

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

118th Legislative Day

June 17, 1988

Speaker Breslin: "The hour of 9:00 having arrived, the House will come to order. I would ask Members to be in their seats. Ladies and Gentlemen, the Chaplain for today will be the Reverend Tommy Byrd from the Greater Springfield Church of God. Reverend Byrd is the guest of Representatives Curran and Dunn. We invite our guests in the gallery to join us for the invocation."

Reverend Byrd: "Let us pray. Heavenly Father we come to You in Jesus' name. We lift up this State of Illinois, every branch of Government, every person in every household. Father we recognize that we don't need better laws, we need better men and women. And the only way that we can get that is turning our heart and our hope to Jesus Christ. I pray for every Member of this House, every member of this household that they would turn to You and seek Your face. To seek to give their lives to You as public servants. Father, there is an election year going on I call forth all the men and women that You have ordained for this offices. And every men and women that is not ordained by You Father, I pray in Jesus name that they do not make it, but find their true call and their true vocation. Lord, there are many concerns within this House, within their households. Father, let them know that they're loved as You said in your word. You said that show us that we're loved as You so loved Jesus Christ and You sent him when we were yet sinners. Father, I also pray right now that those people who are to pray for this House come forward. Those people who are to be Your true servants stand up and be counted for in these days and these times. You said in Your word that when the righteous are in office, the people would rejoice. And that the king heart is in Your hand. We just give this state over to You. We ask that Your will be done

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in this state. We ask that Illinois be a state of righteousness. We ask that Your word go forth from Illinois that it be a model state, that people would turn to and realize that You God are God and above You there is no other. Father, we recognize that politicians and politics are just a way to a mean. But Father, You made man and You were the one to put forth the laws and we're just men and women trying to obey Your way. Give us the wisdom, give us the courage, give us Your vision for this state. And receive it in Jesus' name, Amen."

Speaker Breslin: "Representative Dunn will lead us in the Pledge."

Dunn 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 Breslin: "Roll Call for Attendance. Representative Hartke, for what reason do you rise?"

Hartke: "Yesterday as we adjourned here, my seatmate got a phone call from his home community that his house was on fire. I would like to report that Representative Steczo's kitchen is somewhat gutted and a bunch of smoke damage, but he is home taking care of things at home. So I think he'll be absent today."

Speaker Breslin: "Very good, thank you for that report Representative Hartke. Representative Piel, are there any excused absences?"

Piel: "Yes, Madam Speaker. Let the record show that Representative Penny Pullen is excused today."

Speaker Breslin: "Thank you. Representative Matijevich."

Matijevich: "Yes, Madam Speaker, in addition to Terry Steczo, Representative Lee Preston is excused due to a death in the family."

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Speaker Breslin: "Thank you. Mr. Clerk, take the record. 115 people answering the Roll Call, a quorum is present. Ladies and Gentlemen we are going to go to the Special Orders of Business listed today in your Calendar. The first one listed for 9:00 a.m., June 17th, is State and Local Government. All of these Bills are on Second Reading. The first Bill is Senate Bill 1592, Representative DeLeo. Out of the record. Senate Bill 1599, Representative Novak. Out of the record. I would ask that all Members come to the House Floor so that we can proceed with this Order of Business. If you have Bills on this Order, the Sponsor must be in the chamber for the Bill to be called and action to be taken. Senate Bill 1672, Representative Currie. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1672, a Bill for an Act to amend the Freedom of Information Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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

Speaker Breslin: "Motions or Amendments?"

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

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

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

Speaker Breslin: "Representative Currie."

Currie: "Thank you, Madam Speaker, and Members of the House. Amendment 2 would delete the Bill as it came to us from the provisions in the Bill as is came to us from the Senate and would replace that with the provisions that were in House Bill 2569, which are several changes to the Freedom of

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Information Act that became effective four years ago."

Speaker Breslin: "The Lady has moved for the adoption of Amendment 2 to Senate Bill 1672. On that question the Gentleman from DuPage, Representative McCracken."

McCracken: "Directing your attention to page 12 of your Amendment, you limit the fees in question available to certain circumstances in that the award has to be based on a reasonableness. But you strike from line 3 of page 12 the words 'but only'. For purposes of this legislative history, is it your intent to allow a court to find other reasons why it should award attorney's fees?"

Currie: "That is not the intent."

McCracken: "What is the purpose for striking that language?"

Currie: "Because the standards set by the statute is such a high standard that it is unlikely that a court would ever find a winning plaintiff able to collect attorney's fees. Even if that individual prevailed in any substantial fashion, the change from rational to reasonable basis is just meant to redraw a balance and still retain for a public body a substantial hurdle for the award of attorney's fees."

McCracken: "Was this...was this proportion of the Amendment contained in House Bill 2569?"

Currie: "Yes."

McCracken: "This precise Amendment striking the words 'but only' and inserting the word 'reasonable'?"

Currie: "Yes. Yes. And with adoption of that language in House Bill 2569 the municipal league dropped its opposition to the Bill. That is to say it's not... I don't believe it stands in favor of the Bill, but the municipal league is no longer opposed."

McCracken: "Okay. Did you ever get a decision from the States Attorneys on this Bill?"

Currie: "We worked with the Cook County State's Attorney on this

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Bill and I believe that he was himself in touch with some other State's Attorneys, but I've not heard directly from the State's Attorneys Organizations."

McCracken: "Okay, thank you."

Speaker Breslin: "Any further discussion? Hearing none the question is...the Gentleman from Macon, Representative Dunn on the Amendment."

Dunn: "Will the Sponsor yield for a question? Then the question is, 'What does this Amendment do?'"

Currie: "This Amendment puts Senate Bill 1672 in identical form to House Bill 2569, which passed this chamber a few weeks ago. It makes several changes in the state Freedom of Information Act. Among them are some changes in what is exempt in law enforcement activities. There is a change in the fee waiver Section of the Bill. There is a slight redrawing of the burden of decision when a plaintiff wins a lawsuit when the court may award attorney's fees. Several other technical changes as well."

Dunn: "The...explain the attorneys fees provision again."

Currie: "The original language as amended by the Governor after the original Freedom of Information Act passed Legislature, created a very substantial hurdle. What it said is that a plaintiff must substantially win and the public body...the information that was at stake was of clearly significant interest to the general public and the public body lacked any rational basis for withholding the information. That standard was thought to be a particularly heavy, hard standard to meet. And what this language does is to maintain the substantial prevalence of the plaintiff, maintain the clearly significant interest of the underlined material to the public. But change from rational basis to a reasonable basis standard."

Dunn: "And the analysis of House Bill 2569 says that attorney's

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fees are discretionary with the court. Are they mandatory or discretionary under your Amendment?"

Currie: "They are discretionary. What the language of the Bill of this Amendment and what...of the Bill that passed the chambers says that the court may award attorney's fees if the court finds that the information was of clearly significant interest to the public and the public body lacked any reasonable basis for withholding the information."

Dunn: "But it doesn't say the court shall order..."

Currie: "No."

Dunn: "Thank you."

Speaker Breslin: "Any further discussion? Hearing none the question is, 'Shall Amendment 2 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1685, Representative Granberg. Representative Granberg. Out of the record. Senate Bill 1771, Representative Preston and Breslin. Out of the record with leave to return. Senate Bill 1794, Representative McPike. Representative McPike. Out of the record. Senate Bill 1795, Representative Flowers. Out of the record. Senate Bill 1842, Representative Terzich. Representative Terzich. Out of the record. Senate Bill 2185, Representative Braun. Representative Braun. Out of the record. Ladies and Gentlemen, since we have time before the next Special Order is to be called we are going to go to Senate Bills Second Reading to the Order where we left off yesterday. On page 6 on your Calendar the next Bill to be called is Senate Bill 1647, Representative Phelps. Out of the record. He's

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here. 1647. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1647, a Bill for an Act to improve the delivery of health care services in rural areas in Illinois. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Phelps: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Amendment places an ambulance provider representative on each EMS System Advisory Committee within a trauma region. This would add ambulance providers input in developing protocol which is used to identify when patients should be transported to certain medical facilities. This language was prepared in accordance with the action of the State Emergency Medical Service Council minutes, September 17th. And the Illinois State Ambulance Association supports this. I know of no opposition. Appreciate your support."

Speaker Breslin: "We have a little bit of confusion, Representative Phelps, as to the number of this Amendment. The Clerk is checking whether this should be Amendment #1 or Amendment #2. But while we are doing that let us proceed with debate. The Gentleman has moved for the adoption of Amendment #1 and on that question, the Gentleman from DuPage, Representative McCracken."

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

Speaker Breslin: "He will."

McCracken: "Representative Phelps, how does the Amendment differ from the Bill as originally introduced from the Senate?"

Phelps: "The Amendment does not become this Bill."

McCracken: "Pardon me?"

Phelps: "This Amendment does not become the Bill. The Bill is

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different than what the Amendment does..."

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

Phelps: "I'm sorry, when you said what's introduced in the Senate, there's nothing changed in the original Bill. This is just an Amendment to supplement what I have in the actual Bill."

McCracken: "Well, it doesn't delete the original Bill?"

Phelps: "No, it does not."

McCracken: "But what does it add to the original Bill then?"

Phelps: "Okay. This just adds that the ambulance providers will be represented on that Advisory Committee within a trauma region. Which right now there is no representation on that committee. Which the..."

McCracken: "Alright, and is this committee one which would be created if the Bill was signed into law? Or is it a currently existing committee?"

Phelps: "No, no. This Amendment would create the representation on that Advisory Committee. But the Bill actually provide grants to be in place through the Public Health Department for Health Associations or Health Departments in the counties where they can handle grants for ambulance emergency situations that don't have have the provisions."

McCracken: "Alright. Well, my question is, the committee you referred to, is that currently in existence or would the underlying Bill create that?"

Phelps: "Yes. No. The committee is in existence. This just creates one represented that's void right now. It's a State Emergency Medical Service Council and we do not have a representative for the ambulance providers on there."

McCracken: "Okay, and is there one council statewide or are there local or regional councils?"

Phelps: "It's a statewide council, to my knowledge. They may...they have representation from each region throughout



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the state I understand."

McCracken: "Alright and do they serve... or do they get any compensation for serving on the board or council?"

Phelps: "I might have that here, I haven't looked at...I'm not sure. Not to my knowledge. They do meet...they met in September and this was one of the items in which they felt needed to be moved on. And I guess my Bill was one of the germane items for them to attach to and I agreed to do it."

McCracken: "Okay, thank you."

Speaker Breslin: "The Gentleman from Will, Representative Wennlund on the Amendment."

Wennlund: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. That Amendment was an Amendment that was mistakenly not put on House Bill 2410 last year when it passed this House and passed the Senate and was signed by the Governor. It was in...it was just a clerical error. I failed to get the Amendment on when it should have put on. It's a good Amendment. The representation from the ambulance drivers belong on there and it's a proper Amendment. I appreciate your support for it."

Speaker Breslin: "The question is, 'Shall Amendment 1 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1672, Representative Currie. Is the Lady in the chamber? Representative Currie. Excuse me, that Bill is already on Third Reading. Senate Bill 1676, Representative Phelps. Out of the record. Senate Bill 1685, Representative Granberg. Out of the record. Senate Bill 1697, Representative Kulas. Myron Kulas. Out of the record. Senate Bill 1702, Representative Ryder. Tom Ryder. Out of

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the record. Senate Bill 1763, Representative Brunsvold. Joel Brunsvold. Out of the record. Senate Bill 1771, out of the record. Senate Bill 1773, John Dunn. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1773, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "No Motions filed. Floor Amendment #2 offered by Representative Stange and Leverenz."

Speaker Breslin: "Representative Stange."

Stange: "Thank you, Madam Speaker. Senate...Amendment #2 is a visitation rights for grandparents. This was passed in the House a couple weeks ago. It passed with approximately 95 to 12. I ask for your consideration on this Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 2 to Senate Bill 1773 and on that question does anyone rise for discussion? The Gentleman from Macon, Representative Dunn."

Dunn: "Thank you, Madam Speaker, and Ladies and Gentlemen of the House. The subject matter of this Amendment was the subject matter of a House Bill which, I believe the Gentleman is correct, I think it did pass the House and died in the Senate. It is an altogether different concept from the concept of the original Bill. And adoption of this Amendment will make this Bill controversial and I would urge the defeat of the Amendment, because the Amendment addresses an issue which is an issue that this General Assembly has considered in the past and I'm sure will consider again. And that is the delicate issue about visitation by grandparents. It is a highly charged emotional and controversial issue and the subject matter of

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the Bill is altogether different. It simply changes the current statute to provide that where there is an allegation of physical abuse, that the abuse must not be...does not have to be witnessed by a child. The current law provides that the child must witness, physically witness the abuse and that provision needs to be changed and I think that if this Amendment is adopted it will place the subject matter of this Bill in jeopardy. So I would urge the defeat of Amendment #2."

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

Stange: "We need to take this out of the record for a minute."

Speaker Breslin: "Surely."

Stange: "I think Representative Dunn is mistaken. It's the same...this Amendment is basically the same Bill that was passed in the House."

Speaker Breslin: "Do you still wish the Bill out of the record?"

Stange: "Yes."

Speaker Breslin: "Out of the record. Oh, excuse me, it's Representative Dunn's Bill. So it's your Amendment that is of concern. So the..."

Dunn: "I'll take it out of the record."

Speaker Breslin: "Okay, very good, out of the record. On page 7 of the Calendar appears Senate Bill 1781, Representative Mautino. Representative Mautino. Out of the record. Senate Bill 1794, Representative McPike, Granberg. Out of the record. Senate Bill 1795, Representative Flowers. Out of the record. Senate Bill 1814, Representative Richmond. Out of the record. Senate Bill 1834, Myron Olson. Representative Olson, do you wish this Bill to be called? Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1834, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill."

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Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "No Motions or Amendments."

Speaker Breslin: "Third Reading. Representative Mautino has returned to the chamber with leave of the Body we'll go back to Senate Bill 1781. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1781, a Bill for an Act in relation to quarterly monthly payments for certain taxpayers. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Mautino."

Mautino: "Thank you very much, Madam Speaker. This Amendment only provides for the enactment date. Amendment #1... move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 1 to Senate Bill 1781. On that question is there any discussion? Hearing none the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment's adopted. Any further Amendments? Representative Mautino, for what reason do you seek recognition?"

Mautino: "I believe that another Amendment was just filed. What I would like to do is move the Bill to Third and then move it back whenever that Amendment gets distributed. It's Representative Flinn's Amendment."

Speaker Breslin: "Very good, Third Reading. Going back to the Regular Order of Call, Senate Bill 1839, Representative Braun. Out of the record. Senate Bill 1840, Representative Braun. Out of the record. Senate Bill 1842, Representative Terzich. Out of the record. Senate

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Bill 1856, Representative Berrios. Out of the record.  
Senate Bill 1860, Representative Kulas. Out of the record.  
Senate Bill 1862, Representative Keane. Out of the record.  
Senate Bill 1870, Representative Ronan. Clerk, read the  
Bill."

Clerk O'Brien: "Senate Bill 1870, a Bill for an Act to amend the  
Illinois Vehicle Code. Second Reading of the Bill. No  
Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Mautino."

Mautino: "Thank you very much, Madam Speaker. This Amendment,  
some feel is controversial. I don't happen to feel it's  
controversial. What this Amendment does is allow for  
individual citizens to browse and to look at vehicles, but  
not purchase on Sunday. The current law says that the  
facility may not be open on Sunday. It would not be open  
for the purposes of sales, although I disagree with that  
existing statute. But this one says...this Amendment says  
it is not a violation of existing law if individuals are on  
that property, on that lot, looking at and possibly  
considering vehicles. That's what the Amendment does. I'd  
be happy to answer any questions."

Speaker Breslin: "The Gentleman has moved for the adoption of  
Amendment 1 to Senate Bill 1870. On the question, the  
Gentleman from Cook, Representative Ronan."

Ronan: "Thank you, Madam Speaker, Members of the House. I want  
to make sure it's a sleepy morning, but let's all pay  
attention. Representative Mautino again is in his creative  
legislative mode this morning. This is a Bill that he has  
attempted to try to get out of the House Transportation  
Committee in different formats, different ideas, many

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times. It's been rebuffed every time in the House Transportation Committee. We have discussed the issue more different ways than anything except taxes this Session. The bottom line is, the public does not want auto dealers open on Sunday. This is another end around to try to do something that this General Assembly has decided many times in the past. It's opposed by the New Car Dealers Association and it's opposed by anyone who really wants to worry about the consumer. So I would rise against this Amendment. If this Amendment gets on the Bill, obviously I'm going to table the Bill. So that let's have a voice vote, vote it down and go on with the Legislative process."

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

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I was going to rise and ask a bunch of interesting questions about this, but I think Al Ronan did a great job. I'd say just have a voice vote and vote it down, let's go on."

Speaker Breslin: "Representative Mautino to close."

Mautino: "Thank you very much, Madam Speaker. The Sponsor of the original proposal made a very interesting comment. He says that the citizens and taxpayers of this state are not being served, if in fact they are given the opportunity to look for a vehicle on Sunday. Now I find that comment to be, first of all incorrect, but most importantly out of sync with the real world. It has always been my posture that we should not develop a policy that tells an individual entrepreneur when they should open or close. That is why people invest in their businesses. But to have a statute that provides a provision that says your...it is against the law to have someone on your property, your car lot, to examine vehicles for possible purchase at a later time, I

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find is unacceptable. I understand full well the power of the new car dealers and the used car dealers, but you know somebody has to speak up for Joe Homeowner and Mary Housewife, that don't make that purchase every day of the week. But they do make that purchase once every two or three years. To have the opportunity to evaluate, to compare, is a right that everyone has. I'm sorry that the Sponsor of the legislation is opposed to the legislation, but I think he's opposed to it for the wrong reasons. Doesn't say that they can purchase a car. I don't see anything wrong with an individual having the opportunity to examine and do some comparative shopping without having the owner of that facility be in violation of an existing law, which I think is ridiculous anyway. Rather than having a voice vote, as the Sponsor of the legislation, I ask for a Roll Call vote."

Speaker Breslin: "Representative Stern the Gentleman has closed. You therefore can only explain your vote if you wish. The question is, 'Shall Senate Bill 1870 pass?' All those in favor...excuse me, the question is, 'Shall Amendment #1 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Lady from Lake, Representative Stern, one minute to explain your vote."

Stern: "To explain my vote, Madam Speaker and Members of the House, this is my favorite issue. I cannot imagine a more outrageous, anti-business, anti-consumer posture than this House assumes by insisting that automobile dealers stay closed on Sunday. Since when is the owner of a business not capable of making that decision without help from his Legislator? An absolute outrage. I urge at least a yellow, but certainly you ought to consider a green. Thank you."

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Speaker Breslin: "Any further discussion? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 30 voting 'aye', 62 voting 'no', 14 voting 'present' and the Amendment fails. Are there any further Amendments?"

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

Speaker Breslin: "Representative Ronan on Amendment 2."

Ronan: "I withdraw Amendment #2."

Speaker Breslin: "Withdraw 2. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative Ronan and Dunn."

Speaker Breslin: "Representative Ronan."

Ronan: "I withdraw Amendment #3."

Speaker Breslin: "Withdraw 3. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Representative Laurino and Ronan."

Speaker Breslin: "Representative Ronan."

Ronan: "Thank you, Madam Speaker. Amendment #4 is another pro-consumer Amendment. We can do this one on a voice vote. It establishes a cap of \$200 for liability damages for an individual who leases or rents a car. Just rents a car. I'll be glad to answer any questions concerning the Amendment. We adopted this Amendment on a House Bill that went over to the Senate that never got out of Rules. So that we've had a thorough debate on this Amendment already."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 4 to Senate Bill 1870. On that question the Gentleman from Cook, Representative Pedersen."

Pedersen: "Thank you, Madam Speaker, and Ladies and Gentlemen of the House. I concur with Representative Ronan's analysis of this Amendment. We...I approve of it and recommend that



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we pass it by voice vote."

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

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

Speaker Breslin: "He will."

Countryman: "Representative Ronan, can you tell me now what this does if you walk in to Rent-A-Car, what it means when you rent the car what they will offer you? The last time I rented a car they offer you a separate sort of coverage that you pay, I don't know, 9 or \$10 a day to get insurance coverage on."

Ronan: "What this does is establishes a \$200 cap except for 2 circumstances. If you intentionally damage the car or if you're under the influence of alcohol or drugs."

Countryman: "So this insurance that they used to offer to sell you will now be included in the price of the rent-a-car. Is that correct?"

Ronan: "You're correct. The insurance will be part of your car rental now. Your car rental fee."

Countryman: "Alright, I guess I don't rent a whole lot of cars. But I called my insurance agent and I said, 'You know, when I rent these cars, do I buy this extra collision insurance for 9 or \$10 a day?'. And he said, 'No don't worry about it you're covered under your own policy. You don't have to pay that price'. Are we forcing people to pay that price by putting this...or enacting this legislation?"

Ronan: "The rental dealers support the Bill, Representative."

Countryman: "Well sure, they want to sell you insurance. They make money on it."

Ronan: "Well, you know, it's a business. As you know, there have been consumers victimized many times because of the situation of not knowing about the insurance and ending up

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with a situation where they could be...have a huge claim filed against them by not getting the proper insurance. This is just really a clarifying Amendment that's good for the public.

Countryman: "Well, to the Amendment, I guess...I don't really see why we ought to legislate what the consumer ought to make a decision on. And I guess it's an Agreed and everybody tells me well, this is an Agreed Amendment. But this puts on something where I think I, as a consumer, would be paying double. That is, I purchase my own automobile insurance which would cover it. Now I won't have a choice when I rent a car in Illinois, I'll be forced with it. I don't rent many cars in Illinois, cause I have my cars in Illinois. But when I go to other states and rent cars I don't want to have those states have this same sort of thing on there where I'm forced to buy an insurance coverage that I already have and I've already paid for once, by paying for it twice. I'd recommend a 'no' vote and ask for a Roll Call."

Speaker Breslin: "The Gentleman from Perry, Representative Goforth."

Goforth: "Will the Sponsor yield?"

Speaker Breslin: "He will."

Goforth: "Can I rent this car on Sunday?"

Ronan: "Yes."

Goforth: "Oh, thank you very much."

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

Hultgren: "Yes, I listened to the discussion with Representative Countryman and I believe that my automobile insurance covers me also when I rent a vehicle. And I'm wondering if some of the people who are acquainted with the insurance industry, who are here on the floor, might speak in debate.

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Is this a standard provision in most automobile policies? As I say, I believe it's in mine and I think Representative Countryman said it was in his. But I'd like to hear maybe from some of the folks who are in the industry. And I know we have them here on the floor, if they would let us know, is this a standard provision in most automobile policies and are we really getting into a situation of requiring the consumer to pay twice for coverage?"

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

Churchill: "Will the Gentleman yield?"

Speaker Breslin: "He will."

Churchill: "Do you happen to know what the per day cost would be to do this to the person renting the car?"

Ronan: "Excuse me Representative, the debate is so frenzied at this point I didn't hear your question."

Churchill: "Would you have any idea what the cost would be on a daily basis for somebody to do this?"

Ronan: "Yeah, this is a full disclosure Amendment. Whatever that cost is, it's going to have to be part of the advertising material that goes out by the agency so I don't think at this point there's a clear definition. But it will be fully disclosed to the public whatever that price is. It'll be minimal."

Churchill: "It's being suggested to me that this might be upwards of say \$10.00 a day cost on the..."

Ronan: "That's...I find that to be ludicrous. I'm sure it will be much less than that."

Churchill: "Okay so if it was \$5.00 a day..."

Ronan: "Much less than that, Representative, this is after my thorough analysis of the issue. I'm sure it's much less than \$5.00."

Churchill: "So if it did happen to be \$10.00 a day, maybe not

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under your analysis but under somebody else's analysis, and they rented the car for 360 days, they'd be paying \$3,600.00 for this?"

Ronan: "The last time the people in my district rented a car for 360 days, we established another plan for them that was much more reasonable and rational. We don't like to go into the outer spaces and the outer reaches of theories when we draft legislation, Representative Churchill. We like to deal with the consumer and the general public. This also has a 30 day limit, just so that you...I don't want you to be too concerned about those outer reaches. The theories that even people from Lake County can bring into the General Assembly. This has a 30 day limit."

Churchill: "I see, and I know you've done a fine job for bringing roads to the people in your district. I just wondered if you were also giving them a car to drive on those roads."

Ronan: "We're looking at that. Many of the people in my district do have Government provided vehicles and we're trying to expand that number on a daily basis."

Churchill: "Thank you."

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

Terzich: "Yes, Representative Ronan, is this one of those Class I vehicles that the Secretary of State or something was mentioning about the mandatory insurance? These are Class I vehicles, aren't they?"

Ronan: "Just automobiles, Representative Terzich."

Terzich: "Yeah, well it was my understanding on the Mandatory Insurance Bill that Class I vehicles would come under this mandatory insurance and that these automobile rental or leasing companies had adequate insurance. What would be the necessity, then, for other insurance if they already have it? You know that's what the explanation was on the

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mandatory insurance. Don't they have insurance?"

Ronan: "Yeah, Representative Terzich, this deals with the issue of the size of the deductible. So that mandatory auto insurance deals with the issue of mandatory auto insurance and obviously rental cars will be covered by that. This deals with putting a cap on the size of the deductible of \$200.00."

Terzich: "Well, you mean to say that it just puts the cap on the deductible? They charge, I think, about \$3,000.00 a year annually. I mean, if you took it on a per day rental basis. Wouldn't this be a big, you know, deal for the rental companies to charge all these high insurance premiums for that deductible coverage?"

Ronan: "No, Representative Terzich. Many people sign up for it anyway. What this is a situation is that it establishes a cap on the liability for the individual. That's what it does. And I don't think there's any real benefit to the rental agencies, except really protecting the individual who rents the car. And as you know most people don't rent the car for 300 days or even 30 days. Most people rent the car for 3 or 4 days."

Terzich: "Well...but they do charge a substantial amount of money for that collision premium, don't they?"

Ronan: "Under the current system they have...some of the agencies have charged a large amount under the current system. This is going to correct some of that."

Terzich: "And if you put a cap on the deductible, then all you're doing is increasing the cost to the consumer, whoever is renting that automobile, that they have no other option except to take a maximum of a \$200.00 deductible under the collision. And which would in essence, you know, just increase the cost, wouldn't it?"

Ronan: "What this would do, Representative Terzich, as I stated

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earlier, this would be fully disclosed in the rental agreement so the consumer's going to know exactly what they're going to be paying. This, by having a broad coverage, will probably save the consumer quite a bit of money."

Terzich: "Well, the broad coverage isn't broad coverage. You're limiting the deductible of \$200.00 which doesn't really give the consumer that much of an option other than the fact that he has to take out a mandatory no more than a \$200.00 deductible on the collision. Which has to result in a substantial cost to which he has to pay. Why would the rental companies want that type of a thing to be put on the consumers that rent their automobiles?"

Ronan: "Representative Terzich, all I can tell you is that they contacted Representative Laurino and myself and they asked for it."

Terzich: "Okay."

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

McNamara: "Thank you, Madam Speaker, the Gentleman will yield?"

Speaker Breslin: "He will."

McNamara: "In recently... I just...I leased a car. There was a \$500.00 deductible on that car insurance already within the rental rates. Your Amendment affects that and would bring that \$500.00 deductible down to \$200.00 deductible?"

Ronan: "Correct."

McNamara: "Okay, just as a matter of interest on it, that if you wanted to get from zero to \$500.00 deductible if you did not have that insurance under your policy, you would pay \$5.00 per day more insurance for that zero to \$500.00 deductible. What effect...what would the cost be for the zero to \$200.00? Would it be significantly less? How does it affect it?"

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Ronan: "Well, it's obviously going to be much less than \$5.00, Representative. But exactly what it will be..."

McNamara: "Yeah, so what you're really saying is, it's taking that cap and giving some medium of protection so if you have any dents, bruises or anything else on that car, you don't have insurance, you would have to pay if you didn't elect to get the insurance \$500.00 when you brought the car in if it was slightly damaged. Now it will put the cap to \$200.00 on?"

Ronan: "Right. That's absolutely correct, Representative."

McNamara: "And it'll make it standard throughout the industry of all leasing, so if you go to one car dealer from the other, they're not manipulating that daily rate of insurance..."

Ronan: "Exactly."

McNamara: "In order to increase their profits."

Ronan: "It's an excellent analysis, Representative."

McNamara: "I think it's a fine Amendment."

Ronan: "Thank you."

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

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

Speaker Breslin: "He will."

Regan: "Representative, just to make things clear. I think John made it pretty clear, there is nothing in this Amendment that says that you must include the premium for this coverage in the charge for the rent?"

Ronan: "That's correct."

Regan: "So what we're talking about here is, there will be a slight increase in the cost of rent, because the people that insure their own fleets usually have a \$500.00 deductible and many are going to a \$1,000.00 deductible now. So that if you didn't have a cap on it you would be responsible for \$500.00 or \$1,000.00 damage without this

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outrageous \$10.00 or \$11.00 charge that rental agencies charge you. However, the only difference there will be in the cost to the consumer here will be a competitive marketplace situation. Dealers that decide to insure a car with a deductible of \$1,000.00 on their product will have to charge a little more if they want to drop that to \$500.00. I think it's a good Amendment. And it certainly will avoid the abuse of this tremendous charge that's called insurance on a rented car, when it really isn't insurance. It's a rip-off. I think it's a good Amendment."

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

Ronan: "Thank you, Madam Speaker. I think the analysis just provided by Representative McNamara and Representative Regan is absolutely correct. There is abuses where rental agencies are charging an outlandish fee for what they call insurance. And really all it is is an attempt to increase their fees from the consumer. This will establish this cap so that if there is minor damage to a vehicle, the rental agency can't come back and say that a dent and a bump is worth 7, 8, \$900.00. This is a good consumer Amendment. We've thoroughly debated it and I look for an 'aye' voice vote."

Speaker Breslin: "The question is, 'Shall Amendment #4 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 99 voting 'aye', 14 voting 'no' and none voting 'present'. And the Amendment is adopted. Are there any further Amendments?"

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



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Speaker Breslin: "Representative Ronan."

Ronan: "Okay, thank you, Madam Speaker. This is another very simple concept where I think to this Bill. This repeals obsolete language in the vehicle regarding display certificates of title for mobile homes. When we passed the Act last year, we forgot to include this. And it's just a clean up from last year's Bill."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #5 to Senate Bill 1870. Is there any discussion? Hearing none the question is, 'Shall Amendment 5 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1923, Representative Myron Olson. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1923, a Bill for an Act to amend the Illinois Controlled Substance Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Representative Ols...are there any Motions or Amendments?"

Clerk O'Brien: "No Motions. Floor Amendment #1 offered by Representative Myron Olson and Kirkland."

Speaker Breslin: "Representative Olson."

Olson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I defer to my hyphenated co-Sponsor Representative Kirkland, who's initiative this was."

Speaker Breslin: "Representative Kirkland."

Kirkland: "Thank you, Madam Speaker. The Sponsor of this Bill both in the Senate and in the House have been kind enough to let me use it to resurrect a Bill that we passed out of the House, but didn't get out of Senate Rules. House Bill 3370 to do with giving state authorization in defining

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approved monitoring devices for use in home incarceration situations. And the wording is substantially the same. There is one small wording change which is technical to bring the two parts of the sections of the Bill, each Section of the Bill has two parts together. So that they can work together. I ask for approval of the Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 1 to Senate Bill 1923. On that question the Gentleman from DuPage, Representative McCracken."

McCracken: "Will the Sponsor yield?"

Speaker Breslin: "He will."

McCracken: "Is it correct that in addition to the approval of the use of the monitoring device that this would authorize, as a condition of bail, home detention?"

Kirkland: "That's correct, but it would not authorize...it would not otherwise authorize bail in any...in any different way than it's authorized now. It would simply say if bail is granted this would be a... in effect, another condition of bail, another condition that could be imposed in connection with bail being granted."

McCracken: "Okay, so it does not enter...it's not a consideration that enters into the decision on whether to grant bail or in what amount? But if bail is granted and the conditions can be met for release, this can be imposed now as a new condition or an alternative condition, is that it?"

Kirkland: "That's correct, that's correct."

McCracken: "Okay, thank you."

Speaker Breslin: "Any further discussion? The Gentleman from Fulton, Representative Homer."

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

Speaker Breslin: "He will."

Homer: "Jim was this a...the substance of another House Bill?"

Kirkland: "Yeah, that's what I said it was 3370 which passed out

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with all but two 'present' votes. And it didn't get out of Senate Rules."

Homer: "And it died in Senate Rules? This Amendment's identical to that Bill then?"

Kirkland: "No, I explained there's two... really a two word change that brings together the two Sections...there's three Sections in the Bill that are quite identical, and in each Section there's two parts. As I read the Bill over I needed a slight change to make those two parts in effect coordinate, and I made that change. And I'll be glad to...be glad to just..."

Homer: "Now, thank you, I've conferred with staff, looked at it and support your Amendment."

Kirkland: "Yeah, okay, thanks."

Speaker Breslin: "There being no, oh...the Gentleman from Will, Representative Regan."

Regan: "Madam Speaker, Members of the House, I believe this is a good Amendment. Those of you that are law and order people might consider the fact that this person has to be in the home watching television commercials and that's enough punishment for anybody. I support the Amendment."

Speaker Breslin: "There being no further discussion the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1926, Representative Steczo, Didrickson. Representative Steczo is not here today, do you wish to call this Bill? Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1926, a Bill for an Act to amend the School Code. Second Reading of the Bill. Amendment #1 was

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adopted in committee."

Speaker Breslin: "Are there any Motions or Amendments? There are several Floor Amendments, Representative Didrickson. Do you wish to proceed or not? No. Out of the record. Senate Bill 1956, Representative McAuliffe. Out of the record. Senate Bill 1989, Representative O'Connell. Mr. O'Connell, do you wish to call this Bill? Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1989, a Bill for an Act to amend the Unified Code of Corrections. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Motions or Amendments?"

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

O'Connell: "Thank you, Madam Speaker. Amendment #1 incorporates the Bill that Representative Daley had on Senate Bill 1987, which inadvertently was gutted with the Amendment that was adopted on it yesterday and then passed the House. This Amendment #1 provides that the...it clarifies that the 10 year requirement means that a conviction must occur within 10 years of the previous conviction prior to a non-probationable offense. It was incorporated into Senate Bill 1987 which got out of the Judiciary Committee with no debate, no objections. I would ask that there be favorable adoption."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment 1 to Senate Bill 1989 and on that question, the Gentleman from Macon, Representative Dunn."

Dunn: "I was distracted in searching for the Amendment. Will the Sponsor tell us again what this Amendment does?"

O'Connell: "Madam Speaker, could I ask that this Bill be taken out of the record?"

Speaker Breslin: "Out of the record."

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O'Connell: "Thank you."

Speaker Breslin: "On page...the hour of 10:00 having arrived we'll go to the Special Order of Business listed for 10:00 a.m., June 17th, under State and Local Government. We will take those Bills in the order in which they appear. First Bill is Senate Bill 1532, Representative Steczo on Third Reading. That's out of the record. Senate Bill 1634, Representative Breslin. Out of the record. Senate Bill 1676, Representative Phelps. This Bill is on Second Reading. Representative Phelps. Out of the record. Senate Bill 1870, Representative Ronan. Representative Ronan. Out of the record. Senate Bill 1954, out of the record. Senate Bill 2002, Representative Sutker. Out of the record. Senate Bill 2042, Representative McPike. Out of the record. Senate Bill 2152, Representative Barger. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2152, a Bill for an Act to amend the Personnel Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "The Gentleman...are there Motions or Amendments? Floor Amendment #2, sponsored by Representative Barger, is that correct Mr. Clerk? Committee Amendment #1 was adopted, is that correct? Are there Motions or Amendments?"

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

Speaker Breslin: "Representative Black withdraws Amendment 2. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 2154, Representative Countryman. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2154, a Bill for an Act to amend the Business Corporation Act. Second Reading of the Bill. No

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Committee Amendments."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative McCracken."

McCracken: "Thank you, Madam Speaker, Ladies and Gentlemen. This Amendment would allow any reprobation in franchise taxes to be made effective in the first year of foreign corporations existence or authority to transact business in Illinois. The Secretary of State had originally proposed this legislation to cure problems encountered by businesses in dealing with the franchise taxes. I brought to their attention an inconsistency in the Bill which they had wanted to correct all along. That's what this does. It allows... as I say, the practical effect is to allow the franchise taxes to be proportioned in the first year as well as subsequent years. So I move its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 1 to Senate Bill 2154. On that question the Gentleman from Macon, Representative Dunn."

Dunn: "Question of the Sponsor. Does this have anything to do with penalties for failure to file?"

McCracken: "No."

Dunn: "Okay."

McCracken: "And that's been the concern expressed by everybody. They didn't want to see that Amendment resurrected."

Dunn: "Okay, thank you."

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

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 2193,

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Representative Mautino. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2193, a Bill for an Act to create the Drunk and Drugged Driving Prevention Fund. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Giorgi."

Giorgi: "Madam Speaker, Amendment #1 to the... to House Bill 2193 provides that the people that are certified by the Department of Alcoholism and Substance Abuse, in their evaluation of people that come before them in petitioning for an evaluation to be presented to the Secretary of State's Office. That those people that are empowered to study and evaluate the person before them that they also give a recommendation as to whether that person should be given an opportunity to resecure an RDP or denied an opportunity to secure an RDP. I urge the adoption of the Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 1 to Senate Bill 2193 and on that question the Gentleman from Bureau, Representative Mautino."

Mautino: "I stand in support of the Amendment which has...provides for the direction after the assessment has been provided. We'll accept it."

Speaker Breslin: "The Gentleman from DuPage, Representative McCracken on the Amendment."

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

Speaker Breslin: "He will."

McCracken: "What's the practical effect of changing the law in this regard? And by that I mean, what type of binding

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authority do these recommendations have? Or could they be used in appealing a decision of the Secretary not to return a driver's license when there had been a recommendation to do so? Is this some more..."

Giorgi: "That's not a proper question. That's not a proper question. The...what this purports to do is, we are sending people to be evaluated and the eval...the people, the team of people that look at these people suggest to them that they take a course of remedial instruction or take a course of alcoholic counseling. They're evaluated and they're evaluated once, two, three, four times by the same people, by the same bureaus. And no one seems to grant any of their requests for a hardship driving permit. So all I'm suggesting is that these people that are entrusted with the evaluation process and the study process of the people before them, say at least to the Secretary of State's Office 'This person is worthy of another opportunity to drive again or this person is not worthy of an opportunity.' No one's doing that. They're just in a revolving door program."

McCracken: "And...what is the...what is the effect? I mean what is your intent? Do you want this recommendation to bind the Secretary on that type of decision? Do you want it available to him so that the driver who's denied a reinstatement can appeal it and use this recommendation in their behalf?"

Giorgi: "I think that...just to the Secretary of State's Office. In other words, what's happening now is, a person goes in and spends two or three years in a remedial program and some bureaucrat in the Secretary of State's Office who doesn't see the person at all, just denies it summarily. What do we have these people out in the field for evaluating these people and having them perform all these



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tests and all these classes they are attending in their drug addiction and their alcoholic addiction? They're the experts in the field."

McCracken: "At what point do these evaluations take place in the criminal justice system?"

Giorgi: "Every time you want...every time you want a petition for a formal hearing with the Secretary of State's Office you must be evaluated by a certified counselor, certified by the Secretary of State's Office. But no one's asking these people for any recommendations."

McCracken: "Okay, I think I understand. Does the Secretary of State's Office have a position on this?"

Giorgi: "I haven't heard from them."

McCracken: "Okay, have you spoken to them or alerted them to this?"

Giorgi: "This is...in cursory talking, but not in a formal atmosphere."

McCracken: "Okay, okay. Alright, to the Amendment. I understand the Gentleman's desire to get people back their licenses after they've been suspended or revoked for a conviction of DUI. But I think he seeks to take out of the hands of an elected official, that is the Secretary of State's Office and put in the hands of these unaccountable alcohol assessment people, the ultimate issue. The reason they're necessary under current law is because there is some degree of expertise in determining what treatment needs a particular person has. But the decision on whether to drive under current law rests with the Secretary of State, the elected official. The official whose duty it is and has been for many years, to decide whether and in what circumstances a driver's license will be returned. Even though the Gentleman, you know, says that it isn't his intent to use this to bind the Secretary, I can see that

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that is down the road. Certainly if a recommendation on the ultimate issue should the license be returned, is recommended and denied, that gives the contesting party all that much more ammunition to attack the Secretary's decision. That's an improper delegation of his function, a function we have found previously properly belongs in the Executive Branch. This is a move in the wrong direction. This will have an impact on when people get their driver's licenses back. It will take it out of the discretion of the Secretary of State. And if you want your people back, if you want them on the streets before it's safe to do so, if you want them on the streets where a relatively untrained analyst is in the position to make the ultimate decision, then I suppose you want this Bill. But that decision, that ultimate decision should rest with the Secretary of State. It should not be delegated. It certainly should not be delegated to these persons whose only expertise lies in a different field, alcohol assessment. They are not...they are to make the ultimate decision. They should not be there to make the ultimate decision. The effect of this will be to impair a good, good trend in our drunk driving laws, where we have cut down on deaths due to alcohol. We have cut down even on DUI arrests. So I stand in opposition to the Amendment."

Speaker Breslin: "Representative Giorgi to close."

Giorgi: "Representative McCracken, in all the months I've listened to you harangue an issue from the other side, this is the first time I must charge you with deliberately misleading the General Assembly in the intent of this legislation. I don't think you even read it. I think you just took the position to use the red herring to smear drunk drivers and you think you'd alert the General Assembly to defeat legitimate Amendment. This only

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recommends...this only recommends the Attorney General...I mean the Secretary of State is still the court, the prosecutor, the probation officer, the Supreme Court and the executor. You deliberately misled the General Assembly. All this says is these people are entrusted with worrying about the drunk drivers out on the field, they're the ones that are evaluated, they're the ones that are given the remedial courses, remedial lessons. They're the ones to at least recommend to the Secretary of State that these people are or are not worthy of another shot. So I urge the adoption of this Amendment."

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

McCracken: "To respond to the Gentleman's remarks. I read the Amendment. I did not mislead anybody on the Amendment. In fact, the Amendment is a recommendation. I never said it wasn't. I never said that it tied the Secretary's hands. I said that it was on the road toward tying the Secretary's hands. It would give the driver whose license is denied more ammunition with which to contest that. That the recommendation was being made by people not trained in the area to make that ultimate decision. And that is precisely...that is precisely what the Amendment says. And that is precisely what I said to you. You don't...you don't like this issue."

Speaker Breslin: "Gentlemen."

McCracken: "You have a problem with the Secretary of State, so you...so you want to rap me and create an issue where it doesn't exist."

Speaker Breslin: "Gentlemen. Representative Giorgi, you used Representative McCracken's name in debate. He was therefore allowed to rise again to speak to the issue. He has...he is in order and he was recognized properly."

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Representative Giorgi you have made your position clear on that issue. Does the...the close has been made, you may explain your vote. We are now going to go to a Roll Call vote on the adoption of Amendment #1. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Giorgi one minute to respond."

Giorgi: "Representative McCracken deliberately misstated on this floor that these people are not professionals. They are licensed, certified by the Secretary of State's Office. They ought to be given some responsibility. They're giving these people a revolving door situation. They ought to be made to say that a person is worthy or not worthy and responding to treatment. That's all I'm asking, a recommendation. The Secretary of State still has the authority to say 'no', he'll do it 90 percent of the cases anyway, because he has no courage to face the issue."

Speaker Breslin: "Representative McCracken's name was used in debate. He is therefore allowed to respond. Representative McCracken."

McCracken: "And you, Sir, you are deliberately misleading this General Assembly. Everybody here has ears. They're not stupid. They know what I said and they know that I said that those people are authorized or trained for the purpose of making an alcohol assessment. They're not trained for any other purpose. They're not trained to make the ultimate decision. They are not to make the ultimate decision. That lies with the Executive Branch, the Secretary of State. And I never said anything to the contrary. You are trying to raise the level of this debate, or I should say lower the level of this debate to the gutter, so that you can get some people on your side of the aisle mad enough to vote for this lousy Amendment."

Speaker Breslin: "Have all voted who wish? The Clerk will take

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the record. On this question there are 55 voting 'aye', 52 voting 'no', 4 voting 'present'. Representative McCracken wishes a verification. Poll the affirmative. Representative Lang wishes to be verified. Mr. McCracken, can Representative Lang be verified? He can. Rep...Mr. McCracken before you leave, Mr. McCracken, we have several others asking to be verified. Mr. Dunn. Who were the other hands? Mr. Brunsvold. Mr. Sutker. We'll write these names down. Very good. Proceed now, Mr. Clerk, with the Poll of the affirmative.

Clerk O'Brien: "Berrios. Bowman. Braun. Brunsvold. Bugielski. Capparelli. Christensen. Curran. Currie. Daley. Davis. DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers. Giorgi. Goforth. Granberg. Hannig. Hartke. Hicks. Huff. Jones. Krska. Lang. Laurino. LeFlore. Levin. Martinez. Matijevich. Mautino. McGann. McNamara. McPike. Morrow. Mulcahey. Novak. O'Connell. Phelps. Rea. Rice. Richmond. Saltsman. Shaw. Stern. Sutker. Turner. Van Duyne. White. Williams. Wolf. Anthony Young and Wyvetter Younge."

Speaker Breslin: "Any questions of the affirmative, Mr. McCracken?"

McCracken: "Yes, Ma'am. Representative Giorgi?"

Speaker Breslin: "Excuse me, Representative Levin asks leave to be verified. May he have leave?"

McCracken: "Yes."

Speaker Breslin: "You may."

McCracken: "Representative Giorgi?"

Speaker Breslin: "Oh, wait a minute. We have several others now who wish leave. Representative Flowers. Representative Huff and Representative Berrios and Representative Shaw. We'll take down the names. And Representative McGann and Representative McGann and Davis."

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McCracken: "Okay, that's all."

Speaker Breslin: "Okay, proceed. Who did you question?"

McCracken: "Representative Giorgi?"

Speaker Breslin: "Representative Giorgi is certainly in the chamber. He presented the Amendment."

McCracken: "Representative Braun?"

Speaker Breslin: "Representative Braun, Carol Braun. How's the Lady recorded?"

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

Speaker Breslin: "Remove her from the Roll Call. Representative..."

McCracken: "Representative Flowers?"

Speaker Breslin: "Representative Flowers had leave to be verified. Excuse me, Representative Cullerton changes his vote from 'no' to 'aye'. Proceed, Mr. McCracken."

McCracken: "Representative Wyvetter Young?"

Speaker Breslin: "Representative Wyvetter Young. How is the Lady recorded?"

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

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

McCracken: "Representative Anthony Young?"

Speaker Breslin: "Representative Anthony Young. Anthony Young is in the chamber."

McCracken: "Representative Bowman?"

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

McCracken: "Representative White?"

Speaker Breslin: "Representative White. Jesse White. How is the Gentleman recorded?"

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

Speaker Breslin: "Remove him."

McCracken: "Representative Brunsvold?"

Speaker Breslin: "Representative Brunsvold had leave."

McCracken: "Representative DeLeo?"

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Speaker Breslin: "Representative DeLeo. Jim DeLeo. How is the Gentleman recorded?"

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

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

McCracken: "Representative Christensen?"

Speaker Breslin: "Representative Christensen. Ray Christensen. The Gentleman is not in the chamber. How is he recorded?"

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

Speaker Breslin: "Remove him from the Roll Call. Representative Terzich, for what reason do you seek recognition? Vote Representative Terzich 'aye'. Proceed, Mr. McCracken."

McCracken: "Representative Giglio?"

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

McCracken: "Representative Farley?"

Speaker Breslin: "Representative Farley. Bruce Farley. How is the Gentleman recorded?"

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

Speaker Breslin: "Remove him from the Roll Call. Representative Jesse White has returned to the chamber. Add him to the Roll Call voting 'aye'."

McCracken: "Representative Keane?"

Speaker Breslin: "Representative Keane. Jim Keane."

McCracken: "Is not voting."

Speaker Breslin: "Is not voting."

McCracken: "Representative Van Duyne?"

Speaker Breslin: "Representative Van Duyne. Representative Van Duyne. The Gentleman is not in the chamber. How is he recorded?"

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

Speaker Breslin: "Remove the Gentleman from the Roll Call. Representative Giorgi...Giglio for what reason do you seek recognition?"

Giglio: "Madam...Madam Speaker, how am I recorded?"

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

Giglio: "Alright this time I have a conflict of interest, that's why I'm voting 'present'."

Speaker Breslin: "Very good. Proceed, Mr. McCracken."

McCracken: "Representative Curran?"

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

McCracken: "Representative Rea?"

Speaker Breslin: "Excuse me?"

McCracken: "Rea?"

Speaker Breslin: "Jim Rea. Representative Rea. How is the Gentleman recorded?"

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

Speaker Breslin: "Remove him from the Roll Call. Representative Braun has returned to the chamber. Add her to the Roll Call voting 'aye'."

McCracken: "Representative Laurino?"

Speaker Breslin: "Representative Laurino. Bill Laurino. How is the Gentleman recorded?"

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

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

McCracken: "Representative Hartke?"

Speaker Breslin: "Representative Hartke. Chuck Hartke. He's in the chamber."

McCracken: "Representative Satterthwaite?"

Speaker Breslin: "I'm sorry I couldn't hear you again."

McCracken: "Satterthwaite?"

Speaker Breslin: "Representative Satterthwaite. Helen Satterthwaite is not voting."

McCracken: "Representative Turner?"

Speaker Breslin: "Representative Turner. Art Turner's in his chair. Representative Rice has asked leave to be verified, Mr. McCracken."

McCracken: "Yes."



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Speaker Breslin: "He has leave. Representative Keane has returned to the chamber. He asked to be voted 'aye'. Record the Gentleman as 'aye'."

McCracken: "Representative O'Connell?"

Speaker Breslin: "Representative O'Connell. John O'Connell is in the chamber. Representative LeFlore now asks leave to be verified. As does Representative Martinez and..."

McCracken: "Representative..."

Speaker Breslin: "They have leave to be verified. Proceed."

McCracken: "Representative Huff?"

Speaker Breslin: "Representative Huff. Doug Huff. How is the Gentleman recorded?"

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

Speaker Breslin: "Remove him from the Roll Call. Representative Leverenz wishes to be recorded as voting 'present'. Record the Gentleman as 'present'. Representative Morrow..."

McCracken: "Representative Rich..."

Speaker Breslin: "Excuse me, Representative Morrow for what reason do you seek recognition?"

Morrow: "Thank you, Madam Speaker. I would like leave, leave of the Body."

Speaker Breslin: "Leave to be verified for Representative Morrow. Proceed."

McCracken: "Representative Bowman?"

Speaker Breslin: "Representative Bowman was already verified once and was present then and is present now. Representative Black, for what reason do you seek recognition?"

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

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

Black: "With apologies I'm having trouble with my color blindness today. Record me as 'no'."

Speaker Breslin: "Record Representative Black as 'no'."

McCracken: "Nothing further."

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Speaker Breslin: "Excuse me, Mr. McCracken, the Clerk's Office indicates that Representative Huff had leave to be verified. In addition to that, he is on our records as having leave to be verified. He therefore was present when he voted and should be recorded as voting 'aye'. Representative Giorgi for what reason do you seek recognition?"

Giorgi: "Madam Speaker, I want to reiterate for the record that what I said about McCracken was true and I want that to stay in the record. And I will follow this up...and I will follow this up with a Resolution asking that a task force approach this problem. And I'll bring the Resolution in during next week and I expect to be successful with it. And I will not verify the Roll Call, because I have other plans with the Resolution."

Speaker Breslin: "Very good. On this question there are 51 voting 'aye', 52 voting 'no', 4 voting 'present'. And Representative McCracken, for what reason do you rise?"

McCracken: "If you were half a man you Son-of-a-bitch, you'd apologize."

Speaker Breslin: "Gentlemen, Gentlemen, Gentlemen. On this question there are 51 voting 'aye', 52 voting 'no', 4 voting 'present'. And the Amendment fails. Representative Matijevich, for what reason do you rise?"

Matijevich: "I'll tell you after that outburst I was going to verify. You know, I think that...I think that's uncalled for."

Speaker Breslin: "I...I agree with you, Representative Matijevich."

Matijevich: "I've...I've been here a long time and it would seem to me a little while ago you were sort of protecting him over there, and I didn't like that. After that outburst I hope you don't protect him."

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Speaker Breslin: "You are quite right, Representative Matijevich. Representative Mautino. Representative Matijevi... Representative McCracken."

McCracken: "I was out of order for saying that and I apologize to the Body for that. But, I think all of you would agree that the Gentleman's remarks have been uncalled for."

Speaker Breslin: "Representative McCracken, your apology is accepted and they were certainly out of order. Is there any further discussion? Are there any further Amendments?"

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

Speaker Breslin: "Representative Mautino."

Mautino: "Thank you, Madam Speaker. I didn't know that this legislation was going to get as controversial and as testy as what has occurred here today. Amendment #2 eliminates the dedicated fund that's established in the legislation with the increase of the remuneration to obtain your driver's license. And provides that it be in the General Revenue Fund and then be re-appropriated to the agency for distribution to those individuals making the assessment. Upon completion of the Amendment, I've got a comment to make about this Bill and the action. I ask for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 2 to Senate Bill 2193. And on that question, the Gentleman from Cook, Representative Keane."

Keane: "Thank you, Madam Speaker. This Amendment meets the agreement that the Sponsor had with the Revenue Committee and I would urge its adoption."

Speaker Breslin: "Any further discussion? Hearing none the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Are

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there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Going to the Special Order of Business dealing with environment and natural resources. Excuse me, it's only...the hour for this Order of Business has not arrived yet, so in that case we will go back to the Special Order of Business dealing with State and Local Initiatives. Which began at 9:00. With leave of the Body we will go through that Order again. The first Bill is Senate Bill 1592, Representative DeLeo. Out of the record. Senate Bill 1599, out of the record. Senate Bill 1685, Representative Granberg. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1685, a Bill for an Act to amend the Employee Ownership Assistance Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative McCracken."

McCracken: "I'm back."

Speaker Breslin: "And hopefully better."

McCracken: "Touche' Madam Speaker, touche'. This would remove the provisions requiring DCCA to provide job training and retraining assistance to employee owned or community associated owned enterprises. I move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 1 to Senate Bill 1685. And on that question the Gentleman from Clinton, Representative Granberg."

Granberg: "Madam Speaker, may I ask the Sponsor of the Amendment a question, please?"

Speaker Breslin: "Proceed."

Granberg: "Representative McCracken, have you talked to a representative of DCCA in regard to this Amendment?"

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Because I filed...Madam Speaker, I have leave to take this out of the record?"

Speaker Breslin: "Surely. Out of the record. Senate Bill 1771, out of the record. Senate Bill 1794, Representative McPike. Out of the record. Senate Bill 1795, Representative Flowers. Representative Flowers are you ready to proceed on this Bill? Out of the record. Senate Bill 1842, Representative Terzich. Out of the record. Senate Bill 2185, Representative Braun. Clerk, read the Bill. Excuse me, out of the record. Ladies and Gentlemen we will go back to where we left off on Senate Bills, Second Reading. Page 8 on the Calendar, at the top of page 8 appears Senate Bill 1994, Representative Ronan. Representative Ronan, do you wish to call this Bill? Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1994, a Bill for an Act to amend the Unified Code of Corrections. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Countryman."

Countryman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #1 to Senate Bill 1994 changes the amount of grams of Marijuana or Cannabis which would be considered for trafficking under the Bill from 1,000 to 2,500 grams. This is in light of some discussion that went on in the committee and the discussion is to how much would be considered trafficking under this offense. And it's an agreement between the parties that opposed the Bill that would now support the Bill if this Amendment were on. So I move for its adoption."

Speaker Breslin: "The Gentleman moves the adoption of Amendment 1

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to Senate Bill 1994. And on that question is there any discussion? Hearing none the question is, 'Shall Amendment...the Gentleman from Cook, Representative Williams on the Amendment.'

Williams: "Just briefly, would the Amendment...would the Sponsor yield that's the first question?"

Speaker Breslin: "He will."

Williams: "Okay, now the Amendment it increases the minimum amount necessary under this particular category offense. Is that correct?"

Countryman: "That's correct."

Williams: "What is the new amount that has been added?"

Countryman: "Twenty five hundred grams."

Williams: "Okay, and..."

Countryman: "Which would be equivalent to just a little over five pounds."

Williams: "Okay, and this only affects those who come...bring trafficking from out of state into the state? Is that correct?"

Countryman: "Yes."

Williams: "Okay, thank you."

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

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

Speaker Breslin: "Representative Levin or Stern. Representative Levin, Stern, Lang or Sutker. Representative Stern is recognized to present the Amendment. Representative Stern."

Stern: "Madam Speaker, Members of the House this Amendment passed

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out of the House without difficulty and got stuck in the Senate Rules Committee. I'm not the prime Sponsor, can I hold on for one second here while I get the information? It expands the offense of ethnic intimidation to include the offense of trespass on the residence."

Speaker Breslin: "The question is, 'Shall Amendment #2 be adopt...the Lady has moved for the adoption of Amendment 2 to Senate Bill 1994. And on that question the Gentleman from Cook, Representative Ronan."

Ronan: "Thank you, Madam Speaker. Representative Stern, I asked a question when this Amendment was brought earlier in communication that I would agree to the Amendment if the Cook County State's Attorney agreed to the Amendment. Do you know, has that discussion occurred between the Sponsors of the Amendment and the Cook County State's Attorney?"

Stern: "There was no dissent in the committee..."

Ronan: "I don't...this is the Cook County State's Attorney's Bill that I'm carrying for him. I have no problems with the Amendment. I just want to make sure the Cook County State's Attorney doesn't have a problem with it."

Stern: "I'm sorry I do not know, Mr. Ronan. Mr. Lang know? I cannot imagine why they would have any problem with this. Simple, straightforward ...I feel sure if this House supports it the Cook County States Attorney will be happy to support it."

Ronan: "You're on a special wave length with our States Attorney, Representative?"

Stern: "There's Mr. Levin, may I yield to Mr. Levin for a moment?"

Ronan: "Sure."

Speaker Breslin: "Representative Levin."

Levin: "Yeah, actually my name should appear first on the Amendment...The Cook County States Attorney not only has no

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problem with the Amendment, they support it."

Ronan: "It does...Fine I have no problems with the Amendment.  
Thank you."

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

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

Speaker Breslin: "He will."

Hultgren: "I'm not sure I understand why we need this offense in  
the Criminal Code. Essentially, if I understand it  
correctly, we're saying that we commit an offense of ethnic  
intimidation if we commit an offense of criminal trespass  
to residence. Why is it not simply sufficient to have the  
offense criminal trespass to residence and let it go at  
that?"

Speaker Breslin: "Representative Levin."

Levin: "Madam Speaker, Ladies and Gentlemen of the House, we...  
this Body passed the Ethnic Intimidation Law in 1981 as a  
result of various acts of desecration and vandalism and  
violence directed at individuals in religious bodies, for  
religious or ethnic purposes. And the intent of that  
legislation was to act as a deterrent against attempts to,  
you know, vandalize cemeteries, churches, synagogues and  
commit acts of violence against individuals because of  
their religion or ethnicity. It has worked pretty well.  
One of the provisions that was in that Bill when we passed  
it covered such acts to property. And what happened  
subsequently and this Amendment is really and purely a  
technical Amendment, is the trespass to property statute  
which was one statute back in 1981, was subsequently  
amended to become two statutes. One was trespass to  
property, one was trespass to residential property. So the  
effect of that was to modify unintentionally that this  
legislation which we passed in '81 so would no longer apply



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to residential property. We have seen a number of acts of vandalism and desecration in the last several months. On the north side of Chicago there was the Crystal Knock situation that occurred where a number of temples and stores and other Jewish properties were vandalized. And here in Springfield we more recently have seen similar acts of vandalism, including, let me add, on police cars and on the Governor's Mansion. The Governor's Mansion is a residence. And under the Ethnic Intimidation Law as it stands today there is a question whether or not the vandalism, the desecration of the Governor's Mansion would be covered under this statute. With this Amendment clarifying that residences are in fact covered, the Governor's Mansion would be covered by the Ethnic Intimidation Law. That was the intent of the statute initially and this simply is a technical Amendment to bring the Ethnic Intimidation Law back in sync with what was initially intended."

Hultgren: "I think I understand where you're going with it. I'm not sure I understand yet why we would...if for example there were some kind of vandalism on the Governor's Mansion why we simply couldn't prosecute for vandalism on the Governor's Mansion. Is there...are there heightened penalties for ethnic intimidation as opposed to vandalism of the residence, is that what we're getting at here?"

Levin: "Yes..."

Hultgren: "Okay, that's fine."

Levin: "Penalties are greater, that's correct."

Hultgren: "Okay, that's...that answers my question. Thank you very much."

Speaker Breslin: "Any further discussion? Hearing none the question is, 'Shall Amendment 2 be adopted?' All those in...the Gentleman from Vermilion, Representative Black."

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Black: "Thank you very much, Madam Speaker. I would just arise in support of the Amendment. I think it only makes good sense if we can arrest parents for not picking up their children's report cards, we certainly should pass Amendment #2."

Speaker Breslin: "The question is, 'Shall Amendment 2 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1999, Representative Satterthwaite. Representative Satterthwaite, do you wish to call this Bill? Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1999, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Repres...are there any Motions or Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. Senate Bill 2002, Representative Sutker. Representative Sutker. Out of the record. Senate Bill 2010, Representative Barger. Representative Barger do you wish to call this Bill? Mr. Barger, do you wish to call this Bill? 2010. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2010, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Do you have an Amendment ready? No. But you want to move it to Third? Okay, Third Reading, if there are no Floor Amendments."

Clerk O'Brien: "No Floor Amendments."

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

Peterson: "Madam Speaker, does he need leave of the House to move it to Third Reading?"

Speaker Breslin: "No, he does not if there are no Amendments filed."

Peterson: "No Amendments were...okay."

Speaker Breslin: "No Amendments were filed. Senate Bill 2014, Representative Keane, Jim Keane. Out of the record. Senate Bill 2023, Representative Brunsvold. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2023, a Bill for an Act to amend Sections of the School Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative Hultgren."

Hultgren: "Thank you, Madam Speaker. If I may address the Sponsor of the Bill, he and I have talked about amending this and this version of the Amendment was filed yesterday. Some parties who are interested in this Bill reviewed that Amendment, have suggested some language changes and that...those language changes are still in LRB. So essentially Floor Amendment #2 is not what we've agreed to with those other parties. But there's a Floor Amendment that's being drafted in LRB. Do you want to move this to Third and bring it back, or..."

Speaker Breslin: "Representative Brunsvold takes the Bill out of the record. Senate Bill 2027, Representative Satterthwaite. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2027, a Bill for an Act to amend the School Code. Second Reading of the Bill. Amendment #1 was

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adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Third Reading. Senate Bill 2028, Representative Hannig. Representative Hannig, do you wish to call this Bill? Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2028, a Bill for an Act to amend Sections of the School Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative Mautino, you're the Sponsor of Amendment 2 on this Bill. Representative Mautino, you're recognized on the Amendment."

Mautino: "Is the Amendment filed?"

Speaker Breslin: "The Amendment is filed. Is it printed and distributed, Mr. Clerk? Yes, it has been printed and distributed. Representative Mautino."

Mautino: "That Amendment is Mautino-Countryman and it addresses the Entrepreneurship Education Council at NIU. This is the corrective language that is necessary that provides three appointments to the council and the board by NIU and it's under the control of the NIU. I was just on the phone with a technical corrective Amendment that will be forthcoming as well on this subject matter. I would move for this adoption with the hopes that the Sponsor would bring it back after the Amendment that's being drafted for corrective measures comes up from the Reference Bureau. And it's on its way over right now. So I move for the adoption of this one."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment 2 to Senate Bill 2028. On that question is there

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any discussion? Hearing none the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

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

Speaker Breslin: "Representative Curran."

Curran: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #3 is House Bill 3068. It passed unanimously out of the Education Committee, unanimously out of the House. It got stalled in the Senate Rules Committee. It basically gives local school boards the option to finance additions in schools at the cheapest possible way. I don't know of any opposition either now or at any time in the past and I ask for a favorable Roll Call...I ask for a favorable vote."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 3 to Senate Bill 2028. And on that question is there any discussion? Hearing none the question is, 'Shall Amendment 3 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #4 offered by Representative Hoffman, Cowlshaw and Mulcahey."

Speaker Breslin: "Representative Hoffman. Representative Cowlshaw."

Cowlshaw: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #4 has been cleared with all of the people on both sides of the aisle. It was a suggestion of the State Board of Education. It consists of only one sentence, it says 'extraordinary special education services

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provided on a one half day basis shall only be reimbursed at a rate of one half the amount otherwise provided herein'. It has come to our attention that there are a couple of school districts in Illinois that have some students who have been receiving these services on a half day basis. But the districts have been collecting money from the reimbursement as though that were a full day of services. Although we can't go back and cut back the money we've already given to them...the point is that we'd rather not continue with that kind of inequity. And so I move for the adoption of Amendment #4 to Senate Bill 2028."

Speaker Breslin: "The Gentleman moves...the Lady moves for the adoption of Amendment 4 to Senate Bill 2028. On that question is there any discussion? Hearing none the question is, 'Shall Amendment 4 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 2041, Representative John Dunn. Representative John Dunn. Out of the record. Senate Bill 2042, Representative McPike. Out of the record. Senate Bill 2116, Representative Harris. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2116, a Bill for an Act to amend Sections of the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. Senate Bill 2117, Representative Hoffman-Cowlishaw. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2117, a Bill for an Act to amend Sections of the School Code. Second Reading of the Bill."

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No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. Senate Bill 2127, Representative Parke. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2127, a Bill for an Act in relation to the tax on Cannabis and controlled substance. Second Reading of the Bill. Amendments #1 and 2 were adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Third Reading. Senate Bill 2136, Representative Countryman. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2136, a Bill for an Act in relation to the registration of federal liens. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative Countryman."

Countryman: "Withdraw."

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

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

Speaker Breslin: "Representative Countryman."

Countryman: "Amendment #3 would provide in a situation where a stop order is issued by the Department of Revenue that they would have 60 days to determine the amount of tax liability due. And this would alleviate a situation which requires people to escrow money for a longer period of time and in essence fold up transactions and hold up commerce. And that's the reason why I have introduced it and put it on this Amendment. And I'd ask for your favorable support."

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Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3 to Senate Bill 2136 and on that question is there any discussion? Hearing none the question is, 'Shall Amendment 3 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 2147, Representative Granberg. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2147, a Bill for an Act to amend Sections of the School Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative Hoffman. Is Representative Hoffman here? The Gentleman is...yes, Representative Hoffman you're the Sponsor of Amendment 2. Proceed, Sir."

Hoffman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. The purpose of this legislation is to clarify legislation that we passed last Session and the Session before. Which we dealt with the issue of educational support personnel and dismissal procedures related to that. And what Amendment #2 does is define educational support personnel as a full time employee engaged in support services of a non-supervisory or a non-managerial nature. That's all it does and I would ask for your support of Amendment #2."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 2 to Senate Bill 2147 and on that question the Gentleman from Clinton, Representative Granberg."

Granberg: "Madam Speaker, with all due respect to Representative



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Hoffman, I will be opposed to his Amendment and I would ask the Body to vote 'no' on the adoption of his Amendment. We have put the Bill in the posture we want for Third Reading and I would respectfully ask that all Amendments except for 1 be declined at this time. So I'd ask the Bod...on this Amendment."

Speaker Breslin: "You would ask for what, Sir?"

Granberg: "To vote 'no' on the adoption of this Amendment."

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

Hoffman: "I think I adequately explained the Amendment. I think the Sponsor adequately explained his position and I would ask for a 'aye' vote."

Speaker Breslin: "The question is, 'Shall Amendment 2 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 18 voting 'aye', 87 voting 'no' and 2 voting 'present' and the Amendment is not adopted. Are there any further Amendments?"

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

Speaker Breslin: "Out of the record. The Gentleman withdraws Amendment 3. Are there any further Amendments?"

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

Speaker Breslin: "Representative McNamara on Amendment 4."

McNamara: "Thank you, Madam Speaker. Amendment #4 changes the date from July 1975 to July 1988 in which Teacher Certification Board upon presentation to the board, evidence of five years of successful teaching experience on a valid certificate prior to January...July 1st, 1988. The State Board is in favor of this Amendment. I know of no

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opposition. I urge its approval."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 4 to Senate Bill 2147. On that question is there any discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Madam Speaker. I have no objection to the Amendment being adopted."

Speaker Breslin: "The question is, 'Shall Amendment 4 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Giglio in the Chair."

Speaker Giglio: "Alright. The hour of 11:00 having arrived we're going to the Order of Environment and Natural Resources. Second Readings. In that category on the House Calendar on page 6 appears 1615, Representative McAuliffe...Cullerton. Out of the record. On that Order appears Senate Bill 1814. 1814, Representative Richmond. Representative Richmond in the chamber? On page 7 of the Calendar, Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1814, a Bill for an Act to amend the Illinois Farm Development Act. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Any Floor Amendments?"

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

Speaker Giglio: "Representative Richmond."

Richmond: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 to Senate Bill 1814 is a very simple one. It adds an expansion to the sales tax exemption of farm machinery and equipment to include machinery that is

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used in production of aquatic products. Aquaculture in other words, including fish farming and so forth. And I would ask for your approval of this Amendment."

Speaker Giglio: "Any discussion? The Gentleman from McLean, Representative Ropp."

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

Speaker Giglio: "He indicates he will."

Ropp: "Could you give me an example of a product that you use in aquaculture that needs sales tax relief?"

Richmond: "I would guess that we need to ask the Farm Bureau that, they're the ones that initiated this Amendment. Apparently there's some equipment used in fish farming and aquaculture that...it doesn't come under the present definition of production farm equipment. And that's what the purpose of this Amendment is."

Ropp: "Would this...does this include a sizable amount of tax relief?"

Richmond: "No it will not."

Ropp: "Thank you."

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

McCracken: "Thank you, Mr. Speaker. Representative Richmond came over to speak to me about this and I told him I'd have to check on it. I'm advised the Department of Revenue is opposed to the Bill. But before addressing the merits of the Amendment, Parliamentary inquiry, is the Amendment germane? The underlying Bill deals with the Farm Development Act and the Amendment purports to address the Sales Tax Act. I believe it's non-germane and ask the Chair to so rule."

Speaker Giglio: "The Parliamentarian is looking into the request of Representative McCracken. Are there any other discussion concerning the Amendment or the Bill?"

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Representative McCracken."

McCracken: "What was the ruling, that it is germane?"

Speaker Giglio: "No, I said if there were people that wanted to discuss the Amendment or talk about the Bill, while the Parliamentarian is..."

McCracken: "Oh, he's checking it."

Speaker Giglio: "Inquiring, is checking into it. We could proceed and continue the discussion."

McCracken: "Oh. Well, if it's alright with the Chair...alright, I would like to address it. But is he ready with an answer? No?"

Speaker Giglio: "Parliamentarian informs the Chair that the Amendment is germane. The Bill deals with agriculture and the Amendment so addresses. So the Amendment is germane. Representative McCracken."

McCracken: "Is that horizontal germaneness?"

Speaker Giglio: "Parallel."

McCracken: "Parallel. Oh, it's parallel germaneness. Okay. Well, to the Bill...the Amendment."

Speaker Giglio: "Proceed."

McCracken: "The department opposes this Bill and for obvious reasons in this year of tight spending. This is going to exempt another portion of machinery from that tax and moreover this Bill or this concept either has been defeated in the Revenue Committee or was not brought before the Revenue Committee this year I am advised. And for that reason I think we really should be taking something like this very, very carefully and very slowly. This is much more properly a subject of a full committee hearing where we can understand what, if any, fiscal impact there is. So I stand in opposition to it."

Speaker Giglio: "Further discussion? The Lady from Lake, Representative Frederick."

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Frederick: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Frederick: "Representative Richmond does this create another exemption for farm machinery above what we have now?"

Richmond: "Yeah, it expands the existing exemption. By definition, the exemption pertains to farm machinery that's used in production. And certainly the aquaculture part of farming is production and this would merely be included in the definition."

Frederick: "To the Bill, Mr. Chairman. Actually I don't think we can afford it first of all. And secondly, what we're hoping to do this year is put in place a tax rate...a sales tax that is uniform. And this just creates another exemption, the sales tax and I would urge a 'no' vote on this Amendment."

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

Hartke: "Thank you very much, Mr. Speaker. I stand in support of this Amendment. The aquaculture business is a new budding industry in Illinois, and could do great things. But we're talking about a very minor amount of sales tax that would be exempt. I think it also affects part of the loan under the Farm Development Loan Program and we're talking about a very few minor dollars in returns to the State of Illinois that would be exempt from this thing. Which I think the farm development authority is looking for something to recognize aquaculture as a part of farming in the State of Illinois. And it was not in the original legislation and this would add that to it. I stand in support of the Amendment."

Speaker Giglio: "Further discussion? The Gentleman from Lake, Representative Churchill."

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

Speaker Giglio: "He indicates he will."

Churchill: "Representative, can you tell me, is there a fiscal impact on this?"

Richmond: "I was just told, and frankly I don't have it. I was just told that it would be minimal and be difficult to put a handle on it at the moment such a new industry."

Churchill: "Does anybody...you don't have a fiscal note filed on this?"

Richmond: "I do not."

Churchill: "This deals with the sales tax, correct?"

Richmond: "Yes, that's correct. It merely expands the definition of production farm machinery to include machinery that really is farm production machinery. It's aquaculture. But...by the current definition it's excluded and this would include it."

Churchill: "So in other words if you're a fisherman on Lake Michigan and you want to get new fishing equipment then this would...this Bill would cover that and allow for a sales tax exemption for fishing equipment?"

Richmond: "No it would not. Aquaculture would certainly not include fishing. No, except as a farm product. In other words, farm raised catfish and that type of thing. And a lot of other plants, vegetables and so forth that's involved in aquaculture."

Churchill: "Have you made any attempt to try and tie this Bill into the other Sales Tax Reform Bill that we spent hours and hours debating in the back rooms? Does it tell you on here?"

Richmond: "No I have not. This Amendment was given to me by the Farm Bureau just a few days ago."

Churchill: "I see. To the Amendment Madam Speaker, Mr. Speaker, I'm sorry."

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Speaker Giglio: "It's quite alright, Representative Churchill, it's quite alright."

Churchill: "I stand in opposition to the Amendment also. I think we've spent so much time this year talking about sales tax reform and trying to handle all of the various complaints that people have had about the Sales Tax Reform Bill, I don't think this is something we should consider at this time. If you want to bring it up next year, fine. I think that's an appropriate time to talk about it."

Speaker Giglio: "Further discussion? The Gentleman from Jackson, Representative Richmond to close."

Richmond: "Thank you, Mr. Speaker. And very briefly... This Amendment would further aid our major industry in this state and certainly I think that's extremely important to all of us whether we're in the urban areas or suburbs or out in the country. And we...this is going to be a minimal impact on state revenues. It is unfair to have production farm machinery to exclude machinery that actually is production machinery, and that's all this Amendment would do. Certainly if there is a Sales Tax Reform Act it can be accounted with at that point. I'm not trying to expand the sales tax with any...to any great degree except to what I think is a very fair change for the farming industry and I ask for your support."

Speaker Giglio: "Question is, 'Shall the House adopt Amendment #1?' All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair there's a conflict, so Mr. Clerk, let's take a Roll Call. All those in favor of the Amendment vote 'aye', those opposed to the Amendment vote 'no'. The voting is open. Representative Leverenz."

Leverenz: "I rise in support of the Amendment. All the 4-H clubs in Cook County are in support of this Amendment."

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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 73 voting 'yes', and 37 voting 'no', 3 voting 'present'. And the Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "There's been a request for fiscal note, so this Bill will remain on Second Reading. On Environment and Natural Resource appears Senate Bill 1834, Representative...right... 1834 has been moved to Third. Alright on this Order of Business now the Senate Bills that are on Third Reading. Senate Bill 1616 on page 5 of the Calendar. Mr. Clerk read the Bill."

Clerk O'Brien: "Senate Bill 1616, a Bill for an Act to amend the Illinois Solid Waste Management Act. Third Reading of the Bill."

Speaker Giglio: "The Lady from LaSalle, Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen this Bill was amended yesterday to include the provisions of House Bill 3878. That Bill, as you will recall, included a comprehensive planning on the part of counties and the cities... of the City of Chicago as with an emphasis on mandatory recycling and other alternatives to land fills. The Bill is supported by the recyclers, the Department of Energy and Natural Resources and the League of Women Voters and the Illinois Environmental Council. The city for some of you who remember this Bill when it went through the House, the city had some opposition to the Bill at that time. They have now withdrawn their opposition in favor of this Amendment because we have made several changes in the planning provisions of the Bill. In addition to that we have moved the one provision dealing with restrictions on the introduction of the plastic can in Illinois. So that



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is what Senate Bill 1616 now does. It is favorable to the Senate Sponsor as well, so I ask that the Bill be passed on Third Reading."

Speaker Giglio: "Any discussion? The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill. It's a good Bill, 3878 passed through this House with more than a hundred votes. It's a Bill that's absolutely needed in Illinois this year. With less than four years remaining of land fill capacity, this Bill is the answer. It seeks alternatives and will require counties to plan for alternatives to land filling garbage in Illinois. I urge everyone's unanimous support of this Bill. It's something that's absolutely and vitally needed in this state and needed now. Thank you."

Speaker Giglio: "The question is, 'Shall the Senate Bill 1616 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there are 115 voting 'yes', none voting 'no' and none voting 'present' and Senate Bill 1616 having received the Constitutional Majority is hereby declared passed. On this Order of Business appears Senate Bill 1701, Representative Brunsvold, wildlife. Representative Brunsvold, are you ready, Sir? Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1701, a Bill for an Act to amend the Wildlife Code. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. If you might recall we had some debate previous to today on an Amendment offered by

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Representative Mautino. And debated between Representative Olson and Mautino and they have come to an agreement and I would now ask Mr. Speaker that we could, with leave of the House, move this Bill back to Second Reading for an Amendment."

Speaker Giglio: "Any discussion? Representative Hartke."

Hartke: "Yes, he's asked to move the Bill back to Second."

Speaker Giglio: "Gentleman have leave to move the Bill back to Second? Hearing none, Mr. Clerk, read the Bill."

Clerk O'Brien: "This Bill has been read a Second time previously. Floor Amendment #1 was withdrawn. Floor Amendment #2, offered by Representative Mautino."

Speaker Giglio: "Representative Mautino on Amendment #2. Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As Representative Brunsvold alluded to we had a question yesterday relative to amending this Bill on it's face. We now have a draft Amendment relative to non-resident hunting license...hunting on licensed preserves. This Amendment was drafted by JCAR staff, signed off on with conservation and the state police. And I'm going to read the Amendment to you and move for it's adoption. 'Non-resident hunters whose state of residence does not require them to be licensed or registered, to possess a firearm and only during hunting season, with valid hunting licenses while accompanied by and using the firearm owned by a person who possesses a valid Fire Arms Owner Identification Card. And while in an area with any commercial club licensed under the Wildlife Code where hunting is permitted and controlled by in no instances upon sites owned or managed by the Department of Conservation.' In other words what we're saying here is that we are not obviating the importance or significance of the FOID card. This meets the test and I have agreed to be a co-sponsor of

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this Amendment with Representative Mautino and I move for its adoption."

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

Clerk O'Brien: "Floor Amendment #3 offered by Olson and Mautino."

Speaker Giglio: "Representative Olson."

Olson: "Mr. Speaker, I've just been advised that I should have been addressing Amendment 3 rather than 2 and therefore I would move to withdraw 2 and adopt Amendment #3 as described."

Speaker Giglio: "The Clerk informs me that the Amendments are duplicates. So if the Amendment #2 has been adopted if you want to withdraw Amendment..."

Olson: "Alright, no if it's satisfactory to go on the Bill I'll move that. Yes."

Speaker Giglio: "Your name has been added as co-Sponsor. So Amendment #2 has been adopted and the proper request would be to withdraw Amendment #3. Representative Olson."

Olson: "Thank you, Mr. Speaker for your indulgence. Going back to 1701 we have a semantical issue here relative to what we should be adopting. Apparently the LRB numbers indicate to us that we should be adopting Amendment #3, withdraw Amendment #2 and then that will put us in good form to move the Bill."

Speaker Giglio: "Heard the Gentleman's Motion, withdraw Amendment #2."

Olson: "Adopt Amendment #3. It is as described."

Speaker Giglio: "The Gentleman asks to withdraw Amendment #2 and asks that the House adopt Amendment #3. Alright then, you're going to have to reconsider the vote by which Amendment #2 was adopted."

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Olson: "Thank you, Mr. Speaker. If you'd do that we'd be appreciative. We accept your..."

Speaker Giglio: "The Motion is to reconsider the...Amendment #2, Senate Bill 1701. All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair the 'ayes' have it and the Motion carries. The Motion to table #2. All those in favor of the Motion signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and Amendment #2 has been tabled. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #3 offered by Myron Olson and Mautino."

Speaker Giglio: "Representative Olson."

Olson: "Thank you, Mr. Speaker. Again we ask your indulgence to move this Amendment in the form and manner in which we described. And I move for an affirmative vote on Amendment #3 to Senate Bill 1701."

Speaker Giglio: "The Gentleman asks that the House adopt Amendment #3 to Senate Bill 1701. All those in favor 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 O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Gentleman asks that...Gentleman asks leave by the Attendance Roll Call for immediate consideration on Senate Bill 1701. Immediate consideration is granted. Representative...use of the Attendance Roll Call. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1701, a Bill for an Act to amend Sections of the Wildlife Code. Third Reading of the Bill."

Speaker Giglio: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, 1701 is a JCAR Bill. An agreement between the

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Department of Conservation and the Joint Committee on Administrative Rules to describe how shareholders of corporations are to hunt on ground. There was a discrepancy between Conservation and JCAR on how many free permits could be issued. They've come to an agreement allowing one permit for every 40 acres up to a limit of 15. That, along with Representatives Olson's Amendment #3 which outlines how FOID cards may be used on hunting ground...public hunting grounds for corporate people and I'd ask for support of 1701."

Speaker Giglio: "Any discussion? All those in favor of Senate Bill 1701 vote 'yes', all those opposed vote 'no'. This is final action, Mr. Clerk. Have all...the Gentleman from Cook, Representative Bowman are you seeking recognition? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 112 voting 'yes', none voting 'no' and none voting 'present'. Senate Bill 1701 having received the Constitutional Majority is hereby declared passed. The Gentleman from Cook, Representative O'Connell, 1913, corporation criminal liability. Are you ready, Sir? Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1913, a Bill for an Act in relation to corporate criminal liability, amending and adding to certain Acts herein named. Third Reading of the Bill."

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

O'Connell: "Thank you, Mr. Speaker. House Bill, strike that, Senate Bill 1913 is a product of the Attorney General's Office. The Bill addresses a problem that presently exists wherein a corporation is subject to a criminal violation of an environmental statute. The corporation then during the interim of the prosecution of the environmental crime

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expires ...the further prosecution then becomes a nullity. What this Bill will provide is that the prosecution will be able to survive the expiration of the corporate entity. There is a 5 year statute of limitation period that is in the Bill. The Bill was subject to Amendments during the hearing before the Judiciary II Committee which satisfied some of the opposition to the Bill. I think the Bill is in good form now and I would ask for a favorable vote."

Speaker Giglio: "Any discussion? 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 111 voting 'yes', none voting 'no' and none voting 'present'. Senate Bill 1913 having received the constitutional Majority is here by passed. On page 7 of the Calendar Senate Bill Second Reading. Return to that Order, Representative O'Connell on 1989. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1989, a Bill for an Act to amend the Unified Code of Corrections. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Representative O'Connell on Amendment #1."

O'Connell: "Mr. Speaker, I'd like leave to withdraw Amendment #1."

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

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

Speaker Giglio: "Representative Daley."

Daley: "Thank you, Mr. Speaker, Members of the House. Amendment #2 in essence was the provisions of Senate Bill 1987,

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before it was amended yesterday. And what this Amendment would do, it would expand the offense of home invasion, making it applicable to an additional situation. Under the Bill a person would commit the offense by entering another's residence and thereafter remaining in the residence until he knows or has reasons to know that one or more persons is present. And thereafter causes or threatens an individual. The Bill also...the Bill also clarifies the time period, within the ten year requirement by specifying...I'm sorry, again it also clarifies the ten year requirement in which the extended term sentence authorized by the Bill may be imposed. The Amendment states that the extended term may be imposed only by a subsequent conviction occurred within ten years after the previous conviction. I'd be happy to answer any questions."

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

Countryman: "Point of Order, Mr. Speaker. Is this Amendment in order?"

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

Daniels: "Well, Ladies and Gentlemen of the House, with us today on the House Floor is a Gentleman that used to be a Member of the Illinois House along with his Chief Assistant who also was a Member of the Illinois House. The Gentleman who I sat next to for several years on the House Floor and I found that he learned things so fast in Illinois we had to send him on to Washington to deal with problems there. Would you join me in welcoming back to the Illinois General Assembly two of our favorite people; Congressman John Porter and former Representative Betty Lou Reed in the back."

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

Parke: "Thank you, I've been given a note that on the poppy sales for 1988 that the House contributed \$275.00, the Senate \$79.00 for total gifts from the Legislature \$354.00 given to veterans organizations and hospitalized veterans. And on their behalf they would like to thank the General Assembly for their gifts."

Speaker Giglio: "Representative Countryman, the Parliamentarian informs me that the Amendment is germane. The Bill applies to crime and home invasion and the Amendment applies to home invasion so we feel...he feels that the Amendment is germane. Representative Countryman."

Countryman: "Well, my question was, is Amendment #1 on the Bill?"

Speaker Giglio: "Amendment #1 is withdrawn."

Countryman: "Alright, thank you."

Speaker Giglio: "Any discussion...further discussion on Amendment #2? All those in favor of Amendment #2 to Senate Bill 1989 say 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and Amendment #2 is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Alright we're going to do Senate Bill 1926. It was previously taken out of the record. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1926, a Bill for an Act to amend the School Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Are there further Amendments?"

Clerk O'Brien: "No Motions filed. Floor Amendment #2 offered by Representative Sieben and Mulcahey."

Speaker Giglio: "Representative Sieben. Is Representative Sieben or Representative Mulcahey in the chamber? The Gentleman



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from Winnebago, Representative Mulcahey on Amendment #2 to Senate Bill 1926."

Mulcahey: "Thank you, Mr. Speaker, Members of the House. Amendment #2 simply provides a remedy to a situation we have in Carroll County regarding the reorganization of two school districts over there. It relates to the method by which the board will be selected. It was an oversight we had on another piece of legislation, it was agreed to by both sides. And I would move the adoption of the Amendment."

Speaker Giglio: "Heard the Gentleman's Motion. 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 Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #3 offered by Representative Steczo and Didrickson."

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

Didrickson: "Thank you, Mr. Speaker, Members of the House. Amendment #3 is at the request of the State Board of Education for the career compensation programs. It removes some obsolete language and also identifies those programs that can be included across the state instead of just limiting them to five or seven as originally sits here."

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 Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #3 offered by Representative Steczo...that's Floor Amendment #4 offered by Representative Steczo and..."

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

Didrickson: "Mr. Speaker, I would like to move this Bill along

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and then we'll just pull it back when it's on Third for Representative Steczo who at that time will be here. He's had some family problems and has had to leave."

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

Didrickson: "Mr. Speaker, I would... at your approval, I'll handle Amendment #4 for Representative Steczo, if that's okay."

Speaker Giglio: "The Gentleman from Cook, Representative Anthony Young."

Young: "Thank you, Mr. Speaker. What happened to Amendment #2?"

Speaker Giglio: "Two and three have been adopted. Representative Young."

Young: "Could I ask the Sponsor to take this out of the record just for a minute, we think two is out of order."

Speaker Giglio: "Mr. Clerk take the Bill out of the record. On the Order of Senate Bills Second Reading, on page 9 of the Calendar appears Senate Bill 2185, Representative Braun. Representative Braun in the chamber? 2185, Second Reading. School Transfer Fund, are you ready, Representative? Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2185, a Bill for an Act to amend the School Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

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

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

Braun: "First Mr. Speaker I'd like to table Amendment 1. Table Amendment 1."

Speaker Giglio: "Alright, take Amendment #2 out of the record and

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go back to Amendment #1. Any Motions filed?"

Clerk Leone: "A Motion to table, filed by Representative Braun."

Speaker Giglio: "Representative Braun tables Amendment #1. Any discussion? Hearing none, Amendment #1 is tabled. Question is...all those in favor of the Motion to table #1 signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and Amendment #1 is tabled. Are there further Amendments?"

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

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

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This represents the boards...the Chicago School Board of Education's financial... part of the financial package which essentially calls for a pick up of the tax rate that is allocated for the public building fund already. That will be picked up within the...by the building fund. Additionally, it has a...creates a new rate limited to capital projects levy's. It sets the rate limit equal to the sum of the tax rates from the public building commission difference tax and the school finance authority tax. So it is essentially just a pick up of taxes that already exist and the capital fund that already exists and moves it over to another fund. So as to free up those funds for purposes of educational."

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

Cowlshaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment applies only to the city of Chicago Schools. It applies only to local tax revenues and it ought to be adopted."

Speaker Giglio: "The Gentleman from Cook, Representative Andrew McGann."

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

Braun: "Yes."

Speaker Giglio: "She indicates she will."

McGann: "Representative Braun, wasn't this Amendment on a previous House Bill that was defeated?"

Braun: "Yes it was."

McGann: "Yes, and it was defeated resoundly by this Assembly because what it does is, it's going to be a continuation, the public building commission tax levy on schools where those schools do not actually receive those dollars for repairs. I would ask you to take a close look at this Amendment. It has been before us before. It was resoundly defeated and I would ask for 'no' votes and I ask for a Roll Call vote."

Speaker Giglio: "Further discussion? The Lady from Cook, Representative Braun to close."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It is ironic that..."

Speaker Giglio: "Excuse me, excuse me Representative, I'm sorry Representative Hultgren's light was on. Representative Hultgren."

Hultgren: "I just wondered whether this Amendment has been distributed?"

Speaker Giglio: "The Clerk informs me that the Amendment has not been distributed. Representative Braun."

Braun: "Thank you, in that case it can't be considered. The Bill will have to come out of the record. If we can come back to it as soon as the distribution is accomplished I'd appreciate it."

Speaker Giglio: "Your point is well taken."

Braun: "Thank you."

Speaker Giglio: "Mr. Clerk, take the Bill out of the record. Senate Bill 2193, Representative Mautino. Representative

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Maut...Representative Ryder. Representative Ryder in the chamber? Senate Bill 2199. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 2199, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk Leone: "There are no Floor Amendments."

Speaker Giglio: "Third Reading. Senate Bill 2201, Representative Ryder. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2201, a Bill for an Act to amend the Nursing Home Care Reform Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Representative Currie on Amendment #2. Is Representative Currie in the chamber? Take the Bill out of the record, Mr. Clerk, for a moment. Senate Bill 2217, Representative Novak. Representative Novak, are you ready on 2217? Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2217, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Giglio: "Third Reading. Senate Bill 2232, Representative Hallock. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 2232, a Bill for an Act to create the Heritage Preservation Fund. Second Reading of the Bill."

Speaker Giglio: "Out of the record. The Gentleman from McHenry, Representative Klemm. Representative Klemm."

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Klemm: "Thank you, Mr. Speaker. I was just trying to keep track on how you're going on Second Reading. Could you, as a parliamentary inquiry, explain how you're following, because I can't find it on the Calendar of the jumping around of Second Reading. It's neither by subject matter, chronologically, numerically or anything. And I was wondering if you could explain it so I could follow what you're doing?"

Speaker Giglio: "Well, the Chair announced that we were going to Senate Bills Second Reading and we picked up where we left off."

Klemm: "Well, but you're not...you're skipping over Bills with Members that have Second Reading, it appears to me."

Speaker Giglio: "Well these Bills are on Second Reading. That's where we started in this morning we... followed and then we went into the Special Order of Business and now we're returning back to where we left off. So we're on page 9 of the Calendar on the Order of Second Reading."

Klemm: "Alright, so when you went from 2185 and skipped over 2193 and 2199."

Speaker Giglio: "No, 2193 has..."

Klemm: "Where they...Were they already corrected? Were they already to Third?"

Speaker Giglio: "That's been moved, 2199 has been moved to Third."

Klemm: "Okay, good. Fine."

Speaker Giglio: "2201 had some problems, we took it out for a minute. We just passed 2217 and now we're on 2232 and that's out of the record."

Klemm: "Okay, good, fine. Thank you."

Speaker Giglio: "So now the next Bill would be 2257 which would be Representative Countryman."

Klemm: "Fine. Thank you very much, I appreciate it."

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Speaker Giglio: "Mr. Countryman...Mr. Clerk, read the 2257."

Clerk Leone: "Senate Bill 2257, a Bill for an Act in relationship to victims of crimes. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Any Floor Amendments?"

Clerk Leone: "No Floor Amendments."

Speaker Giglio: "Alright. Third Reading. Senate Bill 2201, the Lady has returned. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2201, a Bill for an Act to amend the Nursing Home Care Reform Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Any Floor Amendments?"

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

Speaker Giglio: "Representative Currie, the Lady from Cook."

Currie: "Thank you, Mr. Speaker, Members of the House. It's a technical Amendment and I believe is agreeable to the Sponsor of the Bill. I move its adoption."

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

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. Representative Regan, are you ready? Mr. Clerk, Senate Bill 2258, read the Bill."

Clerk Leone: "Senate Bill 2258, a Bill for an Act to amend the certain Acts in relationship to certain criminal offenses. Second Reading of the Bill. Amendment #1 was adopted in committee."

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Speaker Giglio: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Representative Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. I move to table the House Committee #1, please. There is a corrective nature that will be on Amendment #3 that will take care of it."

Speaker Giglio: "Mr. Clerk, take Amendment #2 out of the record. Gentleman asks leave to table Amendment #1 to Senate Bill 2258. Does the Gentleman have leave? All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and Amendment #1 is tabled. Are there further Amendments?"

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

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

Regan: "Withdraw Amendment #2 please."

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

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

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

Regan: "I move to accept Amendment #3. It adds an affirmative defense to this crime and it was suggested by committee."

Speaker Giglio: "Any discussion on Amendment #3? All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and Amendment #3 is adopted. Are there further Amendments?"

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

Speaker Giglio: "Representative Regan."



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Regan: "Yes, I move to accept Amendment #4. Amendment #4 is suggested by the Bar Association. It protects an innocent property owner from seizure. So I move for its adoption."

Speaker Giglio: "Any discussion on Amendment #4? All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and Amendment #4 is adopted. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. Okay, we took...we took 1926 out of the record for a moment on page 7 of the Calendar under this Order of Business. Mr. Clerk, read 1926, Senate Bill."

Clerk Leone: "Senate Bill 1926, a Bill for an Act to amend the School Code. It has been read a Second time previously."

Speaker Giglio: "Representative Mulcahey."

Mulcahey: "Thank you, Mr. Speaker. Amendment #2 to House Bill 1926 I have to table, because it is not in order. So I would move to table Amendment #2 at this time."

Speaker Giglio: "Gentleman asks leave to table Amendment #2 to Senate Bill 1926. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it. Amendment #2 has been tabled."

Clerk Leone: "Floor Amendment #3 was adopted previously."

Speaker Giglio: "Are there further Amendments?"

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

Speaker Giglio: "And Didrickson. The Lady from Cook, Representative Didrickson on Amendment #4."

Didrickson: "Thank you, Mr. Speaker. Amendment #4 the effect of it is if a regional superintendent does not appoint a person to fill a vacancy on a school board of directors or a board of education within the stated period of time, then a person shall be elected to fill such vacancy at the next

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regularly scheduled election."

Speaker Giglio: "Any discussion on the Amendment? All those...the Gentleman from DeKalb, Representative Countryman."

Countryman: "Will the Sponsor yield?"

Speaker Giglio: "She indicates she will."

Countryman: "What is the next scheduled...regularly scheduled election? Can that be any election or is it just the next school election?"

Didrickson: "This is Representative Steczo's Amendment, but it says clearly that at the next regularly scheduled election."

Countryman: "Alright. Well, he and I have gone around on this or discussed this before and he's expressed the intent be at the next regular election whether or not it's a school election. Is that your intent?"

Didrickson: "That's correct."

Countryman: "Thank you."

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

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

Speaker Giglio: "Representative Sieben on Amendment #5."

Sieben: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #5 the effect of this deals with a consolidation issue in Carroll County, Illinois. And this would allow the committee of ten to determine prior to the referendum whether the new board will be elected at large or by sub districts. And I move for its adoption."

Speaker Giglio: "Any discussion on the Amendment? All those in favor signify by saying 'aye', those opposed 'nay'. In the

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opinion of the Chair the 'ayes' have it. The Amendment's adopted. Are there further Amendments?"

Clerk Leone: "Floor Amendment #6 offered by Representative O'Connell, Kubik and Stange."

Speaker Giglio: "Representative O'Connell on Amendment #6."

O'Connell: "Thank you. The Amendment is jointly sponsored with myself, Representative Kubik and Representative Stange. This Amendment which allows the school districts the jurisdiction to invest their school funds as an alternative to the township treasurer. We realize that the Amendment has some controversy to it. We realize that it emanates from a local situation and that many of you, perhaps, feel that your township school system is in perfect working order and you don't wish to tamper with it. Having said that, what this Amendment #6 affords us is an opportunity to let our school districts exercise a prerogative that they presently don't have, and that is if there is a lack of cooperation, if there is a lack of communication between the school districts who provide the funds and the school treasurer who invests the funds that this will allow those school districts who are responsible for the proper investment to exercise a determination, that they do not feel, if they do not feel that their funds are being invested properly, gives them an opportunity to invest those funds themselves. Now we also feel that the Amendment is a statement that the position of school treasurer is one of non-partisanship. That the investment of funds, which in our case represents something like one hundred million dollars a year, should be exercised with the utmost..the utmost efficiency and attention to accounting and sound investment procedures, totally absent any kind of political accountability. I would be happy to answer any questions of the Cosponsors of the Amendment. I

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would defer for responding or closing."

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

Hultgren: "Thank you, Mr. Speaker, will the Sponsor yield for a question?"

Speaker Giglio: "He indicates he will."

Hultgren: "If I understand it correctly right now, the township treasurer keeps the funds invested at interest. Is that correct?"

O'Connell: "I think I heard your question to say a township..."

Hultgren: "The township treasurer is required to keep funds invested at interest, is that right?"

O'Connell: "That is correct."

Hultgren: "And the way you have drafted this Amendment, you say the township treasurer shall keep funds invested at interest except funds invested by the school district."

O'Connell: "Correct."

Hultgren: "Does that mean that he cannot then invest those funds at interest?"

O'Connell: "No, only..only...If you want me to respond. I thought you were finished with the question."

Hultgren: "Well, I guess what I'm asking is if maybe there is a lack of clarity in the drafting here. It would seem to me that what you're trying to do is to give the treasurer an option to invest or not to invest, but what you're doing here is with the way the language is set up, you're almost saying that some funds are to be invested but specifically the schools funds are not to be invested."

O'Connell: "No, that's not what I'm saying. And I think the draftsmanship is correct. It simply says that those schools, in effect, can retain funds for their own investment purposes. Not having retained those funds however, it would then go to the school treasurer to

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invest. So it is an optional situation that if the school districts themselves don't invest the funds, then the school treasurer would be allowed to invest the funds, or would be required to invest the funds."

Hultgren: "Thank you."

Speaker Giglio: "All those in favor of the Amendment signify by saying 'aye'. The Gentleman from Cook, Representative Kubik."

Kubik: "Mr. Speaker, I will close on the Amendment. I join with Representative O'Connell on this particular Amendment because, frankly, we have a situation in our area which points out to the fact that there is school funds are not being invested properly. And all we're saying is that although in most cases a school treasurer will do the correct thing, in certain cases they don't do the correct thing. And we're saying that the school ought to have the option to invest those funds in the best place possible. Let me give you a very simple analogy. If you give your money to a money manager and the money manager for some reason you don't trust the money manager or the money manager isn't doing a good job, you can change that money manager. Under current law, you can't do that if you're a school district. All we're saying is that the school districts ought to have that option to be able to invest those funds in the best possible place and in the people that they trust most. I would ask your support of the Amendment."

Speaker Giglio: "Further discussion? All those in favor of the Amendment signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'nays' have it, the Amendment is defeated. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. Alright, the hour of 12:00 noon

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having arrived, we will now return to the Order of Criminal Justice and on that order appears Senate Bill 1612, Representative Homer. Is Representative Homer in the Chamber? Out of the Record. 1989, Representative O'Connell. Senate Bill 1989, correction abrogated factor. Are you ready, Sir? Mr. Clerk, read the Bill. It's been moved. Representative Homer, are you ready on Senate Bill 1612, Sir? Mr. Clerk, read Senate Bill 1612. This is on Third Reading on this order."

Clerk Leone: "Senate Bill 1612, a Bill for an Act to amend an Act to provide for trial in Circuit Court. Third Reading of the Bill."

Homer: "Thank you, Mr. Speaker. Senate Bill 1612, I believe is relatively, totally non-controversial. It simply would repeal some rather archaic provisions of Chapter 23 having to do with psychiatric examinations of persons charged with sexual crimes against children, which were placed in the statutes well prior to similar conflicting provisions that were added to Chapters 37 and 38 of the statutes subsequently dealing with the same subject matter and it's been brought to our attention that this has caused confusion at the trial court level, when application for psychiatric examination is made and so this would clarify that by repealing the archaic provisions of Chapter 23 and I would ask for your approval.

Speaker Giglio: "Ladies and Gentlemen, I'd like to inform the House Democrats and Republicans that those who have been in attendance of the TIF Meetings, there's a meeting going on now if you care to join in the Speaker's Office that the TIF Meetings are starting up again, so those of you are welcome, if you care to attend. Any discussion on the Gentleman's Motion? All those in favor of Senate Bill 1612, signify by voting 'aye', those opposed 'nay', the

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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 108 voting 'yes', 1 voting 'no', none voting present, and Senate Bill 1612, having received the Constitutional Majority is hereby declared passed. Message from the Senate."

Clerk Leone: "A message from the Senate by Ms. Hawker, Secretary. 'Mr. Speaker, I'm directed to inform the House of Representatives the Senate has concurred with the House in the passage of the following Bills, together with Amendments and adoption of which I'm instructed to ask concurrence of the House of Representatives, to wit; House Bills 3255, 3261, 3278, 3273, 3303, 3319, 3331, 3335, 3380, 3387, 3389, and 3417. Passed the Senate as Amended June 17, 1988. Linda Hawker, Secretary'."

Speaker Giglio: "The Chair now would like to inform the Members that we are going to return to the order of Senate Bills Third Reading, Short Debate, on Page 3 of the Calendar. And on that order appears Senate Bill 1593, Representative Hallock. Representative Hallock in the Chamber? Out of the record. 1701, Representative Brunsvold. Is Representative Brunsvold in the Chamber? That has been moved. Senate Bill 1719, Representative Levin. Mr. Clerk... Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1719, a Bill for an Act in relationship to property taxes on condominiums. Third Reading of the Bill."

Speaker Giglio: "Gentleman from Cook, Representative Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm happy to present this Bill on behalf of myself and Representative Parke. Before I do, let me give my customary disclosure that I do. I'm associated with a law

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firm that represents condominium associations, and I'd like that to be a part of the record. House Bill..or Senate Bill, 1719 contains, basically three provisions. The first provision deals with when Townhouse Associations can seek reduction in their property taxes on their common areas, and I personally, initially had some serious problems with that provision and I think with the Amendments that we put on which are the same Amendments that we had put on to a Bill in the House that Representative Preston has. My concerns have been alleviated in terms of that provision, and I think it's at this point a good provision. The other two portions of the Bill incorporate what we have previously passed in House Bills 2422 and 2423 which went out of this Body both, I believe, on the Consent Calendar and got caught in Senate Rules. 2422 embodies the agreement between the realtors, mortgage bankers and condo association on the issue of when assessments may be collected after a unit is foreclosed on. And 2423, the provisions in this Bill that come from 2423 deal with a problem, reasonable attorney's fees. If there are any questions, I'll be happy to answer them, otherwise I'll simply ask for a favorable vote on 1719."

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? Have all voted who wish? Mr. Clerk will take the record. On this question there are 111 voting 'yes', none voting 'no', 2 voting present. Senate Bill 1719, having received the Constitutional Majority is hereby declared passed. On this order appears House Bill 1593, Representative Hallock. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1593, a Bill for an Act to amend an Act



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relating to the regulation of Savings and Loans Association. Third Reading of the Bill.

Speaker Giglio: "Gentlemen from Winnebago, Representative Hallock."

Hallock: "Thank you, Mr. Speaker, Members of the House. This Bill requires foreign Savings and Loans wanting to do business in Illinois to make a formal application to the Commissioner of Savings and Loans. It increases the fee slightly and it's a good idea. It is brought about by a problem that had occurred from a Foreign Savings and Loan wanting to move to Illinois and supported by the Savings and Loan Association and the members and I would ask for your support."

Speaker Giglio: "Any discussion? 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 109 voting 'yes', none voting 'no', none voting present. Senate Bill 1593 having received the Constitutional Majority is hereby declared passed. Senate Bill 16..1761. Representative Brunsvold in the Chamber? Representative Brunsvold, 1761. Third Reading. Are you ready, Sir? Out of the record. 1780, Representative Keane. Is Representative Keane in the Chamber? Out of the record. 1868, Representative Frederick, Virginia Frederick. Out of the record. Representative Slater, 1871, are you ready, Sir? Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1871, a Bill for an Act concerning liens on personal property. Third Reading of the Bill."

Speaker Giglio: "The Gentlemen from McDonough, Representative Slater."

Slater: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1871 provides for private lien sales or

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public lien sales and is an initiative by the Illinois Retail Merchants Association to simplify the procedure for foreclosing on liens for labor services or materials. I would move its adoption."

Speaker Giglio: "Any discussion? Hearing none, all those in favor signify...the Gentleman from Cook, Representative Cullerton."

Cullerton: "Okay, I recognize this Bill. This is a fine Bill."

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

Countryman: "Will the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Countryman: "Well, let's see. Is this the first Bill you've had this year, Representative Slater?"

Slater: "No, this is the third Bill this year."

Countryman: "Oh, third. Now, under this Bill, is it two thousand dollars worth of property that...or two thousand dollars in value of services that one can enforce a lien?"

Slater: "Two thousand...yes, that's the threshold. You may have a private sale if it's less than two thousand dollars in terms of what the merchant has expended to improve or repair the item."

Countryman: "Is that..is that what the merchant has expended or is that the value of the property?"

Slater: "No, that's not the value of the property, it's the value of the services expended."

Countryman: "So there's no limit on the value of the property is that correct?"

Slater: "No, that's correct. In fact, you could have a one hundred thousand dollar item that you take into someone to repair. And so long as the repair bill is less than two thousand dollars, you can use this process."

Countryman: "Now, you Amended this Bill in Committee to say that

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the term commercially reasonable sale would be conducted here under the sale provisions of this Bill, is that correct?"

Slater: "That's correct, and we picked up that terminology from the Uniform Commercial Code to try to find a language which already had a common judicial definition."

Countryman: "Alright, and in that context you would want the same rules to apply as to apply for a sale under the Uniform Commercial Code."

Slater: "That's correct, we'd like to look to the Uniform Commercial Code as our guideline."

Countryman: "And in a merchant who complies with this Act, he can send the money to the unclaimed property fund of the State of Illinois, and exonerate himself totally from liability. Is that correct?"

Slater: "That's correct. He would have immunity with the exception if it's under two thousand dollars, the monies are sent not to the State of Illinois, but sent to the County Treasurer. If it's over two thousand dollars..."

Countryman: "And then who gets the money if it's under two thousand dollars?"

Slater: "If it's under two thousand dollars, it goes to the County Treasurer."

Countryman: "But if nobody claims it, what happens?"

Slater: "Well, ultimately it would escheat to the State."

Countryman: "It goes back to the State under the Unclaimed Property Act?"

Slater: "That's correct."

Countryman: "What are we going to do with all this money we get under the Unclaimed Property Act?"

Slater: "Well, I think it probably would find a way to be used within the State Budgets."

Countryman: "Fund Judge's Pensions?"

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Slater: "That's probably a good idea."

Countryman: "Does this apply to automobiles?"

Slater: "Yes, it does."

Countryman: "Thank you."

Speaker Giglio: "Further discussion? All those in favor of Senate Bill 1871 signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 voting 'yes', none voting 'no' and none voting present. Senate Bill 1871, having received the Constitutional Majority is hereby declared passed. The Lady from Cook, Representative Wojcik, are you ready? Representative Wojcik. Out of the record. Representative Breslin, 1954, out of the record. Representative Ryder, 1955. 1955. Are you ready? Do you want to hear 1955, Third Reading, Short Debate? Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1955, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Speaker Giglio: "Gentlemen ask leave to return this Bill to the Order of Second Reading. Does the Gentleman have leave? Leave is granted. The Bill is now on Second Reading. Mr. Clerk, read the Bill."

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

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

Ryder: "Thank you, Mr. Speaker. Amendment #1 is a technical Amendment that simply changes some designations of numbers that identify the various Sections to be consistent, and I would ask for adoption of the Amendment."

Speaker Giglio: "Any discussion on the Amendment? All those in favor of the Amendment signify by saying 'aye', those

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opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. Gentleman now ask leave for immediate consideration by the Attendance Roll Call to hear this Bill at the present time. Does the Gentleman has leave? Hearing none, leave is granted. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1955, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Speaker Giglio: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is a result of considerable work by a task force developed by the Department of Insurance. Its purpose is to create a new Article providing for regulations for the offering of long term care insurance. It is something that is much needed, I'm joined by Members of both sides of the aisle and I believe that this will provide a new opportunity for us to be able to meet those obligations. And I would be available for questions and ask for your support."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of Senate Bill 1955, signify by voting 'aye', those opposed 'nay', the voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 113 voting 'yes', none voting 'no', and none voting present. Senate Bill 1955, having received the Constitutional Majority is hereby declared passed. On Page 4 of the Calendar, appears Senate Bill 1470, Representative Bowman. Representative Bowman in the Chamber? Out of the record. Representative Currie, Representative Currie on

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Senate Bill 1475. Out of the record. Steczo..Phelps, Representative Phelps, 1563. Out of the record. Representative Flowers, 1584. Is Representative Flowers in the Chamber? Out of the record. Representative Homer. Representative Breslin, 1634, out. John Dunn, Representative John Dunn on Senate Bill 1914. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1914, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Decatur, Representative John Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1914 provides that where telecommunications carrier plans to get into measured service, they should also offer flat rate service. This is an item which has come up in my district, and I think it applies to my district only and an agreement has been worked out and I don't think this Bill has any controversy, and I would ask for an 'aye' vote."

Speaker Giglio: "Any discussion? 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? The Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Thank you Mr. Speaker, I'd like to introduce former Representative Bob Dunn who served down here, I think, 10 years with many of us. He's down here visiting us today."

Speaker Giglio: "Welcome to Springfield. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', none voting 'no', and none voting present. Senate Bill 1914, having received the Constitutional Majority is hereby declared passed. Senate

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Bill 1954, the Lady from La Salle, Representative Breslin.

Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1954, a Bill for an Act to amend the Civil Administrative Code. Third Reading of the Bill."

Speaker Giglio: "The Lady from LaSalle, Representative Breslin."

Breslin: "Thank you, Mr. Speaker. This proposal is a proposal of the Department of Conservation to allow them to sell advertising, that money to be deposited in the Wildlife and Fish Fund and the State Parks Fund, where appropriate, in order to help them with their publication cost. There are several Amendments on the Bill. The second Amendment is Representative Phelps Amendment that establishes the offices...office of Conservation Resource Marketing. The Third Amendment is an Amendment for DECCA which re-establishes their Advisory Committee on Tourism. And the Fourth Amendment is an Amendment proposed by Representative Wait that allows House Members to pay expenditures for utilities out of current year or future year appropriations. I ask for adoption of passage of the Bill."

Speaker Giglio: "Any discussion? Hearing none, all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', none voting 'no', none voting present. Senate Bill 1954, having received the Constitutional Majority is hereby declared passed. We're going to go back to some Bills that were on the Special Order of Call a little earlier where the Sponsors were busy and try and pick up these and move them. On the order of Second Reading, under Environmental and Natural Resources, on Page 6 of the Calendar, appears Senate Bill 1615, Representative Cullerton. Mr. Clerk,

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read the Bill."

Clerk Leone: "Senate Bill 1615, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Giglio: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #2, is being offered by Representatives Goforth and Rea."

Speaker Giglio: "Representative Cullerton."

Cullerton: "Yes, Mr. Speaker, for the record, I would like to indicate that there was some confusion with regard to this Bill, with regard to the Amendments that were not adopted in Committee. So what I would like to do is to clarify for the record, that the only Amendment that was adopted in Committee which was Amendment #1, has the following number; it's RAS85SB1615LDA810CM and the Amendment simply says that on page 12 by deleting lines 23 through 29. That is the only Amendment that was adopted in Committee and that is labeled Amendment #1. And I understand that Amendment #2 then would be the one that Representative Goforth is about to offer at this time."

Speaker Giglio: "Any discussion? Representative Goforth."

Goforth: "Thank you, Mr. Speaker. I believe this is an agreed Amendment, it's just a technical change and the only reason it is, is were simply putting this language ...to the disposal of Coal Consumption and Ash Companies are not subject to permitting provisions of the Illinois Environmental Protection Act is..if the ash is being disposed of or placed at coal mines subject to State and Federal Laws governing such proposal at practices to mine property."

Speaker Giglio: "Further discussion? The Gentleman from Lake,



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Representative Peterson."

Peterson: "Thank you, Mr. Speaker. I'd like to ask the Sponsor... or maybe I should be asking the Chair regarding Amendment #2. The original Amendment #2, sponsored by Cullerton in Committee... that is now withdrawn, is that correct?"

Speaker Giglio: "Representative Cullerton."

Cullerton: "No, I never adopted Amendment #2 in Committee. I never adopted Amendment #3 in Committee. I adopted what I believed was Amendment #1 in Committee, and that's why I just read the LRB number. The Amendment #1 that was adopted in Committee was mislabeled Amendment #3, and I read the LRB number and all it did was to..it was only a three page...three line Amendment, as Amended, on Page 12, it deleted lines 23 through 29. The effect of that Amendment that was adopted in Committee was to strike a Senate Amendment #2. That's the only Amendments that were adopted in Committee and now we're on the House Floor to consider new Amendments."

Peterson: "Mr. Speaker, inquiry of the Chair, then. The ruling of the Chair is that Representative Goforth's Amendment #2 is in order?"

Speaker Giglio: "The powers to be, informed me that ....Goforth, have patience. The legal minds of the Body are now discussing whether this is germane or not. The Parliamentarian informs me, Representative Peterson, that Amendment #2 is in order. The Gentleman moves for the adoption of Amendment #2 to Senate Bill 1615. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

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

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Speaker Giglio: "Representative Breslin on Amendment #3 to Senate Bill 1615."

Breslin: "Withdraw #3, please."

Speaker Giglio: "Withdraw Amendment #3. Are there further Amendments?"

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

Speaker Giglio: "Representative Levin. Representative Cullerton. Is Representative Levin in the Chamber? Representative Peterson."

Peterson: "Mr. Speaker, I have a question regarding the Amendment. Representative Levin has an Amendment before me, Amendment #4. I also have an Amendment 4 before me sponsored by Representative Breslin. Which is the correct Amendment?"

Speaker Giglio: "Representative Cullerton."

Cullerton: "Mr. Speaker, I would ask the Clerk. In all of the Amendments on this Bill to read the LRB numbers along with the Amendment numbers, that way we can clarify which Amendments are which. And that might satisfy Representative Peterson's request."

Speaker Giglio: "Right. Amendment #3 was withdrawn. We are now on Amendment #4. Mr. Clerk, read the number, please."

Clerk Leone: "Amendment #4 to Senate Bill 1615 has an LRB number of 8511915JSJWAMO3."

Speaker Giglio: "Representative Peterson."

Peterson: "That's fine."

Speaker Giglio: "Representative Levin on Amendment #4 to Senate Bill 1615. Are you ready, Representative Levin?"

Levin: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #4 to Senate Bill 1615 would establish the Toxic Enforcement Act of 1988. We are everyday faced with the prospect of going to the supermarket and buying

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foods that have chemicals in them which are known to cause cancer, and people would like to have the opportunity to have the information up front that they can make decisions, in terms of what food items and other products that they are purchasing are safe and which items are not. That's what this Amendment would do. It is modeled on Proposition 65 in California, which was passed overwhelmingly by the citizens of that State and is now in effect. It is simply a right to know kind of a proposal. It doesn't regulate anything. It doesn't say you can't sell any food items or products. It simply requires that with the terms of a specific list of chemicals that a panel appointed by the Governor would establish that are known to cause cancer, that those chemicals would have...the existence of those chemicals in food items sold at retail and other products sold at retail would have to be disclosed. Some years ago, we... reform was adopted by the food industry of open dating of foods, of putting the freshness date on the food items so that people can judge if a food item is fresh or is not fresh. This is something very similar to that. It provides information to the consumer up front so they can make reasoned decisions. We are talking about a finite number of chemicals, these are all chemicals which have been proven to cause cancer or other birth defects. It is currently, as I said, the law in California. It is being implemented for 40% of the population of the United States. We think that the citizens of Illinois ought to have the benefit of this kind of information as well. It's an excellent proposal, it's one that is strongly supported by consumer groups, environmental groups. It is a proposal which I think this legislature ought to adopt at this point."

Speaker Giglio: "Any discussion? The Gentleman from Warren,

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Representative Hultgren."

Hultgren: "Mr. Speaker, has this Amendment been distributed?"

Speaker Giglio: "Mr. Lee, has this Amendment been distributed?"

Speaker Giglio: "The Clerk informs me it has."

Hultgren: "I have an Amendment #4, but it apparently isn't the Amendment #4 you're discussing."

Speaker Giglio: "The Amendment that we're discussing is the one that the Clerk read the correct LRB number. Clerk informs the Chair that the Amendment you have, Sir, is Amendment #5. It's just misnumbered and a corrected copy has been sent out with the corrected number. Representative Goforth, do you understand what I just said?"

Goforth: "Mr. Speaker, whatever you say is fine with me. Just roll it on out here."

Speaker Giglio: "Representative Goforth, I'm sorry..."

Goforth: "I move the previous question."

Speaker Giglio: "Representative Cullerton."

Cullerton: "Well, maybe Representative Hultgren was not present when we started this Bill on Second Reading. The...that's why the Clerk read the LRB number. Amendment #4 that we're now debating is Sponsored by Representative Levin. The...there was another Amendment #4 that had been distributed that was a Amendment by Representative Breslin. That Amendment is in error and that a new Amendment has been distributed with the Amendment #5, and that's what we'll consider next. So right now we're considering Amendment #4 which is Representative Levin's, which is an Act creating a... well, has been described as an Act in relation to environment."

Speaker Giglio: "Representative McCracken."

McCracken: "Thank you. Our records indicate that Representative Levin's Amendment was #4, which apparently is the correct sequence and that the Amendment offered by Representative

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Breslin, was at one time numbered #4 and apparently has been written on after its having been filed as number #5. I ...Well, the one we have is #4 which is crossed out, #3 which is crossed out and #5. We don't have one that isn't crossed out or numbered without any revisions on the face of it. So why don't we take it out of the record and see if we can straighten this out."

Speaker Giglio: "Representative Cullerton."

Cullerton: "Well, I think we can straighten it out right now without even taking it out of the record. The Clerk's... the Clerk has distributed, to my knowledge, the Clerk has distributed Amendment #5, which is labeled Amendment #5 with nothing being crossed out, that is Representative Breslin's Amendment. And right now we're debating Amendment #4 which you've indicated you've received. And he read the LRB number into the record. We can do this. I would suggest this, Representative McCracken, that when we get to Amendment #5, we would read the LRB number and when we get to Amendment #6 we will read the LRB number so that there is no more confusion."

Speaker Giglio: "Representative McCracken."

McCracken: "We have just received what's identified as corrected #5. So is that what you're referring to, the one that just came out?"

Speaker Giglio: "Representative Cullerton."

Cullerton: "I would suggest that if we've finished debating Amendment #4 we can clarify what Amendment #5 we're debating, by reading the LRB number."

McCracken: "Well there are two Amendments #4 and they are not the same."

Cullerton: "That's why we read the LRB number into the record and that it's Representative Levin's Amendment and that's the one we're debating."

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McCracken: "Okay."

Speaker Giglio: "Okay, are we ready to proceed on the debate of Amendment #4 to Senate Bill 1615? And on that question, the Gentleman from Hultgren..Representative ...excuse me, the Gentleman from Warren, Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker. I do have some questions and would like also to thank the good Offices of the Clerk for making a copy of the Amendment available to me. Will the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Hultgren: "My understanding is that your Amendment would make it a violation of law to expose someone to chemicals known to cause cancer, is that right?"

Levin: "No, it would require the disclosure ..."

Hultgren: "It would require a warning on products that contain chemicals known to cause cancer is that right?"

Levin: "It would require either warning on the product or, if say it's a food item like oranges, it could be on the bin or a sign posted near the item that's being sold."

Hultgren: "Well now I come from..come from a district that is where agriculture is important and a good number of my constituents raise beef and pork and it has been suggested, at least in some publications, that for example, bacon contains a carcinogen. Would this require a warning on packages of bacon sold in the State of Illinois?"

Levin: "No, I think that's indirect, so I think the answer is no. Incidentally..."

Hultgren: "What do you mean, it's indirect, I'm not sure I understand that answer?"

Levin: "I think, you know, it's not the direct ingredients that go into the product. But let me hasten to add that this proposal is supported by a number of the farm groups in the State of Illinois, and it's supported by the farm groups in

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the Farm Union because most of the farmers in Illinois stay away from the chemicals that cause cancer. It's State's like California and so on that rely more heavily on these cancer causing chemicals. We do a good job. Our farmers do a good job in Illinois of avoiding these chemicals and that's one of the reasons that a number of the farm groups in Illinois are in support of this proposal."

Hultgren: "With all due respect, I'm not sure I understand your answer with regard to the package of bacon. Is it going to have to carry a label, and if not, why not?"

Levin: "The... you know, the Bill would provide that the Governor would appoint a panel of experts that would identify the chemicals that are known to cause cancer. We come up with a list, and this is what was done by the Governor of California and it would be those chemicals that would be specifically identified that there would have to be a disclosure on. That, you know, that same panel I think would probably deal with the question that you raised in terms of what kind, how direct or how indirect the existence of a chemical is that needs to be disclosed."

Hultgren: "So if this panel of experts were to determine that nitrites cause cancer and if nitrites were found in bacon and there were a causal connection between the nitrites and the bacon and you're saying that the bacon which is raised in my district would have to carry a warning label on it?"

Levin: "This applies to what is sold at retail."

Hultgren: "Well, bacon is sold at retail in my district, I don't know if it is in yours or not."

Levin: "Yes, of course my district's pretty urban and we don't have too many farms in my district."

Hultgren: "Okay. I think you've answered my question, if this is going to require a warning label on the products of bacon and beef and so forth. I rise in opposition to the

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Amendment. Thank you, Mr. Speaker."

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

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

Speaker Giglio: "He indicates he will."

Kulas: "Representative Levin, didn't you have a Bill similar to this Amendment in the House Energy and Environment Committee?"

Levin: "There was a Bill which unfortunately, if you recall, Representative Kulas, the ..I had requested that it be posted. There was an error by the Staff in transmitting that, and so it was not posted for Committee and I have, in fact, attempted to have waiver on the Floor so it could be heard, pointing out that it was a Staff error, that I had done what I was supposed to do and that permission was not granted for that, so that, you know, my intent, I did attempt to have the Bill presented in Committee and through no fault of my own, through an error of staff, the Bill was not presented."

Kulas: "Well wasn't it a fact that the Bill was posted for two committee meetings that you did not show up to?"

Levin: "No."

Kulas: "I believe it was. Another question, you mentioned that Proposition #65 in California has been working very well. Exactly how has it been working? Hasn't it been tied up in court?"

Levin: "There... You know, there are questions in terms of how broadly it is to be applied. But the ..the underlying concern is that the Federal Government, through the FDA, only monitors a very small percentage of all the dangerous chemicals."

Kulas: "No, the question is that in California... Has it been working in California or is it tied up in court?"



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Levin: "It was passed by the voters in November of 1986. It has taken effect just within the last couple of months. The portions that have taken effect, I think, are working well. There are other parts of it which, you know, are being litigated or are being questioned."

Kulas: "Well, to the Bill, to the Amendment, Mr. Speaker."

Speaker Giglio: "Proceed, Representative Kulas."

Kulas: "Ladies and Gentlemen of the House, I would ask you to oppose Amendment #4. This is an employment Amendment for attorneys. Now Proposition #65 in California has been tied up in courts. The State of California has spent millions of dollars. The business people in California spent millions of dollars and the only ones who have been getting anything out of it ..out of Proposition #65 are the attorneys. Now, if you want to vote for the attorneys, vote for this Amendment. But if you want to protect the consumer we can do it in other ways, better ways."

Speaker Giglio: "Representative McCracken."

McCracken: "Is it true that the lawyers will be employed into perpetuity if this Bill is passed? I'm for this Bill, then let's vote for this Bill. No seriously, this is an awful idea, the kooks in California voted for it and they regret it already. Let's not put it on this Bill, which does important things."

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

Parcels: "Thank you, Mr. Speaker. Would the Repre...Representative answer a question?"

Speaker Giglio: "He certainly will."

Parcels: "Representative Levin, I feel as if we're having deja vu here. I know that I heard you explain this Bill once before, now you say it never came out of committee. Where might I have heard you standing up describing this?"

Levin: "Representative, we have begun discussions of this

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proposal twice and we have never completed them. We started one one evening and we adjourned in the middle of the presentation and we have never taken a vote on this floor on this issue. This issue has, of course, received a substantial amount of publicity. It is something that is strongly supported by a lot of consumer groups like Illinois Public Action Council and what ...there's being press conferences, there have been studies that have been done. And one of the more recent studies suggested that the FDA is only capable of monitoring less than 3% of the application of these cancer causing chemicals. That they just don't have the resources and that this approach of simply disclosing, letting the consumer know, is a much more cost effective way than employing thousands and thousands of bureaucrats to monitor these chemicals. This is disclosure, it makes sense, the consumers can make up their own mind and you don't need to, you know, employ all of these FDA bureaucrats to monitor. This is an alternative to spending all that money. It allows the consumers to have the information they need."

Parcells: "That is a very lengthy answer to my question. I seem to remember that on House Bill 3669, this was an Amendment, I believe it was Amendment #1 and I'm wondering, did we vote on that?"

Levin: "No."

Parcells: "No, you withdrew. Why did you withdraw that?"

Levin: "That was the one that came up late at night."

Parcells: "Yes, but you withdrew it. Why did you withdraw that?"

Levin: "What?"

Parcells: "You withdrew the Amendment at that time. Why did you withdraw that?"

Levin: "No, that came up late at night and we cut it off."

Parcells: "But that's when you described it, wasn't it?"

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Levin: "Yes, that's when we described it."

Parcells: "And then you had, I assumed that you withdrew it, they didn't just turn off the board in the middle of the..of your explanation, did they?"

Levin: "If you recall, we adjourned right in the middle of the debate on that Amendment and we never voted on it."

Parcells: "But we did adopt other Amendments after that. I just wondered if there was some reason you didn't call it to a vote at that time. And I have to suspect that, speaking to the Amendment, that it's such a terrible Amendment that you were afraid to call it to a vote at that time, and perhaps have done some talking to some of your colleagues hoping they would embrace the Amendment in the meantime, but for those of us who have studied nutrition and know this subject matter very well, this is a terrible Amendment. There are more carcinogens out there than you can shake a stick at and if you have one dot of something in food, the idea that they are going to have to market is very bad and I would encourage a 'no' vote on this Amendment #4 to Senate Bill 1615."

Speaker Giglio: "Gentleman from Vermilion, Representative Black."

Black: "Well, thank you very much, Mr. Speaker. Will the Gentleman yield for some questions?"

Speaker Giglio: "He indicates he will."

Black: "Well, thank you. Representative, I commend you for bringing this up at 1:00 in the afternoon rather than late at night. Heaven forbid we might adjourn in the middle of this discussion. Also, just by way of a commercial announcement, Representative Hultgren and I want to talk to you after this debate, since bacon doesn't seem to be sold at retail in your district, we want to come up and open up a supermarket and we'll talk to you about that later. It seems to me, and I think Representative Parcells has

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already indicated that we've seen this twice before. Let me ask you, if in this Bill, does this Act not provide that a substantial penalty, twenty five hundred dollars as I recall, that if a person shall knowingly and intentionally expose another to a toxic substance without adequate warning, that person could be fined twenty five hundred dollars under civil action?"

Levin: "There certainly are enforcement mechanisms in the Bill to insure that there is compliance. The intent of the Bill is to require disclosure in the same way as putting the freshness date on a food item, allows the consumers to make judgments as to how fresh the item is. This proposal would require the disclosure, either on the label or on a sign nearby, as to whether or not chemicals are in there. We do the requirements in terms of penalties where there's a failure...."

Black: "Yes, thank you very much, Representative. If you'll just limit your answers, maybe can get this debate completed before we're cut off at night..by night time again. Would you agree that perhaps a toxic substance would be cigarette smoke?"

Levin: "I certainly would."

Black: "Aha! Now then, now would, would a certain establishment that some people here frequent, so I've been told, then have to have a warning sign on the front door indicating you may encounter cigarette smoke in there and if he failed to provide such warning he would be liable for a penalty of twenty five hundred dollars?"

Levin: "Well, first of all, I think there is a warning, there is a warning on cigarette packs right now."

Black: "We're not talking about packs now, we're talking about walking into a place where you might encounter cigarette smoke."

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Levin: "Smoke is not, is not a chemical ingredient of a product. It is a bi-product. And so smoke would certainly not be..."

Black: "I'm sorry, I thought you said smoke was a toxic substance. I'm sorry, I must have misunderstood you. Okay. Well, to the Amendment, Mr. Speaker and Ladies and Gentlemen of the House. I think the Representative is sincere, I think he's addressing a problem that we are going to have to grapple with. But he's brought this before us twice already. I think most of you in here can see it is a complex, complicated issue, it's deserving of full debate in Committee. It is a concept that we're going to have to grapple with, but I don't think this is the way to do it whether it's night time or 1:00 in the afternoon. This is an extremely complicated Bill and I think could have every adverse effects on business men and women in this State. I would urge you to vote against Amendment #4."

Speaker Giglio: "Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill..will the Speaker yield?"

Speaker Giglio: "He indicates he will."

Wennlund: "Representative Levin, exactly what types of products will this Amendment affect? What will have to be labeled?"

Levin: "This would..there..I have a list in front of me of some of the carcinogenics that, you know, are covered currently in California."

Wennlund: "What types of products must be labeled, is what I wanted?"

Levin: "What kinds of products?"

Wennlund: "Yes."

Levin: "Food items."

Wennlund: "Just food items?"

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Levin: "For example, you asked what types of products."

Wennlund: "How about auto parts?"

Levin: "Pardon?"

Wennlund: "How about an automobile part, like a coil that might contain a carcinogen, or battery or a starter?"

Levin: "If you could eat it. I wouldn't try to eat a battery."

Wennlund: "Only products that you can eat? Does this affect only products that are consumed by human beings?"

Levin: "It would also include the Chem-Lawn type products."

Wennlund: "What type of product is that?"

Levin: "The kind of thing that...the kind of products where, they're chemicals that are put onto the lawn that are known to cause cancer."

Wennlund: "What other types of products?"

Levin: "Representative Klemm has a Bill specifically dealing with that situation."

Wennlund: "So it just doesn't affect food products?"

Levin: "No, it's a little broader than food items."

Wennlund: "What other items?"

Levin: "Section 4 provides warning before exposure to chemicals known to cause cancer reproductive toxicity. Section 4 spells out what is covered."

Wennlund: "Well, first of all, you said it was just consumer food products, now we discover that there are other things. What other things?"

Levin: "Well, I gave an example of the Chem-Lawn type of a product."

Wennlund: "What else?"

Levin: "That's a good example."

Wennlund: "So that's all the Bill, this Amendment covers. is Chem-Lawn and food products?"

Levin: "Those are, you know, a couple of examples."

Wennlund: "What are other examples that this Bill covers?"

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Levin: "I think the criteria is items where the people can end up ingesting the item. You know, your example of, if you buy a lawnmower or something which is made of metal, you're not going to in any way, shape or form be ingesting it."

Wennlund: "Do people eat cigarettes?"

Levin: "By contrast, your Chem-Lawn product that you put on the lawn can vaporize and you can end up ingesting the vapors. So I think that's the kind of reasonable distinction that would be made under this Bill."

Wennlund: "Mr. Speaker, to the Bill. Ladies and Gentlemen, Representative Kulas was exactly right. This Bill was shipped here from the left coast, is indeed an example of the land of the fruits and nuts. It's a Draconian Amendment, in the words of Representative Johnson. It's an Amendment that will seriously affect industry and business and every aspect of it in everybody's district in the entire State of Illinois, and it's going to end up costing the taxpayers and the consumers of Illinois. It's going to end up costing big dollars to the consumers. It's going to be a boon for the lawyers, there's no question about it. This Bill was previously defeated on a Motion to discharge. It's a serious matter. It's something everyday products are being ruled to be cancer causing or not cancer causing and scientists can't agree. The FDA can't agree. Nobody can agree, and they change their minds constantly on what is or what may not be cancerous. This Bill should be defeated. Mr. Speaker, I ask for a Roll Call vote and move the previous question."

Speaker Giglio: "You're not recognized for that Motion, Representative Wennlund. Further discussion? The Gentleman from McLean, Representative Ropp."

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

Speaker Giglio: "You weren't recognized for that either,

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Representative Ropp. Representative Matijevich."

Matijevich: "Mr. Speaker, this may not be the perfect Amendment to do what the Sponsor wants, but I really think it's a first step that we have to take. I remember about 8 years ago in the League of Women voters, they sent out these questionnaires and then they come and interview you and they asked me what do I think one of the most serious issues is before the people. And I said, it may not be an issue that people think is serious, but I think the poisons that are going into our body, one of these days has got to be recognized as the most serious issue. All you have to do.. You know, the other day someone put an apple on each one of our desks. I'm sure that many of you have gone to the store and look at these shiny apples that they've got. Some of those apples that we look at nowadays, they almost look like the plastic apples that we see on a centerpiece because I've had an apple and then you tear into it and it's, you know, its just no good. You know, they are now putting so much of the chemicals into the food that is being sold to us, we ought to know just by looking at some of these fruits, that they are presenting to us as edible, that they are doing some harm to us. So I don't think we ought to laugh off what Representative Levin is trying to do. I think that the future, we will see in the future that there are going to be many safeguards that are going to be presented to us. Now you know, we look at the matter of economy and agricultural economy, none of us want us to be sold at retail anything that is going to prove harmful to our bodies. And that's what's happening. We see it happening every day and we see on a national level that in Congress that..that the big lobbies there aren't really protecting our citizens from their own health. So I think Representative Levin is on the right track. I'm going to



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give him a vote, because I think one of these days we've got to look into the seriousness of this as a health matter."

Speaker Giglio: "Further discussion? Representative Levin to close."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. One of the things which I know I have thought about and I am sure that other Members of this House have thought about is, given all the chemicals that we're seeing today that go into different food items, you wonder if your kids, and I've got two kids, are going to be able to live to the age of 60 or 70 or 75, which is what our generation is able to do, because of all of these chemicals. This Amendment would give consumers information, the information they need to be able to judge which food items they want to purchase, which food items they consider safe, which food items they consider not to be safe. This is very much a free market, free enterprise Amendment. It doesn't regulate a thing. It doesn't hire a single additional bureaucrat to monitor the...these chemicals, it doesn't say the FDA ought to have more bureaucrats. It says give the consumers the information so they can make the choice. And if you give the consumers the information, I think the industry is going to respond when the consumers say we don't want this kind of product with this kind of chemical and the industry is going to respond and they are going to say, we're going to take those chemicals out, we're going to sell food items and other products that don't have them and that's the way the free market ought to be. This Amendment helps push the free market in the right direction in terms of helping the consumers get the information they need and helping industry to provide the kind of food items and others that are going to be safe and efficacious. I urge an

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affirmative vote on this Amendment which is strongly supported by an awful lot of consumer, environmental and farm groups. Thank you."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor of the Amendment signify by saying 'aye', those opposed 'nay'. Representative Levin, 'nos' have it. Pardon?"

Levin: "There was a request for Roll Call Vote and I would add my request also. I would ask for..."

Speaker Giglio: "I don't believe that's timely, Representative. Representative Levin."

Levin: "Would ask for a Roll Call vote, I think one of the Republicans had previously, in his remarks, also asked for a Roll Call vote."

Speaker Giglio: "Is there a Republican seeking a Roll Call vote? Representative Matijevich."

Matijevich: "Speaker, you know, he knows he's going to lose it, but someone did ask for it in the discussion, so I think you have to give it to him. I don't.."

Speaker Giglio: "All those in favor of the Amendment 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 15 voting 'yes', 85 voting 'no', 6 voting present, and the Amendment fails. So are there further Amendments?"

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

Speaker Giglio: "Mr. Clerk will you will you read the LRB number?"

Clerk O'Brien: "LRB8511915EGDVAM01."

Speaker Giglio: "The Lady from La Salle, Representative Breslin."

Breslin: "Thank you, Mr. Chairman, Ladies and Gentlemen."

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Amendment #5 is a recreation of Senate Bill 3872 that went out of here on the Agreed Bill List a few weeks ago. That was House Bill 3872. The subject matter of the Bill is the creation of a segregated decommissioning trust fund by the nuclear power plant industry in the State of Illinois. At that time, you will remember, we had worked on a great deal of changes on this Bill so that the nuclear power industry is neutral on the Bill. I would ask that it be adopted to this Bill."

Speaker Giglio: "Any discussion? All those in favor of Amendment #5 signify by saying 'aye', those opposed 'no'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Are there further Amendments?"

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

Speaker Giglio: "Representative Cullerton. Mr. Clerk do you want to read the LRB number?"

Clerk O'Brien: "LRB85119150BDVAM01."

Speaker Giglio: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #6 embodies the agreement that was worked out with regard to this Bill. Among the groups that participated was the pollution control board, the EPA, the Illinois Manufacturers Association, the Illinois State Chamber of Commerce and the Environmental Council. The way the Bill was originally drafted, it would have required that non-hazardous waste on site storage or treatment and disposal be... require a EPA permit. As a result of a compromise worked out which is embodied in this Amendment, we would require people who have a waste storage, treatment or waste disposal operations on site to make certain disclosures to the EPA starting on January 1st, 1989, or thirty days after which the date..after which the operation

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commences. The request..at the request of the Pollution Control Board, they want a clarification of intent, so I'm going to read into the record their statement, says 'I wish to clarify that this Bill concerning notification is not intended in any way to restrict the power of the Pollution Control Board to adopt regulations requiring notification based on Environmental concerns, including maintaining records for inspection or other notification requirements for facilities not specifically mentioned in this Bill's provisions.' With that, I would ask for the adoption of Amendment #6."

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 is adopted. Are there further Amendments?"

Clerk O'Brien: "No Further Amendments."

Speaker Giglio: "Third Reading. On the Speaker's Table on Page 17 appears House Joint Resolution 160, Representative Kubik. Representative Kubik in the Chamber?. Mr. Clerk, read the Resolution."

Clerk O'Brien: "House Joint Resolution 160. Proposes moratorium on substance of educational legislation, the Executive and Veterans Affairs Committee recommends be adopted."

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

Kubik: "Thank you, Mr. Speaker, I believe there's a Floor Amendment on this particular legislation."

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

Speaker Giglio: "Floor Amendment #2, Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Could I have leave to present the Amendment? I'm a hyphenated co-sponsor with Representative O'Connell."

Speaker Giglio: "Does the Gentleman have leave? Representative

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O'Connell, do you want to discuss the Amendment or does Representative Kubik have leave? Representative Kubik. Excuse me. Representative Satterthwaite, for what purpose do you rise, ma'am?"

Satterthwaite: "Mr. Speaker, has the Amendment been printed and circulated?"

Speaker Giglio: "Clerk informs the Chair it has. Representative O'Connell. Representative Kubik, Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2... Basically what Amendment #2 basically does is it deletes a portion of the Resolution which would have the Joint Committee on oversight of Education Reform created, we delete that language and we insert the Citizens Council on School Problems, which is an already existing council as the group that would oversee the merits of this Resolution. I move it's adoption."

Speaker Giglio: "The..you heard the Gentleman's Motion. 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 Amendment's been adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Representative Kubik, on the Resolution."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Essentially what Res...House Joint Resolution 160 does is to put the General Assembly on record as requesting a moratorium on any additional mandates, school mandates and creates a committee... or requests that the Citizens Council on school problems evaluate the whole issue of mandates and the continuing proliferation of school mandates which are not funded. Many of us have gone back to our districts and talked to school boards and others and there's been complaints about the excessive nature of

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mandates. What we're asking is the school, the council on school problems, look at this issue and look at a Resolution to the issue. I would..the Resolution is supported by many educational groups. We've got a number of co-sponsors and I would appreciate an 'aye' vote."

Speaker Giglio: "Any discussion? The Lady from Champaign, Representative Satterthwaite."

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

Speaker Giglio: "He indicates he will."

Satterthwaite: "I wonder what you are distinguishing as the types of things that should fall under this moratorium. Would we assume, for instance, that if there is a reform package for the Chicago School System adopted, that that would be a mandate that would be prohibited from being implemented unless we had this evaluation?"

Kubik: "No, Representative, I don't think that's the purpose of this particular Resolution. What we're trying to do is to have the school problems, the council on school problems look at the whole issue of mandates and put them in perspective rather than take them one at a time. Essentially, we want them to look at the whole of the issue and that's really what this Resolution is trying to accomplish."

Satterthwaite: "Are you aware that we already have legislation before us that is the product of a task force that was established through the Board of Education to look at all of the mandates and come forward with recommendations for changes in those mandates? If we..if we were to pass that, would that be something controlled by this Resolution that we could not implement?"

Kubik: "As I recall, Representative, I think those particular..those particular recommendations came through the school, this council on school problems, which would

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also be the group that would look at this particular Resolution as well."

Satterthwaite: "I don't believe that that is the same set that I'm talking about. There is currently legislation pending before us in this Body that is the product of a study that was done on mandates. What I am asking is, if this Resolution passes does it preclude those changes that are recommended for changes in mandates, until that would be reviewed by the school problems council?"

Kubik: "I'm sorry, Representative, I didn't catch the last part of that."

Satterthwaite: "I'm simply trying to find out what power and authority this Resolution is going to have if there is legislation passed by this Body that makes a change in mandates, what effect would the passage of this Resolution have on that action of the Body."

Kubik: "I think the purpose of the Resolution is to ..is to essentially send a message about the whole concept of mandates, Representative..."

Satterthwaite: "Well I understand that..I understand that attitude and it is a message that has been coming through loud and clear as we deal with issues in the Education Committee. However, what I'm suggesting to you is that there is pending before us legislation that is intended to ease the mandates. I would be concerned that passage of a Resolution such as this might, in fact, mean that we would diminish the chances of having those mandate changes and might, in fact, be counter productive. So I'm simply questioning what the effect of a Resolution concerned with the passage of a Resolution such as this might mean that we would diminish the chances of having those mandate changes and might, in fact, be counter it's going to have in regard to legislative action taken by the chamber."

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Kubik: "Representative, I think what we're trying to address here is the School Reform Bill which was passed in 1985. That's essentially the focus of this particular Resolution and to evaluate the over one hundred mandates that were brought forward through that particular piece of legislation. That's the focus of this Resolution. It would not affect the points that you have just raised. We'd like to look at Senate Bill 730 and evaluate how those mandates are affecting local school districts. And that's the thrust of this legislation, it's in Senate Bill 730."

Satterthwaite: "Well, Mr. Speaker and Members of the House, I can understand a desire to do something to say we should not impose additional mandates on our school systems until we have funding available for them. I have a great deal of reservation about a Resolution of this sort that I really feel will not have any substantive effect on legislation that is passed by this Body. While we may express an intent for a moratorium, I believe that our legislative action will supercede what goes into a Resolution for our intent. And so I have a great deal of concern that what we are doing is an exercise that has no meaning."

Speaker Giglio: "Further discussion? The Gentleman from Cook, Representative O'Connell."

O'Connell: "I would just ask leave, with my Joint Sponsor, if I may close. Am I the last Speaker?"

Speaker Giglio: "You may close."

O'Connell: "Thank you."

Speaker Giglio: "Excuse me...excuse me. Representative Ropp."

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

Speaker Giglio: "He indicates he will."

Ropp: "Just to kind of reiterate what Representative Satterthwaite said. There is this committee that has been doing a considerable amount of study on mandates and it



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would almost seem that this would be an attempt to add to their efforts or duplicate it and I'm wondering why would you want to do that?"

Kubik: "Well, Representative, I think that what we're trying to do here is to set forward a continuing evaluation of those mandates as they relate to Senate Bill 730. I think we can all agree that when we passed the Bill in 1985 and now that many of the legislative initiatives in that particular Bill have...the rules and regs have started to come out. We've noticed some of the problems on the burdensome mandates that have been created. And I think what we're trying to do is look at this on an ongoing basis."

Ropp: "Well, when the Legislature passes legislation that is ultimately signed into law, as some have considered a mandate, have we, in fact, intended that piece of legislation to improve in some fashion the quality of education or make that student that graduates a better person? Is that true or not?"

Kubik: "Representative, I would agree that that's the case and I don't think anybody who is supporting this Resolution would argue with you on that point. I think what where we may differ is that those in the educational community who have asked us to present this Resolution believe that certain paper work requirements have been very excessive. And as a result we're taking away time from teaching these children to excessive paper work and administrative duties."

Ropp: "The thing, though, that causes me some concern is that if in fact we come up with a proposal that really would attempt to address improving the quality of education so that we have more young people that can read and that do provide within themselves a feeling of satisfaction as they move through the educational system. That...that proposal would totally be stymied because, in fact, what we have

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attempted to do by passing certain pieces of legislation is to say that okay, we think this is very important and there are some who ought to be supporting additional revenue to solve the quote 'mandates that we have already imposed'. If we have felt that it is important to pass the mandates in the first place, then why don't we as legislators have the courage then to adequately fund them now, without attempting to put a stymie on additional good ideas that may come before this Body in order to assist people to be better educated? I have thought that maybe we need a mandate, if you please, that people ought to be able to read when they get out of school. I don't think that necessarily should be mandated. I think that's understood and a number of the proposals that some in this Body say are mandates are things that many of us feel is a part of the education process and ought to be taught. Tragically enough, they aren't. So law has to be introduced and passed and there are those who say it's a mandate. I think that this is somewhat duplication, is not necessarily needed and would urge this Body to be more courageous and actually fund those programs that at some point in time we said are necessary, are important, and ought to be on the statutes so that kids that go to school do have certain kinds of programs in their curriculum so that they are better people when they graduate. So I really think this is not necessary at this point and would urge people not to support it."

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

Cowlshaw: "Mr. Speaker, Ladies and Gentlemen of the House, I would like at least briefly to address some of the concerns that have been raised here. The mandates task force that was established by the State Board of Education had the task of looking at all of the mandates that exist within

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the entire School Code. They did, I think, an excellent job with that. Did issue a report and a prior Speaker mentioned we now have a Bill before us that we will be acting upon, I hope, that incorporates some of the suggestions from that report. This Resolution has nothing to do with any of the mandates in any other part of the School Code except those that were included in the reform initiatives of 1985. What this does is to focus the attention of the Citizens Council on School Problems on just those mandates and none other. An overall view of this has already been accomplished, but that view did not focus exclusively upon the reform initiatives of 1985. Three years have gone by since then and I think that it is both timely and appropriate for us to now have a comprehensive view of which of those initiatives we put into the law in 1985 need to be continued, need to be modified or perhaps some even might need to be abolished. That is all that this Resolution does. It directs the Council to study the mandates contained in the education reform initiatives of 1985. I think it is a very wise thing for us to do and I urge a 'yes' vote."

Speaker Giglio: "Representative O'Connell for a short closing remark."

O'Connell: "Thank you, Mr. Speaker. This will be a short closing. First of all, with regards to the issue of what effect this Resolution may have on pending legislation. It has no effect whatsoever on pending legislation. As you know, a Resolution does not have the force of law, whereas of course, legislation which is subsequently enacted into law would take precedence over anything. As was mentioned by the previous Speaker, the passage of Senate Bill 730 has created a tremendous amount of problems for our school districts. While we are under the auspices of trying to

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help our school districts, what we've done, particularly with Senate Bill 730, even though it had it's good points it also had some very fuzzy points and some people may agree that they were downright poor aspects of the law. What we've done is saddled our school districts with complications, with tremendous investment of time which they are required to perform in order to comply with consequences of Senate Bill 730 that may even have questionable needs. All this does is to create or to give to this existing committee the direction to evaluate these good points and the bad points of Senate Bill 730. And where there are bad points to report back to us and perhaps we would have the good sense to remedy those problems. I urge an 'aye vote.'

Speaker Giglio: "Question is, 'Shall the House pass House Joint Resolution 160?' 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 86 voting 'yes', 20 voting 'no', 7 voting 'present' and House Joint Resolution 160 having received the Constitutional Majority is hereby declared passed. We have one more piece of legislation and the Chair is...will be ready to adjourn. Mr. Clerk, House Resolution 1417. Read the Resolution."

Clerk O'Brien: "House Resolution 1417, request Commerce Commission to consider hardship of rate increases and enforce Public Utilities Act. Executive and Veterans Affairs Committee recommends be adopted."

Speaker Giglio: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 1417 addresses something very

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important to all of us. One of the few issues that touches Chicago to Cairo. The Illinois Commerce Commission has been asked to decide two of the biggest utility rate cases in Illinois history. The impact of these two cases on the State's economy will be enormous. Rate payers are very worried about these cases and they deserve to know where their elected people stand on this issue. I adopted...drafted this Resolution because I feel that the House can help fight against higher rates by lending its voice to those who question the need for further rate increases. The Commerce Commission needs to know how we, as legislators, intend for the Public Utilities Act that we passed in 1985 to be implemented. I think the General Assembly needs to highlight the consumer protections built into that Public Utilities Act of 1985. I think we all are proud of that Act of 1985. We feel that we've given ICC the tools to combat, to deny the request that's before them now by Commonwealth Edison, by Illinois Power. The Commission has pending before it electric increase rates to be considered that will equal 1.4 billion dollars or a 27 percent increase to pay for three power plants by Commonwealth Edison. It also has pending before it an eleven year rate hike plan proposed by Illinois Power which is equivalent to a 35 percent increase in current rates to pay for Clinton Power Plant. Please join with me in just sending a strong message to what we feel we've given to ICC the resources to say on behalf of the ratepayers, we can't stand no more. Please join me in supporting this Resolution. Thank you."

Speaker Giglio: "The Gentleman from Coles, Representative Weaver."

Weaver: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, House Resolution 1417 does not present the

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complete picture of the issues to be considered by the Illinois Commerce Commission in connection with rate cases pending before it by Commonwealth Edison and Illinois Power. In voting on this Resolution we've got to take care that we don't give the Commission the impression that this Legislature desires to take the commission's place or to change the provisions of the Public Utility Act which we spent so much time in considering just two Sessions ago. It's just as important to this state that it have a strong economy and be able to attract new industries and create new jobs for it's growing population as it is to have the lowest utility rates in the country. Like so many difficult issues which this House has to consider every day it's required to weigh in the balance the interest of Illinois residents as consumers of electricity and their interest as citizens of a state in a growing economy. For example, the Resolution is silent about the effect of state revenues if these utilities are required to write off their extraordinary high investments in these plants."

Speaker Giglio: "Give the Gentleman your attention, please."

Weaver: "Thank you. Finally, let us remember that if we pride ourselves on providing the State of Illinois with consistent and enlightened legislation intended to enhance the stability of the state's economic climate. There will be no economic growth if we change the rules in the middle of the game. This Resolution ignores the fact that both utilities obtain certificate of public convenience and necessity to build these plants. Illinois Power was ordered by the Commission as late as August of 1985 to complete the construction of the Clinton Nuclear Plant. Do we want to be in the position of extorting the commission to refuse to pay for a plant it ordered the utility to build in the first place? We should not take such a

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drastic step that will diminish our state's reputation for stable and enlightened regulation. I urge a no vote on this Resolution and I ask for a Roll Call vote."

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

McNamara: "Thank you, Mr. Speaker, Members of the House. In response to the previous Speaker, this Resolution simply calls on the ICC to enforce consumer safeguards in Public Utilities Acts. It also expresses concerns about the hardship actions that would be caused if the utilities are allowed to increase rates once again. The Resolution does not require the General Assembly to get involved in ratemaking, nor... but it does send a clear and important message to the ICC at a time when huge rate hikes are under consideration. That is something that happens to be very important to all of us. I think that a 'yes' vote is definitely the right vote."

Speaker Giglio: "Further discussion? The Gentleman from Saline to close, Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Real quickly, I know we're wanting to go. This is... Resolution is serious in nature. In the fact that if you have a large community of senior citizens in your district as I do, they are hit very hard by not only rising utility rates, but on a fixed income such as social security and if this Body looks at income tax increase, Lord knows what that one might do to people that's going to be in this kind of situation. I think it would just be devastating. Look in your heart to support me on this Resolution, just send a good message to the ICC. Thank you."

Speaker Giglio: "Question is, 'Shall the House pass House Resolution 1417?' All those in favor signify by voting

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'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 111 voting 'yes', 1 voting 'no' none voting 'present' and House Resolution 1417 having received the Constitutional Majority is hereby declared passed. Representative Matijevich."

Matijevich: "Speaker, Mike Weaver has a record now nobody can beat."

Speaker Giglio: "Resolutions. Consent Calendar."

Clerk O'Brien: "Consent Calendar. Second Reading. Second Day. Senate Bill 1981, a Bill for an Act to amend the School Code. Second Reading of the Bill."

Speaker Giglio: "Third Reading. Agreed Resolutions."

Clerk O'Brien: "House Resolution 1605, offered by Representative McCracken. House Resolution 1606, offered by Representative Churchill."

Speaker Giglio: "Representative Matijevich."

Matijevich: "Move the adoption of the Agreed Resolution."

Speaker Giglio: "Gentleman moves the adoption of Resolution. All those in favor signify by saying 'aye', those opposed 'nay', in the opinion of the chair the 'ayes' have it and the Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Resolution 1603, offered by Representative Ronan."

Speaker Giglio: "Representative Matijevich. Committee on Assignments. Representative Tuerk. The Gentleman from Peoria for an announcement."

Tuerk: "Yes, the Republicans will have a conference in 118 right after adjournment."

Speaker Giglio: "Representative Wojcik, are you seeking recognition? We're waiting on the Adjournment Resolution. Adjournment Resolution."



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Clerk O'Brien: "Senate Joint Resolution 145. Resolved by the Senate of the 85th General Assembly of the State of Illinois, the House of Representatives concurring herein. When the two Houses adjourn on Friday, June 17, 1988 they stand adjourned until Tuesday, June 21, 1988 at 12:00 noon."

Speaker Giglio: "Representative Matijevich moves that the Resolution be adopted. All those in favor signify by saying 'aye', those opposed 'nay', in the opinion of the Chair the 'ayes' have it and the Resolution's adopted. Representative Matijevich now moves that the House stand adjourned until Tuesday...Tuesday, June 21 at the hour of 12:00 noon. All those in favor of the Resolution signify by saying 'aye', those opposed 'nay', in the opinion of the Chair the 'ayes' have it and the House now stands adjourned. Allowing... before we adjourn, allowing perfunctory time for the Clerk to read the messages from the Senate. The House will now stand adjourned."

Clerk O'Brien: "Message from the Senate by Ms. Hawker, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate's concurred with the House of Representatives in the passage of the following Bills together with their Amendments, to wit; House Bills 3469, 3490, 3491, 3495, 3512, 3564, 3600, 3607, 3612, 3626, 3565 and 3586, passed the Senate as amended June 17, 1988. Linda Hawker, Secretary.' There being no further business, the House now stands adjourned."

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