote."

Morrow: "Thank you, Mr. Speaker. Again I rise to state that I

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may have a possible conflict of interest but I will vote my conscience as a Representative of the 32nd District. Thank you."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 68 'ayes', 44 'nos', 2 voting 'present'. House Bill 3437 having received a Constitutional Majority is hereby declared passed. House Bill 3906, Representative Young. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3906, on page 7 of the Calendar on the Order of Second Reading has been read a second time previously. Amendment #1 was adopted previously on the Order of Second Reading."

Speaker McPike: "Further Amendments?"

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

Speaker McPike: "Representative Parke withdraws Amendment #2. Further Amendments?"

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

Speaker McPike: "Representative Parke withdraws that Amendment. Further Amendments?"

Clerk Leone: "Floor Amendment #4 is being offered by Representative Parke and McCracken."

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

Clerk Leone: "Floor Amendment #5 is being offered by Parke and McCracken."

Speaker McPike: "Withdraw Amendment #5. Further Amendments?"

Clerk Leone: "Floor Amendment #6 is being offered by Parke and McCracken."

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

McCracken: "Thank you, Mr. Speaker. Amendment #6 reconsiders or rewrites the law in regard to punitive damages. Punitive

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damages are those damages compensable typically in a case law action such as tort which represents willfull and wanton, a punishment for willfull and wanton behavior. It is the law in this State and probably all other States, that punitive damages cannot be awarded where there is no actual damage. That is, where there is no actual harm done. They are only available where there is also harm done and the punitive damages are in a punishment..."

Speaker McPike: "Excuse me, Mr. McCracken. Excuse me, Representative Young."

Young: "Speaker, I would question the germaneness of this Amendment."

Speaker McPike: "Mr. McCracken, the Bill deals with an Act in relation to the regulation of insurance and the Amendment deals...and the Amendment deals with the burden of proof in relation to a civil liability damages and therefore it is not germane. Further Amendments? Representative McCracken."

McCracken: "Thank you, Mr. Speaker. What am I going to do now? I move to overrule the Chair. And let me address the Motion briefly. The Section of the Insurance Code in question specifies that punitive damages are allowable against insurance companies in certain cases as stated therein and sets the limit under current law at twenty five thousand dollars. The Bill would change that limit to one hundred thousand dollars. Amendment #6 would require that punitive damages, in all cases, including the insurance code cases to which this relates and I might add paranthetically that the title amends both the civil...code of civil procedure and the Insurance Acts and that the subject matter is of the same nature. But be that as it may, this would limit punitive damages to an amount not greater then compensatory damages and would be allowable

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only where there is clear and convincing proof of the malice or intentional or reckless disregard which gives rise to the damages in the first place. This is something that is long overdue in this State, it's something that's being considered throughout the Nation and a vote on this Motion is a vote on the issue and I thank you, Sir."

Speaker McPike: "Okay. The Amendment is non-germane. Further Amendments? Oh, you moved to overrule the Chair. Oh, I didn't hear that. The Gentleman has moved to overrule the ruling of the Chair. The Chair has ruled that the Amendment is non-germane. Representative McCracken has moved to overrule the Chair. And on that, Representative...the question is, 'Shall the Chair be overruled?' All those in favor vote 'aye', opposed vote 'no'. Representative Daniels on the Motion."

Daniels: "I think that more importantly than the Motion itself, this is symbolic of our effort to bring to this Assembly some question of the debate of tort reform. That's what this really is about. Another effort by the Chair to stop any debate at all on tort reform. We all know that this Amendment is germane, as the other Amendments that come up, and that's why we have the roll call. And it's our roll call that's directly aimed at the question of tort reform and that's how it should be interpreted."

Speaker McPike: "Have all voted? Have all voted who wish? Clerk will take the record. On this Motion there are 48 'ayes', 68 'nos' and the Motion fails. Further Amendments?"

Clerk Leone: "Floor Amendment #7 is being offered by Representative Parke and McCracken."

Speaker McPike: "Withdraws Amendment #7. Further Amendments?"

Clerk Leone: "There are no further Amendments."

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

Clerk Leone: "House Bill 3906, a Bill for an Act to amend

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Sections of the Illinois Insurance Code. Third Reading of the Bill."

Speaker McPike: "Representative Young."

Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3906 amends the Insurance Code to increase the amount of punitive damages that can be charged an insurance company when they are found in a court to be unreasonable and vexatious and refused in a claim. And it would go into effect immediately. Also, in House Bill 3906 there was an Amendment adopted on the floor. The Amendment was introduced by Representative Novak and I would ask him to explain the Amendment."

Speaker McPike: "Representative Pedersen rises in opposition to the Bill."

Pedersen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We discussed this in some detail the other day. It's another one of those IPAC business harassment Bills but mostly what it is is a Bill that's going to tremendously increase the cost of insurance to consumers in Illinois. Just a couple of days ago, former Illinois insurance director, Phillip R. O'Connor said that if Illinois had a law regulating insurance rates for the past ten years, the State's insurance consumers would have to pay out...would have paid out eight hundred and fifty million dollars more for just two major lines of business insurance. That's a result of a study made by O'Connor and Doctor Kathleen Carlson of Northeastern Illinois University. In addition to the cost to the consumer we have a fiscal note that says the cost of administering this big mistake was somewhere in the neighborhood of two million dollars a year. As I mentioned the other day, personal auto insurance rates in California that has a prior approval law, have gone up in the past two and a half

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years something like forty percent. Here in Illinois the auto insurance rates have...among our major companies vary somewhat between four percent to maybe as high as ten percent. To sum up, Ladies and Gentlemen of the House, Illinois is in the vanguard among the States of this country and the way they have competitive... competition in the insurance business. And we're a model for the nation to follow, and we're an example of how competition reduces the cost to consumers."

Speaker McPike: "Representative Johnson."

Johnson: "Are we allowed to address the subject matter or just for or against?"

Speaker McPike: "Well, Representative McCracken asked for more than one on this so we're going to represent...recognize Mr. Pedersen and you."

Johnson: "Okay. Thank you, Mr. Speaker and Members of the House. I appreciate that."

Speaker McPike: "He's against, yes. You for...Representative Johnson you for the Bill?"

Johnson: "Well, you'll find out when I debate the issue. You know how I'm a good party man. What...if you vote no on this Bill as amended, what you're saying is, what you want to do is to solve the quote tort crisis on the back of injured people, paraplegic and brain damaged infants. If you vote 'yes', it's a recognition that the real culprits in this whole area are the insurance companies in Illinois who want to have no regulation, want to have no restrictions, want to have no ability to look at the basis that they regulate rates on, but instead want to look at innocent parties and for that matter, innocent ratepayers for a solution to a problem. The problem is in the insurance industry in Illinois and this Bill by Representative Young and others addresses that problem. It

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simply says we have some sort of a meaningful examination of the books of insurance companies and that we ought to have at least a department that has some muscle and the ability to approve or not approve rate increases or decreases based on some meaningful data, rather than on the willy nilly arbitrary and capricious actions of insurance companies who won't show you their figures, who won't show you their premium payouts, who won't show you their earnings on invested...invested capital and instead want to say that a brain damaged baby limiting their recovery is the way to solve the problem. This is an excellent Bill, it's overdue, if you've got constituents, as we all do, who complain about what's happening to them as business people, as consumers, the answer is to do what progressive States all over this country have done, and to say that insurance companies as well as the citizens ought to be responsible. It's a good Bill and I urge a 'yes' vote."

Speaker McPike: "Representative McCracken."

McCracken: "Thank you, Mr. Speaker. We're not talking about persons hurt in the course of automobile collisions, we're talking about the consumer here. We're talking about what is going to best serve the insurance purchasing public. We're not talking about the tort system when we talk about this Bill. What this Bill means is, do you want the prior approval or not, and if you want the prior approval all you have to do is look to the other States in the Union that have already enacted this with similar demographic patterns as we have. New York more expensive with prior rate approval requirements. California forty percent higher, a forty percent increase over the last two and a half years. Illinois, lower than virtually every industrialized State with large cities in it in the Nation. It is much lower than all of these States that have had this experience.

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How many years are we going to have to have and experience these counter productive policies before we realize this is not the way to go? The way to go is to increase, to encourage, to... at every possibility look for competition within the offering of these rates. That's what serves the public, that's what serves Illinois residents to the detriment of these prior rate regulation States."

Speaker McPike: "The question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Representative Novak to explain his vote."

Novak: "Mr. Speaker, Ladies and Gentlemen of the House. Thank you very much for giving me this opportunity. This is a good consumer Bill. We need to begin to address some of these excessive problems with the insurance industry in the State of Illinois and some statistics that I'd just like to explain to you. A number of States do have regulation, and a number of States, they are not huge industrial States, but a number of them indicate their average increase for all States was thirteen percent. Average increase for States with stricter rate regulation was ten point nine percent. Average increase for States with no auto rate regulation, such as California, went up seventeen point three percent. Illinois went up seventeen point six percent in 1986. It's time to address this problem, this is a good Bill, I appreciate your support."

Speaker McPike: "Representative Matijevich."

Matijevich: "Mr. Speaker and Ladies and Gentlemen of the House. Attention all targets. Attention all targets. This is another Bill to determine whose side you're on. Are you on the consumers side or are you on the side of the industry, the insurance industry, that would like to...between themselves have some collusion to fix prices. That's all it is. They would like to fix prices and there is evidence

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enough that they have done so. Eight states are now in court because they have fixed prices and we all know that. Illinois has joined those States. Now you're going to have to take your sides. Are you with the insurance industry or are you with the consumer? You can't be on both sides of this issue. That's all there is to it. Pick your sides right now, are you with the consumers?"

Speaker McPike: "Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. Representative Young asks for a Poll of the Absentees."

Clerk O'Brien: "A poll of those not voting. DeJaegher and Laurino. No further."

Speaker McPike: "Representative Young. Representative Granberg."
Granberg: "My vote to aye."

Speaker McPike: "Representative Granberg changes from no to aye. Representative Hartke. Representative Hartke changes from no to aye. Representative DeJaegher votes aye. Representative Mulcahey, you are aye. Representative Rice, aye. Representative Rice, aye. Representative Richmond; aye. Representative McCracken."

McCracken: "Why do they all vote one way and then change after the roll's taken? I've never understood that."

Speaker McPike: "And no one on your side ever does. On this Bill there are 64 'ayes', 46 'nos', House Bill 3906, Representative McCracken asks for a verification. Mr. Clerk, would you poll the affirmative."

Clerk O'Brien: "Berrios. Bowman. Braun. Brunsvold. Bugielski. Capparelli. Cullerton. Curran. Currie. Daley. Davis. DeJaegher. DeLeo. Dunn. Flowers. Giglio. Giorgi. Goforth. Granberg. Hannig. Hartke. Homer. Huff. Hultgren. Johnson. Jones. Keane. Kirkland. Krska. Kubik. Lang. LeFlore. Leverenz. Levin. Martinez. Matijevich. McGann. McNamara. McPike. Morrow.

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Mulcahey. Novak. O'Connell. Phelps. Preston. Rea.
Rice. Richmond. Saltsman. Satterthwaite. Shaw.
Slatér. Steczko. Stern. Sutker. Terzich. Turner. Van
Duyne. White. Williams. Williamson. Wojcik. Wolf.
Anthony Young. Wyvetter Younge. And Mr. Speaker." (Tape
malfunction)"

Speaker McPike: "Representative John Dunn. There he is right
here."

McCracken: "Alright, Representative Rea."

Speaker McPike: "Representative Rea. There he is right in the
back."

McCracken: "Alright, Representative Hannig."

Speaker McPike: "Representative Hannig. Representative Hannig.
Remove Representative Hannig from the Roll."

McCracken: "Representative Martinez."

Speaker McPike: "He's right here."

McCracken: "Representative Krska."

Speaker McPike: "He's in his seat."

McCracken: "Representative Williams."

Speaker McPike: "Williamson?"

McCracken: "Williams."

Speaker McPike: "Representative Williams. Representative
Williams. Representative Hultgren wants to change his vote
from 'aye' to 'no'."

McCracken: "Who else did we just ask about?"

Speaker McPike: "Hultgren from 'aye' to 'no'. Representative
Williams, right there."

McCracken: "Alright. That's it."

Speaker McPike: "Representative Rice you are voting 'aye' so...
Representative Rice would like to change from 'aye' to
'present'. Are there any other changes? Representative
Hannig has returned. Return Representative Hannig to the
Roll Call. On this Bill there are 59 'ayes', 47 'nos', 7

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voting 'present'. The Bill having failed to receive Constitutional Majority is hereby declared lost. House Bill 3806, 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. Third Reading of the Bill."

Speaker McPike: "Representative Shaw."

Shaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 36... 3806 provides a person who solicit the enrollment of Public Aid Recipients and Health Maintenance Organization shall be licensed by the Department of Insurance."

Speaker McPike: "Does anyone stand in opposition to the Bill? Representative... Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Representative Braun to explain her vote."

Braun: "Thank you, Mr. Speaker. I may have a conflict here. I don't think I do, but I'm going to vote my conscience as I have these last 10 years. Thank you."

Speaker McPike: "Have all voted? Have all voted? Have all voted who wish? Clerk, take the record. On this Bill there are 87 'ayes', 13 'nos', 4 voting 'present'. House Bill 3806, having received a Constitutional Majority is hereby declared passed. Representative Rice, we've already taken the Roll. Let the record indicate that Representative Rice and Representative Jones would have voted 'aye'. House Bill 3560, Representative Breslin. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3560, a Bill for an Act in relation to wages. Third Reading of the Bill."

Speaker McPike: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill improves, increases penalties for failure to comply

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with the Minimum Wage and Prevailing Wage Act. The Bill was brought to my attention because of an Auditor General report that on... the Department of Labor that indicated the Department did not promptly and effectively enforce the minimum wage law due to the lack of...due to a grand backlog in cases, there were investigations that were not completed for a long period of time and prosecutions took...weren't even filed for more than two years after some of the efforts were made to resolve claims. There is a shortage of staff, there is a higher caseload in the Department, the Department works as efficiently as they can, but they cannot keep up with the problems they have, the enforcement under these two Acts. It occurred to me that it would be far more appropriate to have these Acts self-enforcing. And in order to do so we have increased the penalties and it is the hope that this will take a lot of pressure off the Department of Labor so that it will make it easier to enforce those cases that still come before it. I have taken an Amendment that was made at the suggestion of Representative Didrickson. It was the only complaint about the Bill at the time the Bill was heard in the Labor Committee and I ask for an 'aye' vote."

Speaker McPike: "Does anyone rise in opposition to the Bill? Anyone in opposition? Representative Didrickson in opposition to the Bill."

Didrickson: "Thank you, Mr. Speaker, Members of the House. Representative Breslin is correct. In Committee I asked her to reduce the penalty, she did that, she went far beyond what we had requested, so I applaud that action. But that's a separate action. What I would really like to ask is, does this cause a private... Finally, I would like to just say in terms of my opposition to this, I don't think she's gone far enough. I would repeal the minimum wage and

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the Prevailing Wage Acts to begin with. But I do appreciate her attempt at reducing the penalty. A 'no' vote's the right vote."

Speaker McPike: "Question is, 'Shall this Bill pass?' Representative McCracken."

McCracken: "Thank you. You..you called this self-executing under the Bill, does this create a private cause of action for enforcement of the Acts? Or does it affect only the penalties that are currently in law?"

Breslin: "No, no."

McCracken: "Okay, that's fine."

Breslin: "Absolutely not."

Speaker McPike: "Question is, 'Shall this Bill pass?' All in favor vote 'aye' opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 65 'ayes', 49 'nos'. House Bill 3560, having received a Constitutional Majority is hereby declared passed. The consent..all the Bills on the Consent Calendar having received a Constitutional Majority are hereby declared passed. Individual Members wish to see the Roll Call, they are available up front. House Bill 2393, Representative Mulcahey. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2393, a Bill for an Act to amend an Act relating to School Districts and Educational Programs and Standards. Third Reading of the Bill."

Speaker McPike: "Gentleman asks leave to return to Second Reading for purpose of Amendments. Is there any objections? Hearing none, leave is granted. The Bill is on Second Reading. Any Amendments?"

Clerk O'Brien: "Floor Amendment #7, offered by Representative Mulcahey."

Speaker McPike: "Representative Mulcahey on the Amendment."

Mulcahey: "Thank you, Mr. Speaker. Technical Amendment's been

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cleared with both sides of the aisle and simply provides that the school boards shall provide instruction relative to the commemorative... the personal holidays, and number two that the instruction will be in English except in Second Language Programs recommended by the State Board of Education. If no objection, I move for the adoption of the Amendment."

Speaker McPike: "Any objection? Question is, 'Shall the Amendment be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it, Amendment #7 is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #8 offered by Representative Giorgi, Flowers, and Kulas."

Speaker McPike: "Representative Giorgi, Amendment #8."

Giorgi: "Mr. Speaker, this is the Amendment that has to do with restoring..labor matters in part, in educational curriculums, ethnic parts and educational curriculums and minorities. What this Amendment purports to do is, to go back to the curriculum that the schools of Illinois should be teaching the story of organized labor as to how every Member of this General Assembly, in fact, has benefited from the efforts of organized labor. How every working man, and every laborer in every shop in Illinois has benefited from labor. It's no... it's not an accident that they have unemployment insurance, Social Security and Medicare, 40 hour weeks, vacation pay, pension programs, health and welfare programs and the litany could go on and on and I think that the Members of General Assembly are aware of this sensitive Amendment and I urge it's adoption."

Speaker McPike: "Representative Didrickson against the Amendment."

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

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think in the wisdom of this General Assembly, rather in the diswisdom we had the study mandated of Labor Organizations in the State of Illinois in our Schools. In the wisdom of the State Board of Education after much lengthy study on the mandates in the State of Illinois, and this is a mandate that's being put back in. We are now going to require again, to continue the study of labor organizations. There's no concomitant study of entrepreneurial spirit or management. A 'no' vote is the right vote on this Amendment. The State Board of Education was correct in taking this mandate out of our schools."

Speaker McPike: "Question is, 'Shall Amendment #8 be adopted? All in favor vote 'aye', opposed vote 'no', Representative Mulcahey to explain his vote."

Mulcahey: "I just hope you vote 'no' and keep the Bill intact."

Speaker McPike: "Representative Mautino to explain his vote."

Mautino: "Thank you, Mr. Speaker. I just wanted to ask my seatmate how he can vote against his own Bill. I haven't seen this done in awhile."

Speaker McPike: "Have all voted? The Clerk will take the record. In this Amendment there are 18 'ayes' and 86 'nos', the Amendment fails. Further Amendments."

Clerk O'Brien: "No further Amendments."

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

Clerk O'Brien: "House Bill 2393, a Bill for an Act relating to School Districts and educational programs and standards. Third Reading of the Bill."

Speaker McPike: "Representative Mautino..I'm sorry, Representative Mulcahey."

Mulcahey: "Thank you, Mr. Speaker. The Bill now is in shape. It deletes requirements of School Boards that give hiring preference to bilingual teaching positions, such as those who have lived abroad, for the non English Speaking Program

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environment. As a last resort, it deletes requirement that commemorative holidays that teacher who devote a portion of the day to study, in honor of persons of..honors or days being commemorated. Such study now is optional. This is the task force on mandates which is recommended by the State Board of Education. There is no opposition. The IEA, State board, the IFT, everybody involved, School Board Administration, Principals of Association, all supports. I would move for the adoption of the passage of House Bill 2393."

Speaker McPike: "Gentleman asks leave to use the Attendance Roll Call to waive the appropriate rules so that the Bill could be heard on Third Reading at this time. If no objections, leave is granted, Attendance Roll Call is used. Representative Didrickson against the Bill."

Didrickson: "Question, please of the Speaker...of the Sponsor."

Speaker McPike: "Yes."

Didrickson: "Representative Mulcahey, do we still mandate the higher education requirements?"

Mulcahey: "No."

Didrickson: "We take the higher education requirements out?"

Mulcahey: "That's correct."

Didrickson: "Then I stand in opposition of the Bill."

Speaker McPike: "Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 60 'ayes', 39 'nos', 15 voting 'present'. Representative Didrickson."

Didrickson: "A verification please."

Speaker McPike: "Yes. Mr. Clerk, she's requested a verification. Poll the absentees and then poll the affirmative."

Clerk O'Brien: "Poll of those not voting; Huff, ..."

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Speaker McPike: "Excuse me, Representative Williams changes from 'aye' to present. Poll the absentees, please."

Clerk O'Brien: "Huff, Krska and Laurino. No further."

Speaker McPike: "Representative Currie votes 'present'. On this Bill there are 58 'ayes', 39 'nos', 17 voting 'present'. House Bill 2393, having failed to receive a Constitutional Majority is hereby declared passed...is hereby declared lost. House Bill 3387, Representative Hicks. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3387, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker McPike: "Representative Hicks."

Hicks: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3387 came out of Education Committee on Short Debate, it came out 21 to nothing. It was amended on the Floor to take care of the concerns that Representative Wait had with some legislation he had passed. It's still supported by both the unions and the State School Board Association. I'd be happy to answer any questions."

Speaker McPike: "Does anyone stand in opposition to the Bill? Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 114 'ayes', no 'nays'. House Bill 3387 having received a Constitutional Majority is hereby declared passed. House Bill 3666, Representative Stange. Read the Bill, Mr. Clerk. 3666. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3666, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker McPike: "Representative Stange."

Stange: "Chairman, leave to take the Bill to Second Reading for an Amendment."

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Speaker McPike: "Representative Stange, did you present the Bill?"

Stange: "Request to take the..."

Speaker McPike: "Gentleman asks leave to return it to Second Reading for Amendment. Leave is granted. The Bill is on Second Reading. Are there any Amendments?"

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

Speaker McPike: "Representative Braun."

Braun: "Thank you, Mr. Speaker. Amendment #1 simply is a redefinition of landfill waste which will address some of the concerns raised by units of Local Government."

Speaker McPike: "Any Questions? Representative Churchill, on the Amendment."

Churchill: "Yes, can you tell us which unit of Local Government that is asking for this?"

Breslin: "All of them."

Churchill: "All of them?"

Breslin: "Oh, Oh, which is asking for it?"

Churchill: "Do you have a specific unit of Local Government that is looking for this?"

Breslin: "This is an agreed Amendment and it was requested by the DuPage County Forest Preserve."

Churchill: "Absolutely a wonderful place to be."

Breslin: "Thank you."

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

Clerk O'Brien: "No Further Amendments."

Speaker McPike: "Third Reading. Gentleman ask leave to use the Attendance Roll Call so the Bill could be heard on Third Reading. Leave is granted. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3666, a Bill for an Act to amend Sections of the Environmental Protection Act. Third

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Reading of the Bill."

Speaker McPike: "Representative Stange."

Stange: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. House Bill 3666 amends the Environmental Protection Act, includes landfill waste with a definition of special waste. I ask your 'aye' vote."

Speaker McPike: "Any opposition to the Bill? Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 112 'ayes', 1 'no', 2 voting 'present'. House Bill 3666 having received a Constitutional Majority is hereby declared passed. House Bill 3902, Representative Cullerton. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3902, a Bill for an Act to amend an Act to remove the exemptions for the insurance industry. Third Reading of the Bill."

Speaker McPike: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill eliminates the exemption for Insurance Companies from the Illinois Anti-Trust Act. The Bill was amended by two Amendments, Amendment #2 and Amendment #4. Amendment #4 was in response to some objections to the Bill in committee. In committee, certain people indicated that they are... that the repeal of anti-trust exemptions would make concerted actions to collect law stata and expense statistics along with required joint underwriting and participation in the residual market mechanisms illegal activities. The Amendment allows these activities to be conducted by issuers in concert to the extent that they are conducted in the public interest and that they are not shown to be in restraint of trade in insurance. The Amend..the Bill also contains Amendment #1, offered by

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Representative Kubik, which provides that every issuance or delivery of accident and health insurance policy covering hearing services regulated by the Hearing Aid Consumer Protection Act shall be accompanied by written notice that the policyholder may elect to...for hearing services received, to be reimbursed to either a physician or a certified Hearing Aid Dispenser. I would be happy to answer any questions and appreciate your support."

Speaker McPike: "Does anyone rise against the Bill? Representative Regan, against the Bill."

Regan: "Yes, Mr. Speaker, Members of the House. If I could have some quiet, please."

Speaker McPike: "Proceed."

Regan: "There's just a few misnomers in regards to the anti-trust exclusions that insurance companies. The first misnomer is that we don't fall under any anti-trust laws, and that is totally false. We fall under federal and state anti-trust laws. We cannot join together and fix rights. We cannot control or maintain prices. This is totally opposed to the laws in force already. There is a second misnomer that says that just because we have an exemption under that, it's the only industry in the world that's got an exemption underneath the anti-trust laws. There's a few other organizations that are exempt from the anti-trust laws and there underneath other controls of the State. One is the agricultural organizations, religious charitable activities, not-for-profit corporations, banks, state and federal savings and loan associations, and listen to this one.. This not-for-profit organization associations of attorneys have exemptions underneath the anti-trust federal laws. Now, what we're dealing with here, the Bill originally would have eliminated the rights that that exemption gave in regards to joining together on claim

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losses which protects a small insurance company from the big insurance companies. The wisdom of the Sponsor and some knowledge that he's gained, has added an Amendment which allows the companies to do things that keep rates down. But there's still something in the legislation that's very difficult, very problematic and it's going to draw lawsuits. It's going to draw lawsuits to the insurance companies and it's going to draw lawsuits from the insurance companies to the State. There's wording in the Bill that says, rates less than competitive if losses from the pool. This affects the pools that we have on the car insurance pools. The workman's comp pools. This area has to be corrected, otherwise we're going to wind up in court, it's going to cost the State a lot of money. I want to make it clear that it's been fun bashing the insurance business and I've had fun handling the microphone as much as I do because you know I don't usually get on it. This Bill has full of holes, it got to be voted down and I urge a 'no' vote."

Speaker McPike: "Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Representative Johnson to explain his vote."

Johnson: "Let me just explain what the opponents of this Bill and the last Bill are really saying. The last Bill they opposed because they say let's make Illinois insurance industry competitive. Let's don't have flex rating. Let's don't have reasonable regulation. Let's have free enterprise. That's the American way. But then they turn around on this Bill and say well, that's true, except let's make the insurance industries continue to be exempt from anti-trust regulation in the State of Illinois. So what they want to do on one hand is be able to have competition and on the other hand be able to be subject to no

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regulations at all, so that they can fix prices and engage in all kinds of anti-competitive, anti-trust actions. So they have their cake and eat it to. If that's what you believe, and you want to let the insurance rip off artists rule the State of Illinois, you ought to vote 'no.' If you believe the consumers ought to have some voice, there ought to be some reasonable regulation or at least real competition, you ought to vote 'yes'."

Speaker McPike: "Representative Sutker."

Sutker: "Mr. Speaker, Ladies and Gentlemen. I'd like to incorporate many of the remarks that Tim Johnson just stated and add a few more. The insurance industry has been running rampant with their freedom that has extended across this Nation. They were exempt from anti-trust legislation in 1935. It was supposed to be a temporary exemption. It is now 1988 and despite what the Representative Regan...Regan..despite what Representative Regan has indicated, they are still exempt from anti-trust legislation on the federal level. It's about time that their coalitions with each other, their combinations with each other, the restraint of trades that they have been involved in is faced at. Its about time that this Legislature makes note of the fact that we know what they are doing. They are doing it cross country and we won't tolerate it in Illinois any longer. The proper vote, the responsible vote, the responsive vote is a 'yes' vote on this legislation."

Speaker McPike: "Representative Cullerton."

Cullerton: "Explaining my vote, Representative Regan did indicate that they weren't covered by any federal law. At least he made that implication. Last year, President Reagan's Federal Trade Commission Chairman testified that repeal of this unfortunate federal law is long overdue, exposing the

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insurance industry to the brisk winds of competition can only serve to benefit consumers and promote the common welfare. That was from President Reagan's Federal Trade Commission Chairman. In March of this year, there was a lawsuit filed in San Francisco alleging a conspiracy to reduce coverage available in commercial liability market to drive up the prices. I think that it's clear that there's an insurance service office which issues advisory rates and this is the basis for the price fixing. I would appreciate a green vote."

Speaker McPike: "Have all voted? Have all voted who wish? Clerk will take the record. Representative McCracken. Verification if...Yes, Representative Mulcahey, 'aye'. On this Bill there are 64 'ayes' and 45 'nos'. Mr. McCracken has requested a verification. Mr. Clerk, poll the absentees."

Clerk O'Brien: "Poll of those not voting; Huff and Laurino. No further."

Speaker McPike: "Would you read the affirmative please."

Clerk O'Brien: "Berrios. Bowman. Braun. Breslin. Bugielski. Capparelli. Countryman. Cullerton. Curran. Currie. Daley. Davis. DeLeo. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Goforth. Granberg. Hannig. Hicks. Homer. Hultgren. Johnson. Jones. Keane. Kirkland. Krska. Kubik. Kulas. Lang. LeFlore. Levin. Martinez. Matijeovich. McGann. McNamara. McPike. Morrow. Mulcahey. Novak. O'Connell. Phelps. Preston. Rea. Richmond. Ronan. Saltsman. Satterthwaite. Slater. Steczo. Stern. Sutker. Terzich. Van Duynes. White. Williams. Williamson. Wolf..."

Speaker McPike: "Excuse me, Representative Berrios right here would like to have leave to be verified and so would Representative Bugielski. Is that alright? Berrios and

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Bugielski have been verified. Representative Cullerton."

Cullerton: "Just a procedural question here, Mr. Speaker. You did have a rule that earlier in the year that I didn't quite agree with now. Who's entitled to do this verification? If Representative McCracken asked, I wondered if someone else.."

Speaker McPike: "Representative Cullerton, as you know, the rule on 58 says any Member may demand a verification. Earlier this year Mr. McCracken made it clear that only one person could demand that verification and this time it's Mr. McCracken's. He's got it."

Cullerton: "Does the rule make it clear that only one can demand it?"

Speaker McPike: "Well the Chair ruled on the... on the question from Representative McCracken."

Cullerton: "Only one can demand it but could another one ask, please, can I do a verification?"

Speaker McPike: "The rule doesn't..."

Cullerton: "I wouldn't be demanding it, I'd just be asking."

Speaker McPike: "The rule doesn't speak to that, Mr. Cullerton."

Cullerton: "Well, Mr. Speaker, can we ask Representative Williamson?"

Speaker McPike: "Well, if she would like to do the verification. Proceed Mr. McCracken. We have verified two people. Berrios and Bugielski."

McCracken: "Yes, I think Representative Stern is probably back in Chicago by now. Is she in the chamber."

Speaker McPike: "Representative Stern. Representative Stern. Is the Lady here?"

McCracken: "We ought to pull her switch she's been gone all day."

Speaker McPike: "Remove Representative Stern."

McCracken: "Representative Novak."

Speaker McPike: "Right here."

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McCracken: "Representative Flowers."

Speaker McPike: "Representative Flowers. Representative Flowers.
Remove Representative Flowers."

McCracken: "Representative DeLeo."

Speaker McPike: "Representative DeLeo. Is the Gentleman here?
Remove Representative DeLeo."

McCracken: "Representative Terzich."

Speaker McPike: "Representative Terzich. I think he's here.
Representative Terzich."

McCracken: "He's gone. He told us as he was leaving them. I'm
kidding."

Speaker McPike: "Representative Terzich. Remove him from the
roll. Representative Flowers has returned. Return
Representative Flowers to the roll."

McCracken: "Representative Van Duyne."

Speaker McPike: "He's in his seat."

McCracken: "Representative Keane."

Speaker McPike: "Representative Keane. Representative Keane
here? Remove Representative Keane."

McCracken: "Representative Farley."

Speaker McPike: "Representative Farley. Is Representative Farley
here? Gentleman's not here, remove him from the roll."

McCracken: "Representative Giglio."

Speaker McPike: "Representative Giglio. Representative Giglio.
There he is right there."

McCracken: "Representative Ronan."

Speaker McPike: "Representative Ronan. Representative Ronan.
Remove Representative Ronan."

McCracken: "Representative O'Connell."

Speaker McPike: "Representative O'Connell. There he is."

McCracken: "Representative Richmond."

Speaker McPike: "Representative Richmond. Remove him from the
Roll."

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McCracken: "Representative Satterthwaite."

Speaker McPike: "She's here."

McCracken: "Nothing further."

Speaker McPike: "Is anyone seeking to change their vote? On this Bill there are 57 'ayes', 45 'nos', 6 voting 'present'. House Bill 3902 having failed to received a Constitutional Majority is hereby declared lost. House Bill 4144, Representative Steczko. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4144, a Bill for an Act to amend the Public Community College Act. Third Reading of the Bill."

Speaker McPike: "Representative Steczko."

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 4144 authorizes certain Community College Districts to levy an additional tax to be used for operations and maintenance if the College is not at the statewide average levy for that fund. It requires, though, that in order for those colleges to be eligible, that they have to eligible for three consecutive years prior to utilizing any authority. It also indicates that the local board has to approve a levy in an open meeting and requires ICCB certification of eligibility. And also provides that at a maximum the allocation can only be 75% of that statewide average. In addition, the House yesterday adopted Amendment #2, which provides a delay in the annexation of a district for two years. I would appreciate an 'aye' vote."

Speaker McPike: "Does anyone stand in opposition? Question is, 'Shall this Bill pass.?' All in favor vote 'aye', opposed vote 'no'. Representative Satterthwaite to explain her vote."

Satterthwaite: "Mr. Speaker and Members of the House. The main portion of this Bill is something that is drastically needed. However, I am voting no in objection to the Amendment that went on yesterday, prolonging the time for a

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portion of our State going into a Community College District. I really feel, however, that the major portion of the Bill is very much needed to address some inequities so that we are not constantly penalizing by the way we set our State reimbursement to community colleges. Those that simply do not have the ability at this time to get more local resources and for that reason there is merit to that portion of this Bill."

Speaker McPike: "Representative Keane to explain his vote."

Keane: "On explanation of vote, it's my understanding, if I remember this Bill correctly, that we're assisting, we're allowing colleges whose physical plant has deteriorated and who have not been able to get local assistance to improve their plant. We are allowing them to levy if they've had a number of years where their repairs and their maintenance functions have gone below a certain level. I would urge those who are worried about this Bill costing local taxpayers money to realize that if that occurs..if it occurs and the buildings goes into disrepair these people are going to come to Springfield and ask for us to come up with the money. We built a number of colleges with CDB funds. I don't know if you guys were around with CDB. When CDB built colleges, turned them over to local school districts and there were problems, they came back and we ended up paying the money to repair those colleges. If you have a college district that has schools in good shape, if your Districts are in good shape, you should vote for this Bill, because if you don't, those Districts that are not in good shape will be coming down here asking for state money to have us do what their local Government should do. And therefore I ask you and urge you to give an 'aye' vote."

Speaker McPike: "Representative Mulcahey to explain his vote."

Mulcahey: "Okay, well we're authorizing the Board to do it, but

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it still seems to me unless they can show me differently that it's a tax without a referendum. Period. No matter how fancy you are, how much fancy language you use."

Speaker McPike: "Representative Parcells."

Parcells: "Thank you, Mr. Speaker. It's my understanding that this is a no referendum... not a back door referendum... a no referendum tax increase and whether it affects your District or not, you are voting for something that you're going to be sticking it to those people with a no referendum tax increase and I thought everybody ought to be aware of that."

Speaker McPike: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker. May I make an analogy on this piece of legislation? Many of the Legislators have come down to Springfield and through the Act premium fund have provided for roofs for their county fairgrounds, back home in their District because there were no funds available and the levies provided to offset the cost between what that roof was and whatever insurance coverage was there. This is the case in a couple of school districts whereby those repairs are necessary, the levels at the max and these people want to do it at the local level without coming to Springfield. The converse is just as Representative Keane has presented. There will be Amendments to appropriation Bills coming down to do this which was at one time under the Department of... or CDB. I think it's a good proposal to allow for those people at the local level to pay for the maintenance and repair that is necessary for those facilities. Affects basically, Blackhawk, East College, both in the quad cities in Kewanee and Thornton. It's not something that you're imposing upon everyone statewide. It basically affects those two areas and it's an excellent proposal."

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Speaker McPike: "Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 60 'ayes', 48 'nos', 6 voting 'present'. House Bill 4144 having received a Constitutional Majority is declared passed. House Bill 3845, Representative Giorgi. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 38..."

Speaker McPike: "I'm sorry. Excuse me, Mr. Clerk. Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker. There's some students here from the Gray School up in the gallery. I just wanted to introduce them. Representative Berrios' wife teaches there and it's in my district and Representative Bugielski's District. Thank you very much."

Speaker McPike: "3845, Mr. Clerk. Representative Giorgi. Where is the Bill? Representative Giorgi you'll have to take this out of the record. Out of the record, Mr. Clerk. We found it's on Supplemental Two. House Bill 3845, read the Bill."

Clerk O'Brien: "House Bill 3845, a Bill for an Act..."

Speaker McPike: "Representative Giorgi."

Giorgi: "Mr. Speaker this House Bill 3845, I took it over today, it's on Second Reading. And there are some Amendments prepared, we're going to withdraw all the Amendments, then this becomes a shell Bill, and deals with Park Districts. It's the only Bill in both Houses that deals with Park Districts that's going to be available later on in the Session."

Speaker McPike: "Mr. Clerk, has the Bill been read a second time?"

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

Speaker McPike: "Are there any Amendments?"

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

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Speaker McPike: "Representative Saltsman. Withdraws Amendment #2."

Clerk O'Brien: "Floor Amendment #3, offered byI'm sorry there was no further Amendments."

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

Clerk O'Brien: "House Bill 3845, a Bill for an Act,"

Speaker McPike: "Return the Bill to Second Reading. Bill's on Second Reading."

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

Speaker McPike: "Representative Pullen, Amendment #3."

Pullen: "Thank you, Mr. Speaker, I do appreciate having the opportunity to have my Amendment heard. I have, however, decided to withdraw it."

Speaker McPike: "Thank you. Withdraws Amendment #3. Third Reading. Any further Amendments Mr. Clerk?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Read the Bill."

Clerk O'Brien: "House Bill 3845, a Bill for an Act to amend Sections of an Act concerning aquariums and museums and public parks. Third Reading of the Bill."

Speaker McPike: "Representative Giorgi."

Giorgi: "Mr. Speaker, at this point this is a Shell Bill and the subject matter is Park Districts. It's the only Bill around that deals with Park Districts. We may need it later on in this Session. So I urge the Members of the General Assembly pass it over to the Senate."

Speaker McPike: "Does anyone stand in opposition to the Bill? Mr. Mulcahey, do you?"

Mulcahey: "Well Mr. Speaker, I just would like to ask the Sponsor a question. As long as this is the only one regarding the Park Districts left in the House this year, 3845. Do you intend to use this in any way, shape or form to amend any

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provisions regarding the Rockford Park Districts, as it relates to the Pine Club, Pistol Club at Meredian and Auburn?"

Giorgi: "Positively not."

Speaker McPike: "Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 86 'ayes', 12 'nos', 16 voting 'present'. House Bill 3845 having received a Constitutional Majority is hereby declared passed. House Bill 3667, Representative Stange. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3667, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker McPike: "Representative Stange."

Stange: "Thanks, Mr. Chairman, Ladies and Gentlemen of the House. House Bill 3667 requires landfill operators to adhere to safety standards established by OSHA. I ask for your 'aye' vote."

Speaker McPike: "Does anyone stand in opposition to the Bill? Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 112 'ayes', and no 'nays'. House Bill 3667, having received a Constitutional Majority is hereby declared passed. House Bill 3819, Representative Davis. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3819, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker McPike: "Representative Davis."

Davis: "Yes, thank you Mr. Speaker, Ladies and Gentlemen of the House. This is a very important Bill, because it provides for the study of parenting in ..between 6th grade and 12th grade. It provides that in the school nutrition and diet

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are included in this course of study. Because of the rising number of child abuse cases and also because of the number of teenagers who becomes pregnant and those young parents who are not knowledgeable about the needs of an infant. This Bill will provide for child development nutrition. Now many people do not go to college, but most people do have children. And most of the topics covered in this Bill usually are not taught until one reaches college, and we feel that this unit of study will certainly help to decrease the cost of child abuse and infant mortality and those people that go on welfare rolls because they have no idea what the responsibility of parenting is. We urge an 'aye' vote."

Speaker McPike: "Does anyone stand in opposition to the Lady's Bill? Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, Ladies and Gentlemen of the House. Despite my great respect for the intentions of the Sponsor, I would remind you, this is another mandate. Thank you."

Speaker McPike: "Question is, 'Shall this Bill pass'? All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Representative Braun to explain her vote."

Braun: "Thank you, Mr. Speaker. I don't understand the yellow and the red votes on this Bill. This is a good Bill, it provides instruction for people so you don't have the child abuse problems, so you don't have the drug problems. When Representative Davis has presented us with a positive pro-active approach to childhood into early childhood education. I think this General Assembly should respond positively. I urge a green vote for this Bill."

Speaker McPike: "Have all voted who wish? Clerk will take the record. On this Bill there are 50 'ayes', and 54 'nays', 9 voting 'present'. House Bill 3819, having failed to

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receive a Constitutional Majority is hereby declared lost. House Bill 2905, Representative Leverenz. Is Representative Leverenz here? Representative Leverenz. Out of the record. House Bill 849, Representative McGann. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 849, a Bill for an Act to establish comprehensive community based mental health service system. Third Reading of the Bill."

Speaker McPike: "Representative McGann."

McGann: "Thank you, Mr. Speaker, Members of the Assembly. Rather than take too much of your time, we've had an awful lot of debate in regards to House Bill 849. What it does is, its original concept was to mandate the services of the mentally ill and came from many years...three years at least, of hearings but we've not been able to reach an agreement with the other side of the aisle or the Department or the Coalition or AFSCME. So, what we have done is..I'd ask you to move House Bill 849 back to Second Reading for the purpose of an Amendment."

Speaker McPike: "Gentleman ask leave to return the Bill to Second Reading. Is there any objections? Attendance Roll Call will be used. The leave is granted. The Bill is on Second Reading. Are there any Amendments?"

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

Speaker McPike: "Representative McGann."

McGann: "Thank you, Mr. Speaker and Members of the House. Amendment #3 guts the Bill. This is an agreement with the Republican side of the aisle, the Department and we feel as though that this would be the best way to keep this very, very important subject matter alive. It requires that the Citizens Assembly, Citizens Council and Mental Health Developmental Disability examine and recommend to the

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General Assembly, powers and the duties of the State Mental Health Authority, the Department, the structure and function of a community service network. Our plan is that we would have this Bill pass out of the House with the cooperation both sides of the aisle, send it to the Senate. Hopefully, negotiations will continue with all the principal parties and that some resolution will take place. After it takes place, we will consult with Representative Daniels and we will then, hopefully, if the Resolution takes place, put an Amendment on in the Senate and move forward. So as it stands right now, the Bill is what I've stated to you, and I would ask for adoption of this Amendment #3."

Speaker McPike: "Does anyone stand in opposition to this Amendment? To the Amendment, Mr. Ryder."

Ryder: "Thank you, Mr. Speaker, I wish to ask one question. Am I to understand, Representative, that it's your commitment to the House that this Bill will not move through the Senate unless the House Republicans and the Department have signed off on the Amendments?"

McGann: "I believe that I have just stated that, Representative Ryder. You and I have worked very hard on this. It's a sort of defeating point at this time to have to say that. But that's exactly the agreement that was set forth and I've already read that... and I've already stated that into the record."

Ryder: "Very good."

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

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

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Speaker McPike: "Representative Countryman."

Countryman: "Thank you, Ladies and Gentlemen, Mr. Speaker.

Amendment #4 requires the Department of Mental Health and Developmental Disability and Alcohol and Substance Abuse to make grants solely to not for profit community provider agencies. Requires DMH, DD and DASA to develop a formula for distributing state funding for community services to the mentally ill and alcohol and drug abusers. Provides for a 3 year pilot program in Region 1 to begin in Fy89 based upon a specified formula and to develop statewide minimum levels of funding for services for mentally ill persons and alcohol drug abusers..."

Speaker McPike: "Excuse me, Representative Cullerton."

Cullerton: "Has this Amendment been printed and distributed?"

Speaker McPike: "This Amendment has not been printed or distributed."

Cullerton: "I would move to table it."

Speaker McPike: "The Gentleman moves to table the Amendment. Question is, 'Shall Amendment #4 be tabled?' All in favor say 'aye', opposed 'no', the 'ayes' have it, the Motion carries and the Amendment is tabled. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. The Gentleman asks leave to use the Attendance Roll Call so the Bill could be heard on Third Reading at this time. Leave is granted. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 849, a Bill for an Act to establish Comprehensive Community Based Mental Health Service System. Third Reading of the Bill."

Speaker McPike: "Representative McGann. Mr. McGann. On the Bill."

McGann: "Yes, thank you, Mr. Speaker and Members of the Assembly. I think we will..I think we discussed this, that Amendment

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#3 became the Bill and we ask for the cooperation of both sides rather than taking up your time. Let's get enough green votes to send it over to the Senate. Thank you."

Speaker McPike: "Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 106 'ayes', 1 'no', 2 voting 'present'. House Bill 849, having received a Constitutional Majority is hereby declared passed. House Bill 4125, Representative Shaw. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4125, a Bill for an Act to amend the Illinois Controlled Substances Act. Second Reading of the Bill. Amendments #1 and #4 were adopted in committee."

Speaker McPike: "Any Motions or Amendments? Has this Bill been read a second time previously?"

Clerk O'Brien: "This Bill has been read a second time previously. No Motions filed relating to Amendments #1 and #4. Floor Amendment #....no Floor Amendments."

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

Clerk O'Brien: "House Bill 4125, a Bill for an Act to amend Sections of the Illinois Controlled Substances Act. Third Reading of the Bill."

Speaker McPike: "Representative Shaw"

Shaw: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4125, creates a new offense, titled drug induced homicide. The offense is committed when persons...when a person unlawfully delivers a controlled substance to another and any person dies as a result of ingestion any amount of that controlled substance, if the amount of the controlled substance delivered would render the offense of a Class X or Class I Felony. The sentence for drug induced homicide is that of ..is that for a Class X Felony except that the minimum mandatory prison sentence

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is required to be 15 years. And as you know, what we have had is an awful amount of problems with drugs, the sale of drugs and a lot of deaths as a result of drugs and I believe that this piece of legislation would answer some of the problems that we have had, and I ask for its passage."

Speaker McPike: "Representative Countryman rises in opposition to the Bill."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think it's important that you understand what this Bill does. This Bill creates a new offense called drug induced homicide. But it's inartfully written and probably will cause nothing but Constitutional problems in the courts. Its unclear. It also requires, as I understand it as amended, the Secretary of State to revoke the drivers license for anyone, who, while operating a motor vehicle was arrested for and subsequently convicted of illegal possession of five or more grams of a controlled substance or thirty grams or more of cannabis without regards to whether or not they were under the influence of such drugs. It also is inartfully written and technically deficient, points which I raised yesterday when we ..when we got to the Amendments. The difficulties with this Bill, supposed by the Illinois Bar Association and Chicago Bar Association... the difficulties with the Bill include the fact that it only punishes the last man in the chain of drug delivery. It's not accurate as to what the delivery is and if somebody dies as a result of that delivery, what person it is that dies and how the cause of death could be related. In essence, could the cause of death have been from some other reason other than ...other than the drugs that were delivered. In essence, it means delivery imposes absolutely strict criminal liability concept which has been unheard of otherwise. I'm not opposed in many instances to

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be..becoming tough on drug dealers. Generally, I stand in support of those, and I've taken some heat for some of those positions. But this is a bad law, bad legislation and isn't drafted accurately and it's unconstitutional and will do nothing but create problems, cost us money as taxpayers and I urge you to vote 'no'."

Speaker McPike: "Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 62 'ayes', 42 'nos'. Representative Countryman."

Countryman: "Request for a verification."

Speaker McPike: "The Gentleman has requested a verification. Poll the absentees."

Clerk O'Brien: "Poll of those not voting, Berrios. Frederick. Huff. Laurino. Matijevich. Satterthwaite. And Stern."

Speaker McPike: "Poll the affirmative please."

Clerk O'Brien: "Ackerman. Barger. Barnes. Black. Braun. Breslin. Brunsvold. Bugielski. Capparelli. Churchill. Curran. Daley. DeJaegher. DeLeo. Doederlein. Farley. Flinn. Flowers. Giglio. Giorgi. Goforth. Granberg. Hallock. Hannig. Hartke. Hicks. Jones. Keane. Krska. Kulas. LeFlore. Leverenz. Mautino. McAuliffe. McGann. McNamara. McPike. Mulcahey. Novak. O'Connell. Myron Olson. Panayotovich. W. Peterson. Petka. Pullen. Rea. Rice. Richmond. Ronan. Ropp. Saltsman. Shaw. Terzich. Van Dwyne. Wait. Weaver. Wennlund. White. Williamson. Wolf. Wyvetter Younge. And Mr. Speaker."

Speaker McPike: "Representative Klemm changes from 'no' to 'aye'. Representative Countryman."

Countryman: "Representative Richmond."

Speaker McPike: "No, no, excuse me, Representative Klemm. Klemm from 'no' to 'aye'. Representative Steczo, 'aye'."

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Proceed, Mr. Clerk. I'm sorry. Proceed, Representative Countryman."

Countryman: "Representative Richmond."

Speaker McPike: "Representative Richmond. Is the gentleman here? Remove him from the roll."

Countryman: "Representative Davis."

Speaker McPike: "Who?"

Countryman: "Davis."

Speaker McPike: "Representative Davis. She's voting 'no'."

Countryman: "Representative Myron Olson."

Speaker McPike: "Representative Olson's here."

Countryman: "Representative Capparelli."

Speaker McPike: "Representative Capparelli. He's here."

Countryman: "Oh, he came over on our side. Okay. Representative DeJaegher."

Speaker McPike: "Representative DeJaegher. Mr. DeJaegher here? Yeah, he's here."

Countryman: "He is?"

Speaker McPike: "Oh wait a minute somebody's pointing. Where is Mr. DeJaegher? There he is, back in the back. Back by Mautino."

Countryman: "Representative Farley."

Speaker McPike: "Representative Farley's here."

Countryman: "Terzich."

Speaker McPike: "Representative Terzich. Representative Terzich. Remove him from the roll."

Countryman: "Giglio. Representative Giglio."

Speaker McPike: "Representative DeLeo."

Countryman: "No, Giglio."

Speaker McPike: "Representative Giglio is here."

Countryman: "I thought I asked about DeLeo and you said he was here but I didn't see him."

Speaker McPike: "No, Representative Giglio is here."

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Representative DeLeo, Representative DeLeo. Remove Representative DeLeo. Representative Stephens changes from 'no' to 'aye'. Representative Tate changes from 'no' to 'aye'. Representative Hasara changes from 'no' to 'aye'. Representative Cowlshaw votes 'aye'. Representative Davis. Representative Davis votes 'aye'."

Countryman: "Representative Rea."

Speaker McPike: "Representative Rea. Jim Rea. Remove him from the roll. Representative Frederick votes 'aye'. Representative Deuchler votes 'aye'. Representative Phelps vote 'aye'."

Countryman: "I seem to be peddling backwards."

Speaker McPike: "Yeah."

Countryman: "I'll withdraw the verification."

Speaker McPike: "Okay, on this Bill there are 68, Representative Hensel votes 'aye'. Representative Wojcik 'aye'. Representative Turner 'aye'. No. Representative Turner."

Turner: "Mr. Speaker, in my 7 years, this is the first time on a verification I've watched a vote go up on a particular Bill, and I think that Representative Shaw should be commended for his actions."

Speaker McPike: "Did you vote 'aye'? No, Representative Turner votes 'no.' Any other changes? On this Bill there are 70 'ayes', 33 'nos', 4 voting 'present'. House Bill 4125, having received a Constitutional Majority is hereby declared passed. House Bill 3331, Representative Granberg. Read the Bill."

Clerk O'Brien: "House Bill 3331, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill."

Speaker McPike: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. House Bill 3331 is the last in the package of 10 Bills that deal with child abuse and child protection. Essentially, House Bill 3331 does two

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things. It codifies the standards which a court much use in determining whether the witness is competent to testify. Under this Bill everyone, irrespective of age, is qualified to be a witness, given certain criteria. Secondly, the Bill provides that for a statutory exception to the evidentiary hearsay rule which applies to certain statements made by a child under thirteen years of age. Under the Amendment, the statement is admissible in civil cases beginning with child abuse upon certain conditions which may occur. I'd answer any questions."

Speaker McPike: "Does anyone rise in opposition to the Bill? Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Representative Farley..Have all voted who wish? The Clerk will take the record. On this Bill there is 109 'ayes', no 'nays', 3 voting 'present'. House Bill 3331, having received a Constitutional Majority is hereby declared passed. House Bill 4191, Representative Phelps. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4191, a Bill for an Act to amend an Act in relation to powers and duties of certain state agencies. Third Reading of the Bill."

Speaker McPike: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Amendments that went on this Bill became the Bill and we debated it quite a bit yesterday. Simply House Bill 4191 delays the effective date of the All Terrain Vehicle Act that we passed last year too prematurely, actually, and so now we've got some time to have some public hearings and input from the State and I ask your 'aye' vote."

Speaker McPike: "Representative Ropp in opposition to the Bill."

Ropp: "Thank you, Mr. Speaker, Members of the House. I stand in

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opposition because, for those of you who are somewhat anti-all-terrain vehicles thinking that those little rascals run all over the country that there is no control, that there is no preparation for young people driving on it. By supporting this you will say that you support them running all over. The Amendment and the fact that we are attempting to make legislation which will continue to become effective October 1. places in statute a program of training, a program of establishing trails and really doing a good job or at least beginning that process is what we are attempting to do. And this will just prolong it by one more year and I think, in the best interest of the health and safety and the welfare of young people, we ought not to defer it one more year."

Speaker McPike: "The question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 89 'ayes', 19 'nos', 3 voting 'present'. House Bill 4191, having received the Constitutional Majority is hereby declared passed. House Bill 3982, Representative Ewing. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3982, a Bill for an Act in relation to enterprise zone and tax exemptions. Third Reading of the Bill."

Speaker McPike: "Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. This is the JCAR cleanup Bill and the Department of Commerce Community Affairs has put this Bill in so it sets standards for judging when a company is entitled to benefits under programs... under the Utility Tax Exemption Program. JCAR... they're doing this now, but JCAR thought it should be in the statute and I would ask for your favorable consideration."

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Speaker McPike: "Does anyone stand in opposition to the Bill? Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 110 'ayes' and no 'nays'. House Bill 3982, having received a Constitutional Majority is hereby declared passed. House Bill 3683, Representative Levin. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3683, a Bill for an Act to Amend the Illinois Chemical Safety Act. Third Reading of the Bill."

Speaker McPike: "Representative Levin."

Levin: "Leave to bring it back to Second for an Agreed Amendment."

Speaker McPike: "Gentleman asks leave to return the Bill to Second Reading. Leave is granted. The Bill is on Second Reading. Any Amendments?"

Clerk O'Brien: "Floor Amendment #5, off..#4, offered by Representative Levin."

Speaker McPike: "Representative Levin."

Levin: "This is the Amendment I made reference to when this Bill was on Second Reading before. It makes it an agreed Bill. It was negotiated with the Chamber of Commerce, the Chemical Industries Council, EPA and other groups. I just ask for its adoption."

Speaker McPike: "Any opposition to the Amendment? Question is, 'Shall the Amendment be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Gentleman ask leave to use Attendance Roll Call so the Bill could be heard on the..to waive the rule so the Bill could be heard on Third Reading at this time. Any objections? Hearing none. Read the

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Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3683, a Bill for an Act to amend Sections of the Illinois Chemical Safety Act. Third Reading of the Bill."

Speaker McPike: "Representative Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As I indicated in presentation of the previous Amendment with the Amendment on this Bill as a result of negotiations, it's supported by the Chemical Industry Council, negotiated with EPA, Environmental Groups, Chamber of Commerce. It's got...it limits the chemical.. the definition of chemical to make it more consistent with the Federal Law, it also does provide for the opportunity for some up front reviews. Got something in it both for the environmentalist and for industry."

Speaker McPike: "Does anyone rise in opposition to this Bill? Representative Peterson, do you?"

Peterson: "Yes."

Speaker McPike: "Yes, proceed, Sir."

Peterson: "Thank you, Mr. Speaker, I'd like to ask the Sponsor if he would yield for a question?"

Speaker McPike: "Yes."

Peterson: "Representative, what's the cost? I understand it as to... will be required to have a cost under this. Has that been taken care of?"

Levin: "Yes, Representative, there initially were two fiscal notes. One was from EPA that said there would be no cost. There was a second fiscal note from ESDA that said there would be a cost. Their concern was that, you know, that farmers would be included in the Bill. Amendment #4 excludes the farmers, that's out."

Peterson: "So there will be no cost to ESDA."

Levin: "That's correct."

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Peterson: "Thank you."

Speaker McPike: "Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Representative Hultgren, I believe you have Mr. Black's light on. Have all voted? Have all voted who wish? Take the record. On this Bill there are 109 'ayes', 2 'nos', none voting 'present'. House Bill 3683, having received a Constitutional Majority is hereby declared passed. House Bill 600, Representative Bowman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 600, a Bill for an Act in relation to criminal justice. Third Reading of the Bill."

Speaker McPike: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Victims Rights Bill. It contains only about 3 or 4 basic provisions. Very simply, one provides for confidentiality of statements made during the course of therapy, a second provides for immediate review by the judge at the request of a victim of the State's Attorney's denial victim information is the status of the investigation. And also it requires the judge not to impose a sentence in a case involving death until a relative has been given a chance to make a statement. I move for its passage."

Speaker McPike: "Anyone rise in opposition? Representative Piel."

Piel: "Just to notify the Clerk, we've got the wrong title on the board."

Speaker McPike: "Thank you, Representative Piel. Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed voted 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 108 'ayes', 1 'no', 1 voting 'present'. House Bill 600, having

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received a Constitutional Majority is hereby declared passed. House Bill 3370, Representative Kirkland. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3370, a Bill for an Act in relation to Home Detention and Incarceration. Third Reading of the Bill."

Speaker McPike: "Representative Kirkland."

Kirkland: "I ask leave to take the Bill back to Second Reading."

Speaker McPike: "Gentleman asks leave to return it to Second Reading. Hearing no objections, leave is granted. Bill is on Second Reading. Are there any Amendments?"

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

Speaker McPike: "Representative Kirkland."

Kirkland: "Table Amendment #2, please."

Speaker McPike: "The Gentleman tables the Amendment. Further Amendments?"

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

Speaker McPike: "Representative Kirkland."

Kirkland: "Thank you. Amendment #3 becomes the Bill but just make some changes in the original Bill rather than changing it entirely. It takes out the six month time limits on use of electronic monitoring devices in home incarceration situations. Instead of prohibiting certain types of devices from being used, it only indicates that if certain ones...certain types of devices are used, there has to be permission by the... consent from the defendant and all those living in the home. It just makes some technical changes."

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

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Clerk O'Brien: "No Further Amendments."

Speaker McPike: "Third Reading. Gentleman asks leave to use the Attendance Roll Call so Bill could be heard on Third Reading at this time. Leave is granted. Read the Bill."

Clerk O'Brien: "House Bill 3370, a Bill for an Act in relation to Home Detention and Incarceration. Third Reading of the Bill."

Speaker McPike: "Representative Kirkland."

Kirkland: "Thank you, the Bill just puts into the statute's authorization for using electronic monitoring devices in home incarceration situations in conditions for giving bail and probation and conditional discharge in cases of periodic imprisonment. It doesn't..it does not change the cases in which probation...in which all of those bail, probation and so forth, can be given under the current law."

Speaker McPike: "Does anyone rise in opposition to the Gentleman's Bill? Question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 109 'ayes', no 'nays', 2 voting 'present'. House Bill 3370, having received a Constitutional Majority is hereby declared passed. House Bill 1816, page 4 of the Calendar, Representative Martinez. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1816, a Bill for an Act in relation to Malpractice and Health Profession Licensure. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Martinez."

Martinez: "Thank you, Mr. Speaker, Members of the House. The

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Amendment provides that the Department of Professional Regulation may issue a license without an examination of out of state doctors if upon application for said license, the applicant discloses all malpractice judgments against him and all settlements of malpractice actions in which the applicant was the defendant and which provided for the payment to the plaintiff of ten thousand dollars or more. And this Amendment makes violation of this provision a reason for discipline of a doctor."

Speaker McPike: "Question is, 'Shall the Amendment be adopted?' On that, Representative Daniels."

Daniels: "Just trying to understand this Amendment that the Gentleman... 14 page Amendment that he's presenting. As I understand the Bill itself...will the Gentleman yield?"

Speaker McPike: "Yes, he will."

Daniels: "...the Bill itself applied to out of state health professionals, licensed, and the question was when they applied from out of state to in state that they have to disclose any malpractice judgments or settlements. Is that correct, the underlying Bill?"

Martinez: "Yes. That's true."

Daniels: "Now, the Amendment, how does the Amendment differ from that?"

Martinez: "The Amendment only affects the Medical Practice Act."

Daniels: "So the Amendment would require anyone applying for a license to disclose any of the judgments. Would that be in state as well on renewal of licenses?"

Martinez: "It's a provision for obtaining the license that they declare all their judgments."

Daniels: "Including the in state as well?"

Martinez: "If they're coming in from out of state."

Daniels: "Have you had occasion to have a discussion with anyone about this Amendment from the medical society?"

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Martinez: "I've discussed it with the department that regulates this agency and they had no..."

Daniels: "And they what? That's right."

Martinez: "Can we take this out of the record?"

Speaker McPike: "The Gentleman takes the Bill out of the record."

Daniels: "Thank you, Gary."

Speaker McPike: "Representative... House Bill...House Bill 2905, Representative Leverenz. Wait a minute, Mr. Clerk. Proceed. Proceed."

Clerk O'Brien: "House Bill 2905, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill."

Speaker McPike: "Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker. House Bill 2905 would prohibit the Commerce Commission from approving any rate structure for electric rate, structures which would establish different rates for summer than for winter consumption. I'd ask for your 'aye' vote to pass the Bill."

Speaker McPike: "The question...does anyone stand in opposition to this Bill? Representative Olson."

Olson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Representative Leverenz, there is a House Bill 2903 that was in a similar vein. How would that differ? Are you familiar with 2903? It dealt with exactly the same issue, I'm just curious about the...the 2905 coming in within a day or two."

Leverenz: "They differ by two numbers and there will be a small Amendment on this in the Senate to take care of a situation with utilities where there is not a differential more than three or four sentences."

Olson: "Thank you very much."

Speaker McPike: "Representative Daniels, do you rise in opposition to the Bill?"

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Daniels: "Yes, I do."

Speaker McPike: "Proceed, Sir."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2905 which comes at a rather late date of our passage question right now relating to the summer/winter rate differential would interject the General Assembly into the utility ratemaking arena. This function rests with the Illinois Commerce Commission which is charged by law with the responsibility for setting rates and has the technical expertise to deal with such issues. Both Illinois Power and Common Wealth Edison have proposed plans to reduce the seasonal differential and the ICC has indicated its willingness to eliminate or severely limit the differential. The General Assembly, in my opinion, should allow the Illinois Commerce Commission to do its job and should reject the attempt at legislative ratemaking such as embodied in House Bill 2905. Unfortunately, actions of this nature which some claim are done with good intentions do not come out as resulting with good intentions for it costs more to generate power in the summer because the demand for power usually exceeds the amount of power demand in the winter. And what happens is that, due to the summer rates, we are able to spread that out somewhat. I think that we make a great mistake if we interject our legislative action and then substitute that for action of people that are trained in the area and have a full understanding and we do a disservice to this consumer in the name of trying to present to them an alternative and I would suggest we oppose this legislation."

Speaker McPike: "The question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Representative Hoffman to explain his vote."

Hoffman: "Mr. Speaker, I was just going to request a verification

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if this gets over the requisite number of votes."

Speaker McPike: "Representative Cullerton."

Cullerton: "Mr. Speaker, pursuant to the rules, I demand a verification."

Speaker McPike: "Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. Mr. Hoffman, do you persist? Do you persist? On this Bill...you withdraw your request for a verification and Kubik votes, Representative Kubik votes 'aye'. Representative McAuliffe votes 'aye' and Representative Panayotovich votes 'aye' and Representative Stange votes 'aye', Representative Didrickson votes 'aye' and Representative Harris votes 'aye' and Representative Parke votes 'aye'. Representative Olson votes 'aye'. Representative Wait votes 'aye'. Representative Frederick votes 'aye'. Representative Kirkland and Representative Slater both would like to vote 'aye'. Representative Parcells would like to vote 'aye' and Representative Wojcik and Representative Hensel and Representative Doederlein would like to vote 'aye'. Representative Bill Peterson would like to vote 'aye' and Representative Barger and Representative Weaver would like to vote 'aye'. Representative Bowman."

Bowman: "I've never understood, why do people vote one way and then change their votes all the time?"

Speaker McPike: "Check with Representative McCracken on that. Representative Flinn would like to vote 'aye'. Anyone else like to change? On this Bill there are 90 'ayes', 17 'nos', 6 voting 'present'. House Bill 2905 having received a Constitutional Majority is hereby declared passed. House Bill 2907, Representative Leverenz."

Clerk Leone: "House Bill 2907, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill."

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Speaker McPike: "Take this out of the record, please. Representative Levin on House Bill 3685. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3685, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill."

Speaker McPike: "Representative Levin."

Levin: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. In 1973 I was involved in a case in the Illinois Supreme Court that reversed a forty two million dollar Illinois Bell rate increase. That case was remanded to the Commerce Commission, sat around the Commerce Commission for ten years with no action and ultimately went back up to the Supreme Court and resulted in a decision last June, came down again, and it's still waiting for a resolution. What House Bill 3685 does is to simply require for the future that where a case is remanded from the courts to the Commerce Commission that in most circumstances, the Commission Act to resolve that matter within six months and under certain circumstances, up to one year. I simply ask for the passage of this Bill. It's been agreed to with the commission. I know of no opposition to it."

Speaker McPike: "Does anyone want to rise in opposition to the Bill? The question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 113 'ayes' and no 'nays'. House Bill 3685 having received a Constitutional Majority is hereby declared passed. Returning to House Bill 2907, Representative Leverenz. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2907, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill."

Speaker McPike: "Representative Levin...Leverenz."

Leverenz: "Nice going, Speaker. Leave to take it back to

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Second?"

Speaker McPike: "The Gentleman asks leave to use the Attendance Roll Call...leave is granted. The Bill's on Second Reading. Are there any Amendments?"

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

Speaker McPike: "Representative Leverenz."

Leverenz: "The Amendment would provide that the ICC could prescribe rules and regulations to control messengers and I would move for the adoption of Amendment #1."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1. Is there any discussion? The question is, 'Shall the Amendment 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. The Gentleman asks leave to use the Attendance Roll Call so the Bill could be heard on Third Reading at this time. There are no objections, leave is granted. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2907, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill."

Speaker McPike: "Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker. The Bill, now, would provide the ICC the ability to implement rules to control messenger services. I would ask for your 'aye' vote to pass the Bill."

Speaker McPike: "Any opposition? The question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 104 'ayes', 3 'nos', 3 voting 'present'. House Bill 2907 having received a Constitutional Majority is hereby declared passed. House

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Bill 3926, Representative Barnes. Read the Bill, Mr. Clerk."

Clerk Leone: "On page 4 of the Calendar on the Order of Second Reading, House Bill 3926, a Bill for an Act to amend the Revenue Act. It's been read a second time previously. Amendment #1 was adopted in committee."

Speaker McPike: "Representative Barnes. Pardon? Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #2, offered by Representative Barnes and McCracken."

Speaker McPike: "Representative Barnes."

Barnes: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #2 merely corrects a drafting error in Amendment #1. It clarifies that the Bill only applies to DuPage county."

Speaker McPike: "Repre...the Lady moves for the adoption of the Amendment. On that, Representative Cullerton."

Cullerton: "So this Bill only benefits DuPage county."

Barnes: "That is correct, Representative Cullerton."

Cullerton: "And this provides for... what... \$3,000 a year for additional compensation?"

Barnes: "No. No, no, no, no. That was the Bill that was introduced last session. That's not what this Bill is all about, Representative Cullerton."

Cullerton: "Is it what...is it what it started out to be?"

Barnes: "It started out to be that, yes."

Cullerton: "This is the one that talks about when they can submit the assessment books, is that correct?"

Barnes: "That is correct, Representative Cullerton."

Cullerton: "Alright. Okay. Fine. Thank you."

Speaker McPike: "Are you finished, Representative Cullerton? The

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question is, 'Shall the Amendment 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. The Lady asks leave to use...has this Bill been read a second time previously, Mr. Clerk?"

Clerk Leone: "The Bill was read a second time on a previous day."

Speaker McPike: "Thank you. The Lady asks leave to use the Attendance Roll Call so the Bill can be heard on Third Reading at this time. Leave is granted. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3926, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker McPike: "Representative Barnes."

Representative Barnes: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. What House Bill 3926 does, it addresses if a township or multi-township assessor does not return his assessment book or workbooks on or before November 15 for the year for which the assessment is made, the supervisor of assessments may take possession of the assessment books or workbooks and complete the assessments pursuant to law. The reason for this Bill was some of them were holding the books for ten months after the deadline and it caused many problems. I would ask for an 'aye' vote on House Bill 3926."

Speaker McPike: "Does anyone rise in opposition? The question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk, take the record, Mr. Clerk. On this Bill there are 106 'ayes', 2 'nos', and 3 voting 'present'. House Bill 3926 having received a Constitutional Majority is hereby declared passed. House Bill 3687, Representative Granberg. It's on...that's on consent."

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Representative...Mr. Clerk, the Bill's on...on consent.
House Bill 2929, Representative McGann. Read the Bill, Mr.
Clerk."

Clerk Leone: "House Bill 2929, a Bill for an Act to amend an Act
codifying the powers and duties of the Department of Mental
Health. Third Reading of the Bill."

Speaker McPike: "Representative McGann."

McGann: "Thank you, Mr. Speaker and Members of the Assembly.
House Bill 2929, sponsored by Representative Ryder and
myself deals with the staffing requirements in the
developmental centers in the State of Illinois. It's not a
new mandate. It just requires the department to prescribe
staffing guidelines for the planning and budgeting. This
comes as a result of the Governor's task force on the
future of mental health in Illinois which found that this
crowding and poor quality of care was quite prevalent in
the state and therefore this Bill comes from that area.
We'd ask passage of it. I believe we have agreements here
in House Bill 2929."

Speaker McPike: "Anyone rise in opposition? The question is,
'Shall this Bill pass?' All in favor vote 'aye', opposed
vote 'no'. Have all voted? Have all voted who wish? The
Clerk will take the record. On this Bill there are 111
'ayes', no 'nays'. House Bill 2929 having received a
Constitutional Majority is hereby declared passed. House
Bill 3706, Representative Curran. Read the Bill, Mr.
Clerk."

Clerk Leone: "On page 15 of the Calendar, House Bill 3706, a Bill
for an Act to Amend the Mobile Home Landlord and Tenants
Right...Rights Act. Third Reading of the Bill."

Speaker McPike: "Representative Curran."

Curran: "Thank you, Mr. Speaker. This Bill prevents a mobile
home park owner from forcing a tenant to buy a mobile home

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from him in order to put it in the park and it also limits the amount that the mobile home park owner can charge for an inspection fee which we set up last year. It makes that inspection fee no more than \$50 for about 15 minutes works. I ask for a favorable roll call."

Speaker McPike: "Any opposition to the Bill? The question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there's 103 'ayes', 6 'nos', 2 voting 'present'. House Bill 3706 having received a Constitutional Majority is hereby declared passed. Rep...House Bill 3602, Representative Jones. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3602, a Bill for an Act to amend the State Employees Insurance Group Act. Third Reading of the Bill."

Speaker McPike: "Representative Jones."

Jones: "Mr. Speaker and Members of the House, House Bill 3602 amends the State Employees Group Insurance Act to give state employees the right to cover their children born out of wedlock on their health and life insurance plans to the same extent as they can currently cover their children born of wedlock. House Bill...House Bill 3602 allows male state employees to cover their out of wedlock children, even if the children do not live with them, once paternity is established. House Bill 32 merely conforms Illinois' law to the requirements of the Constitution. I ask for a favorable vote."

Speaker McPike: "Does anyone stand in opposition to the Lady's Bill? Representative Daniels."

Daniels: "The Gentleman yield?"

Speaker McPike: "The Lady will yield."

Daniels: "Excuse me, the Lady will yield. I looked at Cullerton,

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I thought it was the Gentleman. What's the cost connected with this Bill?"

Jones: "I've asked for...I've asked...I've asked the MS for a cost and they have not given me one, but I...they did tell me it was a very, very low cost. In fact...in fact, I'm trying to look for the exact..."

Daniels: "Just several million, huh?"

Jones: "No. No, it wasn't. They didn't...they wouldn't even give me the amount because it was something like...if there was a cost, it was like \$17 per. They...they said it was a very nominal cost."

Daniels: "So as I understand, under this Bill, that if it passed and became law that an illegitimate child would be eligible for dependent coverage and all that would require would be that a father or alleged father would have to acknowledge that the child is his or hers and then it would...this child would be covered under the insurance."

Jones: "Absolutely. It's...it's only on acknowledgement, that the father acknowledge parentage."

Daniels: "The idea certainly may have some merit and should be discussed at a time when I think our revenue picture in the state is a little better than it is. Because of that and because of the fact that we are currently in a discussion of the reform of the Chicago School System, we're currently in a discussion of improvement of our mental health system, I don't think that we can be added to our state costs in our insurance program. For that reason, along with the Department of Central Management and the administration, I would oppose this Bill."

Speaker McPike: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', opposed vote 'no'. Representative Cullerton to explain his vote."

Cullerton: "Yes, Mr. Speaker, I...the Bill was amended by a

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McCracken Amendment, Amendment #1. I think that it became a much better Bill as a result of that and I would appreciate an 'aye' vote and if the Bill does get enough votes, I would ask for and demand a verification."

Speaker McPike: "Representative McAuliffe."

McAuliffe: "To explain my 'no' vote. Recently the City of Chicago just verified all the people, all the dependents who are on the city's health plan and there was one police officer that had 24 children on the health plan and he was never married, so this could cost a lot of money."

Speaker McPike: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. Certainly the Legislature should not get involved in the business of perpetuating illegitimacy. If anything, this Bill ought to have been changed which would have said, should they get together, become married, establish a home, build a good, solid relationship, then we would consider paying for the insurance."

Speaker McPike: "Representative Braun."

Braun: "Thank you, Mr. Speaker. You know, a glass can be half empty and half full and I think you misapprehend and misconstrued this issue. It's not just a matter of illegitimate children going on...on insurance policies. The other side of that is if they will then, if they're not on insurance, they'll have to be paid for by medicaid which...in which case you'll not only get a chance to pay for it directly, but the cost to the GRF will be much greater than through a private system of insurance. The question is, 'How do you provide health care, how do you provide for insurance services for children?' And if those children are illegitimate or legitimate, if they're covered in the private sector, it's of less cost to the State of Illinois than if they're covered by our General Revenue

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Funds. That's why this is an important piece of legislation and I would encourage your support. If you're interested in cost, this is a way to save the state money, not cost the state money. And I think, I would suggest that you look at the issue as how much those 24 children that Representative McAuliffe mentioned would cost if the public aid budget paid for their insurance. That's the issue here."

Speaker McPike: "Have all voted? Representative Williams."

Williams: "To concur with Representative Braun, I also should think that we just passed today a Bill, if I'm correct, that allow for parents to...let me get my mind straight, here...this particular Bill here, what it does is not only that it...but it's like when you...when we don't pick up the cost of these children one way or the other, I think that the parent pays out of his pocket for the cost of their insurance and even though there may be additional cost involved, this is a good piece of legislation. It involves making people responsible for their own children as opposed to making the state and I think we should give this a good chance and look at this closer. Thank you."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 48 'ayes', 56 'nos'. This Bill having failed to receive a Constitutional Amendment, House Bill 3602 is declared lost. House Bill 2426, Representative Wolf. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2426, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

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Speaker McPike: "Representative Cullerton, Amendment #1."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The Bill, as...as drafted, is not an agreed Bill. The Amendment makes the Bill a shell Bill so that the negotiations can continue on this particular issue. I would move the adoption of the Amendment."

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

Daniels: "Am I correct in understanding from the Gentleman that what he wants to do is return this Bill to the current law?"

Speaker McPike: "Representative Cullerton."

Cullerton: "With the Amendment, yes."

Daniels: "So, the Amendment just verifies the current law."

Cullerton: "Right."

Daniels: "Then we don't need the Bill."

Cullerton: "No, because..."

Daniels: "The current law is already in existence so if you're going to do that, then why do we need the Bill?"

Cullerton: "Because it would be a shell Bill, be a vehicle."

Daniels: "For what purpose?"

Cullerton: "Well, there's...negotiations going on with the University of Illinois Board of Trustees, the Governor's Office, and the...unions representing the community teachers in the community college and higher education institutions. We've had negotiations with them and the...we have not reached an agreement. The Bill, if we were to pass the Bill, would be..."

Daniels: "Meaningless. It would be meaningless. 4213 and 4214, are you familiar with those Bills?"

Cullerton: "Right."

Daniels: "Shell Bills?"

Cullerton: "Right."

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Daniels: "That are in the Senate that you said the same thing on.

How many of these shells do you want running around?"

Cullerton: "Well, it's just that this Bill was put in' at the...at the request of the unions and I think what they wanted to do was to make sure that we weren't going to kill this concept so that's why we're trying to..."

Daniels: "Well, I just..."

Cullerton: "...it amends the proper pension systems. I'm just trying to make a shell Bill. That's what the Amendment does."

Daniels: "Frankly, I'm going to support your Amendment and oppose the Bill. The reason I'm going to do that is because once the Amendment is in the form it is, then we can oppose the Bill because it makes no sense anymore, but we can do that with the recognition that the shell Bill, the purpose that you want to do is mess around with the Pension Code and the membership on the board of trustees at the University of Illinois which seems to me to be a Bill that you're setting up in a hostile form to the University of Illinois, to the retirement system and one that can play some havoc with it. So, that's why we should probably accept your Amendment and oppose the Bill."

Speaker McPike: "The question is, 'Shall Amendment number...Representative Wolf."

Wolf: "Mr. Speaker, take the Bill out of the record."

Speaker McPike: "Take the Bill out of the record. House Bill 3498, Representative...Representative O'Connell. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3498, a Bill for an Act to amend the Juvenile Court Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

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O'Connell."

Speaker McPike: "Representative O'Connell."

O'Connell: "This is a technical Amendment, Mr. Speaker, it was suggested by DCFS."

Speaker McPike: "Any opposition to the Amendment? The question is, 'Shall the Amendment 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 McCracken."

Speaker McPike: "Representative McCracken, Amendment #2. Mr. McCracken here? Representative Daniels."

Daniels: "Amendment #2 amends the Juvenile Court Act providing that each county board shall appropriate or budget a reasonable sum for payments for the care and support of minors and for payments for court appointed council, an amount which in the judgment of the county board may be needed for the purpose."

Speaker McPike: "Any opposition to the Amendment? 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: "Floor Amendment #3, offered by Representative O'Connell."

Speaker McPike: "Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker. The Bill provides...it defines a minor to be 13 years. The Amendment changes the age limit to 10 years and older. It also provides proposal to prevent the removal of a minor from his natural family. The Amendment has been submitted by the Juvenile Justice Commission."

Speaker McPike: "Does anybody rise in opposition to the Amendment? The question is, 'Shall Amendment #3 be

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adopted?' All in favor say 'aye', opposed 'no'.
Representative Daniels."

Daniels: "I...I think, Representative O'Connell, that #3 may be
out of order and #4 may be correct. That's what my staff
is...we do that just to make sure that you have your Bill
in the order that you want it. I think you want to have
Amendment #4."

Speaker McPike: "Representative O'Connell."

O'Connell: "Mr. Speaker, withdraw Amendment #3."

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

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

Speaker McPike: "Representative O'Connell."

O'Connell: "Amendment #4 makes further technical changes to the
Bill."

Speaker McPike: "The Gentleman moves for the adoption of
Amendment #4. 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. The Gentleman asks leave to use
the Attendance Roll so the Bill can be heard on Third
Reading at this time. Any objections? Hearing none, leave
is granted. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3498, a Bill for an Act to amend
Sections of the Juvenile Court Act. Third Reading of the
Bill."

Speaker McPike: "Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker. The Bill now provides a
con..it conforms with the...the Juvenile Justice and
Delinquency Prevention Act of 1980. It could subject
failure to comply with the guidelines that the federal

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congress has set forth, could subject to the loss of some two million dollars to the agencies that are...are complying...are providing detention facilities for juveniles in the state. It's needed in order to comply with the federal guidelines. I'd ask for it's favorable adoption."

Speaker McPike: "Does anyone rise in opposition to the Bill? Mr. Ropp, do you?"

Ropp: "Yes, Sir."

Speaker McPike: "Proceed."

Ropp: "Thank you, Mr. Speaker. It's my understanding that this Bill continues to state that a juvenile cannot stay in a county jail for more than six hours and if that is still the case, I don't think there is a sheriff in the State of Illinois that is going to appreciate that because they just don't have the staffing in order to move people around as this Bill particularly says and I urge a 'no' vote."

Speaker McPike: "The question is, 'Shall this Bill pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 80...there are 91 'ayes', 10 'nos', 2 voting 'present'. House Bill 3498, having received a Constitutional Majority is hereby declared passed. House Bill 3873, Representative Breslin. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3873, a Bill for an Act to amend the Hospital Licensing Act. Third Reading of the Bill."

Speaker McPike: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, this Bill allows medicare patients to be given a 24 hour advance notice of discharge by the hospital and it applies only to medicare patients. In particular, it allows them to have time to know that they are being discharged and at the same

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time know what kind of discharge requirements are going to be required of them once they leave the hospital. This Bill was brought to me by groups representing senior citizens who have found that, especially seniors in medicare situations are being discharged from hospitals sicker and quicker than they ever have in the past. We have worked with a variety of groups including the Illinois Hospital Association to amend this notice charge down from 48 hours to 24 hours from the anticipated time of discharge. In knowing that, on occasion, they don't have 24 hours notice. So, through this Amendment, we have limited the time and we have made it from the anticipated time of discharge in the hope that they will better be able to meet the needs of the senior citizens and still give them some advance notice so that they can make arrangements to leave and make arrangements for their own care after hospital stays. I ask for an 'aye' vote."

Speaker Madigan: "Mr. Daniels, shall we have Mr. Ryder stand in opposition? Mr. Ryder in opposition."

Ryder: "Thank you, Mr. Speaker. I rise in reluctant opposition to the issue. It is placing another burden on the hospitals. It's placing another mandate. We're not...we're not paying hospitals today. We're not paying the folks that are providing this service today and yet we're putting another requirement, another mandate, another source of requirements on them. It's reluctant because of the fine Sponsor of the Bill, but I...I think we should oppose it."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye, those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 31 'ayes', 69

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'nos', the Bill fails. Mr....Repre...Speaker Madigan in the Chair. Mr. Clerk, would you adjust the McPike voting switch? The next Bill is House Bill 4165. Representative Braun. Mr. Clerk, read the Bill."

Clerk: "House Bill 4165, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Madigan: "Representative Braun."

Braun: "Thank you, Mr. Speaker. I'll be very brief. This Bill simply codifies what apparently is already practiced within the Department of Public Aid. It says that you cannot deny medicaid...public aid eligibility based on failure to have a residence. It was an issue for the homeless and will put into the statute that which the department is presently doing. Representative Kubik had a Bill like this and we'd like to pass this. Thank you."

Speaker Madigan: "Is there any opposition? Those in favor of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 106 'ayes', 1 person voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. The next Bill is House Bill 3529, Mr. Dunn. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3529..."

Speaker Madigan: "The Members should be advised that...proceed, Mr. Clerk."

Clerk O'Brien: "...A Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Dunn."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The penalty provisions in this Bill are unlimited and there's no probation for anyone in this Bill and I ask for an 'aye' vote."

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Speaker Madigan: "Mr. Daniels in opposition."

Daniels: "According to the Department of Public Aid, the fiscal note on this Bill, the Department of Public Aid estimates the annual cost of this legislation to be as much as 12.1 million dollars. Cost breakdown is as follows: annual cost per increase in extended child care, ten million dollars; annual cost for electronic data processing 550,000 and goes on. None of these funds are included in the department's FY89 budget request. It's inappropriate to be discussing legislation of this nature at a time when we're trying to cut spending in this state, at a time we're facing a crisis in our Chicago school system, facing a crisis in trying to educate our children of Illinois and to meet our current Bills and expenditures. Therefore, I think we should oppose this legislation at this time."

Speaker Madigan: "Mr. Dunn to close."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The purpose of this Bill is to provide child care for people who are eligible...able to get off the welfare rolls. We now provide this service for six months. This would provide this option for them for twelve months. Yes, it does have a cost. But the cost is an investment. We talk a lot around here about getting people off the welfare rolls. Once they get off, if they have children, they have to take them some place. This would provide child care for those people who...who have struggled off the welfare rolls and give them some hope for a future and I hope you will vote 'aye' on this Bill and we'll find the money to pay for this program if we can ever get it in place."

Speaker Madigan: "Those in favor of the Bill signify by voting 'aye', those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have

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all voted who wish? The Clerk shall take the record. On this question there are 31 'ayes', 65 'nos', the Bill fails. The next Bill is House Bill 4215, Representative Pullen. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 4215, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. Third Reading of the Bill."

Speaker Madigan: "Representative Pullen."

Pullen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4215 would remove from the Department of Children and Family Services the authority to investigate situations of so called 'educational neglect'. The Bill is supported by the Department of Children and Family Services because during the last year, there were close to 3,500 educational neglect reports that had to be investigated. Of those, fewer than half were indicated and forwarded to child welfare units for follow up services. The department is very concerned that by having within the definition of neglect, 'educational neglect', their limited resources are diverted from situations of abuse and physical neglect of children. Already in the law on a long standing basis, it has been illegal for parents to withhold their children from school. That is against the School Code and has traditionally been enforced by school authorities. It's called truancy. But in Illinois law in recent years it has been also called educational neglect under the Child Abuse Act so that two different types of agencies are investigating such cases. School authorities who better know what they're doing with this and child welfare agencies who ought to be concerned with abuse of children and physical neglect of children. The department strongly supports this Bill in order to be able to better direct their resources to the situations that the people in

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this state expect the Department of Children and Family Services to be involved in. Nothing in this Bill legalizes withholding children from school. The Bill, I know, has been mischaracterized by some who have talked to some of the Members of this House and I think that's very regretful. I don't know why some people have involved themselves in this issue at this point, but I do know that passing this Bill will be better for the child welfare system, will make it better...will make DCFS better able to enforce the laws that we expect them to enforce, and will not have any effect whatsoever on the law against truancy. I ask and urge passage of House Bill 4215. Thank you."

Speaker Madigan: "We have two Members seeking opposition. I would expect, in opposition. One would be Mr. Bowman, one would be Mr. Mautino. We now have Mr. Martinez seeking recognition. Mr. Mautino will speak in opposition and then we will go to roll call. Mr. Mautino."

Mautino: "Thank you very much, Mr. Speaker. Representative Pullen, I think you've explained it well, but I have a couple of questions in opposition to the Bill as you have drafted. First of all, the provision as it pertains to truancy, which is under the minor in need of supervision, you're taking that language out of this portion of the Bill that's...was just established two years ago. I find it very difficult to support a provision that, in other Sections, as it pertains to truancy and a minor in need of supervision, amends...petition, that you're removing it and you do not make the parent responsible for the student not being in school. Now, I know you're addressing the home schools in this issue, but I think, by what you're doing, you're also going to screw up what's already law and what's already working and is doing an excellent job for that provision of a minor in need of supervision and so

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therefore I stand in opposition to your legislation as presented."

Speaker Madigan: "Those in favor of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Representative Pullen to explain her vote. Have all voted who wish? Representative Pullen."

Pullen: "Thank you. I'm sorry, Sir, that we could not have had a fuller debate on this because I could have told you that you are, I'm sorry, in error. This amends only the Child Abuse Act and that doesn't deal with the minors in need of supervision. It amends only the Child Abuse Act. It does not deal with truancy and truancy is against the law under the School Code and parents are responsible to send their children to school and this does not affect that. It only takes the Department of Children and Family Services out of the enforcement of the law. It still leaves the law intact in every other sense except in the Child Abuse Act itself. It changes it so that...that such parents would still be guilty of truancy, but they would not be guilty of something called 'educational neglect' by which the Department of Children and Family Services is investigating cases that ought to be investigated by school authorities who certainly know better what they're doing than a child welfare case worker who's supposed to be dealing with abuse and physical neglect of children. I'm sorry that this thing has become distorted because of when it was called and because we were not able to have a full debate on it. I think that it's very regretful, regrettable for the children and families of this state that this Bill had to become so confused at this late hour. Thank you."

Speaker Madigan: "Mr. Regan to explain his vote."

Regan: "Thank you, Mr. Speaker and Members of the House. I'm a

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spokesman on the committee and if I'm not mistaken, this Bill came out of the committee with no opposition whatsoever. Due to the fact that to make it very clear, DCFS is overworked with children that are sexually abused, beaten, starved, and killed. They need all the time they can to take care of those children. Truancy belongs in the hands of the school district, not in the hands of DCFS which is already overworked. I'd advise that you support this Bill. It's very important, if Mr. Preston was here, the chairman, he'd tell you the same thing, I'm sure."

Speaker Madigan: "The Clerk shall take the record. On this question, there are 50 'ayes' and 49 'nos'. The Bill fails. The next Bill will be House Bill 3850, Mr. Phelps. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3850, a Bill for an Act to amend an Act to prohibit the purchase and transmission of certain electricity. Third Reading of the Bill."

Speaker Madigan: "Mr. Phelps."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3850 merely prohibits a municipality or any public utility from purchasing hydroelectric power out of the United States. Appreciate your support."

Speaker Madigan: "Those in favor of the Bill vote 'aye', those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 106 'ayes', 3 people voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. The next Bill is House Bill 3392, Mr. McNamara. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3392, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. McNamara."

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McNamara: "Thank you, Mr. Speaker. What this Bill does is it...it provides a minimum level of funding for primary and secondary education. School boards, unions, all people seem to be in favor of this Bill and it requires the budget to fund at a 26.55 percent level. What this does is provide that funding at the 1987 level. It is...it is an average over the last ten years. I urge for its passage because it's very important for all the school boards to know exactly what the dollars are going to get upon the budget presentation. I urge its approval."

Speaker Madigan: "There are two people seeking recognition, Mr. Daniels and Mr. Hoffman. Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to this legislation not because I think we're funding our schools adequately, but because this is another example of the kind of legislation that we sometimes pass as a legislative Body and then at a later point in time realize that we are unwilling or unable to meet the commitments that we make in...verbally or in...substantive legislation and we're unwilling to make the fiscal commitment. If this...if this legislation was in place now, it would require one hundred thirty nine million more than the amount appropriated in the current state budget. How many times have you had people say to you, 'You are not funding the educational legislation to the level that you are required to do at the present time.'? We're not funding categorical aids at the level that we said we would. Take a look at what is happening in our pension systems. Until this Legislature is ready to pay the Bills when the time comes to pay the bills, it makes no sense to pass this kind of legislation. We can't even fool ourselves on this and we sure as the devil are not going to fool the public and it's for that reason that

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it's in all of our benefit to vote this kind of legislation down until we get to the point in time when we're willing to pay for the legislation that we've already passed. We should not pile another financial mandate on top of the mandates that we already are unwilling to fund."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Satterthwaite to explain her vote."

Satterthwaite: "Mr. Speaker and Members of the House, the very fact that there is a fiscal impact that would be imposed by this Bill is a sign that we have not been fulfilling our obligation to education. We have not been making it the priority that it has been in the past and for that reason I think it is a good piece of legislation so that we would keep the priority at least at this level and not expect that education will do with a lesser and lesser portion of our budget each year."

Speaker Madigan: "Mr. Daniels to explain his vote."

Daniels: "First, I think the importance of this issue would dictate the need for a verification for obvious reasons. I think we have to really start talking in terms of what our alternatives are. I want to furnish more money for education. I don't doubt for one minute that so does every Member on this floor. But in talking in terms of legislation like this, in terms of setting forth the 26.63 percent of all funds appropriated from the General Revenue and the Common School Fund, if the provisions of this Bill had been in law during FY88, the elementary/secondary education would have received one hundred thirty nine million dollars more in funds. Now that's fine with me if we have the money, but the issue really that we're dealing

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with right now is the kind of talk that we've heard before. Are we going to tell the people of Illinois that we're for something and not perform on the other side? Are we going to increase taxes? If so, if you're for a tax increase, so be it. Stand up, speak loud, speak clear, and vote for this Bill. And then present your program on how you're going to pay for it and your tax program and your tax increase, because that's what this Bill represents. But on the other hand, if you're for prudent spending, living within our means, keeping our budget within a relative, workable period and you understand that there are other essential funds that are necessary right now for medicaid funding, for the poor, for the elderly, for our children and other areas where they cannot provide for themselves because we don't have enough funds, then you'd better vote 'no' or at least 'present' on this Bill. This, in fact, is something that we cannot afford to do. It's a spending Bill. It's a vote for a tax increase and that's what this vote represents, an increase in taxes and each one of you that are on this and agreeing should come forth with your program and the people of Illinois ought to understand that. And if it..."

Speaker Madigan: "Mr. Daniels.

Daniels: "We'll need a verification if it gets the required number."

Speaker Madigan: "Mr. Dunn to explain his vote."

Dunn: "The general public doesn't really understand a lot about what we do here and we fool them a lot, but this may ultimately be the issue where they...take us to task, because ultimately they're going to be able to discern that we campaigned... that we're going to fund education and come here to Springfield and do something differently and this Bill squarely puts that issue before the general

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public and so I hope they all take this roll call and take a good look at it because a 'yes' vote says you're willing to do your responsi...responsible thing and fund education and a 'no' vote says that what you promised on the campaign trail is nothing more than an empty, hollow promise."

Speaker Madigan: "There are two more people seeking recognition. Could we just go to roll call? The Clerk shall take the record. On this question there are 57 'ayes', 28 'nos'. Mr. McNamara requests a Poll of the Absentees."

Clerk O'Brien: "Poll of those not voting, Berrios. Daley. DeJaegher. DeLeo. Huff. Johnson. Krska. Laurino. Levin. Martinez. Matijevich. McCracken. Stern. Terzich. And White."

Speaker Madigan: "Mr. Clerk...Mr. Clerk. Would you remove the voting switches for those people who are not voting? Mr. McNamara, anything further? There are 57 'ayes', 28 'nos'. The Bill fails. The next Bill shall be House Bill 1333, Mr. Stange. Mr. Clerk, read the Bill. The next Bill is 1333. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1333, a Bill for an Act to amend Sections of the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Stange."

Stange: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1333 gives the courts jurisdiction to consider giving grandparents visitation rights. I urge your 'aye' vote."

Speaker Madigan: "Those in favor of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 81, 82 'ayes', 3 'nos'. This Bill having a received a Constitutional Majority is hereby declared passed. The next Bill will be

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House Bill 3807, Mr. Mulcahey. Mr. Clerk, read the Bill. Mr. Lang. The House Chair recognizes Mr. Lang on House Bill 3807, Mr. Lang."

Lang: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The original Bill on this was a grammatical change only. The guts of the Bill now are Amendments 7 and Amendment 8 which we argued and debated thoroughly yesterday. Amendment 7 is my Amendment dealing with policy simplification and the approval of forms for all insurance policies by the director of insurance. Amendment 8 was Representative O'Connell's Amendment dealing with the printing of a consumer guide for comparative pricing. These are both highly important issues to consumers and I urge your 'aye' vote."

Speaker Madigan: "There are three people seeking recognition. The Clerk informs me that the Bill is on the Order of Second Reading, that the fiscal note has been filed. Mr. Daniels."

Daniels: "The Sponsor of this Bill is...?"

Speaker Madigan: "Mr. Lang."

Daniels: "The Bill is...is Representative Mulcahey on the floor?"

Speaker Madigan: "Mr. Clerk, is there a...is there a document that Mr. Lang is now the Sponsor of the Bill or did you lose that, Tony?"

Clerk Leone: "Representative Lang has filed a...as Cosponsor."

Speaker Madigan: "There is a substitution. Okay. Okay, so the Bill's on Second. The Clerk tells me the fiscal note has been filed so the Bill shall be moved to the Order of Third Reading. Mr. Clerk, has the Bill been read a Third time?"

Clerk Leone: "The Bill has not been read a third time."

Speaker Madigan: "Read the Bill."

Clerk Leone: "House Bill 3807, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

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Speaker Madigan: "Alright, the Bill has been presented by Mr. Lang and in opposition, Mr. Parke."

Parke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Earlier we debated this issue as...when it was in Amendment form. Let me just review for your information what would happen. Amendment 7 would significantly expand the number of policy forms and endorsements which property and casualty insurance companies must file with the department prior to their use. It is difficult to estimate the volume of such filings, but there are over 700 such companies which would be affected at an average of three per company per month would result in 25,000 plus forms needed to be reviewed and approved each year by your...yours and my Department of Insurance. It also appears to require prior approval of any insurance forms used in Illinois whether by a license company, a surplus li...a surplus line company, or self insured plan. With respect to annual consumer guide, the department would be required to prepare, pursuant to Amendment 8, there are approximately 60 companies writing medical supplement policies in Illinois, 320 companies writing home owner and tenant insurance, 350 companies who are writing automobile insurance. Most of these companies have multiple policies and rating plans which would also have to be compared. In its current form, this legislation would require a comparison of each and every one of these policies and result in a voluminous report which would undoubtedly have to be divided into three volumes. It is difficult to estimate how many copies of this report needed to be printed. Our estimated printing costs for approximately one thousand copies and would need to be adjusted by a multiple thereof of each thousand copies which would ultimately be needed. Believe me, Ladies and Gentlemen, we

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do not want our Department of Insurance to be a consumer guide printer. We want them to take care of the responsibilities of the Department of Insurance. Let me just point out that the...the estimated cost, if you put Amendment 7 in place, would be two hundred nineteen thousand dollars annually. To put Amendment #8 in place, it would be three hundred sixty nine thousand dollars annually. You're asking the Department of Insurance to increase their allocations almost six hundred thousand dollars a year. Now, I ask you. Is this really what you want the citizens of Illinois to have to pay for? For those few people that may want to use it, I...I think this is unwise and I ask that we all consider the expenses and how little this information would truly be used. I ask you to vote 'no' on this...legislation."

Speaker Madigan: "Those in favor of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 44 'ayes', 47 'nos'. The Bill fails. The next Bill shall be House Bill 917, Mr. Stange."

Clerk Leone: "On page 22 of the Calendar."

Speaker Madigan: "Mr. Stange."

Stange: "Thank you, Mr. Speaker. House Bill 917, I'd like to reconsider the vote by which this vote...the Bill was lost last week. I urge your 'aye' vote."

Speaker Madigan: "The Gentleman has moved to reconsider the vote by which this Bill failed. The Chair recognizes Mr. Wennlund."

Wennlund: "Thank you, Mr. Speaker. This vote and this Bill were debated extensively on the House Floor. Again, this is a vote against small business. It's going to put small business out of business in Illinois and your corner drug

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store and your corner hardware store and your corner gas station are not going to be able to sell or distribute fire extinguishers. This is a bad Bill for all the reasons that we spent an hour on a week or two ago. I urge your 'no' vote again. It's the same Bill. It's a bad Bill and it should be...defeated."

Speaker Madigan: "Let the record show that the Motion is being made by Representative Brunsvold. Those in favor of the Motion will vote 'aye', those opposed will vote 'no'. Have all voted who wish? This is a Motion to reconsider the vote by which this Bill failed earlier. This will require 60 votes. Have all voted who wish? Have all voted who wish? Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Representative Stange has made a Motion to reconsider the vote. We have an Amendment that will erase...I think, all the objections of the other side of the aisle of people that were opposed to the Bill and put the Bill in good shape and that's why Mr. Stange made the Motion to reconsider the vote."

Speaker Madigan: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 64 'ayes', 34 'nos'. The Motion carries. The vote has been reconsidered. Mr. Clerk, what is the status of this Bill?"

Clerk Leone: "The Bill is on the Order of Third Reading."

Speaker Madigan: "Leave is granted that the Bill shall be placed on the Order of Second Reading. Are there any Amendments?"

Clerk Leone: "Floor Amendment #3 is being offered by Representative Brunsvold and Parcells."

Speaker Madigan: "Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Amendment #3 would remove the word 'sales' and that was one of the main objections that sales was included and this would not apply, then, to

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any retailer who sells fire equipment, extinguishers, and it also removes hydro tests from the class A distributor. This would permit anyone who tests fire extinguisher tanks, but does not service it, from being regulated under this Bill. This would assist any small businesses with less than five employees from reducing license fees from 1,000 to 500 dollars. That's also a problem we had with the Bill. So we're removing that provision, removing the sales and I would ask for the adoption of Amendment #3."

Speaker Madigan: "Those for the Amendment say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Madigan: "Third Reading. Leave is granted to consider the Bill on Third Reading using the Attendance Roll Call. The Amendment is now the Bill. Those for the Bill vote 'aye', those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 78 'ayes', 20 'nos'. This Bill having received a Constitutional Majority is hereby declared passed. The next Bill shall be House Bill 2922, Mr. Martinez. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2922, a Bill for an Act to amend an Act in relationship to qualified court interpreters. Third Reading of the Bill."

Speaker Madigan: "Mr. Martinez."

Martinez: "Thank you, Mr. Speaker and Members of the House. This Bill provides certified interpreters to interpret for criminal defendants and certain individuals in juvenile proceedings who are not capable of understanding the English language or expression in such language so as to be understood by council or court."

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Speaker Madigan: "Mr. Hallock."

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

Speaker Madigan: "The Sponsor yields."

Hallock: "Could you indicate the fiscal impact of this Bill? The cost...what would the cost to the state be?"

Martinez: "I understand it would be about 150,000."

Hallock: "Well, Mr. Speaker and Members of the House, succinctly put, I think it's very clear this is another Bill that's another program the state can't afford right now. It may be a good idea in better times, but I think right now we have to deal with the important pending issues of funding education, mental health and others. And so until we can resolve those issues, I would urge a 'no' vote."

Speaker Madigan: "Those in favor of the Bill signify by voting 'aye', those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 44 'ayes', 51 'nos'. The Bill fails. The next Bill shall be House Bill 2324, Mr. Myron Olson. Mr. Clerk, read the Bill. Myron Olson."

Clerk Leone: "House Bill 2324, a Bill for an Act relating to ownership of fire arms. Third Reading of the Bill."

Speaker Madigan: "Mr. Olson. We're all ready. We're ready."

Olson: "Thank you. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'd like permission to return the Bill back to Second Reading for purposes of an Amendment."

Speaker Madigan: "The Bill shall be placed on the Order of Second Reading. Mr. Clerk, are there any Amendments?"

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

Speaker Madigan: "Mr. Clerk, who is the Sponsor of the Amendment?"

Clerk Leone: "Representative Cullerton."

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Speaker Madigan: "Mr. Cullerton on the Amendment."

Cullerton: "Yes, it's a technical Amendment that was suggested by our staff to clarify the intent of Representative Olson's Bill. I move for its adoption."

Speaker Madigan: "Those for the Amendment say 'aye', those against say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #2, offered by Representatives Mays and Tate."

Speaker Madigan: "Mr. Mays."

Mays: "Thank you very much, Mr. Speaker. Amendment #2 would address a concern on the impact that a particular section could have on a person who filed for a FOID, but didn't...in a timely manner, but did not receive it from the Department of State Police. I would move for its adoption."

Speaker Madigan: "Those for the Amendment say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Madigan: "Third Reading. Leave is granted to consider the Bill on Third Reading using the Attendance Roll Call. Mr. Olson."

Olson: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This is a state police clean up FOID card Bill. You've heard two of the principle Amendments. The other two elements of the Bill exempts tranquilizer guns used by veterinarians and animal control wardens in the performance of their employment and it specifies that the \$5 fee that must accompany a FOID card application is not refundable. And the reason for that is, to refund something, we are vouchered by the comptrollers office up to \$20 per voucher request to refund a \$5 fee."

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Consequently, we would like that removed and we move for passage of the Bill."

Speaker Madigan: "Those in favor of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 102 'ayes', no one voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes Representative Breslin for a Motion."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, I have an agreed Motion. It is that we extend the deadline for House Bill 3871 until June 2nd for further consideration. I've spoken with Representative Daniels and he has agreed to this Motion."

Speaker Madigan: "Mr. Dunn. It's a Motion."

Dunn: "Do we have a moment, then, to look at...see what the Bill does? I don't have any idea what the Bill does."

Speaker Madigan: "Representative Breslin. Would you give a little more information to Representative Dunn?"

Breslin: "Surely. The Bill deals with the internal hiring practices of the Department of Conservation and we are currently working on it, right now, and they have agreed to continue to work."

Speaker Madigan: "The Lady moves that the deadline be extended to June 2nd, 1988 for House Bill 3871. Is there leave? Leave is granted. Mr. Saltsman for a Motion."

Saltsman: "Yes, Mr. Speaker. I have a...I have a Motion filed with House Bill 3308."

Speaker Madigan: "And Mr. Saltsman, have you spoken with the other side?"

Saltsman: "Yes, Representative Tuerk has spoken with leadership and said it's agreed Amendment..."

Speaker Madigan: "Fine. So the Gentleman moves that the deadline

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for House Bill 3308 be extended to the last day of the veto session. Is there leave? Leave is granted. The last Bill shall be House Bill 4262, Mr. Weaver. Mr. Clerk, read the Bill. Mr. Weaver."

Weaver: "Thank you, Mr. Speaker. 4262 is an agency Bill for the Department of Human Rights. It allows them to establish a services fund whereby they can charge admission to some of the seminars and conferences that they put on, put it into the fund and use that to actually take care of the expenses of additional conferences and seminars that they put on. I'd ask for an 'aye' vote on the..."

Clerk O'Brien: "House Bill 4262, a Bill for an Act to amend the Illinois Human Rights Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Keane."

Keane: "Thank you. I rise in opposition to this Bill. It sets a dangerous precedent of funding an agency to do what it's supposed to do and allowing them to set up a fund. I'd urge you to vote 'no'."

Speaker Madigan: "Those in favor of the Bill signify by voting 'aye', those opposed by voting 'no'. Mr. Weaver to explain his vote."

Weaver: "Very brief, Mr. Speaker, there is not...there is already a precedent set. The Department of State Police already do have such a fund."

Speaker Madigan: "Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 49 'ayes', 51 'nos'. The Bill fails. Mr. Clerk, read the Adjournment Resolution."

Clerk O'Brien: "Senate Joint Resolution 134, resolved by the Senate of the 85th General Assembly of the State of Illinois, the House of Representatives concurring herein that when the two Houses adjourn on Friday, May 20, 1988, they stand adjourned until Tuesday, May 24, 1988 at 12:00

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o'clock noon."

Speaker Madigan: "Ladies and Gentlemen, before you leave, the Chair would like to thank the Members and the leadership, in particular, Mr. Daniels, for your cooperation this weekend, in particular, today. We have done a very good job in terms of moving Bills and considering as many Bills as possible, so thank you very much. Mr. McPike moves for the adoption of the Adjournment Resolution. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the Resolution is adopted. Agreed Resolutions."

Clerk O'Brien: "House Joint Resolution 196, Hasara. House Resolution 1452, DeJaegher. 1453, DeJaegher. 1454, DeJaegher. 1458, Wyvetter Younge. 1459, Wyvetter Younge."

Speaker Madigan: "Mr. Giorgi."

Giorgi: "I move for the adoption of the Agreed Resolutions."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Resolution 1455, offered by Representative Johnson."

Speaker Madigan: "Committee on assignment. Death Resolutions."

Clerk O'Brien: "House Resolution 1456, offered by Representative Saltsman with respect to the memory of Matthew J. Ryan, Jr. House Resolution 1457, offered by Representative LeFlore with respect to the memory of Georgia E. Day. House Resolution 1460, offered by Representative Countryman with respect to the memory of Edna Fulgate. House Resolution 1461, offered by Representative Levin with respect to the memory of Ann O'Brien Stevens."

Speaker Madigan: "Mr. McPike moves for the adoption of the Resolutions. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Resolutions are adopted. Providing perfunctory time for the reading of messages from

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the Senate, Mr. McPike moves that the House stands adjourned until Tuesday, May 24, 1988 at 12:00 noon. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until Tuesday at 12:00 noon."

Clerk O'Brien: "A message from the Senate by Ms. Hawker, Secretary. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has passed Bills of the following title, the passage which I'm instructed to ask concurrence of the House of Representatives, to wit: Senate Bills #1987, 1990, 2002, 2010, 2052, 2123, 2127, 2141, 2154, 2201, 1532, 1562, 1615, 1622, 1625, 1634, 1843, 1860, 1875, 1965, 1584, 1600, 2040, 2261, 2262 and 1862 passed the Senate May 20, 1988. Linda Hawker, Secretary. A message from the Senate by Ms. Hawker, Secretary. Mr. Speaker, I'm directed to inform the House of Representative the Senate has refused to concur with the House in the adoption of their Amendments to a Bill of the of following title, to wit: Senate Bill 1206, together with House Amendments #2 and 7. Action taken by the Senate May 20, 1988. Linda Hawker, Secretary. A message from the...message from the Senate by Ms. Hawker, Secretary. Mr. Speaker, I'm directed to inform the House of Representatives the Senate has refused to concur with the House in the adoption of Amendments to the Bill of the following title, to wit: Senate Bills #63, together with House Amendments #1 and #4. Action taken by the Senate May 20, 1988. Linda Hawker, Secretary. Senate Bills, First Reading. Senate Bill 1584, Flowers, a Bill for an Act to amend an Act relating to school meal programs. First Reading of the Bill. Senate Bill 1600, Shaw, a Bill for an Act to create the Lake County Environmental Enhancement Authority. First Reading of the Bill. Senate Bill 2040,

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McGann, a Bill for an Act to amend an Act in relation to health facilities. First Reading of the Bill. Senate Bill 2261, Hoffman, a Bill for an Act in relation to the Chicago public schools. First Reading of the Bill. Senate Bill 2262, Myron Olson, a Bill for an Act in relation to environmental protection. First Reading of the Bill. Senate Bill 1167, DeJaegher, a Bill for an Act to amend the Illinois Private Activity Bond Allocation Act. First Reading of the Bill. Senate Bill 1532, Steczo, a Bill for an Act to amend the Illinois Municipal Code. First Reading of the Bill. Senate Bill 1562, Sutker, a Bill for an Act in relation to income tax refunds. First Reading of the Bill. Senate Bill 1615, Cullerton, a Bill for an Act to amend the Environmental Protection Act. First Reading of the Bill. Senate Bill 1622, Leverenz, a Bill for an Act to amend the Illinois Vehicle Code. First Reading of the Bill. Senate Bill 1625, Van Duyne, a Bill for an Act to amend the Illinois Highway Code. First Reading of the Bill. Senate Bill 1634, Breslin, a Bill for an Act to amend the Illinois Vehicle Code. First Reading of the Bill. Senate Bill 1843, Barnes, a Bill for an Act to amend certain Acts in relation to storm water management. First Reading of the Bill. Senate Bill 1860, Kulas, a Bill for an Act to amend the Environmental Protection Act. First Reading of the Bill. Senate Bill 1875, Levin, a Bill for an Act to amend the Public Utilities Act. First Reading of the Bill. Senate Bill 1893, Terzich, a Bill for an Act to amend the Revenue Act. First Reading of the Bill. Senate Bill 1965, McGann, a Bill for an Act in relation to property tax, First Reading of the Bill. Senate Bill 1987, Daley, a Bill for an Act to amend the Criminal Code, First Reading of the Bill. Senate 1990, Daley, a Bill for an Act to amend the Unified Code. First Reading of the

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Bill. Senate Bill 2002, Cullerton. A Bill for an Act to amend the Criminal Code. First Reading of the Bill. Senate Bill 2010, Barger, a Bill for an Act to amend the Environmental Protection Act. First Reading of the Bill. Senate Bill 2052, White. A Bill for an Act to amend the Illinois Insurance Code. First Reading of the Bill. Senate Bill 2096, Stange, a Bill for an Act to amend the Election Code. First Reading of the Bill. Senate Bill 2116, Harris, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 2123, Countryman, a Bill for an Act in relation to sales securities and prevention of fraud in connection. First Reading of the Bill. Senate Bill 2127, Parke, a Bill for an Act in relation to tax on...on cannabis and controlled substances. First Reading of the Bill. Senate Bill 2141, Hultgren, a Bill for an Act regarding state regulation of services. First Reading of the Bill. Senate Bill 2154, Countryman, a Bill for an Act to amend the Business Corporation Act. First Reading of the Bill. Senate Bill 2201, Ryder, a Bill for an Act to amend the Nursing Home Care Reform Act. First Reading of the Bill. Senate Bill 2257, Countryman, a Bill for an Act in relation to victims of crime. First Reading of the Bill. Senate Bill 2258, Regan, a Bill for an Act to amend certain Acts in relation to certain criminal offenses. First Reading of the Bill. Senate Bill 2271, Mays, a Bill for an Act in relation to bond authorizations. First Reading of the Bill. Senate Bill 1862, Keane, a Bill for an Act in relation to taxes. First Reading of the Bill. There being no further business, the House now stands adjourned."

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