

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

65th Legislative Day

June 19, 1987

Speaker Breslin: "Ladies and Gentlemen, the hour of 9:00 having arrived, this House will come to order. Members should be in their seats. The Chaplain for today will be the Father Robert Erickson, Principal of Griffin High School in Springfield. He is the guest of Representative Michael Curran. Our guests in the gallery may certainly join us in the prayer."

Father Erickson: "With hearts filled with thankfulness and praise, let us pray. Our Father in Heaven, may we honor here on earth every sign of Your presence, every act of Your rule, every item of Your plan as it stands in Heaven. Give us what we need each day, a day at a time and forgive us our offenses in the same measure as we forgive those who have wronged us. Do not bring us to a testing which is beyond our power to withstand, for You have the power and the authority and the glory is forever Yours. Amen."

Speaker Breslin: "We'll be led in the pledge today by Representative Ropp."

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

Speaker Breslin: "Roll Call for Attendance. Representative Piel, do you have any excused absences? Representative Piel."

Piel: "Yes, Madam Speaker. Will the record show Representative David Harris, Representative Myron Olson and Representative Fred Tuerk are all excused today?"

Speaker Breslin: "The record will so reflect. Representative Matijevec, do you have any excused absences?"

Matijevec: "Madam Speaker, we have none on this side of the aisle."

Speaker Breslin: "Very good. The Clerk will take the record."

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

65th Legislative Day

June 19, 1987

115 people answering the Roll Call, a quorum is present. Representative Curran, are you ready? Ladies and Gentlemen, Representative Curran will be in the Chair to make a special introduction."

Curran: "Ladies and Gentlemen, a few days ago, we had Representative Panayotovich here with the Public League Champion, Chicago Vocational. Representative Panayotovich, as he is inclined to do, made great promises for the Chicago Vocational Team. They were to be, in his opinion, the next state champions. I don't see Representative Panayotovich here. And yet, we have the state champions here. We have the state champions here and it was easy for them to get here because they're from Springfield, and this is the Griffin... I would like you to know, those of you who don't, that the... on the following day after Representative Panayotovich's speech, boast, that these guys beat Chicago Vocational by 14 to 1. So, now I would like to give you, not only the Springfield Griffin High School Baseball Team, but I would also like to give you, Coach, Ron Wojcicki."

Coach Wojcicki: "Thank you very much. I really don't know what to say, if I don't have a baseball hat or a baton in my hand or something, I don't really know. It's certainly an honor to be here. We certainly appreciate the opportunity to be here this morning, to be here in front of you. With these kids, I just don't know where to start to talk about them. We had... last year, we were primarily a junior team. We were 25 and 8 last year. So, this year, we started seven, seven seniors. We ended up 37 and 4, had a 19 game winning streak in the middle. We won the city series, 6 to 0, playing the other three public schools. This is the first time since '74 that anyone had won the city series 6-0. That was nice. Winning the regional,

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

65th Legislative Day

June 19, 1987

we, in the first game of the regional, we had a relatively close call. Two out. In the bottom of the seventh, we were down 2 to 1. Two on, a full count fly ball to the right center went off the outfielder's glove. Tying run scored. In the eighth, we got 3, then we went on to win. For the regional championship game, we beat Quincy, 5 to 0. Quincy beat us last year, 2 to 1 in the regional championship. So, it was nice to come back and beat them this year for the regional championship. And then, the first game of the sectional, we had to beat Lincoln. Lincoln had beat us twice earlier in the year and we beat Lincoln 7 to 6 in ten innings. Mike Bolin hit a three run homer in the bottom of the tenth to tie it up after we had been down 6-3. They had gotten 3 in the top of the tenth. Then we went on. Then we got the fourth run in the bottom to win it. From there on out, the last four games was kind of unbelievable. We outscored our opponents, 37 to 5. In the state championship games, in the three games we played there, we scored 30 runs. The opposition scored 4. It was quite an honor. It was nice to beat Barrington, because Barrington was the team to beat. Everybody was picking Barrington to repeat since they had won it last year. That was nice to, not only win it, but also to defeat the reigning champion. At this time, I think I'd like to introduce the members of the team who are here, since they're the ones who did all the work. And it's just nice that I can stand up here and be associated with them. Two assistant coaches, first one here on my far right, who works for the House, Joe Handley. Another gentleman who I understand who used to work downstairs in the print shop for a few years, Ed 'House', over here. And then, just starting on my far left, Senior, Robbie Fix, who is... Robbie was our third baseman. He did end up making the

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

65th Legislative Day

June 19, 1987

state tournament team. Mike Bolin was our catcher. Mike hit a big home run in the Lincoln game. He hit the home run in the bottom of the second to start out the scoring against Barrington in the championship game. Jim McMann, Senior, designated hitter. Jim set a state tournament record. He ended up in the three games of the state tournament. He was only put out one time. He was hit once. He walked a couple of times. He ended up being 6 for 7. He set a tournament record batting, whatever it would be, 830 something, which was a new tournament record. Junior, Greg Bernet. Senior, Chris Bax. Chris, in the championship game, he was 3 for 3... drove in a couple of runs. Senior... excuse me. Junior, Terry Williams. Junior, Dennis Kracik. Senior, Jeff Borski. Jeff was named the most valuable player of the state tournament. He won. He pitched the first and the third game. He pitched against Vocational. He pitched against Barrington. He won both of those ball games. Then, Senior, Timmy Hull. Timmy pitched the middle ball game. Those two kids, it's nice that they're standing together. You would think that there will be a tremendous rivalry between them. Jeff... Jeff was 12 and 0 this year as a pitcher. He had an ERA of a little over 2. Tim Hull was 11 and 1. He had an ERA about 1.45. Those were the two kids, I mean, just outstanding kids and pitchers, both. We... you know, on their own, they're always talking about pitching has to get you there. And those are our two main aces, pitching-wise. Next to them, looks like Jeff Sauer, Junior, left hander. Next to him is Dave Saladino, Junior, pitcher/outfielder. Sophomore, Craig Jones, pitcher. Senior, Donnie Hurrelbrink, outfielder. Senior, Eddie Gresham, first base. Senior Dave Manfreda, shortstop. And Senior, Rich Weitzel. We also have four other players who for various

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

65th Legislative Day

June 19, 1987

reasons couldn't be here. I would just like to recognize them at this time also. Junior, Jeff Swaney; Junior, Dan Patterson; Junior, Brian Schneller; and Sophomore, Brad Rotherham. I think if there was just... in coaching, just for my time here, if nothing else, I think I would probably like to just congratulate the team as a team in public only because they really did play as a team. I alluded earlier to both Jeff and Tim. Jeff said that they both worked together and there was no real rivalry there, whichever one was on the mound, the other one was always rooting for him. And I think, as a team, that that was probably just my biggest sense of joy with these kids. They were always pulling for each other, whoever was out there playing, and it was just an outstanding group of young men. I was very proud to be their coach. Thank you very much."

Hasara: "As the mother of three sons who have graduated from Griffin in the last six years, I'd like to particularly salute the parents who are sitting up in the gallery. Thank you to all of you. You've brought real glory to the City of Springfield and to our school. Thank you."

Speaker Breslin: "There has been a Resolution, Mr... Mr. Clerk. The Resolution is Resolution 559. Very good. Representative Curran moves the adoption of House Resolution 559. All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Congratulations, gentlemen. Ladies and Gentlemen... Excuse me, Representative Olson, for what reason do you rise?"

Olson: "Thank you, Madam Chairman. The Coach mentioned the record of four losses and he also mentioned a close game. I would like to offer a bitter sweet congratulations to this team, and I think it is especially sweet to them if I tell them that I'm from Lincoln and that we had two of

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

65th Legislative Day

June 19, 1987

those wins out of their four losses and we also gave them a... I don't know about the sectional game. I'll only played that one several times. Congratulations, boys."

Speaker Breslin: "Ladies and Gentlemen, we are going to the Special Orders of Business. The first Order in that category, appearing on page two of your Calendar, is State and Local Government. It is about the fifth page among your pink sheets. The first Bill on that Order is Senate Bill 161. Representative Hartke. Clerk, read the Bill. No. Out of the record. Senate Bill 242, Representative Stern. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 242, a Bill for an Act in relation to employment of camp counselors. Second Reading of the Bill. No Committee Amendments."

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

Clerk O'Brien: "Floor Amendment #1, offered by Representative Wojcik and Flowers."

Speaker Breslin: "Representative Wojcik, on Amendment #1."

Wojcik: "Madam Speaker and Members of the House, what Amendment #1 does it provides an employment certificate is not required with respect to a minor who is 14 or 15 years old and is working during the period from May 1st through September. This is an Amendment that will enhance the job training partnership program and it has been put in by DCCA. We had originally had a Bill with the same subject and there was an Amendment on that Bill that was pertinent to a pay raise. So, therefore, I ask for this favorable passage."

Speaker Breslin: "The Lady has moved for the adoption of Amendment #1 to Senate Bill 242. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, will the Sponsor yield for a question?"

Speaker Breslin: "She will."

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

65th Legislative Day

June 19, 1987

Cullerton: "Representative Wojcik, you have also filed Amendment #2 that seems to be similar to this Amendment. Is it your intention to attempt to adopt Amendment #2 as well as #1?"

Wojcik: "I would assume, Representative. Let me see."

Cullerton: "I think Amendment #2 is similar in form. It's just that it doesn't apply to other federally created job training programs; whereas, Amendment #1 could apply to any other major job training program. So..."

Wojcik: "I believe Amendment #2 is what we have agreed to and Amendment #1 is where we had the discrepancy."

Cullerton: "So, you probably want to withdraw this."

Wojcik: "I would want to withdraw Amendment #1, Madam Speaker."

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

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

Speaker Breslin: "Representative Wojcik."

Wojcik: "Yes, Madam Speaker, Members of the House. Amendment #2 is exactly the same with the elimination of the wording 'Comprehensive Employment and Training Act'. This Amendment has been agreed to on both sides of the aisle."

Speaker Breslin: "The Gent... The Lady has... the Gent... The Lady has moved for the adoption of Amendment #2. And on that question again, Representative Cullerton."

Cullerton: "Yes, just to the merits of the Amendment. What is the significance of excluding minors from the child labor laws? Does it have to do with the minimum wage?"

Wojcik: "No, it does not."

Cullerton: "What is the significance..."

Wojcik: "Just the work permit requirement, Representative."

Cullerton: "A work permit requirement."

Wojcik: "Yes."

Cullerton: "I see. Thank you."

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

65th Legislative Day

June 19, 1987

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. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 855, Representative Klemm. Out of the record. Senate Bill 912, Representative Regan. Out of the record. Senate Bill 1057, Representative Hannig. Clerk, read the Bill."

Clerk Leone: "On page 16 of the Calendar, Senate Bill 1057, a Bill for an Act to amend the Illinois Act on Aging. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. Senate Bill 1215, Representative Farley. Out of the record. Senate Bill 1255, Representative DeLeo. Out of the record. Senate Bill 1308, Representative Farley. Out of the record. Senate Bill 1506, Representative Flowers. Out of the record. Senate Bill 1514, Representative Kirkland. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1514, a Bill for an Act to amend the Illinois Human Rights Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. The next Bill is Senate Bill 69, Representative LeFlore. This is on the Order of Third Reading, Ladies and Gentlemen, under State and Local Government. Representative LeFlore, Senate Bill 69. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 69, a Bill for an Act to amend the

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

65th Legislative Day

June 19, 1987

Illinois Insurance Code. Third Reading of the Bill."

Speaker Breslin: "Representative LeFlore."

LeFlore: "Thank you, Madam Speaker. Senate Bill 69 provides that a domestic insurance company may invest in a first mortgage on property on which is already hold a second mortgage. I don't think I have any opposition on this particular piece of legislation. It passed the Senate Committee 9 to 0, and on Third Reading in the Senate, it passed 57 to 0. I ask for a favorable vote."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 69. And on that question, is there any discussion? Hearing none, the question is, 'Shall Senate Bill 69 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 109 voting 'aye', none voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 170, Representative Brunsvold. Clerk, read the Bill."

Clerk Leone: "Senate Bill 170, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Brunsvold."

Brunsvold: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Senate Bill 170 was amended in Labor and Commerce Committee in the House and some objection... provisions were taken out. What remains in the Bill now after the Amendment is a seniority procedure for layoffs and recall rights, recall procedure, those are the two items that remain in there. This Bill will not interfere with any labor contracts that are already in place. And I ask for an affirmative vote on Senate Bill 170."

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

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

65th Legislative Day

June 19, 1987

Senate Bill 170. And on that question, the Gentleman from Saline, Representative Phelps. Is there any discussion? The Gentleman from DuPage, Representative McCracken."

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

Speaker Breslin: "He will."

McCracken: "I'm looking at the Calendar, and it doesn't appear that Floor Amendment #2 is adopted. Is that correct?"

Brunsvold: "That's correct."

McCracken: "So, this applies not to Chicago school district. It applies only to downstate districts."

Brunsvold: "Yes, you're right. Last... on page two, line 33, 235. I'm getting motions that that's not correct."

McCracken: "Alright, so, I remember this discussion. It was, I think, Representative Cullerton's position that all that did was exempt the Chicago school district from the residency requirements, but that the personnel provisions which are the main part of this Bill would apply to the city. Is that your understanding as well?"

Brunsvold: "That's my understanding."

McCracken: "Well, if it's good enough for Chicago, it's good enough for us Joel."

Brunsvold: "This would apply, Representative, only to noncertificated employees in the school district, not... those employees are not in a collective bargaining program right now."

Speaker Breslin: "Any further discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, thank you, Madam Speaker and Ladies and Gentlemen of the House. I do recall the discussion. I think we only discussed Amendment #2. We... I think we determined that it would have possibly been duplicative. I thought we were going to actually put it on, but just to, I

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

65th Legislative Day

June 19, 1987

hope, clarify it. The way the Act now reads the provisions of this amendatory Act of 1986 relating to residency in any school district shall not apply to cities having a population exceeding 500,000 inhabitants. So, it implies that the rest of it does apply to Chicago. So, and the Amendment... Representative Cowlshaw's and McCracken's Amendment said basically the same thing, the provisions of this Section other than the provisions relating to residency within any school district also shall apply to any school district situated in any city having a population exceeding 500,000. So, I think we're saying the same thing without having passed Amendment #2."

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

Hoffman: "Alright. Thank you, Madam Speaker. I walked in a little late and I apologize to the Body and to the Sponsor of the Bill. It's my understanding as this Bill stands now that we are changing the nomenclature from 'noncertificated employees' to 'educational support personnel employees'. That's... that's correct. That's in the Bill. So, we have proven that we're an ever advancing civilization as we develop euphemisms for the same work. And that's number one and that's positive. Amendment #1 removed the provision that a seniority list be used for dismissal or removal. Is that correct?"

Brunsvold: "Representative, everything on page two down to line... through line 27 was removed and then the Section dealing with recall rights, which was basically line 88 through 93, was put back in."

Hoffman: "Alright now, what... what does that mean? I don't have the Bill in front of me. I'm looking at my synopsis and I apologize."

Brunsvold: "What was removed?"

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

65th Legislative Day

June 19, 1987

Hoffman: "Yes."

Brunsvold: "Some of the provisions dealt with compensation if discontinuance was allowed. There was some objectionable provisions in there by our own people, and we removed those... those copies of list shall be distributed to bargaining agents, some language in there, down through line 101, some things that really would get more into collective bargaining procedures than probably the Bill should have. This simply would set up in the work place for those noncertificated people what's common in most arenas and work place of seniority layoffs and recall rights. So, that's all that remain, Representative."

Hoffman: "Alright. Thank you. There still seems to be a lot of disagreements in terms of what this Bill really does and until that is clarified, I don't believe that we can be in support of this legislation as it stands at the present time. Thank you."

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

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

Speaker Breslin: "He will."

Cowlshaw: "Thank you. Representative Brunsvold, as I remember, there was an Amendment adopted in Committee, Amendment to this Bill in Committee."

Brunsvold: "Yes, correct."

Cowlshaw: "And if I remember correctly what that Amendment did was to remove from the Bill the requirement that school boards put together one of these seniority list for noncertified employees and furnish a copy of that list to the bargaining agents. Now, is that provision indeed removed from this Bill?"

Brunsvold: "That's right. You're talking about line 93 on each

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

65th Legislative Day

June 19, 1987

school board shall in consultation with exclusive bargaining agents establish lists, categorize, positions and so on. That's gone."

Cowlshaw: "That's fine. Alright the other... my other question, Representative, it was my understanding that practically from the outset that this Bill was opposed both by the Illinois Association of School Boards and by the Illinois Association of School Administrators. Is that opposition still in place?"

Brunsvold: "I would think so, Representative. I would still think they would oppose this Bill."

Cowlshaw: "Thank you very much."

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

Brunsvold: "Thank you, Madam Speaker. In closing, I would just simply state that there will never be collective bargaining agreements in a lot of areas in this state and especially noncertificated people, this simply gives them the rights to seniority and recall as is common in the work place today. And I simply would ask for your affirmative vote and let those people in these areas have at least the seniority on layoffs and the recall rights. Thank you."

Speaker Breslin: "The question is, 'Shall Senate Bill 170 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 77 voting 'aye', 34 voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 172, Representative Matijevich. This Bill is on the Order of Short Debate. Senate Bill 172. Excuse me. Representative McCracken, for what reason do you rise?"

McCracken: "I move to take this Bill off from Short Debate. And

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

65th Legislative Day

June 19, 1987

I'm joined by the requisite number of my colleagues. Raise your hands."

Speaker Breslin: "Very good. The Bill is off of the Order of Short Debate. Do you wish to call the Bill, Representative Matijevich? Yes. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 172, a Bill for an Act to amend the Citizens' Utility Board Act. Third Reading of the Bill."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House, Senate Bill 172 is the Bill that has been proposed by the Citizens' Utility Board. Initially, their proposal was that we provide a constitutional means whereby people can find out through an insert that they can join the Citizens' Utility Board. Originally, this was done through the utility bills, and the court determined that that was unconstitutional, and we determined a way to do it and the Citizens' Utility Board would pay back the utilities, public utilities, for the incremental cost. In the Senate, they determined that the best way to do it would be to allow the State Government to provide notices so that people could determine a way to join the Citizens' Utility Board. We realized that this isn't the best way to do it, but it is a way that can be done. So, I would urge the Membership to pass this Bill, send something to the Governor and, you know, I realize that there is some cost associated, but the cost, the incremental cost, would be paid by the Citizens' Utility Board. So, I would urge the Members that this is a way that it can be done and urge your passage."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 172. And on that question, the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Will the Sponsor yield to a question?"

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

65th Legislative Day

June 19, 1987

Speaker Breslin: "He will."

Matijevich: "Yes."

Hoffman: "Thank you. Representative Matijevich, yesterday, I gave you a sheet of paper from Employment Security indicating a problem that that agency would have with implementation of this legislation. Did you have an opportunity to follow up on that?"

Matijevich: "Yes. Representative Hoffman gave to me a notice from the Department of Employment Security, that under Federal Law, they would not be allowed to provide the franking privileges to anyone unless those mailings would relate exclusively to the employment security programs. I gave this information to Monti Tarbox with the Citizens' Utility Board and he was going to provide with me, but I haven't received it yet, because we're in the morning yet. He was going to provide to me those public entities which they felt the Citizens' Utility Board felt that they would use for mailings. Because of this information you gave me, there would be no doubt that they would not use the employment security as one of those mailings. Also, it was indicated that it's possible that, for example, General Assembly Members, that they would use those as inserts and they said, 'Definitely not'. So, I think that there would be assurances that the mailings that would be used would be those that wouldn't cause any problems. So, as I told you yesterday, Representative Hoffman, this wasn't my idea, nor was it the Citizens' Utility Board's idea. We thought the initial proposal in House Bill 401 was the better but, because, this is the one that the Senate had preferred, this is the one that we think we should go with."

Speaker Breslin: "Any further discussion?"

Hoffman: "Yes. Thank you very much. I think that the discussion points out the problem with this legislation. It wasn't

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

65th Legislative Day

June 19, 1987

the one that passed through the Legislature. The court threw that out. It wasn't really what the Citizens' Utility Board wanted and is looking around for options, we ended up with this program. One of the difficulties with this program has been illustrated by the situation with the Department of Employment Security. Secondly, once this kind of thing gets into place, other causes, 'good causes', quote, unquote, if you will, however that wants to be defined, are going to say, 'You did this for the Citizens' Utility Board. You can't do it for them and not do it for us and be fair and even-handed'. A good illustration of that process are the check offs that we now have on the income tax form for you to give your refunds to. At the rate we're going, we're going to have to have a separate sheet or printed like a legal document to cover all of the good causes that have wanted to get on the income tax form to be... to receive money from taxpayers in that method. I think that we're faced with the same situation here. Once we open up the state's mailings to entities other than state entities, you have crossed the line that I don't think it's in our best interest to do and it may not even be in the best interest of CUB to do it. And so, for that reason, in all due respect to the Sponsor, I rise in opposition to this Bill."

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

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of Senate Bill 172. I think there, first of all, is a very significant difference between the Citizens' Utility Board and almost any other entity. If you look at the Bill, you find that this is an Amendment to Section 9 of the Citizens' Utility Board Act. The Citizens' Utility Board is established by law. We passed it four years ago. It enjoys a special relationship

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

65th Legislative Day

June 19, 1987

with the Legislature and with State Government. We created it. It's a quasi-public corporation. So, we're not setting any precedence or anything else. This is an entity that was created by statutory law. Secondly, I would just point out that the genesis of the approach that is currently embodied in 172 did not come from CUB. It didn't come even from this side of the aisle. It came from Senator Karpel in the Senate. It came from the Republicans in the Senate who felt that that was a reasonable approach to deal with the financing of the CUB. CUB has done an excellent job. The concept behind CUB is that we shouldn't be subsidizing the consumers, but the consumers should have the opportunity to work together to pay the small amounts in terms of membership fees in order to finance experts to advocate on behalf of the consumer. What a good free enterprise kind of proposal. And it has worked. It has worked in terms of providing information to us in the Legislature when we have been faced with utility matters. It has worked in cases before the Commerce Commission in assuring that the consumer is being represented. It has worked in the Supreme Court of this state, and the Court listened to what the Citizens' Utility Board had to say just a couple of days ago when they came down with two very significant decisions. So, this is a vote that you can make for the consumers in your district in order to reinvigorate CUB to keep it rolling and be able to go back to your consumers and say, 'I voted to strengthen CUB. I voted to protect the utility consumers.' And I urge an 'aye' vote on Senate Bill 172."

Speaker Breslin: "The Gentleman from Livingston, Representative Ewing."

Ewing: "Madam Speaker, Ladies and Gentleman of the House, I think we're getting lost in the debate over whether we like or

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

65th Legislative Day

June 19, 1987

don't like CUB and; in my opinion, that does not enter into whether this is a good Bill or not. There are two other more important issues here, which I think everyone in this General Assembly should keep in mind, and I believe that both of those issues come up with a negative vote for this Bill. Number one, do we want to set the precedent of forcing State Government to put private groups mailings out to the public. Is that good public policy? I think the answer to that is a resounding no. Number two, do we, in this tight budget year, want to expand a million dollars or more of state funds to mail out the CUB information, or for that matter, the state chambers information or the IMA's information or anybody else. I say, again, a resounding no. Because of those two issues, I really would implore this House to put this Bill to rest now. Vote 'no'."

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

Mautino: "Thank you very much, Madam Speaker. I'm not going to discuss Senate Bill 172. I'm going to invite the Members of the House of Representatives to join with me in wishing the Chairman of the Appropriations Committee a happy birthday. It's his forty-sixth birthday but; since there is no add ons this year, it's his forty-fifth and we have cake for everyone back here, Ladies and Gentlemen, please join with us. Happy birthday, Chairman Leverenz."

Speaker Breslin: "Happy birthday, Chairman. On the Bill, the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker. I also rise in opposition to the Bill. As the Sponsor candidly admits, this is not the... necessarily the best solution. If CUB is such a... an inherently valuable organization to the people of the State of Illinois and it... why, then, must it rely upon mailings from State Government and that special

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

65th Legislative Day

June 19, 1987

consideration in order to expand its power. They claim, CUB claims in the analysis that the prohibition against enclosures has cost them at least 400,000 dollars in membership income in their campaign against the utilities. The fact of the matter is that this special legislation for this special organization is entirely unwarranted. As a matter of public policy, once this corporation is set up, it is on its own to enhance its membership roles. The fact is that it, apparently, is unable to do that without some extraordinary help from the state. First, it sought to have its literature placed in utility bills which was held unconstitutional. Failing that, it comes back seeking a check off in the utility bills. Failing that, it seeks to be placed in any mailing of any state agency at its discretion. There is no recourse from this decision. In the Bill, it provides that the corporation will make the decision as to which state mailings it will use and as to which it won't. Now, that we find out that the Department of Employment Security is standing to lose at least 1.6 million dollars of federal money provided exclusively for the purpose of mailing its materials, the Sponsor says, 'Well, I'm sure that CUB won't go to the Department of Employment Security'. Why can't that be part of this Bill? Why can't we limit this Bill to what CUB can do at the very least? Why can't we designate the agencies? Why can't we allow for reimbursement for the administrative costs placed upon the agencies? The reimbursement programs applies only where the CUB mailing is greater than .35 ounces and where the agency has first given a detailed accounting of its costs. This burden placed upon all state agencies, ranging from the Secretary of State to the Attorney General to all state agencies is completely unwarranted and unwise public policy. The cost is enormous. There are no safeguards

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

65th Legislative Day

June 19, 1987

against abuse. We just found out yesterday and this morning about the Department of Employment Security. We receive a verbal assurance, not found in the Bill, not found in law, that they will not suffer as a result of this unprecedented right given to a public body whose popularity its proponents have argued in the past would necessarily make it a force to be reckoned with in the area of public regulation of utilities. Apparently, it has not become that. Apparently, the people know that CUB is a myth. Why don't you realize that CUB is a myth? Stop supporting it with the taxpayers money and let them prevail upon the citizens if it's the citizens wish. This bad Bill should be defeated."

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

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

Speaker Breslin: "He will."

Ropp: "Representative, is it true that even the Department of Agriculture might be in a position to send out any of this information that CUB would so desire?"

Matijevich: "I'm not certain as to which agencies will be used, Representative Ropp. More than likely, the Secretary of State's office in its mailings of drivers license information, et cetera, would be the primary agency. I don't think, and I saw the Secretary of State's liaison look at me when I said that, but she knows that, I don't think we ought to be looking for excuses to beat this Bill. It will be worked out. The mailings will be worked out at the minimal cost. And, as I said, the incremental costs will be paid by CUB. And if it is a myth, if CUB is a myth, believe me, I'm having a heck of a time answering my mail to this myth. I'm getting a lot of mail from this group of myths running around the state."

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

65th Legislative Day

June 19, 1987

Ropp: "Okay, thank you. Now, assuming this Bill passes and this material is sent out since CUB has been established by state law, then, in fact, there would be nothing wrong with the state chamber, I suppose it would be, the state chamber wouldn't send it out. How about the Illinois Soybean Association, the Corn Check Off Association, the wool growers, and the milk promotion people. We have established, through this body, those same kinds of authorities giving them statutory authority. They, in fact, then, assuming we passed legislation, would have the same right because this same precedence would have been established to send out promotional materials relative to the pluses and minuses of their respective organization. Would that not be true?"

Matijevich: "No, not at all. Not at all. And I don't think that any of us want to establish that type of authority. This is a very different isolated case. And I don't think any of those entities, for example, that you have mentioned have been in court and saved the rate payers, as was done in a decision last week, 500,000,000 dollars. I think we ought to bend over backwards to a quasi-public entity that is saving rate payers that much money. I think, Gordy, that you, you, you who have stood on the floor as a friend of the taxpayer ought to bend over backwards to save your rate payers money. You ought to do that."

Ropp: "I guess I'd say, I have attempted to bend over backwards providing taxpayers with, rather, inexpensive food because we're spending the last of our disposable income on food, which I mention those groups were involved with, probably save millions, much more than this organization. I think many of us supported CUB. The real fact that it seems, after it was established, that now they have come to the Legislature and almost want us to operate their

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

65th Legislative Day

June 19, 1987

organization. And I don't think that is good public policy."

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

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

Speaker Breslin: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'no'. The 'nos' have it, and the main question is not put. Representative Klemm is recognized on the Bill."

Klemm: "Thank you, Madam Speaker. You know, several years ago, many of us were Cosponsors of the CUB Bill and many of us here voted for it. And it was just recently that I received a reminder from CUB in the mail saying that I should renew my membership and it said send 25 dollars, I think it was, 35, 40, 50 or whatever it was, and I had asked, I said, I wonder what membership cost anymore. When I first became a member, it was 5 dollars. So, I asked CUB about it. I said, why don't you... when did you raise membership for the poor families in Illinois to pay 25 dollars now to become a member? And they said, 'Well, no we'll take anything they'll send us and become a member.' I said, then, why don't you at least when you advertise, if that's the case, be honest and say you could be a member for 5 dollars, because a lot of my constituents comes from limited incomes and 5 dollars versus 25 dollars is important for them. They can almost pay a monthly bill. And they just said, 'Well, we're trying to make some money out of it'. And I would think that's a shame when we come to an organization that's being touted as saving so much money when they can't even have truth in advertising, I guess, by telling the people how much they can pay to join their organization. And I just thought the Membership

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

65th Legislative Day

June 19, 1987

would least like to know that it would be nice if they would follow their own suggestions of fairness and honesty."

Speaker Breslin: "Representative Matijevich, to close."

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House. I feel this is very important legislation because of the fact that the Legislature itself created the Citizens' Utility Board. We created the Citizens' Utility Board as an option rather than the elected Board of Commissions. I believe, I, for one, believe that the Citizens' Utility Board has done a very effective job in balancing what, I thought, was uneven, uneven, Illinois Commerce Commission. If you don't think that the taxpayers, the rate payers all over the State of Illinois don't think that the Illinois Commerce Commission was an uneven type of Commission in coming out with its decisions, then I think that you are underestimating the rate payers in the State of Illinois. Representative McCracken asked the question, 'If we believe that the CUB has been an inherently valuable organization'. I believe that it has. Evidence of that was two weeks ago in the decision handed out in court that can end up in 500,000,000 dollars in refunds to the rate payers of Illinois. I started out this debate by saying that this wasn't the original idea of the Citizens' Utility Board, but it is all that we have left. It is a matter of survival, I think, for the Citizens' Utility Board. I don't... from the debate on the floor of the House, and I don't think it should turn out this way, but if this Bill is defeated, you know what the headlines are going to be. 'The Republicans Defeat the Citizens' Utility Board'. I don't think you want that publicity. I don't think you want that on your shoulders. I don't think you ought to use the excuse that this is going to cost the taxpayers

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

65th Legislative Day

June 19, 1987

because it isn't. It isn't going to cost the taxpayers because CUB is going to pay those incremental costs. So, I think the issue is, do you want CUB to survive to help the consumers to help the rate payers in the State of Illinois? If your answer is yes and you received the same mail that I received, if your answer is yes, then you will vote for the Citizens' Utility Board. If your answer is no, then you're going to suffer the consequences and vote against this. It will be on your shoulders, not on mine."

Speaker Breslin: "The question is, 'Shall Senate Bill 172 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Stephens, one minute to explain your vote."

Stephens: "Well, thank you, Madam Speaker, Ladies and Gentlemen of the House. You know, suffer the consequences, is a pretty strong language, Representative. I think that we can stand and vote against this Bill knowing that the merits of CUB inherently ought to allow it to have whatever it needs to distribute this message. They don't need the state's help if the membership of the CUB organization wants to reach out to more people to raise more money to do their duty. They have that right to plea for assistance, and people will help them if they are a worthy organization. If they are not a worthy organization, then they will not be able to afford their mailings and they'll need to come to the state for assistance and maybe they can be back next year for an appropriation or whatever; but, to hang that language over our heads, I think it's unfair. I'm against this. It doesn't mean that we're against the rising rate... utility rates."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Gentleman from DuPage, Representative McCracken, for what reason do you rise? The Gentleman seeks a

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

65th Legislative Day

June 19, 1987

verification. Have all voted who wish? The Clerk will take the record. On this question there are 64 voting 'aye', 44 voting 'no', and 3 voting 'present'. Representative Matijevich asks for a Poll of the Absentees."

Clerk Leone: "A poll of those Members not voting. Christensen. Krska. Shaw. And Van Duyne."

Speaker Breslin: "Proceed with the Poll of the Affirmatives, Mr. Clerk. Excuse me. Representative McCracken, Representative Sutker asks leave to be verified. He has leave. Representative O'Connell and Representative Williams and Representative Huff. That was Sutker, O'Connell, Williams, Huff, and Tony Young ask leave to be verified. You have leave, Gentlemen. Proceed, Mr. Clerk."

Clerk Leone: "Poll of the Affirmatives. Berrios. Bowman. Braun. Breslin. Brunsvold. Bugielski. Capparelli. Cullerton. Curran. Currie. Daley. Davis. DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Granberg. Greiman. Mannig. Hartke. Homer. Huff. Jones. Keane. Kulas. Laurino."

Speaker Breslin: "Excuse me, Mr. Clerk. Representative Hartke asks leave to be verified. You have leave, Sir. Proceed. Two more people are seeking leave to be verified. Representative Ronan and Representative Shaw. And now two more. Representative Rea and Representative Flowers. Do they have leave, Mr. McCracken? Rea and Flowers. They have leave. Proceed, Mr. Clerk."

Clerk Leone: "LeFlore. Leverenz. Levin. Martinez. Matijevich."

Speaker Breslin: "Excuse me, Mr. Clerk. Representative Saltsman asks leave to be verified. Does he have leave? He does. Proceed, Mr. Clerk."

Clerk Leone: "Mautino. McGann. McNamara. McPike. Morrow.

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

65th Legislative Day

June 19, 1987

Mulcahey. Novak. O'Connell. Panayotovitch. Phelps.
Preston. Rea. Rice. Richmond. Ronan. Saltsman.
Satterthwaite."

Speaker Breslin: "Excuse me. Representative Shaw rises to vote
'aye'. Record Representative Shaw as 'aye' and he has
leave to be verified. Proceed, Mr. Clerk."

Clerk Leone: "Steczo. Stern. Sutker. Terzich. Turner. White.
Williams. Williamson. Wolf. Anthony Young. Wvetter
Younge. And Mr. Speaker."

Speaker Breslin: "Do you have any questions of the Affirmatives,
Mr. McCracken?"

McCracken: "Yes, Madam Speaker. Representative Richmond."

Speaker Breslin: "Representative Richmond. Is the Gentleman in
the chamber? He is not. Remove him... Excuse me. He's
not voting. Yes, he just removed him. Okay. Remove the
Gentleman."

McCracken: "Representative Panayotovich."

Speaker Breslin: "Representative Panayotovich. Is Mr.
Panayotovich in the chamber? He is not. Remove him from
the Roll Call."

McCracken: "Representative Laurino."

Speaker Breslin: "The Gentleman is in his chair."

McCracken: "Representative Giglio."

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

McCracken: "Representative Cullerton."

Speaker Breslin: "Representative Cullerton. He'll be here. In
the meantime, remove him from the Roll Call."

McCracken: "Representative Christensen."

Speaker Breslin: "Representative Richmond has returned to the
chamber. Add him to the Roll Call. What was your next
request, Sir?"

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

65th Legislative Day

June 19, 1987

McCracken: "Representative DeLeo."

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

McCracken: "Representative Capparelli."

Speaker Breslin: "Representative Capparelli. Representative
Ralph Capparelli. He is not in the chamber. Remove him
from the Roll Call."

McCracken: "Representative Braun."

Speaker Breslin: "Representative Braun. Carol Braun. Is the
Lady in the chamber? Remove her from the Roll Call."

McCracken: "Representative White."

Speaker Braun: "Representative White. Representative Jesse
White. Is the Gentleman in the chamber? He is not.
Remove him from the Roll Call."

McCracken: "Representative Granberg."

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

McCracken: "Representative Martinez."

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

McCracken: "Representative Farley."

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

McCracken: "Representative Berrios."

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

McCracken: "Representative Daley."

Speaker Breslin: "Representative Daley is in his chair.
Representative Cullerton has returned to the chamber. Add
him to the Roll Call."

McCracken: "Representative Turner."

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

65th Legislative Day

June 19, 1987

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

McCracken: "Nothing further."

Speaker Breslin: "Have all voted who wish? Representative Matijevich. Representative Matijevich."

Matijevich: "Madam, everybody... they're jumping up and down wanting to take blame for it. They're going to get blamed eventually, but not today. We're going to put it on Postponed Consideration."

Speaker Breslin: "Representative, before you do that, Representative Van Duyne would like to be recorded as voting 'aye'."

Matijevich: "What do we have?"

Speaker Breslin: "On this question, there are fifty... Mr. Clerk. 57 voting 'aye', 44 voting 'no', and 3 voting 'present', and the Bill will be placed on the Order of Postponed Consideration. Senate Bill 241, Representative Sutker. Clerk, read the Bill."

Clerk Leone: "Senate Bill 241, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill."

Speaker Breslin: "Representative Sutker. This Bill is on Short Debate."

Sutker: "Madam Speaker and Ladies and Gentlemen of the House. Senate Bill 241 would prohibit the construction of any new nuclear plant in the State of Illinois without either one or two conditions occurring. One condition would be a statutory enactment of this General Assembly and a proper law. The other would be the finding by the Director of the Environmental Protection Agency that the Federal Government has found a methodology and a technology to provide for proper disposal of high level nuclear waste. As you all know, the State of Illinois has more nuclear plants than any other state in the union. We have fourteen in this state. The nearest state to us is New York with seven and

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

65th Legislative Day

June 19, 1987

California with six. This Bill will provide tight control of any proliferation of any future nuclear power plant construction in this state, and I urge its support."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 241. Does anyone rise in opposition? Hearing none, the question is, 'Shall Senate Bill 241 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 106 voting 'aye', 3 voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Berrios indicates that he wished to have voted 'aye' on that Roll Call. That's Martinez. What did I say? I'm sorry. And Representative Rice indicates that he wished that he had been voting 'aye' on Senate Bill 241 as well. Both are in the chamber and in their seats. Senate Bill 505, Representative Kirkland. Clerk, read the Bill. Excuse me. Representative Kirkland. Is Representative Kirkland in the chamber? Out of the record. Senate Bill 516, Representative Terzich. Clerk, read the Bill."

Clerk Leone: "On page eight of the Calendar, Senate Bill 516, a Bill for an Act to amend an Act to create sanitary districts. Third Reading of the Bill."

Speaker Breslin: "Representative Terzich."

Terzich: "Yes, Madam Speaker, this is a Bill that passed out of the House previously on the House Bill. What it does it amends the Sanitary District Act and it allows the Director of the Department of Personnel to go drop below to get five names for eligibility and the Director shall certify the names from the succeeding categories in order of excellence of the category until five names are provided for by the

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

65th Legislative Day

June 19, 1987

appointing officer, and I would urge your support."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 516. And on that question, is there any discussion? Hearing none, the question is, 'Shall Senate Bill 516 pass?' 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 109 voting 'aye', none voting 'no', and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. For scheduling purposes, Ladies and Gentlemen, you should know that the decision has been made that we will not be in Session on Monday. We will... we will come back into Session on Tuesday at noon. That will Tuesday at noon. However, we have a lot of work today. So, we wish to move through it as quickly as possible so that we are in good shape when we come back on Tuesday at noon. The next Bill on this Order of Call is Senate Bill 523, Representative Jones. This Bill is on the Order of Short Debate. Clerk, read the Bill."

Clerk Leone: "Senate Bill 523, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Breslin: "Representative Jones."

Jones: "Thank you, Madam Chairman, Members of the House. I request leave to move the Bill back to Second for purpose of putting an Amendment on."

Speaker Breslin: "The Lady has asked leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Are there any objections? Representative McCracken."

McCracken: "Thank you, Madam Speaker. If the Lady would just advise briefly the nature of the Amendments."

Speaker Breslin: "Is the Amendment technical and has it been

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

65th Legislative Day

June 19, 1987

cleared with both sides of the aisle?"

Jones: "Yes, it has."

Speaker Breslin: "Very good."

McCracken: "Okay. Thank you."

Speaker Breslin: "The Lady has leave. The Bill is on the Order of Second Reading. What Amendments are filed, Mr. Clerk?"

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

Speaker Breslin: "Representative Jones."

Jones: "Madam Chairman, this Amendment will eliminate the department. The departments having to provide notification on denial and reasons for denial for those programs which a client is obviously ineligible, such as, funerals, burials and domestic violence."

Speaker Breslin: "The Lady has moved for the adoption of Amendment #2. Is there any discussion? Hearing none, the question is, 'Shall Amendment #2 be adopted?' The Gentleman from DuPage, Representative McCracken, wishes to discuss the Amendment. Proceed, Sir."

McCracken: "The Amendment is #2? Jones - Wojcik. Okay. That's fine. Thank you. And this is the only Amendment?"

Jones: "No. There is one more."

McCracken: "Alright. Well, we don't object to this Amendment, we're going to object to the next Amendment and you won't be able to move it back to Third Reading today and have a vote on it today, if you put the third Amendment on."

Speaker Breslin: "Representative McCracken."

McCracken: "I'm in fear of my life over here, so I'll agree to Amendment #3."

Speaker Breslin: "A wise man. Any further discussion? Representative Hultgren, do you dare to rise? Representative Hultgren."

Hultgren: "Because of the noise level, I really couldn't hear the

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

65th Legislative Day

June 19, 1987

Sponsor's explanation of the Amendment and if I could ask her indulgence to go through it one more time."

Speaker Breslin: "Representative Jones, repeat the explanation of the Amendment one more time."

Jones: "Amendment #2."

Speaker Breslin: "Please."

Jones: "The Amendment will eliminate the departments having to provide notification of denial and reasons for denial for those programs which a client is obviously ineligible, such as, burial expenses, funerals, domestic violence. This Amendment was suggested by Public Aid, and that's why they're not opposing it."

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. The Amendment is adopted. Are there any further Amendments?"

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

Speaker Breslin: "Representative Bowman, on Amendment #3."

Bowman: "Thank you. This is an agreed Amendment."

Speaker Breslin: "Would you tell us what it does, Representative?"

Bowman: "Yes. Thank you, Madam Speaker, Ladies and Gentlemen of the House. This adds clarifying language to take care of the issue that Representative Wojcik expressed concern about when the Bill was previously on Second Reading. It stipulates that the provisions of the first Amendment are subject to appropriation."

Speaker Breslin: "The question is... The Gentleman has presented Amendment #3 and asks for its adoption. Is there any discussion? Hearing none, the question is, 'Shall Amendment #3 be adopted?' All those in favor say 'aye',

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

65th Legislative Day

June 19, 1987

all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Representative Jones now asks leave for immediate consideration of Senate Bill 523 as amended. Does she have leave? Hearing no objections, she has leave. Read the Bill on Third, Mr. Clerk."

Clerk Leone: "Senate Bill 523, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Breslin: "Representative Jones."

Jones: "Thank you, Madam Speaker. This Bill provides that a written notice to an applicant for assistance shall contain the decision for each public assistance program and shall contain reasons for ineligibility of an applicant is determined too eligible. In other words, they're saying that if an applicant... if a person goes to Public Aid, he is to be told then and there what program that he can qualify for; therefore, he does not have to go back the second time. Also, this Bill establishes a program for people that are hard to hire, such as, illiterate people, school dropouts that are under age, under 20... 16 to 21 that cannot receive, cannot find a job, and I ask a favorable vote."

Speaker Breslin: "The Lady has moved for the passage of Senate Bill 523. And on that question, is there any discussion? Hearing none, the question is, 'Shall Senate Bill 523 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 98 voting 'aye', 13 voting 'no', and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate

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

65th Legislative Day

June 19, 1987

Bill 586, Representative Terzich. Clerk, read the Bill."

Clerk Leone: "On page eight of the Calendar, Senate Bill 586, a Bill for an Act to amend an Act to create sanitary districts. Third Reading of the Bill."

Speaker Breslin: "Representative Terzich."

Terzich: "Yes, Madam Speaker, Ladies and Gentlemen of the House, what Senate Bill 586, again, is a Bill that was similarly passed out of the House on a Consent Calendar, and it requires new employees and former employees who'll begin work after December 31, 1987 under the Act to live in the territorial boundaries of the sanitary district no later than six months after completion of the probationary period of employment, and I would urge your support of this Bill."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 586. And on that question, is there any discussion? Hearing none, the question is, 'Shall Senate Bill 586 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 112 voting 'aye', none voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 707. Senate Bill 707, Representative Granberg. Out of the record. Senate Bill 774, Representative Levin. Clerk, read the Bill."

Clerk Leone: "Senate Bill 774, a Bill for an Act to amend the Electric Supplier Act. Third Reading of the Bill."

Speaker Breslin: "Representative Matijevich in the Chair."

Speaker Matijevich: "The Lady from LaSalle, Representative Breslin. Do you have an Amendment on this Bill? Does the Gentleman have leave to return House Bill 774 back to the Order of Second Reading for purpose of Amendment? Leave. Leave is granted. The gentleman from DuPage,

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

65th Legislative Day

June 19, 1987

Representative McCracken."

McCracken: "We're not in agreement on this Amendment and it doesn't appear to be an Amendment we'd be supporting. I... She can go back to Second Reading. We'd object to having it heard immediately."

Speaker Matijevich: "Alright. Let's have leave, then return it to Second for the purpose of the Amendment. Are there any Amendments, Mr. Clerk?"

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

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

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, Amendment #2 is the subject of a prior Bill. It was a Bill that I sponsored and took before the Public Utilities Committee that failed. This Amendment is a revision of that Bill and in efforts to meet the Committee's objections. The original Amendment allowed the Commerce Commission to make decisions on class actions. In other words, if they found a consumer who had been unjustly discriminated against or charged an excessive amount in a rate and they found that more than one person fell into that category, the Commerce Commission has previously decided that, number one, they would not give relief to that individual consumer who had been unjustly and excessively charged and, number two, they had no right under the current law to provide relief to the entire class of citizens who were unjustly and excessively charged by a public utility under an existing rate. This language says it does not give them class action authority, which was the concern of the objectors to the original Bill, but it does do this, it says, if the Commission finds that the public utility has charged an excessive or unjustly discriminatory

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

65th Legislative Day

June 19, 1987

amount and it appears that there are other similarly situated customers in addition to the complainant, the Commission may provide, may provide or extend the remedy ordered to all such similarly situated customers. So, as you can see, the Commission will have latitude to make a determination that if there are other similarly situated persons, they can grant relief where they deem it appropriate. I think the Amendment is an important consumer issue, and I ask that it be adopted."

Speaker Matijevich: "The Lady from LaSalle has moved for the adoption of Amendment #2. On that, the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Mr. Speaker. I rise in opposition to the Amendment. You know, a class action is nothing more than a group of persons litigating a single case, and the common denominator or the language of art which is used to denote this commonality is all such similarly situated persons. So, the effect of this Amendment although I'm sure that the Lady acts in good faith, but the effect of this Amendment is to create a class action without any of the procedural and substantive safeguards that currently apply to class actions. And the reason she has done... or the reason why that is the case is because of the language here. The all similarly situated customers. There is no safeguard. There is no definition of what it means to be similarly situated. There is no safeguard in determining whether or not this particular problem would be appropriate to class action status. There is no safeguard in making a determination of those who, in fact, are similarly situated. All of those issues and typical class action litigation are preliminary issues determined by a court of law on which hinges the entire nature of the law suit under current law. One, the class must be defined to be large

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

65th Legislative Day

June 19, 1987

enough to be a class as opposed to individual plaintiffs merely being joined. Two, there must be an identifiable class of similarly situated persons or plaintiffs. All of which are subject to our adversary process and judicial scrutiny. None of that exists in this case. All that is provided is that where the Commission finds such to be the case, it can order the utilities to make what could be a very large and substantial refund, because, and again, I understand that the idea here is to not give them class action authority and that this is seen as a compromise, but I believe the effect would be to allow class action remedies and to allow class action findings outside of any adversarial process, and I think that does everybody a disservice. So, I, you know, again, I understand her desire to compromise the position in an effort to get it passed. I don't believe this is the vehicle for doing that, and I think the Amendment should be defeated and I ask for a Roll Call vote."

Speaker Matljovich: "The Gentleman from Cook, Representative Levin."

Levin: "Yes, I support Amendment #2. In Committee, there was concern expressed about applying the concept of a class action to an administrative agency. In fact, I have had some substantial discussions with CUB and with the... with Representative Breslin on the issue, that I had a very serious problem applying to the concept of the class action to administrative agency, because there is, in fact, no precedent anywhere in the country for a class action by the administrative agency. This was the feeling in Committee that we shouldn't have a class action, but the Committee I think also felt, and this is I think expressed from the fact that House Bill 736, I don't believe, had any negative votes, people either voted for it or they voted 'present',

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

65th Legislative Day

June 19, 1987

they felt that a compromise like the one that was suggested here was appropriate, that if there was in fact a pattern of a number of customers in the same situation seeking a refund that they should not have to come in individually, and that is the situation right now, that we're not giving the Commission any new authority here. They have the authority to grant a rebate where a charge was illegal. Right now, however, each person has to come in individually to get that rebate, which means, if it's a rebate that affects everybody in a particular town who is a residential customer, every single person would have to petition the Commerce Commission. This Amendment is intended to give the Commerce Commission the discretionary authority that most other agencies currently have, and that is where they find a pattern that they may act, not just on that individual, but they may act on all of the individuals or as many as they believe fit the same pattern. The Department of Insurance, for example, in its unfair and deceptive practices looks at a pattern of activity and the relief they're able to grant is based on that pattern and it affects those that were affected, not just the one individual filing the petition. This is true in virtually every other administrative agency, not only in Illinois, but around the country. There is ample precedence for this. This is not a class action as drafted. There are no attorneys fees involved. I would just point to the fact that it does not require all other similarly situated. It just requires others. So, I would support this."

Speaker Matijevich: "The Lady from LaSalle, to close. I'm sorry. My Calendar was hiding you. Representative Ackerman, on the Amendment."

Ackerman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I just wanted to remind the Sponsor of the Bill

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

65th Legislative Day

June 19, 1987

that he made the agreement in Committee that this Bill would not be amended, and I would oppose the Bill on that basis."

Speaker Matijevich: "Representative Breslin, to close."

Breslin: "Representative Ackerman, Representative Levin agrees with your statement. He had forgotten that commitment. And in order to keep him an honest man, I will withdraw the Amendment."

Speaker Matijevich: "Alright. Out of the record. Representative Levin, do you want to call your Bill on Third now? Alright. Representative Levin, on Third Reading on Senate Bill 774. Let's all listen to an honest man. Oh, I'm sorry. Move it to Third and read the Bill."

Clerk Leone: "Senate Bill 774, a Bill for an Act to amend the Electric Supplier Act. Third Reading of the Bill."

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

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. First of all, let me apologize. Representative Ackerman was absolutely correct. I did make that commitment in Committee. It escaped me and that's the reason Representative Breslin was gracious in withdrawing her Amendment. I apologize for that. Senate Bill 774 as unamended simply provides that the Illinois Commerce Commission in cooperation with the Department of Energy and Natural Resources shall study the feasibility of wheeling electricity in the State of Illinois. This is an issue that has had a great deal of interest. There is a lot of studies that have already been done. And the intent of this legislation is for these agencies to put together the information to provide it to the General Assembly so we have the ability to be able to more fully evaluate the situation. The legislation enjoys rather broad support. I've got the witness slips here from those that supported

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

65th Legislative Day

June 19, 1987

it in the Committee, including Caterpillar Tractor Company, the Illinois Manufacturers Association, the Illinois Industrial Utility Customers, the Illinois Public Action Council and the Illinois Department of Energy and Natural Resources. I would simply ask for a favorable vote on Senate Bill 774."

Speaker Matijevich: "Representative Levin has moved for the passage of Senate Bill 774. On that, the Gentleman from DuPage, Representative McCracken."

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

Speaker Matijevich: "He indicates he will. Proceed."

McCracken: "Representative, I don't know what that means, wheeling... the effect of wheeling electricity or whatever the term is. Could you explain that?"

Levin: "Yes. We have a situation... right, increasingly right now where companies are generating their own electricity at certain times a day, and they have at other times a day excess that they don't need. And they would like to be able to sell it back to the utility. There, you know, there are a number of problems that exist in terms of this issue. Other states do it. One of the problems obviously is that right now a lot of our utilities have excess capacity, but it's something that industry is particularly interested in and other states have come up with ways of dealing with this problem. There is another Bill that's currently in the Senate that deals with the issue of wheeling by municipalities for the purposes of generating electricity from gas. This would, you know, put together the studies and the research that we would have a better idea of what our options are in terms of this issue."

McCracken: "Does it mean, then, if I understand your response, that this is selling back electricity to the utility?"

Levin: "It could be that or it could be as is true of the

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

65th Legislative Day

June 19, 1987

telephone company where the lines are basically used to... you come in at one end and you go out the other end, so it could be selling it back to the utility. It could be looked at as being able to sell it to the utility, have them transmit it to another point on the lines."

McCracken: "Okay. So, the answer.... I'm not sure what the answer is, but I'll move on. This study will include the authority of the state to mandate wheeling. What is there to study about that?"

Levin: "I'm sorry. I didn't hear your question."

McCracken: "One of the areas of study is the authority of the state to mandate wheeling and I'm curious what there is to study about that, I mean, if we pass the law mandating wheeling, would there be any constitutional problems?"

Levin: "There is federal legislation under PERCA which does cover various aspects of wheeling and which does impose certain limitations and put certain requirements on there and there are... In conversations I have had with the federal... with representatives of the Federal Government, there are also certain areas where... that there are... there are questions that they don't even know the answer as far as what a state can do and what a state cannot do in terms of the issue of wheeling, so it's to get some answers there as well."

McCracken: "What does this study have to do with Subsection D of the Bill which states the impact on the obligation of public utilities to provide service in their service areas? What is that?"

Levin: "You know, one of the dilemmas that we face in exploring wheeling, and wheeling was an issue which was extensively discussed when we were rewriting the Public Utility Act - it was particularly discussed in the Joint Committee on Public Utility Reform - is that we have... many of our

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

65th Legislative Day

June 19, 1987

utilities have excess capacity. And if we provide an open ended mechanism for wheeling, we're going to be adding to the amount of capacity and in a way competing with the utilities. So, we have something that we don't want to do, certainly, and that has to be taken into consideration. That's one of the reasons that the... when we passed 1021, we did not include wheeling in that legislation at that time."

McCracken: "Okay. Thank you."

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

Klemm: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Speaker Matijeich: "He indicates he will."

Klemm: "Representative Levin, in my analysis, it said that it was going to be a study for the feasibility and in my definition of words, it sounds as if that would be a study, to see, how to make it possible to do it and there are some concerns on both sides of the issue and a study would seem to me to be impartial to report the facts as they find them. What is your intent for having this study?"

Levin: "No, my intent, in terms of having the study, is to put together the research and investigations that have been done. You know, we don't need to reinvent the wheel. Various agencies have been researching this issue so that we can see what the options are, you know, what the federal law allows us to do, what the effect will be on the utilities, what the effect will be on the business climate in Illinois, to set out what the options are so that we can better deal with this issue. As I said, it's an issue which was explored at length by the Joint Committee on Public Utility Reform who ended up putting it aside because of its complexity and this..."

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

65th Legislative Day

June 19, 1987

Klemm: "Is it an... Is it an impartial study or is it trying to sell wheeling on to the public?"

Levin: "Yes. Okay, it's certainly not my intent to sell wheeling. I have serious questions. You know, I, of course, am very concerned in terms of representing particularly the residential rate payer who arguably could lose if we have open ended wheeling because they're going to have to pay for the embeddings and overhead costs of the utility in any event."

Klemm: "Yeah, well, our concern or at least many us are concerned that if we end up taking all the industries and all the groups away from the utilities now that that extra burden may fall on the few that remain if wheeling is allowed indiscriminately. So, if the study is an impartial study, that's certainly... I know I don't have any problems with the Bill, but if it is just to do as what the analysis almost gives the implication, then I certainly wouldn't like that."

Levin: "No, as I said, I... you know, I am not myself for open ended wheeling because of my concerns..."

Klemm: "Thank you, very much."

Levin: "...In terms of the effect. I want an impartial study."

Speaker Matijevich: "Representative Ewing, were you still looking for attention? No. Representative Levin, to close briefly."

Levin: "Okay, I would just ask for a favorable vote."

Speaker Matijevich: "Representative Levin has moved for the passage of Senate Bill 774. The question is, 'Shall Senate Bill 774 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. The question... the... they're 116 voting 'aye', none voting... 115 voting 'aye', none voting 'nay', and

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

65th Legislative Day

June 19, 1987

Senate Bill 774, having received the Constitutional Majority, is hereby declared passed. Senate Bill 856, Representative Bowman. Clerk will read the Bill. 856."

Clerk Leone: "Senate Bill 856, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Cook, Representative Woods Bowman, on Senate Bill 856."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 856 deals with a quirk in the Cook County transition to a new reassessment schedule. It deals with only those townships in Cook County which find themselves caught in a period five years between a reassessments instead of the traditional four years and the two year interim that will be... characterize future reassessments. This makes... this Bill makes sure that the revenues for those townships will remain constant. The Amendment... an Amendment was adopted yesterday which deals with the problem in Bloomington, I believe, that was put on by Representative Keane, that deals with a new community college district forming after the... January 1st, 1987. So, it is a hybrid Bill at this point, but I know of no organized opposition to either component and I move for its passage."

Speaker Matijevich: "Representative Bowman has moved for the passage of Senate Bill 856. On that, the Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think there has been a good deal of misunderstanding about what Representative Bowman's Bill really does and I would like to set some of that... if possible, set some of that misunderstanding to rest. Because of a change in the dates for certain assessments in the area where Representative Bowman lives, it is possible

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

65th Legislative Day

June 19, 1987

that the monies available for the schools could decrease markedly from one year to the next. This Bill is not... and I repeat, this Bill is not a tax increase without referendum. All this Bill does is assure that when there is that one year of putting the assessments forward that the tax bills for the schools in Representative Bowman's area will not go down. They will not increase either, so this is not a tax increase without referendum. It is really needed and I suggest a favorable reception for Senate Bill 856."

Speaker Matijevich: "There being no further discussion, the question is, 'Shall Senate Bill 856 pass?' Those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question, there are 102 'ayes', 6 'nays', 6 answering 'present', and Senate Bill 856, having received the Constitutional Majority, is hereby declared passed. Senate Bill 945, Breslin. The Clerk will read the Bill."

Clerk Leone: "Senate Bill 945, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Matijevich: "The Lady from LaSalle, Representative Breslin, on Senate Bill 945."

Breslin: "Thank you, Mr. Speaker. I would ask leave to return this Bill to the Order of Second Reading for the purposes of tabling Amendment #1 with the agreement of the Sponsor of that Amendment."

Speaker Matijevich: "The Lady has asked leave to return the Bill to the Order of Second Reading for the purposes of tabling an Amendment. Does she have leave? Leave is granted. The Bill is now on Second Reading. I'm sorry. The Gentleman from DuPage, Representative McCracken."

McCracken: "That's... That's correct, Mr. Speaker. I did speaker to Representative Breslin and agreed that we would table

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

65th Legislative Day

June 19, 1987

Amendment #1. I see Amendment #2 which appears to make this reimbursement discretionary. Do you plan on putting that on as well?"

Breslin: "I was under the impression that that was already on the Bill. Mr. Clerk, isn't Amendment #2 already on the Bill? Mr. Clerk?"

Speaker Matijevich: "Mr. Clerk."

Clerk Leone: "Amendment #2 is not on the Bill."

Breslin: "Not... not adopted yet? I will move to adopt then Amendment #2, Representative."

McCracken: "Alright, thank you."

Speaker Matijevich: "Alright... the Bill is on the Order of Second Reading and Representative Breslin moves to table Amendment #1, is that correct? Leave and Amendment #1 is tabled. Are there further Amendments, Mr. Clerk?"

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

Speaker Matijevich: "Representative Breslin, on Amendment #2."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. Amendment #2 is introduced to address the concerns raised by Representative Didrickson in the Education Committee saying that reimbursement for travel to courses offered under this Bill should be discretionary with the school district and she is absolutely correct. So, I have changed the mandatory language of shall to the permissive language of may. I ask for its adoption."

Speaker Matijevich: "Representative moves to adopt Amendment #2. On that, the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. I have no question on Amendment #2. I just wanted to be recognized for the Bill."

Speaker Matijevich: "Yes, Sir. The Gentleman from DuPage,

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

65th Legislative Day

June 19, 1987

Representative McCracken, on Amendment #2."

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

Speaker Matijevich: "She indicates she will."

McCracken: "Is the effect of this to render an appropriation unnecessary?"

Breslin: "No, the effect of this is to allow school districts the discretion as to whether or not they wish to reimburse people for transportation and day care costs under their grant program. Quite frankly, it will be up to the school districts to present competitive grants and they have discretion under this language to include in that grant request money for reimbursement for transportation or day care."

McCracken: "Thank you."

Speaker Matijevich: "Representative Breslin has moved for the adoption of Amendment #2. All in favor say 'aye', opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Matijevich: "No further Amendments. Third Reading. Clerk, read the Bill."

Clerk Leone: "Senate Bill 945, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Matijevich: "Representative Breslin has asked leave for the immediate consideration of Senate Bill 856. (sic - 945) Does she have leave? Leave. Leave is granted and Representative Breslin, on 856 (sic - 945)."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, Senate Bill 949 (sic - 945) establishes a pilot program to allow the State Board of Education to develop a course for new parents to provide training to enhance their children's intellectual language, physical and social development from birth to age three in an effort to eliminate the growing

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

65th Legislative Day

June 19, 1987

numbers of children in our school system that are at risk and in need of special education. It is the Senate sponsor's opinion that the growth of the budget for special education and the growth in the numbers of kids identified at risk and in need of special education is growing at such a pace that state dollars will never be able to keep up with that growing cost. She maintains, and I believe it is the opinion of most educators, that early intervention is the key to the elimination of the need for special education. That was the reason for the development of the three and four year old program in the education reform package of two years ago. This Bill states that if we start with the parents, who are the first teachers of their children, and give them good skills so that they can develop intellectual, linguistic and social progress of their children, we will eliminate those growing numbers in need of special education later on. The cost of providing this course is approximately \$345 per person as opposed to the cost of giving a special education course for the child at \$1700 to \$2000 per child per year. This present program is in existence in the State of Missouri with grand results. The Sponsor requests only that we start a pilot project, that we test the children that are... the benefits of that education through their parents, and see how they perform over the next three to four years, doing adequate testing with comparison groups. The total cost that will be requested through the ordinary and contingent expense of the State Board of Education will be \$160,000. That, of course, is not a part of this Bill, but that is what the Sponsor intends to request and... through the Department of Education. It is not a lot of money. I think that it could well bear great fruits for this state. I would be happy to answer any questions."

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

65th Legislative Day

June 19, 1987

Speaker Matijeich: "The Lady from LaSalle has moved for the passage of Senate Bill 945. On that, the Chair recognizes the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Sponsor has, as she always does, eloquently explained the program that she is espousing. She has also pointed out the advantages to the program and I recognize that there are similar programs in place in some of our neighboring states, particularly Minnesota and Missouri. However, having said that, I rise in opposition to the legislation. I rise in opposition to the legislation not on the basis of its merit, but on the basis of the financial condition of the State of Illinois. Here we are on the 19th of June with a task before us of... all effect of cutting last year's budget below the level that we had it for that year. This is an inappropriate time to put a new grant program in place no matter how worthy. I have before me a listing of the reform programs that we put in place in 1985 and there is serious effort on the part of some of our Members in the Legislature of cutting these programs back, these vital programs that are already in place. And so, for that reason, unless there is a ground swell between now and the end of the month for an increase in the General Revenue Fund of some form, it is unwise for us to pass this kind of legislation at this time. And it is for that reason that I rise in opposition to the Lady's Bill."

Speaker Matijeich: "The Gentleman from Livingston, Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I don't think we should be redundant or take too much time. The last speaker has said it. I only repeat it's not the time to start a new program. I don't care if it costs five

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

65th Legislative Day

June 19, 1987

dollars or one dollar. That one dollar is going to come from some part of the education program that we have already committed ourselves to. Representative Breslin, you know there is no new money. If you are willing to sponsor the tax return for Speaker Madigan, maybe we can consider it."

Speaker Matijevich: "The Lady from Cook, Barbara Flynn-Currie."

Currie: "Thank you, Mr. Speaker, Members of the House. I don't consider this program expansion but rather program refinement. We said in 1985, 'It is time to do programs in early childhood education.' This Bill does not require \$160,000 new dollars. What it requires is that the money that we will spend for preschool education, for work with handicapped youngsters, for the three to five year old set, that those dollars shall be used in part to fund this way of ensuring that our early childhood programs work and work effectively. This Bill refines that program so that we get the biggest bang for our state buck. This Bill says unless we pull the parents into the program of early childhood education, we're missing the mark and the works that we do will not result in children better able to succeed in school and in life. The dollars in this Bill do not mean new dollars for state appropriation. They merely mean that we are going to spend the dollars for preschool programs sensibly, wisely and with the kind of program that will have the greatest effect on our Illinois youngsters. To talk about cost is to miss the point entirely. We have a program on the books. This Bill would refine that program so it can do the job that we all know needs to be done if our youngsters are going to succeed in the world of work and in the world of life. This Bill demands your 'aye' vote."

Speaker Matijevich: "The Lady from DuPage, Representative Mary

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

65th Legislative Day

June 19, 1987

Lou Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The cost factor, it seems to me, is an important factor in this, as in all other issues, but I think there is one that is considerably more important and that is that there is a serious flaw in this concept. The flaw lies with the fact that this program, the participants in this program, take part in it on a voluntary basis. Now, that's understandable because, of course, there is no known way to identify those parents or prospective parents who are not likely to do a good job of parenting. I see this as a parallel to the PTA meetings. Now, there is hardly a parent in this chamber who hasn't been to a PTA meeting. When you get there, look around at the other parents who are there. Are they the ones who need to be at the PTA meeting? Of course not. They are the conscientious ones, the ones who love and care about their children, who really want to be good parents. That's why they are at the PTA meeting. The people who need to be there never attend. It is my belief that in a program such as this, which is entirely voluntary and which does not include any element to identify those parents or prospective parents who are least likely to be good parents and most in need of this program, my friends, the result is going to be that people who want to be wonderful parents and want this training will go and take it and I submit to you those people would be good parents in any event. The ones who are not likely to be good parents will never go voluntarily to a program like this. Thank you, Mr. Speaker."

Speaker Matijevich: "The Lady from Champaign, Representative Satterthwaite. Helen, Helen Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, I rise in support of this legislation. It may be true that if all

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

65th Legislative Day

June 19, 1987

parents or all first time would be parents were left to their own discretion that they would not voluntarily come to these programs. Part of the application process, however, would be to assure that there was an outreach into the community so that you would be able to get participants from all levels within the community. We would find that some parents who otherwise would not have these skills and... actually these skills are not always available even in higher income families or in families where people have higher educations and so what we need is a good community mix of representation in these programs so that we can instill into the parents for the first time good ways of interrelating with their very young children to help them be educators in the home. I think this is a very desirable way in which we can have some impact. The fact that we have some experience from another state, a neighboring state of Missouri indicates very strongly that this can be successful and that it can be a savings to the state. And so, I think that although it is only a modest program, as it's proposed now, that we should have the opportunity to put these programs in place, to evaluate their success in our state and if we see the same experience as our neighboring state has had, we would, of course, hope to expand the program at some later point. We do not readily fund prevention in this state and what we have gotten as a result is having to put much larger dollars into remediation. This is well worth a trial to see if we can make it successful as it has been in other areas and I highly recommend a 'yes' vote on this legislation."

Speaker Matijevich: "Representative Breslin, to close."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, I have three brief points to make. The first is that this Bill has been criticized because it requires voluntary

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

65th Legislative Day

June 19, 1987

compliance on the part of those who participate. I would agree with Representative Satterthwaite, that an outreach component is critical and an outreach component is built in to this Bill. Secondly, because it is voluntary, opponents would criticize to say that only good parents will participate in the program. I would remind you that extending that logic would say that those people who have children in need of special education are not good parents. That is not true and you and I know it. Thirdly, there are some Members who say this is not the time to start a new program because we don't have new taxes. I would remind you that this Governor found \$380,000 for roses. I think we can find \$160,000 for kids."

Speaker Matijevich: "Representative Breslin has moved for the passage of Senate Bill 945. Those in favor of the passage vote 'aye', those opposed vote 'nay'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 79 'ayes', 29 'nays', 4 answering 'present'. Mulcahey 'aye'. And this question, having received the Constitutional Majority, Senate Bill 945, is hereby declared passed. Senate Bill 1074, Deuchler. Clerk will read the Bill."

Clerk Leone: "On page 4 of your Calendar, Senate Bill 1074, a Bill for an Act to amend the Sanitary District Act. Third Reading of the Bill."

Speaker Matijevich: "Representative Deuchler, on Senate Bill 1074, and Representative Breslin in the Chair."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House, sanitary districts, organized under the Sanitary District Act of 1917, would be able, with permissive legislation, to increase the maximum annual compensation, which is now \$3000 a year, to \$6000 a year under this legislation."

Speaker Breslin: "The Lady has moved for the passage of Senate

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

65th Legislative Day

June 19, 1987

Bill 1074, and on that question, is there any discussion? Hearing none, the question is, 'Shall Senate Bill 1074 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 96 voting 'aye', 10 voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1263, Representative Curran. Representative Curran. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1263, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Breslin: "This Bill is on the Order of Short Debate. Proceed, Representative Curran."

Curran: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Bill passed 58 to nothing out of the Senate. There were... There was an Amendment which made the Bill, which applied to downstate apply also to Chicago. I think it's a good idea. A controversial Amendment was defeated yesterday. I know of no opposition. What the Bill does, it establishes a model grant program to promote systems approach to student counseling for those attendance centers which have grades in it K through 9 and I move for the adoption."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1263. Does anyone stand in opposition? The Gentleman from DuPage, Representative Hoffman."

Hoffman: "I'm not sure that I stand in opposition. However, the terminology that's used in this Bill, systems approach to student counseling. I'm not sure what a systems approach is, if we are promoting a particular type of a counseling approach. And secondly, as I read this Bill, this would not affect elementary schools because elementary school

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

65th Legislative Day

June 19, 1987

districts do not maintain attendance centers with grades K through 9. They only have attendance centers of K through 8. So, my assumption is that this legislation is directed at unit districts only."

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

Curran: "Thank you, Madam Speaker. Just a minor correction. What this Bill does is it says that it is aimed at those school districts which have in it the grades, any of the grades K through 9, not just grades K through... but any of the grades K through 9. If you are looking at the... are you looking at the Bill or are you looking at your analysis. I have looked with the State Board of Education and we agreed that it said any of the grades K through 9. So, I move for the passage of this Bill."

Speaker Breslin: "The question is, 'Shall Senate Bill 1263 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 106 voting 'aye', 3 voting 'no' and 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we are going back to the Order of State and Local Government, Special Order of Call, for those Bills on Second Reading since so many Members were not here to present their Bills on Second Reading at that time. So, on... for Senate Bills on this Order of Call that are on Second Reading, the first Bill is Senate Bill 161. Representative Hartke. Clerk, read the Bill."

Clerk Leone: "On page 12 of the Calendar, Senate Bill 161, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

65th Legislative Day

June 19, 1987

Clerk Leone: "Floor Amendment #1, being offered by Representative Van Duyne."

Speaker Breslin: "Representative Van Duyne."

Van Duyne: "Thank you, Madam Speaker. Amendment #1 merely allows the procedure... or dictates the procedure that we allow our trucks to get off of the highways to go to their plants... to and from the plants and spells out that the county commissioner or the local township road commissioner designates the most direct route to the plant and from the plant. So, I move for the adoption of Amendment #1."

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

Van Duyne: "This is the Amendment that Representative McCracken and I talked about and agreed to on House Bill 1528, Representative McCracken."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to Senate Bill 161 and on that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you for reminding me about that, Representative. I was about to stand up and oppose your Amendment, but I have seen the light."

Speaker Breslin: "The question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Are there any further Amendments?"

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

Speaker Breslin: "Representative Rea. Amendment #2. Withdraw Amendment #2. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #3, being offered by Representatives Mautino and Hartke."

Speaker Breslin: "Representative Hartke. Representative Mautino."

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

65th Legislative Day

June 19, 1987

Mautino: "Thank you very much, Madam Speaker. Amendment #3 provides for 20,000 pound maximum capacity on a rear axle in the existing classification and I move for its adoption. It does not change the total amount of weight available on the vehicle, but just the rear axle at 25,000 instead of 20,000."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment #3, and on that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker. Would the Sponsor yield for a question?"

Speaker Breslin: "He will."

McCracken: "Representative, was this the subject of an earlier Bill?"

Mautino: "Not that I know of. It's the recommendation of someone in Mr. Hartke's district, provided by the Secretary of State's Office, I believe. The Amendment, under this provision, there was no other Bill that I know of."

McCracken: "So it's your position that the Secretary of State is in favor of this Amendment?"

Mautino: "No, the Amendment was drafted through the Secretary of State's Office, the Commercial Truck Vehicle Section, I believe."

McCracken: "And do you know whether or not the Department of Transportation is opposed to this Bill, this Amendment?"

Mautino: "I'm not certain. It is not changing at all the overall weight of the vehicle. It stays in the same licensure category and the vehicles that he's talking about have what's called dropped frame reinforced axles which can take up to 28,000. This is only asking for 25."

McCracken: "Okay, to the Amendment, Madam Speaker. This would increase the weight limitations on each single axle when carrying beer. Empty trucks must comply with the existing

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

65th Legislative Day

June 19, 1987

20,000 pound per axle limit. I believe that IDOT is opposed to this and that it is opposed to it because of the damage to the roads which it may cause. So, I stand in opposition to this Amendment and ask for a Roll Call vote."

Speaker Breslin: "The Gentleman from Livingston, Representative Ewing."

Ewing: "Yes, Madam Speaker, I would reiterate that the Department of Transportation is opposed to it. I would also indicate that your township road people are probably opposed to this. They have contacted me and what... while, this sounds like an innocuous Amendment, when you put that heavy weight on one axle, it is worse for the trucks than if we raise it to 80,000 pounds for the whole truck. So, I suggest that before you put this on this Bill and fly it out of here, any of you who care about your township roads or what the township road officials say, you better check on it. It's a bad Amendment."

Speaker Breslin: "Representative Mautino, to close."

Mautino: "Thank you very much, Madam Speaker. Let me respond to my good friend, Representative Ewing. This does not increase the weight provisions. If, in fact, as our current law sits, equal amount can occur and be provided on a front axle as can on a rear axle. If you are going to try to tell me that the safety factor in putting the same amount of weight on the front axle is better than putting it on the back axle for a safety factor, I respectfully disagree with you. This does not increase the weights at all. The overall weight stays the same at 38,000 pounds according to our licensure provisions, but allows 25,000 of those 38,000 to be put on the rear axle where there's additional suspension and a bigger piece of iron holding the bodies of those vehicles. And I just think it's a common sense proposal. It's not my problem. It's a

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

65th Legislative Day

June 19, 1987

problem for southern Illinois, but I agree in total with the analysis on increasing the rear axle to 25,000 and reducing the front axle weight by... then it would be 13,000... to a max of 13,000."

Speaker Breslin: "The question is, 'Shall Amendment #3 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 42 voting 'aye', 61 voting 'no', and the Amendment fails. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #4, offered by Representatives Mautino and Hartke."

Speaker Breslin: "Withdraw #4. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #5, offered by Representatives Davis and Young."

Speaker Breslin: "Representative Davis."

Davis: "Madam Speaker, Ladies and Gentlemen of the House, what Amendment #4 (sic - #5) does, it suspends the vehicle registration for an automobile that has not been okayed by the Vehicle Emissions Testing Department. We feel that by suspending vehicle admission... I mean by suspending the registration of the vehicle, it will help to keep the vehicle off the road, which was really the intent, I think, of the law at that time. So, we urge an 'aye' vote on this."

Speaker Breslin: "The Lady has moved for the adoption of Amendment #5 to Senate Bill 161, and on that question, Mr. McCracken."

McCracken: "Thank you, Madam Speaker. No one is in favor of this law. It was forced upon us by the threatened loss of substantial federal funds. However, it is the law now and

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

65th Legislative Day

June 19, 1987

the question becomes now what will produce effective enforcement while not being too draconian. The Secretary opposes this Bill because it is that office's position that the way to enforce this is to suspend the owner's license rather than merely to suspend the vehicle registration, the license plate or the sticker. I can see no reason that this should not be the case. I understand that apparently California has adopted this manner of enforcement. I don't believe it constitutes wise public policy and ask for a Roll Call Vote and stand in opposition of the Amendment."

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

Levin: "Madam Speaker, Ladies and Gentlemen of the House, I like this Amendment. I know Representative Davis has talked to me about this problem and I think she is absolutely correct. You know, there have been a number of instances where somebody's drivers license is suspended and it's not their fault. They are not in charge of the car. There may be two or three owners and the wrong person loses their license. This is intended to focus where the focus ought to be. If the car itself is not tested, then the car should lose its registration, not the individual who may have been accidentally charged with the offense."

Speaker Breslin: "Representative Davis, to close."

Davis: "Madam Speaker, Ladies and Gentlemen of the House, I think the intent and purpose of the law is to remove that vehicle that's polluting the air. If a driver is driving another car, then he certainly is not helping to pollute the air. We feel that by preventing the registration of or the transfer or extending the registration of this car that's polluting then that...we're meeting the objective of stopping the air pollution with cars that have not met the standards of vehicle emission... the Vehicle Emissions Department. We certainly think that this is more important

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

65th Legislative Day

June 19, 1987

than stopping a person from going to work who may be a CTA driver or a taxi driver and very often, as Representative Levin stated, someone's license is suspended when they are not even in ownership of the car any longer. So, we feel that by preventing the registration instead of the licensing of the driver, we will certainly have accomplished the mission of having clean air in Illinois."

Speaker Breslin: "The question is, 'Shall Amendment #5 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 69 voting 'aye', 46 voting 'no', and none voting 'present', and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #6, offered by Representatives McPike and Churchill."

Speaker Breslin: "Representative McPike."

McPike: "Thank you, Madam Speaker. I believe this has been cleared with Representative Churchill. This language was inadvertently left out during the public utility rewrite of 1985. And it simply clarifies that the ICC does not have jurisdiction over RTA, but has a consulting relationship."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #5 to Senate Bill 161, and on that question... Amendment #6. I stand corrected. The question is, 'Shall Amendment #6 to Senate Bill 161 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

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

Speaker Breslin: "Representative Mautino, Amendment #7."

Mautino: "Withdraw."

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

65th Legislative Day

June 19, 1987

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

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 855, Representative Klemm. Clerk, read the Bill."

Clerk Leone: "Senate Bill 855, a Bill for an Act to amend the Illinois Vehicle Code has been read a second time previously. Amendment #1 was adopted at that time."

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

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

Speaker Breslin: "And has the fiscal note been filed?"

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

Speaker Breslin: "I believe a fiscal note was just recently delivered to the well. Please look again. Representative Klemm, for what reason do you rise?"

Clerk Leone: "A fiscal note has been filed on Senate Bill 855."

Speaker Breslin: "Okay, the Bill moves to Third Reading. Senate Bill 912, Representative Regan. Clerk, read the Bill."

Clerk Leone: "Senate Bill 912, a Bill for an Act to amend an Act creating the Department of Children and Family Services. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Currie, on Amendment #1."

Currie: "Withdraw."

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

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

Speaker Breslin: "Representative Regan."

Regan: "Withdraw."

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

65th Legislative Day

June 19, 1987

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

Clerk Leone: "Floor Amendment #3, offered by Representatives Currie and Regan."

Speaker Breslin: "Representative Currie."

Currie: "Thank you, Madam Speaker and Members of the House. Amendment 3 clarifies that the intent of the underlying Bill applies to limited objects. It's a heresay exemption Bill and it codifies current practice. I move for its adoption."

Speaker Breslin: "The Lady has moved for the adoption of Amendment #3 to Senate Bill 912. 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. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments?"

Speaker Breslin: "Third Reading. Senate Bill 1215, Representative Farley. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1215, a Bill for an Act to amend the Illinois Public Labor Relations Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #2, offered by Representatives Farley and Greiman."

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

Clerk Leone: "Floor Amendment #3, offered by Representatives Didrickson and McCracken."

Speaker Breslin: "Representative Didrickson withdraws. Any

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

65th Legislative Day

June 19, 1987

further Amendments?"

Clerk Leone: "Floor Amendment #4, offered by Representative Didrickson and McCracken."

Speaker Breslin: "Representative Didrickson withdraws the Amendment. Any further Amendments?"

Clerk Leone: "Floor Amendment #5, offered by Representative Farley and Greiman."

Speaker Breslin: "Representative Greiman."

Greiman: "Thank you, Speaker. Amendment #5 to Senate Bill 1215 represents the efforts of management and labor in this state to develop an agreed collective bargaining Bill. It was the agreement of the parties that they would not delve into a lot of the substantive issues that are still for the courts to decide and would not second guess the courts, but did essentially fine tuning of the collective bargaining Bill. Everyone has... that we know of has signed off on this Bill, the various labor organizations, the management organizations, including, I might add, the Municipal League, whose executive board advised me by letter that they signed off on this Bill. It has about ten or twelve items. Most of them are, as I said, fine tuning. There major issue was a question of the public employers use of outside consultants and the parties in a spirit of great cooperation negotiated this in good faith and came up with what we believe to be a very fair solution to the problem. And I would answer any questions if I could."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #5 to Senate Bill 1215, and on that question, the Gentleman from DuPage, Mr. McCracken."

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

Speaker Breslin: "He will."

McCracken: "Representative, who participated in the negotiations? Were we invited to those or..."

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

65th Legislative Day

June 19, 1987

Greiman: "Pardon?"

McCracken: "Did any Republicans participate in these or any Republican Representatives?"

Greiman: "Mr. McCracken, I think that I convened the meetings and we made no secret of them and I think as good advice for whoever will sort of ride point on collective bargaining matters in the future, it would be easier if whoever that person is recognizes both the Minority of this chamber and even the Majority of the other chamber and if, from day one, has them into those collective bargaining discussions. No one... it was certainly not a secret around the state house that these were going on and if no one..."

McCracken: "Is the answer no?"

Greiman: "I don't know. I'm just trying to remember. There were 20, 30 people in the room, 40 people in the room. I think not. Representative Didrickson said that she had not been invited and I suspect she should have been... it makes sense from our standpoint to do it. So, I would recommend that anybody who follows in that path, do that henceforth."

McCracken: "I appreciate that advice, Judge, but..."

Greiman: "No."

McCracken: "The answer is no, okay. You, on page 34 of the Amendment, have deleted some venue language for judicial review of administrative... you know, final administrative orders. The old language read that the judicial review shall be taken directly to the appellate court of the judicial district in which the board maintains its principal office. That is amended to read appellate court of a judicial district in which the board maintains an office. Is there a problem with the old law, the old venue provision?"

Greiman: "There's a problem with the original venue provision, yes. The original venue provision in the Bill would cite

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

65th Legislative Day

June 19, 1987

all of the issue... all of the issues be before the Fourth District and there were a lot of discussions that... from both sides, you know, that that should be changed. And then there was the issue of... considered of forum shopping which we didn't want to find ourselves in a forum shopping situation. So, that's how we evolved into this particular mold. Now, I don't know whether it's the best solution, but it's a solution that... I suspect we will probably have more cases going directly to the Supreme Court because there will be some... which is where they ought to be decided. There will probably be conflicts within the districts and maybe that's okay too, as there are in the Federal Supreme Court system."

McCracken: "Okay, does the Board have an office in Chicago and Springfield or are there more than..."

Greiman: "Yes, Chicago and Springfield."

McCracken: "So, it's two boards or two offices?"

Greiman: "Yes, two. Yes, two offices."

McCracken: "Okay, thank you."

Speaker Breslin: "The question is, 'Shall Amendment #5 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 1255, Representative DeLeo. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1255, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Breslin: "Any Floor Amendments?"

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

65th Legislative Day

June 19, 1987

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

Speaker Breslin: "Representative Steczo, on Amendment #2. Representative DeLeo, on Amendment #2."

DeLeo: "Speaker... Madam Speaker, Members of the House, I'd like to move to have Floor Amendment... excuse me, Committee Amendment #1 tabled at this time."

Speaker Breslin: "Representative DeLeo moves to table Amendment #1. Is there any discussion? Hearing no objection, Amendment #1 is tabled. Are there any further Amendments or Motions?"

Clerk O'Brien: "Floor Amendment 2, Steczo."

Speaker Breslin: "Representative Steczo."

Steczko: "Thank you, Madam Speaker. It was brought to our attention that there was a problem with Amendment #1, so Amendment #2 does the same thing that Amendment #1 did except takes care of those... the technical deficiencies and I would move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to Senate Bill 1255 and on that question, the Lady from Cook, Representative Parcels."

Parcels: "Thank you, Madam Speaker. I would like to ask the Sponsor if you remember that Amendment #1 was a Bill of mine that you were folding into Senate Bill 1255? Could you tell me how this Amendment varies from Amendment #1 that was adopted in Committee?"

Steczko: "Yes, Representative Parcels, to answer your question, everything that was contained in Amendment #1 is contained in Amendment #2. In one Section, there was a phrase that was used on page 3 that said, 'modifying petitions before prove up.' No one really understood what prove up meant so we deleted those three words and that's... and that's the content or the changes in Amendment #2 versus Amendment

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

65th Legislative Day

June 19, 1987

#1."

Parcells: "So, essentially, it does the same thing with a somewhat technical change?"

Steczo: "That's correct."

Parcells: "Thank you very much."

Steczo: "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. Representative Greiman in the Chair."

Speaker Greiman: "On this Order appears Senate Bill 1308. Mr. Farley. Mr. Farley in the chamber? Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1308, a Bill for an Act to amend the Space Needs Act. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are there Floor Amendments?"

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

Speaker Greiman: "The Gentleman from Winnebago, Mr. Hallock. Amendment is withdrawn. Further Amendments?"

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

Speaker Greiman: "The Gentleman from Cook, Mr. Farley, on Amendment #2."

Farley: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 answers some of the concerns that were brought up in Committee about the exact authority and the participation of the Committee or the Commission and it meets those inquiries into the exact role and I would move for the adoption of that Amendment."

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

65th Legislative Day

June 19, 1987

Speaker Greiman: "The Gentleman moves for the adoption of Amendment 2 to Senate Bill 1308, and on that, is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. On this Order appears Senate Bill 1506. Ms. Flowers. Yes, Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1506, a Bill for an Act to provide for a public hearing in relation to changes in community based services. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Greiman: "Are there any Motions with respect to Amendment #1?"

Clerk O'Brien: "No Motions filed."

Speaker Greiman: "Are there any Floor Amendments?"

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

Speaker Greiman: "Gentleman from DuPage, Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. Amendment #2 would make home rule units subject to the provisions of the underlying Bill known as the Local Government Financial Planning and Supervision Act and since apparently this is going to apply statewide, that is without a population limitation, I presume that people would want it to apply to home rule units as well. So, I move the adoption of this Amendment."

Speaker Greiman: "Gentleman from DuPage moves for the adoption of Amendment #2 to Senate Bill 1506 and on that, the Lady from Cook, Ms. Flowers."

Flowers: "Mr. Speaker and Ladies and Gentlemen of the House, home rule units have more power to get themselves out of financial difficulties than non home rule units, so this

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

65th Legislative Day

June 19, 1987

Amendment is unnecessary and I oppose it."

Speaker Greiman: "Further discussion? The question is, 'Shall this Amendment be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'nos' have it. Alright. All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 48 voting 'aye', 67 voting 'no', none voting 'present' and the Amendment fails. Are there further Amendments?"

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

Speaker Greiman: "Gentleman from DuPage, Mr. McCracken, on Amendment #3."

McCracken: "Thank you, Mr. Speaker. Currently, the City is allowed to declare a financial crisis and the Comptroller is required to establish the Planning and Supervision Commission. This would allow the Comptroller to establish that Commission in his discretion if he agrees that the emergency does exist. I think this is a necessary safeguard on the intervention of the state into the City's affairs. Right now, there is no discretion to deny an application based upon the City's unilateral declaration of an emergency. I think that that strikes an inappropriate balance between the cities and the state and that this should be added so that the Comptroller, in his discretion, may review whether the emergency exists and then act accordingly. I move its adoption."

Speaker Greiman: "Gentleman from DuPage moves for the adoption of Amendment #3 to Senate Bill 1506, and on that, the Lady from Cook, Ms. Flowers."

Flowers: "Mr. Chairman, I, too, move for the adoption of Amendment #3 to Senate Bill 1506."

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

65th Legislative Day

June 19, 1987

Speaker Greiman: "Question is, 'Shall the Amendment be adopted?'"

All in favor signify by saying 'aye', those opposed 'no'.
In the opinion of the Chair, the 'ayes' have it. The
Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. On this Order appears Senate
Bill 1514. Mr. Kirkland. Alright. That's already been
done. And now, Ladies and Gentlemen, Special Order - State
Administration, Second Reading. On that Order appears
Senate Bill 85. Ms. Pullen. Out of the record. On this
Order appears Senate Bill 266, Mr. Novak. Out of the
record. On this Order appears Senate Bill 454. Mr. Novak.
454. Yes, Mr. McCracken, for what purpose do you seek
recognition?"

McCracken: "Thank you, Mr. Speaker. As you recall, it was agreed
yesterday that Representative Sieben's Motion to take from
the table Senate Bill 894 would be acted upon today. This
is the Bill over which we had this partisan discussion
yesterday and I think now would be an appropriate time to
recognize Representative Sieben for that Motion so that the
merits of this proposition are not lost."

Speaker Greiman: "Well, we did... we have acknowledged that he
would have an opportunity to run his Motion and, indeed, he
will before the day is out."

McCracken: "But now is the right time to do it and I think we
should take the matters up one after the other. If you
want to do..."

Speaker Greiman: "Well, well, we're... that would not be..."

McCracken: "If you want to do Representative Novak's Bill first,
that's fine, but I would ask that we do both now."

Speaker Greiman: "Mr. McCracken, certainly we would not want to
deny Mr. Sieben his right to have this heard before this
Body and we will certainly consider that following

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

65th Legislative Day

June 19, 1987

disposition of this Bill on this Order. We'll wait until this Order is done, which just has three... one more Bill after this and then we will go to Motions and we will call Mr. Sieben's Motion at that time. And now, Mr. Novak. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 454, a Bill for an Act to amend an Act to provide for the Regulation and the practice of esthetics and registration of estheticians. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Greiman: "Any Motions with respect to Amendments #1 or 2?"

Clerk O'Brien: "No Motions filed."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #... Amendments #3, 4 and 5 have been withdrawn. Floor Amendment #6, offered by Representative Novak."

Novak: "Yes, thank you, Mr. Speaker, Members of the House. I would like to yield to Representative Giglio."

Speaker Greiman: "The Chair recognizes the Gentleman from Cook, Mr. Giglio."

Giglio: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment... what Amendment #6 does, it explains what the 'electrologists' do in the Bill versus the cosmetologist versus the estheticians and the dermatologists. What it does, it spells out that the electrologists are the ones that can remove the things that are on the skin and it separates what the cosmetologists do and the estheticians. The Medical Society and everyone in agreement of the people that I just mentioned are in agreement so that I would ask your support for Amendment 6."

Speaker Greiman: "Just for as... so the record is clear, Mr.

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

65th Legislative Day

June 19, 1987

Giglio, you might want to table Amendment #2, which apparently dovetails into this Amendment 6, so..."

Giglio: "Yes, excuse me, Mr... you're correct. So, I move to table Amendment #2."

Speaker Greiman: "With leave of the House, we will table Amendment #2. And now, on Amendment #6, Gentleman from Cook, Mr. Giglio, has moved for the adoption of Amendment #6 to Senate Bill 454. And on that, the Gentleman from DuPage, Mr. McCracken."

McCracken: "The Sponsor of the Bill is Representative Novak. I'd like to ask him just a question or two. Representative, are there any other Amendments?"

Speaker Greiman: "Well, excuse me. The Sponsor... who is the Sponsor of the Amendment, Mr. Clerk?"

Clerk O'Brien: "Representative Novak."

Speaker Greiman: "Well, he has yielded to Mr. Giglio, so... which might be more fruitful."

McCracken: "I don't think so. I want to ask Representative Novak just a question or two."

Speaker Greiman: "Well, I'm not sure he'll... if he'll yield to it."

McCracken: "He didn't take your cue."

Speaker Greiman: "I think he... he indicates he doesn't care to yield. I take my cue. Would you like to question Mr. Giglio? Alright. Mr. Kulas. Gentleman from Cook, Mr. Kulas."

McCracken: "Speaker, I want..."

Speaker Greiman: "Oh, I'm sorry. He said no. He doesn't care to yield. He doesn't have the floor either. He has yielded his floor so he... Mr. Novak does not have the floor at this time to yield. Mr. Giglio has the floor to yield. Yes, Mr. McCracken, did you wish to speak... address the Bill?"

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

65th Legislative Day

June 19, 1987

McCracken: "Did Representative Novak say he was not ready to yield or did he accept your sign?"

Speaker Greiman: "Mr. Novak doesn't have the floor... no, Mr. Novak does not have the floor at this time to yield. He could not yield. He doesn't have the floor. Mr. Giglio has made a Motion. He has the floor. You've asked time... you may ask him to yield. Mr. Novak could yield all day and he can't... and he hasn't got that power. Now."

McCracken: "I will. I will. Representative Giglio, would you yield to Representative Novak for a question?"

Giglio: "No, I think I can answer the question. Why don't you answer me?"

McCracken: "Okay, okay. Are there any other Amendments to be offered..."

Giglio: "Yes."

McCracken: "There are other Amendments?"

Giglio: "Yes."

McCracken: "There is an Amendment 7?"

Giglio: "Yes."

McCracken: "Do you know if that's been printed and distributed?"

Giglio: "Yes."

McCracken: "And what does that deal with?"

Giglio: "I think I'll yield to Representative Novak to explain that Amendment."

Speaker Greiman: "Well, yes, Mr... Mr. Kulas raises the parliamentary question that that would not be appropriate on Amendment #6. Are there further... Mr. Kulas. Have you completed your questioning, Mr. McCracken? Mr. McCracken."

McCracken: "This does not purport to amend anything other than what was already amended by the underlying Bill, the Barber and Cosmetology Act?"

Giglio: "No, Representative McCracken, what this does, it spells

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

65th Legislative Day

June 19, 1987

out exactly what the electrologists do and what they can't do. We amended the Bill in Committee to satisfy the Medical Society and everybody concerned. However, there was some question as to the duties and responsibilities of the cosmetologist, the estheticians and what the dermatologists could do and the electrologists."

McCracken: "Okay, this Act... this Act purports to amend an Act in relation to consumer protection, amending certain Acts named therein. Now, does this Bill or does this Amendment #6 amend any Act other than the Acts stated in the original Bill?"

Giglio: "No, what it does, it take the... takes something in the original Act and separates it to give it a distinction as to what it does. We're not separating it and there was some concern about having this going into a new Act and having it go into the sunset provision. It does not do that. It just separates the duties and responsibilities of those that have the titles to do certain things for the skin."

McCracken: "Now, does this Amendment #6 change the title of the Bill?"

Giglio: "Yes."

McCracken: "Okay, so if this Amendment is adopted, it could be moved back to Second Reading First Legislative Day, is that right?"

Giglio: "That one I don't know. Maybe ask the Parliamentarian."

McCracken: "Okay, I would like to address the Bill."

Speaker Greiman: "Proceed, Sir."

McCracken: "I'd just like everybody to know that 6 and 7 are both sponsored by Representative Novak and that if 6 does, indeed change the title, it purports to change the title to an Act in relation to consumer protection amending certain Acts named therein. Amendment #7 purports to be known as

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

65th Legislative Day

June 19, 1987

the Farm Implementation Buyer Protection Act. Amendment #5, which was discussed yesterday, had a different title for the Act. I think that all we're trying to do is obviate the germaneness argument that was made yesterday so that Representative Novak can get his much cherished Amendment on without giving Representative Sieben any credit for that. And I don't know why that's the case. I don't know why this thing has become so important and why it's become so partisan, but I submit that the Amendment is not offered in good faith. It's offered for a political purpose, a political purpose to deny to Representative Sieben credit for what was his idea before Representative Novak. So, Representative Novak, why don't you just withdraw #6 and address the issue squarely and see if Amendment #7 is germane. If it is, we'll discuss the merits."

Speaker Greiman: "Mr. Novak, with your consideration and graciousness, could we take this out of the record for just a moment? We'll get back to you on it. We'll get back to you very shortly."

Novak: "Yes, yes, yes."

Speaker Greiman: "On this Order appears Senate Bill 651. Ms. Barnes. Is Ms. Barnes in the chamber? 651. On the Order of State Administration, Senate Bills Third Reading appears Senate Bill 63. Ms. Barnes. Ms. Barnes. Out of the record. On this Order appears Senate Bill 314. Ms. Currie. Ms. Currie. On this Order appears Senate Bill 418. Mr. Krska. 418. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 418 appears on page 24 of the Consent Calendar..."

Speaker Greiman: "Mr. Clerk... excuse me, Mr. Krska. Mr. Clerk, I note that this is on the Consent Calendar so we will... we can have that passed on Consent Calendar. Oh, do you

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

65th Legislative Day

June 19, 1987

wish to put an Amendment on it now? Alright, in that case, the Gentleman asks leave to take the Bill off the Consent Calendar, return the Bill to the Order of Second Reading. Gentleman have leave? Leave is granted. Mr. Clerk, are there any Amendments?"

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

Krska: "Represent... Amendment #2 is just a technical Amendment. It's been agreed upon by both sides."

Speaker Greiman: "Gentleman from Cook, Mr. Krska, moves for the adoption of Amendment #2 to Senate Bill 418, and on that, is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' Those in favor 'aye', opposed 'no'. 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 Greiman: "Third Reading. The Gentleman asks leave to put the Bill... to return the Bill to the Order of Consent Calendar Third Reading. Does the Gentleman have leave? Leave is granted... and that it be considered today with the other Bills on Consent... On this Order appears Senate Bill 314. Mr. Clerk, read the Bill."

Clerk O'Brien: "That's on the Consent Calendar too."

Speaker Greiman: "Okay, we'll remove that. That's also is on the Consent Calendar. So, we will begin then with Senate Bill 600. Mr. Clerk. Mr. Young. Is Mr. Young in the chamber? Mr. Young. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 600, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

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

Young: "Thank you, Mr. Speaker. With leave of the Body, I'd like to take this Bill back to Second Reading for purposes of an

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

65th Legislative Day

June 19, 1987

Amendment."

Speaker Greiman: "Gentleman asks leave of the House to return this Bill to the Order of Second Reading for the purpose of an Amendment. Do you have leave? He has leave. Mr. Clerk, are there any Amendments?"

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

Speaker Greiman: "The Lady from Kane, Ms. Deuchler, on Amendment #5 to Senate Bill 600. Ms. Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House, my Amendment to Senate Bill 600 increases the levy for garbage collection from .20 to .25. It does provide for a back door referendum."

Speaker Greiman: "The Lady from Kane, Ms. Deuchler, moves for the adoption of Amendment #5 to Senate Bill 600. On that, is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' Those in favor 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Third Reading. Gentleman asks leave of the House to have this Bill heard at this time. Do you have leave? Leave to use the Attendance Roll Call. Mr. Clerk, read the Bill on Third Reading."

Clerk O'Brien: "Senate Bill 600, a Bill for an Act in relation to the levying of taxes by municipalities for recreational, refuse, emergency services. Third Reading of the Bill."

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

Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 600 increases the maximum tax rate for joint recreational programs onto the park district's property taxing authority for programs for the handicapped. Amendment #4 is on the Bill, which is Representative

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

65th Legislative Day

June 19, 1987

Ewing's Amendment, which calls for a back door referendum. Amendment #5 is also on the Bill, which is Representative Deuchler's Amendment, which she just described, and I would move for the passage of this Bill."

Speaker Greiman: "Gentleman from Cook, Mr. Young, moves for the passage of Senate Bill 600, and on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 86 voting 'aye', 25 voting 'no'... Currie 'aye'. Currie votes 'aye'. 87 voting 'aye', 24 voting 'no', 2 voting 'present'. Ms. Williamson 'aye'. Mr. Wait 'aye'. On this Bill, there are 89 voting 'aye', 22 voting 'no', 2 voting 'present', and this Bill, having received a Constitutional... Mr. Novak, for what purpose do you seek..."

Novak: "Change my vote to 'no'."

Speaker Greiman: "Mr. Novak votes 'no', okay? So, there are 89 voting 'aye', 22 voting 'no', 2 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. On this Order appears Senate Bill 742. Mr. Stephens, do you wish to proceed? Out of the record. On this Order appears... On this Order appears Senate Bill 790. Mr. Sieben, do you wish to proceed on Senate Bill 790? Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 790, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Henry, Mr. Sieben."

Sieben: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'd ask leave to return the Bill to Second Reading for the purpose of adding an agreed technical Amendment to

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

65th Legislative Day

June 19, 1987

establish an effective date."

Speaker Greiman: "Gentleman asks leave to return the Bill to the Order of Second Reading for the purpose of an Amendment. Does the Gentleman have leave? Leave is granted."

Sieben: "Thank you, Mr. Speaker. Yesterday..."

Speaker Greiman: "Mr... Mr. Clerk... excuse me. Mr. Clerk, are there any Amendments?"

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

Speaker Greiman: "The Gentleman from Henry, Mr. Sieben, on Amendment #1. Yes, Mr. McPike."

McPike: "Do we have the Amendment?"

Speaker Greiman: "Mr. Clerk, has the Amendment been printed and distributed? Mr. Sieben, the Amendment has not been distributed and printed."

Sieben: "Take it out of the record, please."

Speaker Greiman: "Alright, it's out of the record. Mr. Sieben, do you wish us to return the Bill to the Order of Second... or Third Reading or do you wish to retain the Bill on..."

Sieben: "I assume here the question is have you found the Amendment. Our side is saying it has been distributed. We're showing copies here."

Speaker Greiman: "Amendment has not be distributed... printed and distributed. Do you wish to keep it on Second Reading? Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. We have it. I don't know who is telling you that it hasn't been printed and distributed, but we have it right here."

Speaker Greiman: "Well, the Clerk advises me that it has not been printed... has not been distributed and the Gentleman has taken it out of the record. I'm asking him..."

McCracken: "Well, maybe that's on your side. I'm not sure that that's a defense."

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

65th Legislative Day

June 19, 1987

Speaker Greiman: "I'm giving him a courtesy of asking whether he wants to leave it on Second or move it to Third. Now, we'll just leave it where it is then in Third. Now, we are going to return. We will... we are checking to see whether we can get it distributed in a quick way so that we can conform with the rules and give Mr. Sieben every courtesy to which he's entitled. Alright. Mr. Sieben, we are on the Order of Second Reading on House Bill 790. Mr. Clerk, are there any Amendments, the Bill having previously been read a second time."

Clerk O'Brien: "Amendment #5 is offered by Representative Sieben."

Speaker Greiman: "The Gentleman from Henry, Mr. Sieben, on Amendment #5."

Sieben: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I appreciate your consideration here. Amendment #5 simply adds an effective date for the Act to take effect immediately upon becoming law. I move for its adoption."

Speaker Greiman: "Gentleman from Henry moves for the adoption of Amendment #5 to Senate Bill 790, and is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' Those in favor '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: "No further Amendments."

Speaker Greiman: "Third Reading. Gentleman from Henry asks leave of the House to waive the appropriate rule so that this Bill may be heard at this time. Does the Gentleman have leave using the Attendance Roll Call? Leave is granted. Mr. Clerk, read the Bill on Third Reading."

Clerk O'Brien: "Senate Bill 790, a Bill for an Act to amend Sections of the Public Utilities Act. Third Reading of the Bill."

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

65th Legislative Day

June 19, 1987

Speaker Greiman: "The Gentleman from Henry, Mr. Sieben."

Sieben: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 790 exempts gas and electric utilities companies which serve less than 20,000 customers from certain provisions of least cost service requirement in the Public Utilities Act. We had quite a bit of discussion with Representative Levin yesterday and I believe that the Bill now is in agreed form and I would ask for unanimous approval of the Bill."

Speaker Greiman: "Gentleman moves for the passage of Senate Bill 790 and on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is open and 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 'aye', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Returning now, Ladies and Gentlemen, to State Administration on the Order of Second Reading appears Senate Bill 454. Mr. Clerk. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 454, a Bill for an Act to amend an Act to provide for the regulation and the practice of esthetics. This Bill has been read a second time previously. Amendment #6... Floor Amendment #6 is offered by Representative Novak."

Speaker Greiman: "The Gentleman from Kankakee, Mr. Novak."

Novak: "Thank you, Mr. Speaker, Members of the House. We have already discussed this Amendment. Representative Giglio discussed this Amendment. I have Amendment 7 to be offered and I think we need to consider this on the floor."

Speaker Greiman: "The Gentleman from Kankakee moves for the

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

65th Legislative Day

June 19, 1987

adoption of Amendment #6 to Senate Bill 454, and on that,
the Gentleman from DuPage, Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. Representative Novak, who,
if anybody, suggested Amendment #6 to you?"

Novak: "Representative Giglio did."

McCracken: "Okay, so you heard the dialogue between myself and
Representative Giglio. You are familiar with the fact that
this Amendment changes the title of the Bill, are you not?"

Novak: "Yes, I'm aware."

McCracken: "And, to your knowledge, is that an attempt to make
the next following Amendment germane, so that it can be
adopted onto this Bill?"

Novak: "It certainly is."

McCracken: "Now, who, if anybody, suggested Amendment #7 to you?"

Novak: "Many fine Gentlemen."

McCracken: "Were they all Democrats?"

Novak: "I don't know for sure."

McCracken: "Oh, okay. Are you aware if anybody else had a Bill
pending or an Amendment pending with this same idea prior
to yours?"

Novak: "I'm not aware of that. My Bill is pending right now, the
Amendment."

McCracken: "You weren't aware that Representative Weller had this
Bill?"

Novak: "Representative who?"

McCracken: "Jerry Weller. You don't know him, but... does that
name ring a bell? Did you know that he had this Bill?"

Novak: "I'm not aware of that, Sir."

McCracken: "Did you know that Representative Sieben had a Bill?"

Novak: "Yes."

McCracken: "And were you in that Committee where that Bill was
heard?"

Novak: "No."

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

65th Legislative Day

June 19, 1987

McCracken: "Alright, who, if anybody, gave you this Bill when you came on in replacement of Representative Pangle?"

Speaker Greiman: "The questions and the discussion must remain germane to the question before the House, Mr. McCracken."

McCracken: "That's fine. To the Amendment."

Speaker Greiman: "Proceed, Sir."

McCracken: "I thank the Representative for his candor in admitting that the point of this Amendment is to make the next Amendment... or at least attempt to make the next Amendment germane. That is the entire purpose of this Amendment. Your side of the aisle has gone to great lengths to make sure that this Gentleman gets credit for an idea that is not his. I... and that's the fact of the matter. That's the fact of the matter. Don't give me that. That's what he did. He participated in doing that and he's going to continue to do that and that's the reason for the Amendment. Don't give me that. That's the reason for the Amendment. He's a target and you are taking away from Representative Sieben proper credit to give to one of your Democrat targets. That's why you're doing it and you can be proud of it, but the people aren't proud of you for doing it. And believe me, they are going to hear about it, Representative Novak. So... this Amendment."

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

Cullerton: "Yes, I have to once again renew my comments that I made the other day. I have come to know Representative Sieben from doing some jogging with him out in the park in the morning and I believe that he truly does care about the Farm Implement Buyers' Protection Act. He did have a Bill that provided this information. That Bill did not get out of Committee. The last chance for the farm implement buyers would be to support this particular Amendment so that the next Amendment would be appropriate. And I think,

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

65th Legislative Day

June 19, 1987

if you want to be provincial about it, that you'd vote 'no', but if you want... if you really care about the farm implement buyers of this state and you really care about whether or not the legislation passes or not, that's what's important. As far as giving credit to a target for ideas that they may not have initially thought up, I think both sides of the aisle could be said to be somewhat guilty of that. I think that there are so-called targets on the Republican side of the aisle who are given certain issues and they are promoted... those issues are promoted to help them in their reelection. That's not unusual. So... and I would also point out that I think Representative Sieben's idea, which is a good one, comes from somebody who clearly is not really a target himself, unless in a... a target in a primary. And so, it's not like he needs to have this Bill for him to get reelected. I think he just really is truly concerned about... is concerned about the farm implement buyers of the state. So, I think that you certainly should vote for the Amendment and if you don't vote for the Amendment, then you are going to be accused... those people who are targets on the Republican side will be accused of voting against the farm industry. So, think twice before you take that bad advice."

Speaker Greiman: "The Gentleman from Livingston, Mr. Ewing."

Ewing: "Just a little announcement. Former Representative Dennis Hastert, now Congressman Hastert, is on the floor. Let's welcome him back."

Speaker Greiman: "And to think that man could have been the junk food czar of Illinois. The Gentleman from St. Clair, Mr. Stephens."

Stephens: "Well, thank you, Mr. Speaker. I think the record will show that Representative Cullerton said that he thought that Representative Sieben's idea was a good one, and

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

65th Legislative Day

June 19, 1987

that's the issue, Representative Sieben's idea is a good one. Not that the process means anything here, but it's... it's been the custom that if you endorse an idea, especially if you come in as a new Member - I came in as a new Member, as a target, my first term here and yes, we looked for ideas that could certainly posture ourselves to reflect our philosophy and reflect the wishes of the people of our district. Representative Novak comes in as a new Member. We have a process. We have a tradition. I would assume that he would seek out legislation that he could cosponsor, since it was not timely that he be introducing his own ideas and his own ways to represent his district, that he would seek out legislation and, indeed, find Bills that he could cosponsor, to add his name, with leave of the Sponsor, to legislation such as the idea, as Representative Cullerton points out, the idea that Representative Sieben had in his legislation. The proper thing to do, Representative, was to go to the Sponsor, add your support to the Bill and request Cosponsorship and I'm sure that because of the spirit of cooperation and recognizing the fact that you are our newest Member, that we would have, through Representative Sieben, allowed your name to be a Cosponsor to the fine idea. It's really too bad, Mr. Speaker, that we are having to politicize this, but it's... it's just as if you want to ignore all the processes that we have developed over the years, all the traditions that we have developed in the House in order to let politics run rampant here on the House floor. There is no consideration for the process. The fact of the matter is Representative Weller and Representative Sieben should be strongly associated with this idea and you have used... used and abused the process in order to put Representative Novak... supposedly I guess you are going to go back and say that

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

65th Legislative Day

June 19, 1987

this was his idea back in his district and maybe that's going to enhance his electability. I don't think that's going to be the case. I think that like in the Christensen - Weller race, the people are going to see it for what it was and Representative Novak, I think you ought to reconsider what they are asking you to do. I don't think that this is something that you created. We've had a chance to meet each other and we welcome you here to the chamber. I think you are a fine man and I think that you ought not let party politics mislead you. Representative, I wish that you would come and work with Representative Sieben so that the two of you can share in the credit. We have no problem with you going back to the district and sharing in that credit because you support the idea and you ought to have credit for supporting the idea. You ought not have credit for the idea."

Speaker Greiman: "Bring your remarks to a close. Gentleman from Lake, Mr. Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the aisle, I am just here laughing my head off inside about this whole debate. First of all, I want to let the last Gentleman that spoke... you know, we don't steal all good ideas. In fact, I remember... it's not too often that I argue with my own Speaker, Speaker Madigan, but I remember last year, I saw a good idea that I thought I could steal from another Legislator. In fact, Representative Stephens, I think it was your Bill, that snake in the cave Bill. I was going to steal that Bill and Speaker Madigan said, 'No, he needs that Bill for his target district. You can't steal that Bill away from Representative Stephens. He needs that Bill in the worst way.' So, we let you have your snake in the cave and not only that, Representative Stephens. Let me tell you the steal of the century you know, right now we

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

65th Legislative Day

June 19, 1987

have the circuit breaker law. Do you know how that law came into effect? That was my Bill. Governor Ogilvie was Governor of the State of Illinois. My Bill. You know who stole it from me? Representative Congressman Hyde. Hyde stole that Bill the very next Session and you know what I did? I got up on the floor and said this is the best Bill that ever came along. I didn't even ask to Cosponsor it. We passed it. The Governor passed it and everybody was a good man about it. They didn't cry. I didn't cry crocodile tears. I didn't even cry snake eye tears. Let's get this good Amendment passed. Let's get on with it."

Speaker Greiman: "Gentleman from Lake, Mr. Churchill."

Churchill: "Thank you, Mr. Speaker. I'd like to find out if it is a good Amendment. I'm somewhat confused about the esthetician portion of it. Would the Gentleman yield to some questions about the Amendment?"

Speaker Greiman: "Mr. Novak. Mr. Novak yields to Giglio. You might... Mr. Giglio. You might want to respond those questions to Mr. Giglio."

Churchill: "What..."

Speaker Greiman: "Mr. Giglio, you yield for questions?"

Giglio: "Yes."

Speaker Greiman: "Mr. Giglio indicates he will yield for questions."

Churchill: "What... What is an esthetician?"

Giglio: "An esthetician is one that removes hair and massages the body, but it cannot work on the scalp. That's the cosmetologist."

Churchill: "And so an esthetician massages the body? What kind of devices does an esthetician use to massage the body? What kind of Bill are we doing here? What is this?"

Giglio: "We're not... we're dealing with people with certain skills, Representative Churchill and..."

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

65th Legislative Day

June 19, 1987

Churchill: "What..."

Giglio: "... anything, I would guess... anything that would soothe and make the body feel comfortable, they could do."

Churchill: "You mean an esthetician is a person that uses mechanical devices to soothe and make the body feel good? Is that..."

Giglio: "No, I... no, I don't think the mechanical devices are involved. They use the skills of their hands."

Churchill: "Oh, their hands. Do they get to use... do they get to use mechanical devices at the same time that they use their hands?"

Giglio: "I don't think so. Maybe Representative Williamson can help me across the aisle."

Churchill: "Well, then maybe this should be somebody else's Amendment if even you can't answer the questions on the Amendment. Let me ask you another very pointed question. Does an esthetician have the right to use his or her hands on breasts?"

Giglio: "Well, I would guess if it would come under... come under the rules and regulations of the medical profession, I would imagine it would be fine."

Churchill: "So, this is a massage Bill."

Giglio: "I guess you can call it that."

Churchill: "And you give your freshman targets a massage Bill?"

Giglio: "What we are trying to do, we are trying to keep the people with certain skills who went to school and want to earn a living, we want to do the right thing and let certain people do the things that they want to do and prevent the other people from doing things that they are not supposed to do. So, the difference is, the cosmetologist, the electrologist, the dermatologist and the esthetician, they are all separate people who have certain skills and we won't... we don't want them doing other

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

65th Legislative Day

June 19, 1987

people's work."

Churchill: "Okay, so then a cosmetologist is not able to do the message portion that an esthetician can do?"

Giglio: "They could do... they could do what the esthetician does, but a little more. They can work on the scalp, where the esthetician cannot."

Churchill: "I see. So the cosmetologist can also massage breasts?"

Giglio: "Well, if it comes under the medical provision, I would say yes."

Churchill: "So then if I read the..."

Giglio: "The medical guidelines, Representative."

Churchill: "If I read this Bill correctly, then we are licensing these people to do this."

Giglio: "Well, we are, but they are licensed already. What we are doing, we are separating... we're separating what they... what they are supposed to do without causing any harm to the body where they are not supposed to do the work."

Churchill: "Well, what parts of the body are they not supposed to do the work?"

Giglio: "Well, I guess you would have to go to the medical books and the rules and regulations and the duties and responsibilities of each person that has the license to do what they are qualified to do. I can't answer that."

Churchill: "So you are telling me that a plumber can't answer that particular question about what parts of the body they can't massage?"

Giglio: "I could answer that in plumbing terminology, but this doesn't pertain to plumbing."

Churchill: "Well, to the Amendment, Mr. Speaker. You know, this is not the kind of an Amendment that you should be giving to one of your targets, a Bill that's going to let people

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

65th Legislative Day

June 19, 1987

go and do body massages. I mean this is a massage Bill. This is licensing people to do massages and that's what you're... that's what you are giving to one of your freshman targets. I can't wait until he goes home and puts on the front of his papers, 'I passed a Bill that gave body massages to people and licensed that.' I mean that's a great Bill, you know. Yeah, it says Novak. It says Novak here, it says Novak up there. Here's a guy who is a freshman target that's going to go home with a massage Bill. I think that's... I think that's a great idea. You know, if you are going to steal Bills, you might as well steal the good ones."

Speaker Greiman: "Gentleman from Winnebago, Mr. Hallock."

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

Speaker Greiman: "Representative Giglio has had the floor yielded to him. Mr. Giglio, do you yield for questions? Indicates he will."

Hallock: "Well, that's fine. I will ask the question of either the Sponsor or the surrogate sponsor in either case. A look at the history of the Bill. This Bill, as I perceive it, amends the Barber and Cosmetology Act. Is that correct, Sir?"

Giglio: "Yes."

Hallock: "And then it was amended to change the title to the Barbers, Cosmetology and Estheticians Act, is that correct?"

Giglio: "Correct."

Hallock: "And now, this Amendment then as I have it in front of me seeks to change the title and amend it further to be the Barber, Cosmetologist, Esthetician Act and Amendment 27 will make it also the Barber, Cosmetologist, Esthetician and Farm Implement Dealers Buyer Protection Act? Is that

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

65th Legislative Day

June 19, 1987

true?"

Giglio: "Well, I don't know about... we haven't got to Amendment #... further Amendments. We are on Amendment #6 right now."

Hallock: "Well, if I could speak to this Amendment. Mr. Speaker, Members of the House, we really have an unfortunate situation here in front of us. You know, we have a Bill which I was active with a couple years ago, in terms of licensing the barbers and cosmetologists, and unfortunately for all of us in this state, we are not addressing it correctly here on the floor today. This is a Bill and this is an issue which is very important to those people who practice this profession statewide. It's not a laughing matter to all them and maybe you find it jocular here today what's going on, but this is a very serious effort by those people to refine and further define their license. It's a very important aspect to those people in that profession. What we have going on today is a ludicrous situation. We have... unfortunately, a Member of this House is being led down the road without his will, I believe. He doesn't have all the answers. This Member is now sponsoring 60 Bills in the last few weeks and that may be correct or may not be, but to take this Bill, which is so important to those people who work in this profession statewide, and to mutilate it for purely political reasons is an abhorrent way to proceed in this chamber. You know that and we know that. I think he deserves better. He knows better. Let's move on and defeat this Amendment. Let's pass this Bill as it should be passed so it, in effect, protects those people who need protection in our state and those that are cosmetologists and who want this Bill in the first place. Vote 'no'."

Speaker Greiman: "Gentleman from Henry, Mr. Sieben."

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

65th Legislative Day

June 19, 1987

Sieben: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think we have heard quite a bit of discussion on the merits of this Bill and the Amendments. I think we have also heard a lot of favorable discussion on the merits of the Farm Implement Buyer Protection Act. And Mr. Speaker, I would suggest here that maybe the time has come to have somewhat of a simple and easy solution to this situation. I would suggest, Mr. Speaker, that maybe the time has come to have a simple and easy solution to this situation and that would be quite simply for my good colleague, Representative Novak, to withdraw these two Amendments and for you to call my Motion to remove Senate Bill 894 from the table and allow everybody to do what they want to do here, and that's vote in favor of Senate Bill 894, and give the farmers of this state the Farm Implement Buyer Protection Act. And I would suggest we do that at this time."

Speaker Greiman: "Gentleman from Kankakee, Mr. Novak, to close."

Novak: "Thank you very much, Mr. Speaker. This Bill is very important. It's very important for the farmers. It's very important for the ag implement dealers. It's very important for the manufacturers of agricultural implements. I ask for a favorable vote."

Speaker Greiman: "For what purpose are you seeking recognition, Mr. Hallock? Mr. Hallock."

Hallock: "This Amendment has nothing to do with farmers whatsoever. This is Amendment #6. I wish he would speak to the Amendment."

Speaker Greiman: "Alright, Mr. Hallock. Alright. All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Gentleman from Fulton, Mr. Homer, one minute to explain your vote."

Homer: "That's... thank you, I no longer need to do that. Thank

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

65th Legislative Day

June 19, 1987

you."

Speaker Greiman: "Gentleman from Cook, Mr. Giglio, what... you spoke in debate, Mr. Giglio. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 67 voting 'aye', 47 voting 'no', none voting 'present'. This Bill, having received... I'm sorry... and the Amendment is adopted. Are there further Amendments? Yes, Mr. McCracken, for what purpose do you seek recognition?"

McCracken: "I demand this be returned to Second Reading, First Legislative Day. That Amendment changes the title."

Speaker Greiman: "That's correct. When we conclude with the Order of Second Reading, you may renew that and it will be returned, if that is your request at that time. But until that time, we are on the Order of Second Reading. Mr. Clerk, are there further Amendments? Yes, Mr. Giglio, for what purpose do you seek recognition?"

Giglio: "Well, I think there's some clarification, Mr. Speaker. I think the other side of the aisle has had enough time to do what they did and I just want to inform the Body that the proper papers have been filed and I'm the Chief Sponsor of the Bill and also Amendment #6."

Speaker Greiman: "Alright. Mr. Clerk, are there further Amendments?"

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

Speaker Greiman: "Gentleman from Kankakee, Mr. Novak, on Amendment #7. Mr. Johnson, for what purpose do you seek recognition? Mr. Johnson."

Johnson: "I'm waiting to inquire of the Sponsor."

Speaker Greiman: "Oh, you just wish to be recognized on Amendment 7?"

Johnson: "Yes, uh-huh, yeah."

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

65th Legislative Day

June 19, 1987

Speaker Greiman: "Mr. McCracken, for what purpose do you seek recognition?"

McCracken: "Did I understand Representative Giglio to say he's the Chief Sponsor of this Bill and the Chief Sponsor of Amendment #6?"

Speaker Greiman: "That's what he said."

McCracken: "Well, that clearly is not the case and I don't know that you are going to make any ruling on that, but that is obviously not the case. The Amendment was in the name of Novak alone and Mr. Novak yielded time to Representative Giglio. So, I don't know what your purpose is in claiming that it's not Representative Novak's Amendment, but #6, in fact, was Representative Novak's Amendment."

Speaker Greiman: "Alright. Mr. Novak, on Amendment #7."

Novak: "Thank you, Mr. Speaker, Members of the General Assembly. Appreciate the opportunity to talk about this very, very important Amendment. This Amendment provides for Farm Implement Buyers' Protection Act. It's a very consumer oriented Amendment. It's very consumer oriented for all the farmers in the State of Illinois. It provides for a one year mandated warranty. Many farmers are having a difficult time struggling in this state of ours, trying to make a good living, trying to make their crops productive. This Farm Implement Act will secure their good reasons to protect their machinery. It's a good consumer oriented Bill. The time has come for it. I ask for your favorable vote because all of our farmers in downstate Illinois, western Illinois, all over the place need a very, very important consumer orientation protection Act and this Amendment will serve that, including the farmers in DuPage County."

Speaker Greiman: "The Gentleman from Kankakee moves for the adoption of Amendment #7 to Senate Bill 454, and on that,

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

65th Legislative Day

June 19, 1987

the Gentleman from Vermilion, Mr. Black."

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

Speaker Greiman: "Indicates that he will."

Black: "Thank you. Representative Novak, I have had a call from an implement dealer in my district that has some concerns about this Bill in that - and I'm sure you know that many implement dealers now sell riding lawn mowers and it is a significant part of their business. He just read this very quickly and wants to make sure that the so-called 'lemon law' aspect of this Bill would not apply to a riding lawn mower that he might sell to a non-farmer. If you could clarify that for me so I could let him know, I would appreciate that."

Novak: "Thank you, Representative. The farm implement is not currently defined to include riding lawn mowers; however, we will get a clarification of this and should this include riding lawn mowers, I would presume it would, it would make it... just make it a better Bill because many implement dealers do... are selling many riding lawn mowers and other implements for farmers. So, we'll get a clarification for this and I suggest if it is included, it will make it a better Bill."

Black: "I would appreciate that and perhaps... I don't want to delay passage of your Amendment. Far be it from me to do that, but I would appreciate that clarification, perhaps, before it moves and I would submit to you that my implement dealer is very concerned that if it does include riding lawn mowers, then he would not certainly favor that at all because, unlike farm equipment, and he knows his clientele, he sells a lot of riding lawn mowers to suburban dwellers or judges, what have you, who might abuse that piece of equipment and then he would have to make it good. But if

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

65th Legislative Day

June 19, 1987

we could get a clarification on that, I would certainly appreciate that and I thank you for your time."

Novak: "Thank you."

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

Johnson: "Representative Novak, I... both Representative Sieben and Senator Rigney are... by their occupations, are involved in the agricultural community. I'm just curious, given your background as a government employee, how you happened to get the idea to begin with about this agricultural implement 'lemon law'? When did you pick up the idea? Was this something you have had kind of a life long crusade about or did you just pick up on it recently? Is this something the county treasurer in Kankakee County involves itself with or... how did you happen to come on the idea?"

Speaker Greiman: "Excuse me, excuse me, Mr. Johnson. We try to not personalize issues on this floor."

Johnson: "I'm not personalizing it."

Speaker Greiman: "Mr. Johnson, we try not to personalize issues on the floor of the House. The Chair would appreciate it if you would..."

Johnson: "The Chair is raising a point of order of its own behalf, is that right..."

Speaker Greiman: "The Chair is responsible for order in this chamber, Mr. Johnson, and asks you to abide by the rules of courtesy and not argue ad hominem in this chamber, Sir. Proceed, Mr. Johnson, with your questions of the Gentleman."

Johnson: "Yeah, well, I agree that courtesy ought to be a hallmark of this chamber. That's why I believe that when a House Sponsor and a Senate Sponsor have an idea and there is political maneuvering to take away an idea from Representative Sieben and Senator Rigney and give it to

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

65th Legislative Day

June 19, 1987

someone who doesn't know anything about it, that has nothing to do with courtesy at all. In fact, it's the ultimate in discourtesy. So, my question is, "Where did you get the idea, Representative Novak?"

Novak: "Well, I don't think it's discourtesy. Whether I am a county... whether I was a county treasurer, a banker or lawyer..."

Johnson: "Where did you get the idea?"

Novak: "It's a good farm Bill. I come from..."

Johnson: "Where did you get the idea and when did you get it?"

Novak: "I come from an agricultural community and thank you."

Speaker Greiman: "Mr. Johnson. Mr. Johnson. Mr. Johnson."

Johnson: "My question is when did you first come up with..."

Speaker Greiman: "This is not... Mr. Johnson. Mr. Johnson, we are not cross-examining Members. You have asked... you have put your question to the Gentleman. The Gentleman wishes to respond. That is his privilege to respond, certainly, and give him an opportunity to respond. He is not under cross-examination, as are... as is no... as is any Member in this chamber. Now, Mr. Novak."

Novak: "Thank you, Mr. Speaker. Mr. Speaker, this is a good Bill. Staff advised me that it's a good Bill. I come from an agricultural community. There are many farmers in Kankakee and Iroquois County and this is going to help them, as it's going to help all the farmers in the State of Illinois. I thank you."

Speaker Greiman: "Mr. Johnson, proceed."

Johnson: "Well, if staff told you it was a good idea, do you believe it's a good idea in and of yourself, or do you just think it's good because the staff told you it was a good idea?"

Novak: "I think it's good for every farmer in the State of Illinois. I ask for a favorable vote."

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

65th Legislative Day

June 19, 1987

Johnson: "Where did you first get the idea and what is your background..."

Speaker Greiman: "Now, Mr. Johnson... Mr. Johnson, the Secretary of State is fortunate enough to put out a blue book which indicates all of our backgrounds. You might look at that, if you will. Mr. Johnson, to the Amendment and to the questions about it."

Johnson: "Who suggested then that you take this idea?"

Speaker Greiman: "No, Mr. Johnson. To the Amendment or to questions of substance."

Johnson: "I'm asking the Sponsor about his background and interest in this Amendment."

Speaker Greiman: "We are going to... Mr. Johnson, we are going to discuss the issues before this House and not the personal background or into the recesses of the minds of any Member. Mr. Johnson, proceed with the limitations that the Chair has set."

Johnson: "Okay, then tell me... no, wait. Let me understand. Turn off the timer here while we inquire as to a point of order. I don't need any... I don't think we need to consume my time with your ruling. I'm interested to know why you proposed this. I mean, did a farm group come to you or did staff come to you or did Representative Sieben ask you to take this Bill? What is the background?"

Novak: "Representative, I'll answer that when Representative Sieben tells us where he got the idea from. The constituents in my district had asked me to look into this and we're following up on it and I ask for a favorable vote."

Johnson: "Okay, I guess my next question would be what groups in your district or statewide are interested in this Bill and when... how long ago did they come to you and ask you to sponsor the Bill?"

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

65th Legislative Day

June 19, 1987

Novak: "I'll be glad to discuss this with anybody after the vote."

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

Novak: "Representative, I'll be glad to discuss this with you after the vote."

Johnson: "No, I'm interested to know before the vote what you just said that your constituents came to you. I'd be interested to know who the constituents were and when they came to you."

Novak: "The Illinois Farm Bureau... the Illinois Farm Bureau supports this Bill. The Kankakee County Farm Bureau supports this Bill. And the Iroquois County Farm Bureau... and the Iroquois... and the Iroquois County Farm Bureau."

Johnson: "And the Illinois Farm Bureau came to you after Representative Sieben's Bill was beat in Committee and asked you to do it on a separate Bill, is that right?"

Speaker Greiman: "Mr. Johnson, please allow the Sponsor of this Amendment to answer... to respond to your questions."

Johnson: "Okay, my question is then that the Illinois Farm Bureau, you are representing to this General Assembly, came to you after Representative Sieben's Bill was beat in Committee and asked you to put this Senate Bill 454 on and the Amendment on this Bill so that they could carry their idea forward. Is that right? Is that the timing?"

Novak: "Representative, I've said all I have to say about this very important piece of legislation. I think we should sit down and consider it and I thank you."

Johnson: "So what you are saying is you are not going to answer any more questions? I'm just inquiring into the... to the Sponsor..."

Novak: "I call for a favorable vote."

Johnson: "... you intend not to answer any more of my questions

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

65th Legislative Day

June 19, 1987

in regard to this Bill, is that right? That's my question. Will you yield to further questions or you just don't want to talk about it, because I certainly have some more questions to ask as to the substance of the Bill itself? Will you yield to more questions or not, Representative Novak? Yes or no?"

Novak: "Representative, I will yield to more questions only pertaining to the substance of Amendment 7, only pertaining to the substance. Thank you."

Johnson: "So, you have a qualified yes or a qualified no. Which is it? What's the substance."

Novak: "A qualified yes."

Speaker Greiman: "Bring your remarks to a close, Sir. Bring your remarks to a close. Bring your remarks to a close."

Johnson: "I have some more questions and I am not done. I would ask..."

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

Piel: "Thank you, Mr. Speaker. Parliamentary inquiry of the Parliamentarian and the Chair, please. With... I'm saying that I think..."

Speaker Greiman: "State your point, Sir."

Piel: "... that Amendment #7 is out of order and if the Parliamentarian can go along with me. Page 4 of the Amendment, lines 25 and 26, as it relates to the original Bill, throws the entire Bill out of sync and the entire Bill could not be enacted into law because of the way it is enacted and the way it is written. So, #7 would definitely be out of order, as far as the way the Bill is written. I'll repeat, Mr. Parliamentarian. Page 4... page 4 of the Amendment."

Speaker Greiman: "Mr. Piel, Mr. Piel, the Chair is trying to follow you. If you would restate that again."

Piel: "Alright, page 4... okay, page 4 of this Amendment, lines

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

65th Legislative Day

June 19, 1987

25 and 26, dealing... you know, as they relate to the original Bill, would throw the completely... the original Bill completely out of order. Mr. Speaker, I'll give the Parliamentarian time to look at the Amendment and look at the Bill as it deals with page 4 and seeing as I was asking for a Parliamentary inquiry, I would yield my five minutes to Representative Johnson."

Speaker Greiman: "Yes, thank you, Mr. Piel. The Chair has examined both the Bill and Amendment #7 and cannot agree with you. The numbers that you allude to... excuse me, on lines 25 and 26 are renumbering... are renumbering and renumber those Sections 1 and 3 of the Bill so that there is no confusion whatsoever in the Bill. Your position is not well taken. Mr. Piel."

Piel: "So in other words, what you are saying is that the way with... if Amendment #7 got on, the way the Bill would read, basically, would be Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 4, 5, right? You look at it because there's a Section 4 that is not referred to in the Amendment and then Section 4 is in the Bill. So then between the enacting clause and Section 4, you have Sections 1 through 14. Now, I'd like you to explain that, please, Mr. Speaker."

Speaker Greiman: "Yeah, the Sections will be numbered consecutively and the Chair has ruled and let's go on now. The Gentleman from Winnebago, Mr... I'm sorry. The Gentleman from Winnebago, Mr. Hallock. I'm sorry, what did you do, Mr. Piel. No, Mr. Piel, you cannot have it both ways. You rose on a Parliamentary inquiry... excuse me, Mr. Piel. You were recognized for a Parliamentary inquiry. The Chair gave you that Parliamentary inquiry. The Chair would recognize you again, if your light is on and debate is still on, at the appropriate time. The Chair now

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

65th Legislative Day

June 19, 1987

recognizes the Gentleman from Winnebago, Mr. Hallock. For your information in the future, Mr. Piel, one cannot raise on a point of order and debate at the same time. Mr. Hallock is recognized."

Hallock: "Mr. Speaker, I do intend to speak to this issue, but I believe Representative Johnson hadn't concluded his remarks yet."

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

Parke: "Thank you, Mr. Speaker. I'd like to yield my five minutes to Representative Johnson."

Speaker Greiman: "Alright, Mr. Johnson, Mr. Parke has kindly yielded his time to you."

Johnson: "And the Sponsor then, to reiterate, will only answer questions about what he says is the substance of the Amendment, is that correct? Okay. This Bill is a Bill dealing with farm implements, which is covered, as I understand it - in fact, I know it is - by current provisions of the Uniform Commercial Code. How does this Bill jibe with the Uniform Commercial Code? Would I still have, for example, the right to proceed, under either the expressed warranty or implied warranty provisions of the Uniform Commercial Code, assuming this Bill passed? Is that not part of the substance of the Bill?"

Speaker Greiman: "The Gentleman has indicated an unwillingness to yield, Mr. Johnson, so your questions are rhetorical."

Johnson: "What my question was... what my question was, Representative Novak, is it covered under the Uniform Commercial Code? Would you still be able to proceed as either an expressed warranty or an implied warranty action under the UCC? I'm not trying to be discourteous. I have asked a question twice. Could the Sponsor answer the question for me?"

Speaker Greiman: "The Gentleman has declined to yield, Mr.

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

65th Legislative Day

June 19, 1987

Johnson. He is not yielding for questions, apparently."

Johnson: "Well, he told me he would yield as to the substance of the Bill. I'm asking you about the Bill. I'm not asking you about the politics of the Bill or whether you are going to use it in the campaign or anything else. I'm asking you about the Bill. If this Bill passed, could you still proceed under the Uniform Commercial Code or would you be limited to this, what used to be Senate Bill 894 and is now Senate Bill 454?"

Speaker Greiman: "Mr. Johnson, apparently the Gentleman has agreed to yield to this question. Mr. Novak."

Novak: "Representative Johnson, Section 10 on page 4 of the Amendment provides, 'persons electing to proceed under this Act shall be barred from maintaining a separate cause of action under the Uniform Commercial Code.' I believe that answers your question."

Johnson: "How would then the common law with respect to straight breach of contract and provisions for violation or for breaches of contract jibe with this Bill? Would this supplant the common law or would you still have common law remedies available?"

Novak: "Representative, I am not an attorney, such as yourself, and I will consult with our legal staff. I'm sure questions like that will not really impinge upon the substantive good nature of this Bill. Thank you."

Johnson: "Okay, then tell me what the statute of limitations would be for breaches under this Act and whether that would shorten the otherwise applicable statutes of limitation?"

Novak: "Representative, it's a technical question and we will research it and get back to you. Thank you."

Johnson: "Let me... let me ask then that there is... there is a definition contained of consumer and also of fair rental value and nonconformity contained on page 1 of the Bill.

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

65th Legislative Day

June 19, 1987

Those Bills are also otherwise defined under the Uniform Commercial Code. Would this Bill, if passed, supplant the Uniform Commercial Code or would those UCC definitions, not the breach of... the provisions for breach, but would those definitions still be applicable?"

Novak: "Representative, this law is modeled after the 'lemon law' Bill pertaining to automobiles and it's good law. It's been in effect for a number of years right now, so I'm sure it's appropriate."

Johnson: "Well, no, that wasn't my question. My questions was, 'Do those definitions, which do vary from the UCC definitions, supplant the Uniform Commercial Code? Are they in addition to it or are they cumulative in terms of their scope?'"

Novak: "Representative, that's another legal question. We will consult staff and get back to you as soon as possible."

Johnson: "Well, this whole Bill is a legal Bill, Representative. Everything we do in here is making law. You don't have to be a lawyer. You are well qualified to answer this. You have a consuming interest in this subject matter. I'm interested to know a response to my question. That's the core of the Bill. Nonconformity, consumers and fair rental value are the essence of this Bill and the reason you are sponsoring this at the behest of the Illinois Farm Bureau."

Speaker Greiman: "Gentleman from Lake, Mr. Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, I guess I should speak to the Amendment, but I'm not sure anybody else is. What the debate on this Amendment tells all of us, that there are different kinds of Legislators. Some are very cool under the circumstances and I compliment Phil Novak for being cool under these circumstances. He doesn't know it, but just by this debate, I have concluded

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

65th Legislative Day

June 19, 1987

that he's going to be here a long time. I don't think I could have been that cool. Some have a temper and some use it. I am one of those who, in my 21 years has used my temper, but never personally at a person. I have used my temper... everybody else has violated the rules and I can. I think the debate on this issue has really been an undertone of trying to get under Phil Novak's skin. I don't think you have done it. You have not succeeded. What do all of you want? Do you want all of us from now on, do you want us never to have a Bill on Second Reading advance... do you want us all to have an idea impact note now? Are we all going to have to file an idea impact note? You don't want that and you know you don't. Phil Novak, I congratulate you. You have been cool under the circumstances. God bless you."

Speaker Greiman: "Mr. Ewing, for what purpose do you seek recognition?"

Ewing: "I thought you didn't hear me, Mr. Speaker."

Speaker Greiman: "There was so much noise I had a lot of trouble."

Ewing: "I think that's... Mr. Speaker, I think that was a very great infraction of the rules and you sit there, so pompous, you sit on us all the time for any little thing and then you allow that kind of tirade. That shows the type of Speakership we have here, the type of fairness that we don't have in this Body. And I yield the rest of my time to Representative Johnson."

Speaker Greiman: "Yes, the Gentleman from Champaign, Mr. Johnson."

Johnson: "Let me... let me just conclude then. I think everybody ought to put in perspective, for this Session and for future Sessions, because things change, circumstances change and Majorities change, exactly what's happened here.

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

65th Legislative Day

June 19, 1987

Senate Bill 894 was a Bill that was... was and is, terrifically beneficial to the agricultural community. It was under bipartisan Sponsorship in the Senate of Senator Rigney and Senator Severns, who is also, by the way, in our common parlance, a target. It's a consumer Bill, as Representative Novak says. It comes over to the House, into Committee, and then becomes a hostaged in a political drama of sorts. The Bill is held in Committee and then, because of 9 'present' votes in Committee, Representative Sieben, who took the Bill in the House because he is involved in those issues and close to the agriculture community and believes in it, as many of us do, had his Bill hostage in a real form in this political drama and then was approached, within a couple, three hours after the time the Bill was held in Committee, by Democratic staff to say, 'We'll let your Bill out, we'll let a good idea out, we'll help the agricultural community if and only if you switch Sponsorship to two target Democratic Legislators.' Representative Sieben, because he believes ideas are more important than politics, did what he did. And then we reached this stage, where we have an unrelated Bill, probably an ungermane way, amended on to a Bill amended to so that this Bill becomes, in effect, Senate Bill 894, so that Representative Novak and whoever else is involved in this process, can send out press releases, send out letters and say, 'We support the agricultural community, we're for consumers,' when they never even heard of the Bill a month ago. They never knew anything about it. Representative Novak stood there and he did try hard and he's a good man and Representative Matijevich says it well. He's good under pressure. He doesn't know anything about the Bill. He never heard of the Bill. He never heard of the concepts. He doesn't know how it jibes with the UCC.

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

65th Legislative Day

June 19, 1987

Didn't even want to answer questions about it. So that Representative Sieben and Senator Rigney's good idea and Senator Severns good idea... Representative Mulcahey as well, I guess, to help the agricultural community, can then become the subject of a press release that we send out so that Representative Novak attempts to take political credit for an issue that he had no knowledge about nor knew anything about whatsoever a month ago. I would suggest to you that times changing as they do, that this is a bad precedent to set for any of us on either side of the aisle. And that if Representative Novak or anyone else in these circumstances attempts to take credit for an idea that he didn't know anything about and that wasn't his, that Representative Sieben and Senator Rigney, representing their constituents and the Illinois agricultural community generally really believed in, then this whole process becomes a real joke. And certainly on this issue, if not others, people of Illinois and the people of that district are going to be well aware of what happened. I don't know how you vote on something like this, for or against. I suppose we will decide that as the process proceeds, but it's a process that people ought to be embarrassed about and a process that shouldn't repeat itself in the name of politics when we are really holding at hostage Senate Bill 894, which was uncontroversial, which if we hadn't decided to play politics with it, would have probably already been on its way to the Governor and been on its way to affecting, in a very positive way, the consumers and the farmers of Illinois, who, as Representative Novak aptly points out, really need help and they don't need bad partisan politics."

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

Ropp: "Thank you, Mr. Speaker. I am delighted to be at least one

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

65th Legislative Day

June 19, 1987

of the farmers that can talk about the issue. Might I ask a question of the Sponsor, please? Would the Sponsor yield?"

Novak: "To the substance, to the substance of the Amendment, Representative."

Speaker Greiman: "Gentleman indicates... Gentleman indicates that he would yield. Mr... Mr. Ropp."

Ropp: "Absolutely, that's the only thing I know. I'm no attorney. I mean I want to talk... I want to talk to you just like a regular farmer to a county treasurer. We'll understand each other, right? Can you tell me why... why did you include as farm equipment just self-propelled vehicles?"

Novak: "Representative, a good friend of mine across this great House here is Senator Jerome Joyce, who has been a farmer from Essex for all of his life and his whole family. I have known Jerry for many, many years... I'm just trying to explain things. Jerry has taught me a lot about ag in this state, the problems agriculture has. He has taught me about some of the problems and he even suggested that I follow up on something like this. So, self-propelled... most of the self-propelled vehicles, as far as agriculture is concerned, are very, very expensive. Sometimes they run into the hundreds of thousands of dollars. So this is a very important part of that Bill."

Ropp: "There's no problem with that. The point is, though, that you only include that as the only piece of farm equipment. I daresay that if you have a baler that is a very complicated piece of equipment, that it's excluded. Do you know what a baler is?"

Novak: "Absolutely, Representative. I used to bale hay years ago."

Ropp: "Okay, how about a chopper? How about a chopper that chops

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

65th Legislative Day

June 19, 1987

corn or hay...?"

Novak: "We would be more than happy to consider an Amendment to include those implements."

Ropp: "I think it definitely ought to be in there. A weed mower. How about a culda mulcher? That's not self-propelled and that has all kinds of problems. Even a wagon. Now, most importantly, a milking machine. Are you willing to include all of these things that really are a part of the business of farming?"

Novak: "Whether it's dairy farming or whatever else, let's put them all on a list and let's submit them and let's look at every piece and let's put them on an Amendment. I think they would... I think it would be germane to the substance of the Bill. And we'll certainly work with the Farm Bureau to achieve that goal."

Ropp: "Okay, I really think that in the wisdom of all who had some part in this, either your own leadership or others, that it's too narrowly drafted, that in the operation of the business of farming includes more, far more than just a self-propelled piece of equipment. And certainly I think you ought to consider taking this out of the record so that you, in fact, could aptly take care of this 'lemon law' because I think even with automobiles it includes Chryslers, Fords, Chevrolets and all pieces of equipment that deal with the automobile 'lemon law', and I think that you ought to very definitely take this out so that you can provide real protection for farmers, rather than just in part saying we're protecting farmers when it's such a narrow version. You're really aren't protecting very many, if any, of the farmers, as you, I'm sure, want to do for your good rural district. So, I would hope that you would strongly consider taking this out of the record so that we can broaden this to cover all pieces of farm equipment so

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

65th Legislative Day

June 19, 1987

that your intention is right and honorable and just, as many of us think it ought to be. And... are you giving that any consideration, about taking it out of the record so you can do that, because if it moves to Third, then I don't know whether or not you are ever going to bring it back to allow it to really do what we want to do? Okay?"

Novak: "Representative, thank you for your very eloquent..."

Speaker Greiman: "Gentleman from Vermilion, Mr. Black."

Black: "Well, thank you very much, Mr. Speaker. I... I'm just so excited that this Bill is on Short Debate. I'd hate like heck to think where we would be if it wasn't and I... I think all of us that are non-attorneys ought to get at least one year's credit of law school for sitting through this very fascinating debate. But be that as it may... be that as it may, I talked with Representative Novak a little while ago and I still need an answer to my question and it really isn't posed to be dilatory in any fashion. It's a word I picked up in legal debate. I have a farm implement dealer who's concerned that this so-called 'lemon law' will extend to riding lawn mowers that he sells a number of, you know, to city dwellers and he doesn't think it ought to include a self-propelled vehicle, i.e., read that a riding lawn mower, and I have every faith that the good Representative, because he said so earlier, is going to get back to me on that question before we... before we move this Bill to Third Reading and I just wanted to make sure we are still clicking on that. Thank you."

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

Hallock: "Thank you, Mr. Speaker and Members of the House. The evolution of this concept has really been almost preposterous. You know, we began with a Bill which was sponsored by Jerry Weller and Todd Sieben and Dick Mulcahey. We now have a Bill which is sponsored by Mr.

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

65th Legislative Day

June 19, 1987

Novak and Granberg and Mulcahey has staying power. I'm pleased to see he's still on there. Giglio, who, of course, has many farms in his district, I'm sure very concerned about farm issues. But the really... the history and legacy of this Bill is kind of preposterous for I think there are many questions that still haven't been answered and I would ask the Sponsor to yield to a couple of questions."

Speaker Greiman: "Gentleman indicates that he will yield for a couple of questions."

Hallock: "First of all, as enuciated in the previous Amendment, this Bill began by speaking to the barbers and cosmetologists license. The Amendment cites this Bill as the Farm Implement Buyer's Protection Act. What does it do to the previous Bill? Is this... does this incorporate that or does this delete that entirely or where do we stand?"

Novak: "Representative, I'm adding my Amendment to Mr. Giglio's Bill."

Hallock: "Does that mean then that this Bill now will become the barber and cosmetologist and so on and so on and farm implement dealership Bill or is this just the farm implement dealership 'lemon law' Bill?"

Novak: "I believe the Parliamentarian would be the appropriate person to answer that question."

Hallock: "No, I think you would because you are the Sponsor of the Bill and I just want to know... what I am trying to ascertain is, you know, I have great concern about the barbers and the cosmetologists in this state. Are they still in this Bill? Are they still getting the protection they wanted or are they being excluded so that you, in fact, can pass this Bill?"

Novak: "Representative Giglio included them with his Amendment."

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

65th Legislative Day

June 19, 1987

Hallock: "Yes, I understand that, but your Bill then inserts the Farm Implement Buyer Protection Act pursuant to his Amendment. So, are they in or are they out?"

Novak: "The barber/cosmetologist is not my Bill. The Amendment §7 is mine, but it leaves... but it leaves everything else intact."

Hallock: "In other words, you are saying that the barbers and cosmetologist who, in the first place, had asked this Bill be introduced and sponsored are still covered by this Bill?"

Novak: "Would you take a look at Senate Bill 1003, Mr. Hallock, they are identical. They are identical."

Hallock: "Well, I appreciate that comment and I'll do that at some time, but my question still is, the barbers and cosmetologists had asked for their membership statewide, all of whom, of course, live in our districts, that this Bill be introduced and passed at their request. It's very important to them. Now, does this... your Amendment delete them entirely from this Bill or are they still covered by this Bill?"

Novak: "Representative, thank you, but if you look at line... I'm not an attorney, but if you look at lines 25 and 26 on page 4, it does not affect the barbers Bill. Everything stays intact."

Hallock: "In other words, this Bill does incorporate the barbers and cosmetologist and the estheticians and so on?"

Novak: "Yes, Representative."

Hallock: "So this Bill now is the Barber and Cosmetologists and Estheticians and Farm Implement Dealership Bill of 1987? Is that correct?"

Novak: "Well, you may want to term it that way, but it does not damage the substance of Representative Giglio's Bill, which is very important."

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

65th Legislative Day

June 19, 1987

Hallock: "Well, Mr. Speaker and Members of the House, it's quite apparent what's happening here. We have an absolute ludicrous situation. We are putting together some laudable concepts from different aspects of our society, from different people we represent and lumping them together in one Bill for the purpose, the expedient purpose of one Member of this House. That's not right. But let's speak to the Bill itself. You know, we have in Illinois a 'lemon law' which we passed through this General Assembly a couple of years ago. My direction to that issue has been that it hasn't really worked all that effectively. If this Bill, in fact, as amended, incorporates many of the provisions of that Bill, my question to you, Sir, would be how does it work? Let's say, for example, that a tractor breaks down. What happens? What does the farmer do?"

Novak: "Excuse me. The farmer contacts the implement dealer where he purchased it from."

Hallock: "And so he makes that contact. What happens next?"

Novak: "Then the implement dealer finds out the substance of what the problem is and contacts the manufacturer who they deal for and makes sure the warranty is in effect."

Hallock: "And what... let's assume that, as in most cases where we have lemons and I think in most cases that have been assumed under the 'lemon law' affecting automobiles..."

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

Parcells: "Thank you, Mr. Speaker. I'd like to yield my five minutes to Mr. Hallock."

Speaker Greiman: "She has yielded her five minutes to Mr. Hallock. Mr. Hallock."

Hallock: "I was just in the middle of a very important question here. My time ran out."

Speaker Greiman: "Mr. Hallock, we do this automatically."

Hallock: "Yeah, okay. Anyway, the... I think we have found under

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

65th Legislative Day

June 19, 1987

the automobile 'lemon law' many cases where a car still falls through the cracks, so to speak. Let's assume that tractor still doesn't get repaired. What happens next?"

Novak: "Could you repeat that, please?"

Hallock: "What happens if the tractor still cannot be repaired?"

Novak: "Then they have to refund the purchase price or replace the implement that became defective."

Hallock: "Well, who makes that refund?"

Novak: "Who makes the refund? I believe the manufacturer does."

Hallock: "Well, it looks to me as if the dealer is involved too. It appears to me, in Section 4, that the authorized dealer is supposed to replace the farm implement with a comparable one. Does that mean that he's being stuck or is the manufacturer being stuck? You know, we have manufacturers in this state who are down and out. We have some dealers who are down and out. Who is going to be stuck with the cost of that new vehicle?"

Novak: "We want the consumer to be protected, Representative, and that's the main important purpose of this Amendment."

Hallock: "Well, I agree with that, but we also have to deal with the practicalities and those are if that tractor doesn't work, somebody is going to have to fix it and I want to know who that somebody is because through this provision, somebody in Illinois is going to be assuming the burden of replacing that tractor with a brand new tractor and some of these tractors cost hundreds of thousands of dollars. I just want to know and I think people have a right to know who is going to pay that."

Novak: "We want to make sure the consumer is protected and we want to make sure that the manufacturer is liable for any... any breakdowns in machinery and that's basically the protection part of this law."

Hallock: "Well, Mr. Speaker and Members of the House, the whole

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

65th Legislative Day

June 19, 1987

discussion, I think, has been fairly lamentable and it's unfortunate because we have here, embodied within this provision, some fairly good concepts which probably still need some more work, but the situation has evolved such that after Mr. Weller and Sieben and Mulcahey and Rigney and Severns and others in the Senate worked so tenaciously on this idea, it was given to somebody else who didn't know much about it. Now that thing... that happens, Mr. Speaker, but on a Bill that's as important to the farmers of our State of Illinois, it should not happen to this issue. It shouldn't happen on this Bill. It's wrong and you know it. I think this should be defeated."

Speaker Greiman: "Gentleman from Warren, Mr. Hultgren."

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

Speaker Greiman: "Mr. Novak."

Novak: "Yes, yes."

Speaker Greiman: "Indicates he will yield."

Hultgren: "Yes, in terms of legislative history and establishing your intent here, in Section 3 of the Amendment, you require that in order for the obligations of the Act to accrue, that notice must be given and, if I understand it correctly, notice is in the conjunctive to both the manufacturer and the authorized dealer, is that correct?"

Novak: "Yes."

Hultgren: "So, you're suggesting, if I understand correctly, and again, in terms of establishing a legislative history, that notice to the manufacturer alone would not be sufficient to give rise to any obligation under the Act."

Novak: "I think you need to clarify that question, please. Just please restate it."

Hultgren: "Yeah, let me try... let me try it one more time."

Novak: "Alright."

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

65th Legislative Day

June 19, 1987

Hultgren: "Since the notice requirement appears to be in the conjunctive, that is to say notice to both the manufacturer and the authorized dealer, would I be correct in saying that notice to the manufacturer alone would not be sufficient under the Act to give rise to any of the warranty obligations?"

Novak: "Representative, we don't want to put any obligation on the dealers. The manufacturer has sole responsibility, but we do want to make sure both parties are aware of any breakdowns in the machinery."

Hultgren: "So that notice to the manufacturer... but I'm not sure you have answered my question yet, so notice to the manufacturer alone is not sufficient under the Act to give rise to any obligation on the part of any of the parties, is that right?"

Novak: "That's the way it reads. You are correct."

Hultgren: "That that is correct?"

Novak: "Yes, that's the way it reads."

Hultgren: "And notice to the dealer alone would not be sufficient to give rise to any obligation as in the Act, is that right?"

Novak: "You are correct."

Hultgren: "So the dealer then would not be deemed to be an agent of the manufacturer, for purposes of notice?"

Novak: "Just one second. Given the language, that appears to be the case."

Hultgren: "So then the... your legislative intent is that the authorized dealer is not an agent of the manufacturer for purposes of notice under the Act. Is that... am I reading... am I understanding it correctly?"

Novak: "We want the manufacturer notified and we don't want the dealer stuck in this instance, and we want to make sure that both parties are well aware of any problems with the

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

65th Legislative Day

June 19, 1987

implement. That's simple."

Hultgren: "Alright, so we have established then that notice is required to both the manufacturer and the authorized agent, that the authorized agent or the authorized dealer is not an agent for purposes of notice under the Act and that the obligations of the Act do not arise unless notice is properly given to both the manufacturer and the authorized dealer. Now, my question is, and this situation has arisen in the 94th District in recent years, where a number of authorized dealers have gone out of business for one reason or another. What remedy does the consumer, under the Act, have if the authorized dealer has ceased to do business and therefore cannot receive notice? Is that particular consumer out of luck under your reading of this provision? Do you understand what I am saying? You have indicated that notice must be given to both, but what if one of them ceases to exist?"

Novak: "There is always, I believe, sort of a successor authorized dealer that would provide this continuity of notice and I believe in cases such as that what you are questioning, I am sure that would be the appropriate way to handle the notification."

Hultgren: "So you are suggesting then that any authorized dealer would be sufficient to receive notice, not necessarily the authorized dealer where the particular product was purchased? Am I understanding correctly?"

Novak: "No, no, no."

Hultgren: "It has to be the authorized dealer where the product was purchased?"

Novak: "Yes."

Hultgren: "Alright, well, then... then let me go back to the question just a moment ago. What if that authorized dealer has ceased to do business?"

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

65th Legislative Day

June 19, 1987

Novak: "Then the manufacturer would have to... would be responsible for contact or communicating with the person who purchased the implement."

Hultgren: "But at the outset of our discussion, you indicated that before any obligation under the Act could occur, notice must be given to both parties and I'm wanting to know for purposes of a court suit at some point in the future, whether it would be sufficient if the dealer has, in fact, gone out of business, simply to give notice to the manufacturer?"

Novak: "I would... I would be sure that if an authorized dealer went out of business and they usually maintain a certain geographical area, if the farm implement purchaser had his... had his implement break down for faulty reasons, I'm sure they could go to another authorized dealer that sells the same amount of... same type of equipment and communicate to the manufacturer through that individual."

Hultgren: "So, okay. Well, that... now that's inconsistent with your answer of a moment ago, I think. You're saying then that any authorized dealer would be sufficient to receive notice, not necessarily the authorized dealer that made the sale, is that right?"

Speaker Greiman: "Gentleman from Lake, Mr. Churchill. Mr. Novak, did you wish to answer that question? Go ahead. Turn Mr. Novak on so... leave to answer the question."

Novak: "Representative, the Bill points out specifically that the dealer that sold the implement has to be notified first. But if a dealer went out of business at a subsequent time, I am sure that the purchaser of the equipment could contact another authorized registered dealer within the area and convey their problems to the manufacturer of the implement that they purchased."

Speaker Greiman: "Gentleman from Lake, Mr. Churchill."

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

65th Legislative Day

June 19, 1987

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

Speaker Greiman: "Mr. Novak indicates he will yield."

Churchill: "Okay, in the event that the dealer is notified and the dealer is unable to or does not wish to repair the farm implement, then what's the next level of the procedure that the consumer goes into?"

Novak: "Could you repeat that, Representative, please?"

Churchill: "In the event that the consumer walks into the dealer and the dealer says, 'Well, I can't fix that,' or 'I'm unwilling to fix it,' or 'I just won't take care of it for you,' then how does the consumer appeal that decision of the dealer?"

Novak: "One second, please."

Churchill: "Mr. Speaker, we have now used up about a minute of my time waiting for Mr. Novak to answer. Perhaps you could stop the clock while the brain trust over there figures out the answer to my question?"

Novak: "Well, thank you very much, Representative, but if the particular item has been fixed for four or more times, then the manufacturer would have to be responsible to replace the cost of the vehicle or replace the vehicle."

Churchill: "And if the manufacturer refuses to replace the implement, then what is the avenue that the consumer takes?"

Novak: "Then I believe they can take the civil action because I'm sure the warranty should spell out what remedies are available to the individual under those circumstances."

Churchill: "So, in other words, what you are saying is that the consumer has to file a lawsuit?"

Novak: "That may be a possibility. It's happened under other circumstances with other types of machinery and equipment that are purchased by every day ordinary consumers."

Churchill: "Alright, and if the consumer decides not to approach

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

65th Legislative Day

June 19, 1987

the remedy through the courts, then what other avenue is available to the consumer?"

Novak: "There are Attorney General's Offices all over the State of Illinois and the consumer protection divisions and state's attorney's offices. I'm sure those people can go see those; go see those offices to handle their complaints."

Churchill: "And is it specifically authorized under this Bill that the Attorney General will be pursuing these 'lemon law' complaints?"

Novak: "No, it is not, but any citizen has a right to go to the Attorney General's Office or the state's attorney's office and indicate their complaint about problems with a dealer or a manufacturer of an item."

Churchill: "And then is it your knowledge that the Attorney General or the state's attorney's offices go to the manufacturer and force that item to be replaced?"

Novak: "Pardon me, Representative. I'm sorry."

Churchill: "Is it within your knowledge that the Attorney General will accept the responsibility of going to the manufacturer and forcing the manufacturer to deliver a new implement to the consumer?"

Novak: "Attorney General Hartigan and, I'm sure, his predecessors will use the full extent of the law to prosecute anyone who does not live up to warranties or any other contractual provisions concerning farm implements or anything else."

Churchill: "And if the consumer chooses the option of going through the court proceedings, is there a provision in the Bill that provides that reasonable attorney fees are paid by the manufacturer in the event the manufacturer loses that lawsuit?"

Novak: "No, Representative, there is not."

Churchill: "But if the consumer files a case that the court

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

65th Legislative Day

June 19, 1987

determines is in bad faith, then does the consumer have to pay the reasonable attorney's fees?"

Novak: "I don't... I cannot answer that."

Churchill: "I'm sorry, I didn't hear your answer."

Novak: "But this is a civil procedure so it would be the... under the Civil Procedure Code."

Churchill: "Okay, but Section 8 of the... you don't... you are familiar with Section 8 of the Amendment, are you not, and this is your Amendment, right? Section 8... Section 8 says that if it's filed in bad faith, the consumer has to pay the reasonable attorney fees. How come the consumer has to pay if the manufacturer doesn't?"

Novak: "Section 8 does say the consumer has to pay, but there may be other avenues that the consumer can take by going to the state's attorney's office or by going to the Attorney General's Office to file a consumer complaint."

Churchill: "I guess Representative Cullerton is suggesting I should talk to Representative Sieben. He probably knows the answer to that, but I guess my point is is that it seems unfair that the consumer would have to pay reasonable attorney's fees in case they filed a bad faith complaint, but if the manufacturer does something in bad faith, the Bill doesn't have anything in here to say the manufacturer or the dealer has to pay reasonable attorney's fees. So, you put the burden on the consumer instead of putting the burden on the person that caused the problem. I don't understand why you would do that. Is there some reason why you would make that difference?"

Novak: "This Bill is designed to protect the consumer. Sometimes many of us have to go to court and..."

Speaker Greiman: "Gentleman from Will, Mr. Wennlund."

Wennlund: "Mr. Speaker, will the Sponsor yield to a question?"

Speaker Greiman: "Gentleman from Will, Mr. Wennlund, has asked

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

65th Legislative Day

June 19, 1987

whether you, Mr. Novak, will yield for questions?"

Novak: "No more. I will not yield."

Speaker Greiman: "No, Gentleman indicates he does not wish to yield. Proceed, Sir."

Wennlund: "Thank you. I'm concerned about the definition of farming and the lack of an answer to Representative Black's question as to exactly what type of farm implements this Amendment applies to. The Amendment defines farm implement as any self-propelled vehicle which is designed primarily for use in the occupation or business of farming. Does that include the operation of a nursery? Does it include an apple orchard? Does it include wine making? Does it use... does it include implements used in gardening? What exactly is the type of equipment that this Bill relates to? Does it include garden tractors? That's a classic example. I have many of those people in my district who sell garden implements, self-propelled instruments used in gardening, used every day. Does it apply to those equipment? I think that the equipment manufacturers in Illinois have a right to know what farming equipment this Bill applies to and what equipment which is sold at retail in Illinois is the subject matter of this Bill. It's not fair to the dealers in Illinois, and there are many thousands of them, to know whether or not what they manufacture and sell at retail is subject to the terms of this Bill. I think it's an important question. I think the definition of nonconformity needs substantial work. It describes nonconformity as a failure which substantially impairs the intended use. What does substantially impair mean? I think the Bill is lacking in definitions. It's lacking in scope. It's vague and it needs defining and this Bill should be held on Second Reading so that it can be amended so that the retailers in Illinois and that the

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

65th Legislative Day

June 19, 1987

manufacturers in Illinois know exactly what type of implements and machinery are subject to the terms of this Bill. I think it would be a wise decision for the Sponsor of this Amendment to sit down with the original Sponsor, Representative Sieben, and work out some of the terms of this Bill together so that it can be made fair for the retailers and manufacturers of this type of equipment in Illinois. Thank you, Mr. Speaker."

Speaker Greiman: "Gentleman from St. Clair, Mr. Stephens."

Stephens: "Well, thank you very much, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Greiman: "Mr. Novak? Gentleman indicates he does not wish to yield."

Stephens: "Okay, well, Representative Novak, I appreciate what you have gone through. The... Representative Matijevich referred to a Bill earlier that I sponsored my first year here. It was an Administration Bill that I was carrying for the Department of Conservation and had to take similar abuse, I suppose. But there was a little difference. As I watched what what going on and the Gentleman that you are talking to now will directly relate to my coming remarks because I noticed during the debate that very early on, in the first ten minutes or so, when we were pressing some very pointed questions, that the Gentleman... and we all are around... have staffers around us all the time and I appreciate staff, Democrat and Republican alike, but there ought to be made note of the fact that a staff person ought not be allowed to push a Representative away from a microphone and grab that microphone away from him for fear of what that Representative would say. Representative Novak, I don't think you have to take that from them. I don't think that you ought to have to be pushed around by Democrat staff. Representative, I wish you would have

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

65th Legislative Day

June 19, 1987

yielded for some questions, but since you haven't, I think that we ought to bring this all in perspective. We are here to represent the people of our district and to represent the history of the State of Illinois and the principles that govern this Body. We ought never forget that it is more important to stand on this House floor and talk about issues than whether or not something is reelectable or makes you more reelectable or whether Democrat staff or Republican staff are putting words into your mouth, taking the microphone away from you when they don't think that... they don't like what you are saying. I don't think we ought to stand for it, as Members of this Assembly. I think we ought to put things in perspective, put the staff where they belong. Technical staff are here to give us information, not points of view and philosophy. They are not here to make sure we are reelected. Whether or not you are reelected, Representative Novak, will not depend on the issues that you represent on this House floor. It will be determined by whether or not you truly, truly represent the people of your district. I wish you well in your campaign. We will probably have someone running against you and I wish them well too, but let it be known that it be you versus your opponent and not the Democrat staff pulling your strings. Don't let them do that to you. Don't be undignified in your behavior. Let your words be your words and if you can't answer a question, let Representative Sieben answer the question or let's get Representative Weller back here and maybe he could answer the questions. Thank you."

Speaker Greiman: "Gentleman from Kankakee, Mr. Novak, to close."

Novak: "Thank you, thank you, Mr. Speaker. Members of the General Assembly, I appreciate all the comments and concerns and questions from the Republican side of the

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

65th Legislative Day

June 19, 1987

aisle. I have become a lot more closer to my colleagues on the Democratic side of the aisle. There's a lot of support over here for this Bill and I'm sure there's a lot of support on the other side of the aisle... or for this Amendment, I should say. We've talked about this for a little time, I guess. I have taken some... taken some bullets. I have answered your questions as fairly as I could. Anybody has to rely on staff. There are a lot of Republican office holders over there that have to rely on staff for technical advice..."

Speaker Greiman: "Question is, 'Shall the Amendment be adopted?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Gentleman from Cook, Mr. Preston, one minute to explain your vote."

Preston: "Thank you. Thank you, Mr. Speaker. It's not necessary. Mr. Speaker, I kept some sort of score and I wonder if following this vote if we might ask Representative Bowman to pay a little visit to Representatives Johnson, Ewing, Ropp, Churchill and Hallock?"

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

Homer: "Thank you, Mr. Speaker. I would just say, in response to the last Gentleman on the other side of the aisle who spoke on this issue, that he had a Bill in earlier that had to do with limiting the number of Bills that we introduce. I believe he wanted to limit that to ten Bills. I have a suggestion for him in context with the remarks that Representative Johnson made, that perhaps we should make it a condition precedent to the filing of any Bill that a Member, number one, have expertise and legal knowledge and be knowledgeable about that Bill and second..."

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

65th Legislative Day

June 19, 1987

Speaker Greiman: "Mr. Tate, one minute to explain your vote."

Tate: "Let's just shut the roll. It's 85 - 22. Let's get on with the business of the House. We're supposed to adjourn at 2:00."

Speaker Greiman: "Yes, thank you, Mr. Tate for your wise... your wise guidance. Mr. McCracken, one minute to explain your vote."

McCracken: "Just to demand that it be returned since the Amendment changes the title of the Bill."

Speaker Greiman: "Yes. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 87 voting 'aye', 21 voting 'no', 6 voting 'present' and the Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Yes, alright, now this Bill... Yes, Mr. Novak, for what purpose do you seek recognition?"

Novak: "Yes, Mr. Speaker, I move to suspend the rules... appropriate rule and move the Bill to Third Reading."

Speaker Greiman: "Gentleman wishes to waive Rule 36(d) so that this Bill may be moved to the Order of Third Reading, and on that, is there any discussion? The Gentleman from Champaign, Mr. Johnson."

Johnson: "Is there a deadline today? No, I'm just curious why we want to call this Bill today. I'm sure with the help that you have gotten from the six staff people around you that you could probably manage to get this Bill called by the end of next week."

Speaker Greiman: "Mr... Gentleman from DuPage, Mr. McCracken."

McCracken: "Thank you, Mr. Speaker, to the Motion."

Speaker Greiman: "Proceed, Sir."

McCracken: "I understand the Gentleman's Motion and the fact that he was assisted in making that by the Chair. Yeah, I concede that it takes 60 votes to suspend the rule, but I'm

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

65th Legislative Day

June 19, 1987

going to ask Representative Novak to withdraw that Motion. You control the Chair. You've got the horses, you've got the votes. You can call this Bill at any time. The reason for putting the Bill back to First Legislative Day is to give the public a chance to react to the Amendment that's put on that changes the title. It's just another example of your running roughshod over us. You suspend any damn rule any time you please and you'll do it with the votes you've got. Representative Novak, I call upon you to withdraw that Motion."

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

Ropp: "Thank you, Mr. Speaker. It was my understanding by the Representative that he was clearly understanding that there was need to redefine some of the definitions in that Bill in order to make it more clear for those who are involved in the agriculture business, and I somewhat think it is a bit unfair now to want to move ahead and not do what, at least, I thought he was attempting to say before he was rudely cut off too. Is that... Representative, I don't know whether he's listening, probably doesn't really care, but I think that he was attempting to make this a better Bill because I'll sure tell you, if you expect to think that you are helping farmers by only including self-propelled equipment, you are badly mistaken. It's got to be broadened if you are going to really do any good, and I thought you were attempting to do that. Now, are you not? Representative, are you not intending to allow for that Amendment to be prepared?"

Novak: "If necessary, I can bring it back from Third Reading next week, Representative, or do it in a Conference Committee. There is plenty of time. Thank you."

Ropp: "Well, I'm not so sure that we always have to do everything in a Conference Committee, because you and I know that you

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

65th Legislative Day

June 19, 1987

never get... you don't always get what you want in a Conference Committee. Someone else makes that decision. So, I would... I would hope that you would withdraw your Motion so that a proper Amendment can be drawn for the best interests of your people who are representing agriculture, as well as those who thought what they were doing were right in the first place."

Speaker Greiman: "The question is, 'Shall Rule 36(d) be waived?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 68 voting 'aye', 47 voting 'no', none voting 'present' and the Motion carries. Third Reading. Mr. Sieben, am I correct that 894 is the Bill which you have an interest in... seems to have the same subject matter as a Bill previously considered this morning? Is that the number of the Bill?"

Sieben: "894, that's correct."

Speaker Breslin: "894, alright. The Gentleman from... with leave of the House, the Chair would like to go to Motions and consider Senate Bill 894. We have leave. Alright. Mr. Clerk, Senate Bill 894, on the Order of Motions."

Clerk O'Brien: "Senate Bill 894, I move to take Senate Bill 894 from the table. Signed by Representative Sieben."

Speaker Greiman: "The Gentleman from Henry, Mr. Sieben, on the Motion to take from the table."

Sieben: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think we have seen here in the discussion today that the Farm Implement Buyer Protection Act was a very good Act and creates a new Act and we've heard all the merits of the Bill and it was very obvious, by the vote that came down, that there was a tremendous amount of support for this Bill. I guess the disappointing part of

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

65th Legislative Day

June 19, 1987

it was the way that the Bill was handled and the way that the partisan politics came involved here. I also think that Representative Ropp has raised some questions about the extent of the Bill and what would be covered under it and I think it would have been wise to leave this on Second Reading so that some of those concerns could have been addressed, but I also realize the difficulties here in working from a position of great minority here and it's quite a frustration to have to deal with good legislation in such a manner as this. And I just want to express my dissatisfaction and my frustration with having the Bill stolen as it was, but in the spirit of cooperation, and because I strongly support the need for this legislation, I will withdraw my Motion at this time."

Speaker Greiman: "Yes, Mr. Sieben, you withdrew the Motion, is that correct?"

Sieben: "Yes, Mr. Speaker, my intention is to withdraw the Motion and I would like to express my dissatisfaction also that Representative Novak wasn't here to hear my withdrawal. Yeah, I imagine he's rather exhausted and it's... probably out having a press conference."

Speaker Greiman: "Mr... Okay, thank you... Motion is withdrawn. Mr. Clerk, withdraw the Motion. Gentleman from Lake, Mr. Matijevich, for what purpose do you seek recognition?"

Matijevich: "Well, this all reminds me of the pilot who told everybody in the plane I've got some good news and some bad news. The bad news... the bad news is that our engine broke down. The good news is that we are making good time."

Speaker Greiman: "On the Order of State Administration on Third Reading appears Senate Bill 841. Ms. Wojcik, do you wish to proceed? Out of the record. On this Order appears Senate Bill 1115. Mr. Rice, do you wish to proceed. Mr.

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

65th Legislative Day

June 19, 1987

Rice. 1115. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1115, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

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

Rice: "I would like it... could we come back to this... Mr. Speaker."

Speaker Greiman: "Yes, Mr. Rice."

Rice: "Is it possible that we can come back to this?"

Speaker Greiman: "Sure, alright, we'll take this Bill out of the record. We'll try and return to it today. On this Order appears Senate Bill 1138, Ms. Wojcik. Out of the record. On this Order appears Senate Bill 1228. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1228, a Bill for an Act in relation to conservation of marginal agriculture land. Third Reading of the Bill."

Speaker Greiman: "Gentleman from McDonough, Mr. Slater."

Slater: "Thank you, Mr. Speaker. Senate Bill 1228 would create the Illinois Conservation Enhancement Act and establishes within it two programs; the Save Illinois Topsoil Program and the Natural Resource Enhancement Program. The Act is designed to take marginal agricultural land out of production in order to promote soil and water quality and protect and support fish and wildlife habitats. I would urge its adoption."

Speaker Greiman: "Gentleman from McDonough, Mr. Slater, moves for the passage of Senate Bill 1228, and on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is open. This is final action and 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 'aye', none voting

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

65th Legislative Day

June 19, 1987

'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On this Order appears Senate Bill 1258. Mr. Homer, are you going to take that Bill? Or Mr. Cullerton, either one. Alright. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1258, a Bill for an Act to amend an Act to provide for uniform appointments and terms of various councils. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Cullerton, with leave of the House, will handle this Bill. Mr. Cullerton."

Cullerton: "I think that I am qualified to... I got this Bill from the Senate. This was a Senate Bill. It wasn't my idea, but that's what Senate Bills... sponsoring Senate Bills are all about. They are somebody else's idea, but they need to have a House Sponsor. I have had this Bill in mind for about five seconds. It's a Rock - Philip - Madigan Bill, which is a good start. It provides for uniform appointment in terms of appointed members of certain councils and boards. Terms of all these appointed members and officers expire with the passage of the Bill and members are then to be appointed as soon as practicable for terms to end on January 1st, 1989. Thereafter, members are to be appointed for two year terms beginning February 1st of each odd numbered years. There, of course, are some exceptions. Members appointed by the Governor to the Council on Aging and the Emergency Medical Services Board shall serve four year terms. Representatives of State Government on the Job Training Coordinating Council shall serve during their term of office or employment. The Amendment to the Task Force for the Study of Long Term Care Insurance may be unnecessary, but we're going to do it anyway. So, be happy to answer any questions and I think it's a very important Bill."

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

65th Legislative Day

June 19, 1987

Speaker Greiman: "Gentleman from Cook, Mr. Cullerton, moves for the passage of Senate Bill 1258. On that, Gentleman from Cook, Mr. Preston."

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

Speaker Greiman: "He indicates he will."

Preston: "Representative Cullerton, how would the passage of this Bill affect the application of the Uniform Commercial Code?"

Cullerton: "Well, when I was in law school, we used to refer to that as UCC, and as far as... of course, now I'm not a lawyer, but my staff tells me that this UCC doesn't apply to this Bill."

Preston: "And would passage of this Bill change the application of common law in Illinois?"

Cullerton: "No, this is statutory law only and that's what this statute is all about. Doesn't change any common law."

Preston: "And you didn't steal this idea from anyone on this side or the other side of the aisle?"

Cullerton: "Well, that's an interesting question. You see, I think whenever we consider Senate Bills, we are stealing the ideas of the Senators, but the Constitution requires that they pass both Houses so we sponsor these Bills. And I think you know that in Committee or even on the House floor, when you get a Bill that's from the opposite... from the other chamber, there seems to be kind of a lack of intensity that you have when you have your own Members' Bills filed originally and I sort of feel the same way about this Amendment... this Bill."

Preston: "Well, I would just like to commend Representative Cullerton on keeping a cool head and a keen eye for the passage of this fine legislation."

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

Johnson: "There are just such close parallels here that I think

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

65th Legislative Day

June 19, 1987

we ought to follow up on this thinking. Everybody knows that Representative Cullerton is a target; not of Republicans, but of certain elements within his own district and I know this Bill is extremely important to those that... to those groups. And this Bill, likewise, is one that was held up in a House Committee and really had to be amended with new sponsorship to reach the stage where it's at today. And so, I think Representative Preston and some of the others are to be commended for drawing the parallel between this and the last Bill because I think they are so close and I guess they point out the hypocrisy of the process."

Speaker Greiman: "Gentleman from Winnebago, Mr. Hallock."

Hallock: "Thank you. I think if Representative Cullerton is a target, it's only of Ellis Levin. Could I... Could I... No, I have a question. I wonder if Mr. Cullerton would yield to Mr. Giglio for a question?"

Speaker Greiman: "Alright, perhaps... Mr... excuse me, Mr. Hallock. Mr. Hallock, excuse me. Excuse me."

Hallock: "Yes, Sir."

Speaker Greiman: "Ladies and Gentlemen of the House, since we are apparently getting our good humor back, I hope, the Chair would like to point out that there is a provision in our rules that deals with decorum in debate. It is Rule 65 and I think we should all just think over this weekend about Rule 65(c). It says, 'When recognized by the Chair, the Member may then speak to the question under debate, avoiding personalities, names and discourteous language.' Now, I think we should just think about those terms and respect 65(c). Thank you. Proceed, Mr. Hallock."

Hallock: "Well, thank you for that... those thoughts and I think we do that in this House and I think we do that respectfully. And I think any comments in this House which

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

65th Legislative Day

June 19, 1987

are usually uttered are done so in good humor and good nature and I think Members take them that way. My main question to the Sponsor is does the Farm Bureau have a position on this Bill?"

Cullerton: "Well, if I could have some staff help me on that. I don't... I don't see any staff. Let me see. There is at least 50 of these Boards. Let me see if I have anything that affects farmers. Let's see. It says Les Brann is for it..."

Hallock: "Well, Mr. Speaker, this..."

Cullerton: "Gotta be some board... one second, yes, Agricultural Export Advisory Committee. So they would be in favor."

Hallock: "Well, now, let's move ahead. Thank you."

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

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

Speaker Greiman: "He indicates he will. Mr. Cullerton, will you yield? Yes, he will."

Countryman: "I notice that these... that these terms are all to start on February 1st. Do they require Senate confirmative, these appointments?"

Cullerton: "They are all to end January 1st, '89 and thereafter Members are to be appointed for two year terms beginning February 1st. They are not required to... I don't believe that it requires Senate approval."

Countryman: "Okay, are we cutting short anybody's term? Do they have a longer term? Have they been appointed to an office beyond the term that we are now cutting off?"

Cullerton: "Well, I did mention those exceptions, the Council on Aging and the Emergency Medical Services Council shall serve staggered four year terms. The other ones are all two year terms. I don't think we are cutting... I think we are cutting everyone's term and then allowing for reappointment so that there's a uniform. The whole purpose

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

65th Legislative Day

June 19, 1987

of the Bill is so that there's a uniform appointment and term so that the Leaders who make the appointments can make them all at the same time."

Countryman: "And what good does that do us as a state, keep the Governor's Office busy only when we are not in Session or..."

Cullerton: "No, the whole point of the Bill is so that when the... the people who make the appointments review appointments, (review applications) for these various councils, they know that at the beginning of every two years, with these minor exceptions, they can fill all these positions. So, it's just a... it facilitates the appointments and the analysis of all of the candidates for these different positions."

Countryman: "Well, in my experience in government, it's always been kind of good in things, probably other than the House of Representatives, to have people have staggered terms so that somebody could carry over and remember what they did the last time. This, you can..."

Cullerton: "This doesn't go to that issue of staggered terms."

Countryman: "Well, this is everybody has a two year terms that begins in '89 and ends in '91 and then likewise '91 to '93, so everybody has the same term. They can turn over the entire board, entire council."

Cullerton: "Okay, I don't know that any of these have staggered terms right now. I don't know that and so, I think it was just a matter of determining when the terms would be initially appointed. So, I could check that. It's is a... because it amends so many different board, it's a lengthy Bill. If you would like me to check that for you, I could take the Bill out of the record now, if it's that important. I doubt it, but if it is, I'd be happy to do it for you."

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

65th Legislative Day

June 19, 1987

Countryman: "Well, I... you know... I guess, you know, that it's a question of concept here, whether or not we want to make all these terms, you know... matter of fact, I was kind of surprised to see in our analysis all these different advisory boards. I thought we had kind of eliminated a lot of these things when we eliminated the commissions."

Cullerton: "No, we eliminated the commissions that cost money. We eliminated the commissions that cost money. These are advisory boards."

Countryman: "Oh, they don't... these don't cost any money?"

Cullerton: "I doubt it. There might be some travel allowance for some of the members."

Countryman: "Well, I guess, Mr. Speaker, to the Bill, if I might briefly address it. I'm just raising this concern that we have everything uniform. Our analysis says that uniform appointment of members and expirations of terms should provide all concerned with a more organized and concise system of appointment. Frankly, I don't know that that really is the... an objective of government and I don't know that it is an objective that we ought to have. I think that having some sort of a staggered term here would be an appropriate measure to carry over to the new people who would come on, what had happened by these various councils at prior times. And these appear to be citizens who donate their time to the State of Illinois and when they have done that, you know, they have an entirely new board, council, advisory commission or whatever, with no members who had the minutes of the last meeting, so to speak. It probably is not good social policy and therefore, I'd ask every Member to take that into account when they vote on this Bill."

Speaker Greiman: "Gentleman from Madison, Mr. Wolf. Mr. Wolf, Gentleman from Madison."

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

65th Legislative Day

June 19, 1987

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

Speaker Greiman: "Gentleman from Madison moves the previous question be put. All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Mr. Cullerton, to close."

Cullerton: "Yes, I would appreciate your support for this Bill. It's sponsored by Senator Rock and Philip in the Senate. Representative Madigan, myself and DeLeo in the House. It provides for the uniform appointment in terms of various councils in the state. Appreciate an 'aye' vote."

Speaker Greiman: "Question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now 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 96... 100 voting 'aye', 11 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On this Order appears Senate Bill 1266. Mr. Clerk, read the Bill."

Clerk Leone: "Senate... On page 10 of the Calendar, Senate Bill 1266, a Bill for an Act to add to the Illinois..."

Speaker Greiman: "Excuse me, Mr. Clerk. Out of the record? Alright, out of the record. On this Order appears Senate Bill 1356. Mr. Parke. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1356, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

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

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1356 allows a felony murder charge to be prosecuted in Illinois when the death occurred outside of the Illinois... of Illinois, but the underlying forceable felony was attempted or committed in Illinois. I ask for a favorable Roll Call."

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

65th Legislative Day

June 19, 1987

Speaker Greiman: "Gentleman from Cook, Mr. Parke, moves for the passage of Senate Bill 1356. On that, is there any discussion? There being... the Gentleman from DeKalb, Mr. Countryman."

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

Speaker Greiman: "Indicates he will yield for questions."

Countryman: "Now, Representative Parke, can you tell me what new crimes are added by this legislation?"

Parke: "I don't believe it affects any new crimes. I have been informed by our capable staff that it is only jurisdiction that is affected by this legislation."

Countryman: "So, what you are saying is that now Illinois will have the ability to prosecute somebody for murder if the murder occurs outside the boundaries of the State of Illinois?"

Parke: "I've been informed, in fact, that you can only prosecute felony murder if the crime only happened in Illinois. If the felony occurred in Illinois."

Countryman: "Well, let me give you an example. If somebody kidnaps somebody in Illinois, is that correct?"

Parke: "That is correct."

Countryman: "Alright, but that isn't the current law right now. Right now they couldn't be prosecuted for murder in Illinois. They'd have to be prosecuted for murder in Wisconsin."

Parke: "That is correct."

Countryman: "Alright. And that means that if Wisconsin doesn't have a death penalty and Illinois does, they could be subjected possibly to the death penalty prosecution in Illinois. Is that right?"

Parke: "That is correct, also."

Countryman: "And what... "

Speaker Greiman: "The Gentleman from Cook, oh, I'm sorry."

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

65th Legislative Day

June 19, 1987

Proceed, Sir."

Countryman: "Excuse me, Mr. Speaker. I've got one more question."

Speaker Greiman: "Proceed, Sir. I'm sorry."

Countryman: "What about the question of double jeopardy. What if they start the trial in Wisconsin, then can they try to start a trial in Illinois on murder?"

Parke: "This Bill only affects Illinois."

Countryman: "Well, double jeopardy is a right guaranteed to the people under the United States Constitution."

Parke: "Well, it's my understanding it's equal sovereigns and we cannot do that."

Countryman: "You cannot do that?"

Parke: "That is correct."

Countryman: "What if... what if the... if Illinois starts first and then Wisconsin can't... can't charge... go ahead with murder, can they?"

Parke: "You cannot be tried in both states."

Countryman: "Yes. But it depends on who starts first, doesn't it?"

Parke: "Who would... well, whoever decides to take jurisdiction, I guess that would be true."

Countryman: "Well, I mean once you get somebody that's committed a crime in two states you got extradition, and the Governors of the various states have to work out the extradition, don't they, so... "

Parke: "That is... that's correct, then."

Countryman: "So you're going... you're going to get people who are going to be subjected to extradition requests and reasons for denial of extradition involved in what... what charges can be made in one state and what can be made in another. Is that right?"

Parke: "That... that would be true."

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

65th Legislative Day

June 19, 1987

Countryman: "No further questions."

Speaker Greiman: "The Gentleman from Cook, Mr. O'Connell."

O'Connell: "Question of the Sponsor."

Greiman: "Indicates he will yield. Proceed."

O'Connell: "This may be duplicitous with Representative Countryman's, but let me just give you an example and just indicate whether I'm correct for purposes of explaining this Bill. Right now, if there is a burglary and the owner of the residence in which the burglary occurred chased the burglar outside of the house and fell and was killed, that is a Felony Murder. Is that correct? Would you ask the staff to respond?"

Parke: "Mr. Speaker, thank you. I would presume that would be true."

O'Connell: "Okay. Now if that same incident, the burglar got into his car, drove into Wisconsin with the owner of the residence in hot pursuit, if he got into Wisconsin, the owner of the residence was involved in a car accident and died, that would not be Felony Murder under current law."

Parke: "Are you... is that a question to me?"

O'Connell: "That's a question."

Parke: "That would not be murder."

O'Connell: "Now, under... under current law would that be Felony Murder?"

Parke: "One moment. Before I answer that I'd like to double check that to make sure I'm giving you the right information. One minute."

O'Connell: "Mr. Speaker, I just... I'll make the comment later. Representative, where did you get the idea for this Bill?"

Parke: "From the Senate Sponsor. I followed the normal procedure."

O'Connell: "I mean, was it staff, or... "

Parke: "No, Senate. I have to... I'm relying on staff to give me

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

65th Legislative Day

June 19, 1987

expertise on it."

O'Connell: "I'll drop that."

Speaker Greiman: "Have you concluded your remarks, Mr. O'Connell,
or... "

O'Connell: "No, I'm waiting for an answer, Mr. Speaker."

Speaker Greiman: "Pending a question. Alright."

Parke: "Mr. Speaker, may I have Representative McCracken address
that question, because it's a technical... "

O'Connell: "I have no objection."

Parke: "Since when are you Mr. Speaker? When were you Mr... When
were you guys anointed Mr. Speaker? Well, this seems to be
an important issue, and I... I would certainly think we'd
want expert answers to these for legislative intent. Well,
he already indicated he's not an attorney."

Speaker Greiman: "Mr. McCracken, for what purpose do you seek
recognition?"

McCracken: "To defer to Representative Homer. He is the true
expert. I think he understands the Bill and can explain it
to Representative O'Connell."

Speaker Greiman: "Mr. Parke, you have some classy staff members,
but let's proceed in an orderly way. Proceed, Sir."

Parke: "I would... I would like very much to have that happen."

Speaker Greiman: "He has yielded to Mr. Homer, who is not so on
recognition. Mr. McCracken, for what purpose do you seek
recognition?"

McCracken: "Representative Parke has asked me to try to answer
that question, and I'd like to proceed."

Speaker Greiman: "Well, that would be contra to our usual
practices, unless we can get leave for that. Does the
Gentleman have leave to allow Mr. McCracken to... Mr.
Cullerton, what... there has been objection to that, Mr.
McCracken. Mr. Parke, proceed."

Parke: "Representative O'Connell, I do not have an answer to your

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

65th Legislative Day

June 19, 1987

hypothetical question."

O'Connell: "Okay, well, I think it's important in terms of our legislative intent to really define. My understanding of current law is that if there is, in relation to your Bill, that if the actual substantive felony occurred in Illinois, and the subsequent death occurred in a different state, that it would not be Felony Murder. That if, in the example I gave of a hot pursuit, if the homeowner, in pursuing the burglar, was killed in his car while within the boundaries of Illinois, and it was in hot pursuit of the burglar, that it would be Felony Murder if everything were in the State of Illinois. All I'm asking is that if it goes beyond the borders of Illinois, then does it become a Felony Murder?"

Parke: "Well, it would seem to me that when we took it to court that it would depend on the facts of the case."

O'Connell: "But, I think we're presenting some legislation... and I'm not getting nit picky... we're presenting some legislation upon which somebody is supposed to rule, and we've got... I need to know what the intent of this is. Is it not a Felony Murder if the person crosses the boundaries of this State's jurisdiction? Is that no longer Felony Murder? That's the question. Okay. Representative Parke, it is your intent that if current law precludes the fact situation I gave where the homeowner is chasing a burglar who committed a Felony in his house, and if the current law precludes a Felony Murder upon crossing the state jurisdiction, that homeowner is killed, it is your intent that that would now be classified as a Felony Murder under this Bill?"

Parke: "That is correct."

O'Connell: "Fine. Thank you very much. Good Bill."

Parke: "Thank you."

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

65th Legislative Day

June 19, 1987

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

McCracken: "Thank you, Mr. Speaker. My understanding of the Bill is that the Supreme Court ruled some time ago that the Felony, the commission of the forcible Felony, which I had always thought was a predicate to the Felony Murder, did not constitute an element of the crime so that the rule where, when an element of the crime takes place in Illinois, any part of the crime, or any act committed in the course of the commission of the crime, whether it occurred outside of the State or not, can be subject to prosecution in Illinois. That is, the Illinois courts have jurisdiction. The Supreme Court held, apparently, that the underlying forcible Felony attempt was not an element of Felony Murder. That resulted in the application of the general rule precluding prosecution for the murder in Illinois. What this will do, or what it seeks to do, is state... in effect, overrule that decision holding that the underlying forcible Felony attempt or commission, is an element in the offense of Felony Murder. Now the question becomes, does that constitute wise public policy, and I think the answer to that is, 'Yes.' Felony Murder is committed where in the course of the commission of a forcible Felony a murder occurs. As a matter of fact, it doesn't have to be the Felon who committed the murder. There have been successful prosecutions for Felony Murder where a policeman was shot by another policeman while during the course of an armed robbery, this injury and subsequent death occurred. So the question becomes, do we want the opportunity... the ability to prosecute Felony Murder where part of the commission of the act occurs outside the State, I think the answer is, 'Yes'. This would bring us within the general rule that where any element of the crime is committed in Illinois, that crime

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

65th Legislative Day

June 19, 1987

may be prosecuted in Illinois regardless of where it ultimately or otherwise occurred. The... the issue of whether... well, strike that. That's all. Thank you."

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

Parke: "Thank you, Mr. Speaker. As you can tell by virtue of the dialogue that we've had on this Bill, it is a complex question, but, from the people that I've been working with, and the professionals in this arena, they feel that this Bill is needed, that the State of Illinois should have an opportunity to prosecute people that commit crimes in Illinois, and I ask for a positive vote on this Bill."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open and 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 87 voting 'aye', 20 voting 'no', 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On this Order appears Senate Bill 1428. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1428, a Bill for an Act in relationship to the rehabilitation of abandoned housing. Third Reading of the Bill."

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

Turner: "Thank you, Mr. Speaker. I would like to bring this Bill back to Second Reading for purposes of a technical Amendment. Can I have leave?"

Speaker Greiman: "The Gentleman asks leave of the House to return his Bill to the Order of Second Reading for the purposes of an Amendment. Does he have leave? Leave is granted. Mr. Clerk, are there any Amendments? Mr. Van Duyne, for what purpose do you seek recognition?"

Van Duyne: "Just a parliamentary inquiry, Mr. Speaker."

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

65th Legislative Day

June 19, 1987

Speaker Greiman: "Yes."

Van Duyne: "I thought the next Bill up was 1384."

Speaker Greiman: "We're at... we're at a Special Order at this time."

Van Duyne: "I'm sorry. Yes, I'm sorry. I'm following the Calendar and you're on Special Order."

Speaker Greiman: "Yes. Proceed, Mr. Turner."

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

Turner: "Thank you. Amendment #1 adds some additional language in terms of mortgagee and owners of the particular property. It explains what the technique will be used in terms of notification. I move for your favorable acceptance of this Amendment."

Speaker Greiman: "The Gentleman from Cook, Mr. Turner, moves for the adoption of Amendment #1 to Senate Bill 1428. Is there any discussion? The Gentleman from DuPage, Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. I haven't seen the Amendment. I'm happy to consider it now. I wonder if he could just explain in a little more detail what it does and how it affects the Bill."

Turner: "Okay. Actually, it expands the definition of... well it clarifies 'notice'. In the original Bill it says that we will contact the owner of record, and this... with this Amendment we would not only try to contact the owner, but also the mortgagee or lien holder on the property so that it would make sure that proper notice has been served on all who have interest in the property."

McCracken: "So that you would not be allowed to use the abandoned property for your purpose until notice has been given, not only to the record owner, but anyone who has an interest in the property."

Turner: "Absolutely."

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

65th Legislative Day

June 19, 1987

McCracken: "An interest of record, I should say."

Turner: "That's right."

McCracken: "Alright. Thank you."

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

Clerk Leone: "No further Amendments."

Speaker Greiman: "Third Reading. The Gentleman asks leave of the House to waive the appropriate rules so that this Bill may be heard at this time. The Gentleman has leave to use the Attendance Roll Call. Mr. Clerk, read the Bill on Third Reading."

Clerk Leone: "Senate Bill 1428, a Bill for an Act in relationship to the rehabilitation of abandoned housing. Third Reading of the Bill."

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

Turner: "Thank you, Mr. Speaker. This Bill creates the Abandoned Housing Rehabilitation Act. It permits not-for-profit organizations to petition for temporary possession of certain abandoned residential property for use as rental property for low income persons and families. It's unsuccessful efforts have been made to contact the owner of the property, it provides for contents of the petitions to bring due process and submission for rehabilitation plans. It provides for compensation to the not-for-profit organization for expenditures if the owner elects to regain possession of the property and it provides for the assumption of existing leases, provides for petitions for judicial deed under specified circumstances, and it also provides for a rule to show cause and dismissal procedures if the not-for-profit organization fails to file required

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

65th Legislative Day

June 19, 1987

plans for use of the property for the purpose permitted under this Act. I'd ask for a favorable support of this great Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Turner, moves for the passage of Senate Bill 1428, and on that the Gentleman from DuPage, Mr. McCracken."

McCracken: "I think it's a good idea to try to rehabilitate the abandoned housing as fast as possible. I'm concerned that we don't do it so quickly, or give a quit-claim deed to the organization so quickly that the owner or the lien holder is foreclosed from his remedies. You're going to give notice to all parties of record. You're going to give notice and an opportunity to respond to your petition? Is that right?"

Turner: "That's right."

McCracken: "And how soon, or by what means, do you make the notice? Is it by mail, by personal service, or what?"

Turner: "Well, according to Amendment #1 that we just adopted to the Bill, it would be by certified mail to the latest known address by the plaintiff organization."

McCracken: "Okay. And how soon after the mail, or the receipt of the mail, does the party have to respond?"

Turner: "Well, he'd have a maximum of 45 days to respond, and...
"

McCracken: "And after that you could move for a default judgment for failure to answer, I take it?"

Turner: "That's right. The problem that we're having, especially in some of our more... the large urban areas, is that if the property stays abandoned too long, scavengers move in and they start to strip the property for plumbing, bricks and other things, so it's... it's a very serious problem and I know in the City of Chicago. It may not be as bad in downstate communities, but when a property sits abandoned

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

65th Legislative Day

June 19, 1987

for a long period of time, it then becomes a means of survival for people who live in some poorer communities. So we're just trying to save, pretty much, the depleting housing stock in the city."

McCracken: "Yes. No. I agree. I have no problem with the concepts. I'm just concerned about, you know, the means for getting this accomplished."

Turner: "There are some other, I won't call them flaws, but there are some things in this Bill that still need to be corrected and we hope to amend it,..." "

Speaker Greiman: "Representative Breslin in the Chair."

Turner: "... or I should say, deal with it when it goes over to the Senate. The City, I know, is still looking at a few lines with it as well as some of our technical review staff here..." "

McCracken: "Alright. Well, let me... let me make my comments in the form of suggestions."

Turner: "Okay."

McCracken: "I think we have to make certain that we do not default people without their receiving notice and having an opportunity to be heard. I would suggest that maybe the better way to make service is by personal service and in the event that fails, by certified mail or publication. Secondly, I think you should specify what constitutes abandonment. Abandonment certainly may be the case for the owner of record, but there may be a tax purchaser who has intervened who also should be made apprised of this, and maybe the Bill already does that. I'm not sure. But the tax purchaser should be taken into account. Also..." "

Turner: "Well, the tax purchaser, I think the fact that you have a lien holder has to be notified, I would assume that the tax purchaser would be in essence a lien holder on the particular property, so that is a consideration."

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

65th Legislative Day

June 19, 1987

McCracken: "If that's the case, that's fine."

Turner: "Right."

McCracken: "But I think we should consider whether that's the case."

Turner: "And the other thing that's unique about this Bill is that it allows for the owner of the property to, you know, to petition to have the property given back to him, if he wants, so it's not the intent to take property from a person... "

McCracken: "No, I know. I know."

Turner "... but to try to save the existing housing stock."

McCracken: "I know. One last thing. I think you should specify under what basis the owner regains the property or does not lose the property in the first place. So let me ask you a question. If the owner shows up and protests the petition for quit-claim deed, does he win automatically?"

Turner: "Well, Section 5 of the Bill says that the owner of the property shall be entitled to regain possession of the property by petitioning to the court for restoration of the... possession, and upon due notice to the plaintiff organization of a hearing of such petition. At the hearing the court will determine the proper compensation to the plaintiff organization for its expenditures. So, in essence, the property could be given back right away, but the organization that has rehabed that particular property, there would have to be a relationship worked out where they are, in fact, compensated for the moneys that they have put in to that particular property to rehab it."

McCracken: "Well, you wouldn't rehab before clearing the title, would you. I mean, you would rehab only after this court procedure giving you title to the property."

Turner: "That's right."

McCracken: "Okay. Alright. Thank you."

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

65th Legislative Day

June 19, 1987

Speaker Breslin: "Representative... Representative...
 Representative Breslin in the Chair. Representative
 Frederick."

Frederick: "Thank you, Madam Speaker. Will the Sponsor yield for questions?"

Speaker Breslin: "He will yield."

Turner: "Yes, he will."

Frederick: "Yes. Representative Turner, would this Bill supercede a local ordinance that forbids the living together of non-related people?"

Turner: "I'm sorry. I didn't hear."

Frederick: "Would your Bill supercede a local ordinance that forbids the living of non-related people in a single residence. Would a local community be able to come in and prevent homeless people, for example, living together in a residence in their town?"

Turner: "I don't think so. I don't think that it would stop that. No. It would not."

Frederick: "You think your Bill would be the law, actually."

Turner: "Well, basically... "

Frederick: "And a local ordinance would have no jurisdiction in this case."

Turner: "Basically, what we're trying to do is that in the case of abandoned property, it would allow an... a community organization to acquire title to the property, to rehab it, and put it back together,..."

Frederick: "Yes. I know that."

Turner: "... and that's the only intent that we have here. Now, the not-for-profit organization would then have to rent a certain percentage of the property to low income residents, and if the new owner, in fact, acquired the property back, he'd have to honor the leases of those people who are living in that property. Now if there are no leases, then

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

65th Legislative Day

June 19, 1987

I assume that the new owner could have the freedom to do whatever he wants to do with that property. I think... "

Frederick: "This would serve as a temporary residence for those people, is that correct? Or could it be on-going ad infinitum?"

Turner: "It would be temp... it could be within the confines of the lease that they have available, so if you're not on a lease and it's month to month, then it would have to be month to month. The only other restriction would be if, in fact, it was moneys that we used for, say low income or for homeless people, and it said that a certain percentage of that money was used to rehab that property, then the owner, in fact, would have to honor the commitment of the... of the stipulations that were used and the moneys that were used to rehabilitate that property. So... "

Frederick: "Alright. Thank you."

Turner: "Okay."

Speaker Breslin: "Any further discussion? Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. I rise in support of Representative Turner's Bill. I had the opportunity to work with Representative Turner in the Subcommittee on Housing. This Bill goes a long way of addressing some problems that are very real in Representative Turner's district, and problems that exist in my district. It will provide not only some temporary housing, but it will also get property back on to the tax rolls in productive property. It protects mortgagees and lien holders, and I urge your support."

Speaker Breslin: "The question is, 'Shall Senate Bill 1428 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this

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

65th Legislative Day

June 19, 1987

question there are 108 voting 'aye', 3 voting 'no', and 1 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1470, Representative Bowman. Out of the record. Senate Bill 1484, Representative Slater. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1484, a Bill for an Act to amend the Illinois Controlled Substances Act. Third Reading of the Bill."

Speaker Breslin: "Representative Slater."

Slater: "Thank you, Madam Speaker. Senate Bill 1484 simply reschedules several drugs to reflect changes which have been made at the Federal level. I would urge its passage."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1484, and on that question, is there any discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes. Will the Sponsor yield?"

Speaker Breslin: "He will."

Cullerton: "What does it do?"

Slater: "It reschedules a number of the drugs which we classify in the Controlled Substances Act,..." "

Cullerton: "Oh, yes."

Slater: "... to accord with changes which have been made in the Federal law, Representative."

Cullerton: "Is this similar... is this similar to a Bill that Representative Homer had?"

Slater: "I believe so."

Cullerton: "Is there a substance a l f e n t a n i l?"

Slater: "Yes there is."

Cullerton: "And what does it do with that particular substance?"

Slater: "Changes the classification from Class I to Class II, or

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

65th Legislative Day

June 19, 1987

something of that nature."

Cullerton: "And what's the significance of that?"

Slater: "It deals with the penalties that can be applied as it relates to an offense of possession."

Cullerton: "Does it increase them or decrease them?"

Slater: "I'm sure it increases them."

Cullerton: "You're sure it increases them or possibly decreases."

Slater: "It could do either. All I understand the Senate Sponsor is trying to do with this is to conform those particular substances to which you made reference to the Federal law. There have been classification changes that have stepped them up or stepped them down."

Cullerton: "Yes. And I'm going to vote for it. I'm going to definitely vote for it, but there are some people who might not want to vote for it if they think they are... we are reducing penalties. You know how people get all exercised over that around here, about reducing penalties, and so I'm going to vote for it. I just wanted to make sure we knew that this alfentanil, or whatever, is going from a Schedule I to a Schedule II."

Speaker Breslin: "The question is, 'Shall Senate Bill 1484 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 112 voting 'aye', none voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. With leave of the Body, I'd like to go back now to Senate Bill 841 for Representative Wojcik. Clerk, read the Bill."

Clerk Leone: "Senate Bill 841, a Bill for an Act to amend the Illinois Administrative Procedure Act. Third Reading of the Bill."

Speaker Breslin: "Representative Wojcik."

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

65th Legislative Day

June 19, 1987

Wojcik: "Yes, Madam Speaker and Members of the House. Senate Bill 841 amends the Illinois Administrative Procedure Act to provide that no proposed rule, amendment or repealer shall be accepted for filing by the Secretary of State, nor shall it take effect for 45 days after the Secretary's receipt of a notification from the Agency of its refusal to modify or withdraw rule making, which has been objected to by the Joint Committee and this would be effective immediately, and I ask for its favorable passage."

Speaker Breslin: "The Lady has moved for the passage of Senate Bill 841, and on that question, is there any discussion? The Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you. Would the Sponsor yield for a question?"

Speaker Breslin: "She will."

Ryder: "Representative, as a Member of JCAR I am wondering why it's necessary to say that these rules don't take into effect for 45 days. Why do we have to wait? That's the purpose of making the rules is to say that they become effective."

Wojcik: "It is the intent of the individual who proposed this type of legislation to avoid additional costs that some manufacturing companies are facing."

Ryder: "I can understand in a manufacturing sense why that would work, but what about the various agencies and departments who have certain rules that mean dollars and cents to the State of Illinois. In essence, because of the problems that we now have in prolonging payments, this is making a bad situation worse in those circumstances. Wouldn't you not agree?"

Wojcik: "Would you repeat that again, please?"

Ryder: "Sure. I understand what you are talking about in a manufacturing sense, and how 45 days may be necessary there, but the Bill as it has progressed... as it is

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

65th Legislative Day

June 19, 1987

proposed, is overly broad because it prohibits various other state agencies like Public Aid, Public Health, Mental Health, from putting into effect rules that might save them money, might save the taxpayers money, might assist in providing dollars to various and sundry other recipients or providers. You are taking away the ability of JCAR and other folks to make rules in the fashion to which they have become accustomed. My question is, why are we doing this?"

Wojcik: "Exactly what I said before with the first intent. It is allowing businesses to adjust to the first rule and to save them some additional cost. It seems that a rule is made, and then as time goes by, they change the decision of the rule, and therefore hundreds of dollars are put into the areas that they have suggested and find out later on that it's not necessary, and I think that's why the 45 days are asked for."

Ryder: "Thank you, Representative. To the Bill."

Speaker Breslin: "Proceed."

Ryder: "Thank you. I think the Bill is well intentioned. The Sponsor has indicated that the Bill was meant to take care of the business interest under this. For that I have no objection. If the Bill could be sufficiently drawn or changed in order to do that, then I think that that is what should be done. But in essence it cripples JCAR and it cripples various other state agencies from their ability to make rules to help the very people that we're supposed to be helping. So we're faced with the dilemma of helping those in the business community that I believe need the help, and yet at the same time we're taking away from those private recipients or private providers in the various other agencies and I reluctantly indicate my opposition to the Bill."

Speaker Breslin: "The Gentleman from St. Clair, Representative

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

65th Legislative Day

June 19, 1987

Flinn."

Flinn: "Thank you, Madam Speaker. I also reluctantly arise to oppose the Bill. I've been a member of JCAR with... almost continuously since its inception, and what this Bill would do would sometimes prevent agencies from complying with Federal laws and very possibly prevent the State from being able to get Federal funds. I don't think that's the intent of the Bill. I think the Lady's intent and the Sponsor in the Senate's intent was very noble, but I do believe this is not a very wise move, and until the Bill is changed around to do more of what the intent of the Sponsor does, I would rise in opposition to the Bill and ask for a 'no' vote."

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

McPike: "Thank you, Madam Speaker. I also rise in opposition to this Bill. I believe under current law JCAR has rather extraordinary powers. If JCAR objects to rule making and determines that the adoption of a rule making constitutes a serious threat to public interest, safety or welfare, JCAR may, upon a three-fifths affirmative vote of its members, issue a statement to such effect, and thereby prohibit filing or adoption of subject rule making for a period of 180 days. So JCAR has the right to stop a rule from going into effect for a period of 6 months, as long as JCAR thinks that that rule is a serious threat to public interest, safety or welfare. Now that's pretty broad powers to give to a Joint Committee of the House and Senate. With that power I see no reason whatsoever for this Bill here. I don't know why the Bill was introduced, except perhaps the Manufacturers Association or someone else just wanted to pimp the EPA. Other than that there's no reason for this Bill. None whatsoever, and the Bill

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

65th Legislative Day

June 19, 1987

should be killed."

Speaker Breslin: "Representative Wojcik to close."

Wojcik: "Yes, Madam Speaker and Members of the House. Actually the Bill is a pro-business Bill. It does not cripple the state agencies. It does cripple... It does not cripple JCAR. It does cripple the state agencies. What is wrong with 45 extra days, especially when the EPA is involved. Many, many, many of the companies in the State of Illinois are losing money just because of the rigid rules that are placed upon them and later on its a different story. It's a pro-business Bill. It's good for the small businesses and the manufacturers and I do ask for its favorable passage."

Speaker Breslin: "The question is, 'Shall Senate Bill 841 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Hicks, one minute to explain your vote."

Hicks: "Thank you, Madam Speaker. With the red votes going up, I think I'll just shut up. I believe I know when to be quiet."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? Representative Wojcik, for what... one minute to explain your vote."

Wojcik: "I'd like to explain my vote. I'd like to thank the 20 greens up there for sticking with me after yesterday and being called a sexist and today I found out that now I only have 20 friends. Yesterday I had 33. But I still think it's a good Bill and you should vote 'yes'."

Speaker Breslin: "It's a good thing the weekend is coming soon. Have all voted who wish? The Clerk will take the record. On this question there are 25 voting 'aye', 88 voting 'no', and the Bill fails. Ladies and Gentlemen, the next Order of Business is a Special Order of Call on Economic

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

65th Legislative Day

June 19, 1987

Development Second Reading. First Bill is Senate Bill 1. Out of the record. Senate Bill 704, Representative Didrickson. Clerk, read the Bill."

Clerk Leone: "On page 15 of the Calendar, Senate Bill 704, a Bill for an Act to amend the Minority and Female Business Enterprise Act. Second Reading of the Bill. There were no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1, offered by Representative Didrickson and Young."

Speaker Breslin: "Representative Didrickson."

Didrickson: "I'm not certain of the number of Floor Amendment #1. Is this the only Amendment filed. Then that would help me."

Speaker Breslin: "Mr. Clerk, is this the only Amendment filed?"

Clerk Leone: "There are four Amendments filed. This is the only one sponsored by Representative Didrickson."

Speaker Breslin: "Representative Didrickson, this is the only Amendment sponsored by yourself."

Didrickson: "Okay. Thank you very much. Floor Amendment #1 puts, to my understanding, some agreed language with regards to deleting all of the determinents for waiver of the Minority Female Enterprise Act, or the guidelines, and it also deletes the sentence which includes 'who is the lowest qualified bidder'. What it does retain is that not only the council or the agency may be able to make the waiver with regards to the Minority Female Enterprise Act."

Speaker Breslin: "The Lady has moved for the adoption of Amendment #1 to Senate Bill 704, and on that question, is there any discussion? Hearing none, the question is, 'Shall Senate Bill... Shall Amendment #1 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the

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

65th Legislative Day

June 19, 1987

Amendment is adopted. Are there any further Amendments?"

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

Speaker Breslin: "Representative Young."

Young: "Withdraw Amendment #2."

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

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

Speaker Breslin: "Representative Young."

Young: "Withdraw Amendment #3."

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

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

Speaker Breslin: "Representative Young."

Young: "Withdraw Amendment #4."

Speaker Breslin: "Withdraw #4. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Representative Didrickson, for what reason do you seek recognition?"

Didrickson: "Thank you, Madam Speaker. At this time I would like to put Senate Bill 704 into Interim Study."

Speaker Breslin: "Representative Didrickson asks leave to return this Bill to the Order of Interim Study. Does she have leave? Hearing no objection, she has leave. The next Bill is Senate Bill 796, Representative Panayotovitch. Clerk, read the Bill."

Clerk Leone: "Senate Bill 796, a Bill for an Act to amend the Employee Ownership Assistance Act. Second Reading of the Bill. Amendments #1 and #8 were adopted on the Order of Second Reading."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "There are no Motions filed and no further

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

65th Legislative Day

June 19, 1987

Amendments."

Speaker Breslin: "Third Reading. Senate Bill 916, Representative Olson. Clerk, read the Bill."

Clerk Leone: "Senate Bill 916, a Bill for an Act to amend an Act concerning the regulation of fishing, hunting and trapping. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Rea."

Rea: "Withdraw."

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

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1249, Representative Mautino. Is the Gentleman in the Chamber? Out of the record. Senate Bill 1300, Representative Keane. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1300, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 and #2 were withdrawn. Next Amendment is Amendment #3, offered by Representative Keane."

Speaker Breslin: "Representative Keane."

Keane: "Withdraw Amendment #3."

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

Clerk Leone: "Floor Amendment #4, offered by Representatives Ewing and Keane."

Speaker Breslin: "Representative Ewing."

Ewing: "Withdraw Amendment 4."

Speaker Breslin: "Withdraw #4. Any further Amendments?"

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

65th Legislative Day

June 19, 1987

Clerk Leone: "Floor Amendment #5, offered by Representative Keane."

Speaker Breslin: "Representative Keane."

Keane: "Thank you, Madam Speaker. Those of you... we had this Bill before on the Amendment process yesterday, and I was in the process of explaining Amendment #3, which now becomes Amendment #5. It does make a number of changes, or not changes, as much as cleanups on the TIF Bill. It gives the definition of a blighted area. It adds a definition of an industrial park/conservation area. It clarifies that a redevelopment project can be either public or private. It clarifies that the cost of rehab reconstruction and so forth can apply to public or private buildings and fixtures. It clarifies that existing TIF's made clear by demolition and public or privately owned buildings. It creates a new TIF power for certified municipalities, creating what is called quote 'Tax Increment Economic Development Advisory Committee'. Gives the Department of Revenue authority to establish complaints on TIFs and establishes a penalty clause to make it a Class A misdemeanor, less than one year in prison, up to \$1,000.00 fine for persons who knowingly file or cause to be filed false information for purposes of increasing the amount of state incremental tax revenue."

Speaker Breslin: "The Gentleman moves the adoption of Amendment #5. On that question the Lady from Cook, Representative Didrickson."

Didrickson: "Yes, Madam Speaker, will the Sponsor yield for a question?"

Speaker Breslin: "He will."

Didrickson: "Representative Keane, this Amendment sounds like it's pretty comprehensive TIF District expansion. Is that correct?"

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

65th Legislative Day

June 19, 1987

Keane: "No. It has nothing to do with expansion? That was Amendment #1 which was withdrawn."

Didrickson: "What you are doing with Amendment #5 here does not expand the TIF Districts as we know it today?"

Keane: "No."

Didrickson: "It does some redefinitions?"

Keane: "Yes."

Didrickson: "Of blighted areas?"

Keane: "Pardon me. Yes."

Didrickson: "It redefines blighted areas?"

Keane: "Right. It redefines blighted areas... it redefines blighted areas and the other items that I covered in my presentation."

Didrickson: "How does it redefine 'blighted area', and I think that's important because TIF Districts are an economic development tool for quote, unquote 'blighted areas', and some of those TIF Districts aren't really blighted areas."

Keane: "It only adds 'in blighted areas'. This Amendment only adds where it's blighted because of flooding. Where you have a flooding situation."

Didrickson: "So then we can create a TIF District with regards to areas that are flooded?"

Keane: "No. TIF Districts have already been created, if they are dealing with sales tax reimbursement, which is the most sought after TIF Districts. There will be no more creation of those TIF Districts. We are not creating any sales tax TIF Districts. That is locked in."

Didrickson: "With regards to the state sales tax shares that you are talking about."

Keane: "Right. Right."

Didrickson: "We put a cap on that."

Keane: "We've,... yes."

Didrickson: "Right. And we have been unable to fund even what we

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

65th Legislative Day

June 19, 1987

did there."

Keane: "Right. I didn't hear the last question."

Didrickson: "And we've been unable to fund that commitment."

Keane: "No. We funded that last year, in fact the last... "

Didrickson: "Now we're about six... we're about six million dollars short of what the mayors want."

Keane: "Well, that may be, but, you know, the... last year we funded the TIF. We are not... we have not yet appropriated the funds for that. The discussions are still going on regarding what is necessary to fund TIF for this year, and what is needed, you know, what's needed."

Speaker Breslin: "Any further discussion? If not, the question is, 'Shall Amendment #5 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 Leone: "Floor Amendment #6, offered by Representatives Ewing and Keane."

Speaker Breslin: "Representative Ewing."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House. This Amendment makes a small change in the definition on page 9 of the Bill which we just passed. The thing... it doesn't add to it. It only brings it back to the way it was before Amendment 5 was adopted. We had put in some modifying language as to the number of years in which a subdivision had to have been established. The old law didn't require that and we are, by this Amendment, taking out that requirement."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #6 to Senate Bill 1300. On that question the Gentleman from Cook, Representative Keane."

Keane: "I support the Amendment. It clears up a technical difficulty in the Bill."

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

65th Legislative Day

June 19, 1987

Speaker Breslin: "The question is, 'Shall Amendment #6 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 Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1400, Representative Panayotovich. Out of the record. Representative Ryder is recognized to present a Motion on Senate Bill 1273. That Bill appears on page 26 on your Calendar. It's on the Consent Calendar Third Reading. Representative Ryder."

Ryder: "Thank you, Madam Chairman. I wish to make a Motion on Senate Bill 1273 to take it back to Second Reading for the purposes of an agreed Amendment."

Speaker Breslin: "The Gentleman has asked leave to return Senate Bill 1273 to the Order of Second Reading for the purposes of an Amendment. Does he have leave? Hearing no objections, the Gentleman has leave. Read the Bill on Second, Mr. ... excuse me. Is an Amendment filed, Mr. Clerk?"

Clerk Leone: "Senate Bill 1273, Floor Amendment #2 is being offered by Representative Ryder."

Speaker Breslin: "Representative Ryder."

Ryder: "Thank you, Madam Speaker. This Amendment complies with requests made during Committee to identify and clarify exactly that which the Bill required. The Amendment now does that, and I would ask for it to be adopted."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to Senate Bill 1273, and on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes. We are having a little difficulty finding the... finding the Amendment. Which Bill is this again? I

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

65th Legislative Day

June 19, 1987

know we talked about it, but which Bill is this?"

Speaker Breslin: "Representative Ryder."

Ryder: "Thank you. Representative, this is a Bill that has physical education test based on a national norm test printed on the report cards for the school building or school district."

Cullerton: "I don't think the Amendment has been printed. That's what my problem is."

Ryder: "Representative, I know that it has because we've filed it earlier this week. We've been working with your staff and your Technical Review Committee to achieve that."

Cullerton: "Well, I know it should have been printed, but I don't think it has been. And I... I'm not against it. I'm sure it's consistent with what we talked about, but I don't believe it's been printed and distributed, and I wondered if you could... "

Speaker Breslin: "Mr. Clerk, can you check for us please? It has not been printed and distributed, Representative Ryder. In light of that, Representative Ryder, would you like to leave this Bill on the Order of Second Reading and then we can hear it again and you can get leave to put it back on the Consent Calendar, if the Body agrees, at a later date."

Ryder: "Thank you, Madam."

Speaker Breslin: "The Parliamentarian recommends, Representative Ryder, that you get leave to put this Bill on the Order of the Consent Calendar Third Reading, First Day, so then it will move properly along the ordinary course. So Representative Ryder asks leave to move this Bill, Senate Bill 1273, to the Order of the Consent Calendar, First Day. Does he have leave? Hearing no objections, the Gentleman has leave."

Ryder: "Thank you."

Speaker Breslin: "Representative Brunsvold, for what reason do

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

65th Legislative Day

June 19, 1987

you rise?"

Brunsvold: "Thank you, Madam Speaker. Yesterday I made a Motion and it was... had leave to consider immediately House Bill 911. That Bill, however, was not physically in the possession of the well. It is now and I wonder if I may proceed with that Motion?"

Speaker Breslin: "How long will that discussion take, Representative?"

Brunsvold: "No time. Madam Speaker. It's agreed on and all we have to do is vote on it."

Speaker Breslin: "Okay. Then the Bill is Senate... House Bill 911... "

Brunsvold: "House Bill 911."

Speaker Breslin: "Okay. We'll go to the Order of House Bill 911. Representative Brunsvold."

Clerk Leone: "House Bill 911, a Bill for an Act to amend an Act in relationship to emergency telephone systems. Third Reading of the Bill."

Brunsvold: "House Bill 911 in its present form was on the Consent Calendar. Representative McCracken and I discussed, and Representative Frederick agree now, this is simply a Bill to do some studies on funding for state-wide 911 system, and I know of no opposition at this time. I want to ask for its passage."

Speaker Breslin: "Representative Brunsvold has moved for the passage of House Bill 911, and on that question, is there any discussion? Hearing none, the question is 'Shall House Bill 911 pass?' 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 115 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Giglio

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

65th Legislative Day

June 19, 1987

in the Chair."

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

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. I would ask leave at this time to put Senate Bill 173... to suspend the appropriate rules to... I think it's 37(g)... to allow Senate Bill 173 to be heard during the Fall Session. There has been an agreement with all of the parties concerned about this Bill that the Bill remain on the Order of Second Reading for further negotiations. We will do that over the summertime, and if there is an agreement, we will... would like to be able to present that agreement to the House in the Fall Session. It has been agreed to by both sides of the aisle and the interested parties."

Speaker Giglio: "The Lady asks leave to suspend the appropriate rules to have Senate Bill 173... have the deadline extended on Senate Bill 173. Does the Lady have leave by the Attendance Roll Call? Leave is granted. Representative Rea."

Rea: "Thank you, Mr. Speaker. I have a Motion in terms of House Resolution 517, which is agreed on both sides of the aisle, to discharge the Select Committee on Coal Development and Marketing from further consideration and advance it to the Speakers Table, House Resolution 517, and that's... as I said, agreed on both sides of the aisle."

Speaker Giglio: "The Gentleman asks leave to suspend the appropriate rule... for the immediate consideration, and on that question the Gentleman from Perry, Representative Goforth."

Goforth: "... Mr. Speaker. I agree with Representative Rea."

Speaker Giglio: "Further discussion? Further discussion? The Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker, Members of the House. As the Chairman of the Committee I also agree with

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

65th Legislative Day

June 19, 1987

Representative Rea's Motion. We never had an opportunity to consider this Resolution because it was introduced after Committees had stopped meeting, and that's the reason for his Discharge Motion and I support it."

Speaker Giglio: "The Gentleman asks leave... 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 the Motion carries. The Gentleman from Morgan, Representative Ryder."

Ryder: "Mr. Speaker, if it's appropriate, I believe that we have corrected our problems on the Amendment to 1273, and at the appropriate time I would ask for that to be considered."

Speaker Giglio: "... Bill 1273, the Gentleman asks leave to bring the Bill back to... from Third Reading to Second Reading for the purpose of an Amendment. Does the Gentleman have leave. Hearing none, leave is granted. Mr. Clerk."

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

Speaker Giglio: "Representative Ryder on Amendment #2 to Senate Bill 1273."

Ryder: "When last we left this Bill, we had a few problems with distribution of the Bill. That has now been verified and corrected and I would ask for a favorable adoption of the Amendment."

Speaker Giglio: "Any discussion? The question is, 'Shall Amendment #2 be adopted to Senate Bill 1273?' All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it. Amendment #2 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Giglio: "The Gentleman asks leave that the Bill be heard on Third Reading and immediate consideration, Consent Calendar, today. Does he have leave? Hearing none, leave

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

65th Legislative Day

June 19, 1987

is granted. The next Order of Business will be the Consent Calendar. Consent Calendar Third Reading."

Clerk Leone: "Order of Third Reading, Consent Calendar. Senate Bill 21, a Bill for an Act to amend an Act requiring the training, testing and certification of child protective investigators. Third Reading of the Bill. Senate Bill 22, a Bill for an Act to amend an Act in relationship to child abuse prevention. Third Reading of the Bill. Senate Bill 73, a Bill for an Act to amend the Probate Act. Third Reading of the Bill. Senate Bill 100 has been removed from the Consent Calendar. Senate Bill 111, a Bill for an Act to amend the Hospital Licensing Act. Third Reading of the Bill. Senate Bill 147, a Bill for an Act to amend the Nursing Home Care Reform Act. Third Reading of the Bill. Senate Bill 225, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill. Senate Bill 258, has been removed from the Consent Calendar. Senate Bill 282, a Bill for an Act to amend the Secretary of State Merit Employment Code. Third Reading of the Bill. Senate Bill 314, a Bill for an Act to amend the Legislative Commission Reorganization Act. Third Reading of the Bill. Senate Bill 524, a Bill for an Act in relationship to durable powers of attorney and the powers of attorney with respect to property. Third Reading of the Bill. Senate Bill 602, a Bill for an Act in relationship to payments of Illinois Department of Public Aid. Third Reading of the Bill. Senate Bill 646, a Bill for an Act to amend the Capitol Development Board Act. Third Reading of the Bill. Senate Bill 668, a Bill for an Act in regard to liens on dies, molds, forms and patterns. Third Reading of the Bill. Senate Bill 696, a Bill for an Act to amend an Act in relationship to the prompt payment of certain insurance claims. Third Reading of the Bill. Senate Bill 767, a

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

65th Legislative Day

June 19, 1987

Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill. Senate Bill 780, a Bill for an Act to amend the Civil Administrative Code... "

Speaker Giglio: "Mr. Clerk, excuse me. The Gentleman from Cook, Representative Cullerton. For what purpose do you rise, Sir?"

Cullerton: "I believe I heard the Clerk read Senate Bill 696, and I think he may have wished to read 697? Is that... Is it 697?"

Clerk Leone: "I'll repeat. Senate Bill 697, a Bill for an Act to amend an Act in relationship to prompt payment of certain insurance claims. Third Reading of the Bill. Senate Bill 767, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill. Senate Bill 780, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill. Senate Bill 801, a Bill for an Act to amend an Act in relationship to designation of emergency telephone numbers for use throughout the state. Third Reading of the Bill. Senate Bill 804, a Bill for an Act concerning Pertussis Vaccine. Third Reading of the Bill. Senate Bill 814, a Bill for an Act to improve the delivery of health care services in rural areas in Illinois. Third Reading of the Bill. Senate Bill 833 was added to the Consent Calendar. It's a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill. Senate Bill 883, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 929 has been removed from the Consent Calendar. Senate Bill 932, a Bill for an Act to amend the Vital Records Act. Third Reading of the Bill. Senate Bill 1003, a Bill for an Act to amend the Barber and Cosmetology Act. Third Reading of the Bill. Senate Bill 1047 has been removed from the Consent Calendar. Senate Bill 1108, a

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

65th Legislative Day

June 19, 1987

Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill. Senate Bill 1109, a Bill for an Act to amend the Civil Administrative Code. Third Reading of the Bill. Senate Bill 1142, a Bill for an Act to amend the Alcoholism and Substance Abuse Act. Third Reading of the Bill. Senate Bill 1180, a Bill for an Act to amend an Act in relationship to the rehabilitation of disabled persons. Third Reading of the Bill. Senate Bill 1231, a Bill for an Act to amend the Illinois Purchasing Act. Third Reading of the Bill. Senate Bill 1273, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 1325, a Bill for an Act to amend the Hospital Licensing Act. Third Reading of the Bill. Senate Bill 1365 has been removed from the Consent Calendar, and Senate Bill 1376 has been removed from the Consent Calendar. Senate Bill 1489, a Bill for an Act to create the Illinois Health Facilities Planning Fund. Third Reading of the Bill. Senate Bill 1501, a Bill for an Act to amend the Experimental Organ Transplantation Procedures Act. Third Reading of the Bill."

Speaker Giglio: "Mr. Clerk, would you please read the Bills that were removed from the Consent Calendar."

Clerk Leone: "Senate Bills 100, 258, 929, 1047, 1365, and 1376 were removed from the Consent Calendar. Senate Bill 833, which is on page 4 of the Calendar under Third Reading Short Debate, was added to the Consent Calendar."

Speaker Giglio: "Senate Bill 418... we had leave to hear Senate Bill 418 to be heard today, Mr. Clerk. Read the Bill."

Clerk Leone: "Senate Bill 418, a Bill for an Act in relationship to pharmacies. Third Reading of the Bill."

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

Leverenz: "Just ask leave of the House to put Senate Bill 359

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

65th Legislative Day

June 19, 1987

back on the Consent Calendar. Thank you."

Speaker Giglio: "The Gentleman asks leave. Does the Gentleman have leave to put Senate Bill 359... 359 back on the Consent Calendar? Hearing none, leave is granted. Read the Bill, Mr. Clerk. The Gentleman has leave by the Attendance Roll Call. On page 11. Alright, the question is, 'Does the Gentleman have leave to put Senate Bill 359 on the Order of Consent Calendar Second Reading?' Hearing none, leave is granted. Alright, the question is, 'Shall the Bills on the Consent Calendar on Third Reading pass?' Representative Matijevich."

Matijevich: "I might be wrong, but I think that Bill's on Second, so you're going to have to read that Bill a Third Time? No?"

Speaker Giglio: "Oh, you... you're correct, Representative Matijevich."

Matijevich: "It sure looks like it's on Second on my Calendar."

Speaker Giglio: "It is. It can not be passed today. It's on... it's on Second Reading Consent Calendar. It will appear... It will be passed in the ordinary course. Tomorrow it will be placed in its proper position. Shall these Bills pass on the Consent Calendar. 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 115 voting 'yes', none voting 'nay', none voting 'present', and these Bills, having received the Constitutional Majority, are hereby declared passed. Agreed Resolutions."

Clerk O'Brien: "Senate Joint Resolution 71, offered by Hyvetter Younge. House Resolution 593, Goforth; 594, LeFlore; 596, Terzich; 598, Mays; 599, Black; 600, Black; 601, Black."

Speaker Giglio: "Representative Matijevich."

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

65th Legislative Day

June 19, 1987

Matijevich: "Speaker, these Resolutions are all congratulatory.

We move the adoption of the Agreed Resolutions and wish everybody a happy weekend."

Speaker Giglio: "The Gentleman asks for the adoption of the Agreed Resolutions. 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 595, offered by Representative McNamara; 597, by Representative Preston; 602, by Representative O'Connell."

Speaker Giglio: "Committee on Assignments. Adjournment Resolution."

Clerk O'Brien: "Senate Joint Resolution 73. Resolved, by the Senate of the 85th General Assembly of the State of Illinois, the House of Representatives concurring herein, that when the Senate adjourns on Friday, June 19, 1987, it stands adjourned until Monday, June 22, 1987, at 12:00 noon, and when the House of Representatives adjourns on Friday, June 19, 1987, it stands adjourned until Tuesday, June 23, 1987, at 12:00 noon."

Speaker Giglio: "Representative McPike moves for the adoption of the Adjournment Resolution. All those in favor say 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it. The Resolution is adopted. Committee Report."

Clerk O'Brien: "Corrected Committee report. Senate Bill 1373 was reported from Judiciary II Committee as 'do pass' in error. The Bill should have been passed out as 'do pass Consent Calendar'."

Speaker Giglio: "Representative McPike moves that the House now stand adjourned until Tuesday, June 23, at 12:00 noon. All those in favor say 'aye', those opposed 'nay'. In the

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

65th Legislative Day

June 19, 1987

opinion of the Chair the 'ayes' have it. The House stands
adjourned."

01/11/88
09:04

STATE OF ILLINOIS
85TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

PAGE 1

JUNE 19, 1987

HB-0911	THIRD READING	PAGE	167
SB-0021	THIRD READING	PAGE	170
SB-0022	THIRD READING	PAGE	170
SB-0069	THIRD READING	PAGE	8
SB-0073	THIRD READING	PAGE	170
SB-0111	THIRD READING	PAGE	170
SB-0147	THIRD READING	PAGE	170
SB-0161	SECOND READING	PAGE	55
SB-0170	THIRD READING	PAGE	9
SB-0172	THIRD READING	PAGE	14
SB-0172	OTHER	PAGE	28
SB-0173	MOTION	PAGE	168
SB-0225	THIRD READING	PAGE	170
SB-0241	THIRD READING	PAGE	28
SB-0242	SECOND READING	PAGE	6
SB-0282	THIRD READING	PAGE	170
SB-0314	THIRD READING	PAGE	170
SB-0359	MOTION	PAGE	172
SB-0418	RECALLED	PAGE	77
SB-0418	THIRD READING	PAGE	172
SB-0454	SECOND READING	PAGE	72
SB-0454	SECOND READING	PAGE	82
SB-0454	MOTION	PAGE	127
SB-0454	OUT OF RECORD	PAGE	76
SB-0516	THIRD READING	PAGE	29
SB-0523	RECALLED	PAGE	30
SB-0523	THIRD READING	PAGE	33
SB-0524	THIRD READING	PAGE	170
SB-0586	THIRD READING	PAGE	34
SB-0600	RECALLED	PAGE	77
SB-0600	THIRD READING	PAGE	78
SB-0602	THIRD READING	PAGE	170
SB-0646	THIRD READING	PAGE	170
SB-0668	THIRD READING	PAGE	170
SB-0697	THIRD READING	PAGE	170
SB-0704	SECOND READING	PAGE	159
SB-0704	OTHER	PAGE	160
SB-0767	THIRD READING	PAGE	170
SB-0774	RECALLED	PAGE	34
SB-0774	THIRD READING	PAGE	39
SB-0780	THIRD READING	PAGE	171
SB-0790	RECALLED	PAGE	79
SB-0790	THIRD READING	PAGE	81
SB-0796	SECOND READING	PAGE	160
SB-0801	THIRD READING	PAGE	171
SB-0804	THIRD READING	PAGE	171
SB-0814	THIRD READING	PAGE	171
SB-0833	THIRD READING	PAGE	171
SB-0841	THIRD READING	PAGE	154
SB-0855	SECOND READING	PAGE	62
SB-0856	THIRD READING	PAGE	44
SB-0883	THIRD READING	PAGE	171
SB-0894	MOTION	PAGE	129
SB-0912	SECOND READING	PAGE	62
SB-0916	SECOND READING	PAGE	161
SB-0932	THIRD READING	PAGE	171
SB-0945	RECALLED	PAGE	45
SB-0945	THIRD READING	PAGE	47
SB-1003	THIRD READING	PAGE	171
SB-1057	SECOND READING	PAGE	8
SB-1074	THIRD READING	PAGE	53
SB-1108	THIRD READING	PAGE	171
SB-1109	THIRD READING	PAGE	172
SB-1142	THIRD READING	PAGE	172
SB-1180	THIRD READING	PAGE	172

01/11/88
09:04

STATE OF ILLINOIS
85TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

PAGE 2

JUNE 19, 1987

SB-1215	SECOND READING	PAGE	63
SB-1228	THIRD READING	PAGE	131
SB-1231	THIRD READING	PAGE	172
SB-1255	SECOND READING	PAGE	66
SB-1258	THIRD READING	PAGE	132
SB-1263	THIRD READING	PAGE	54
SB-1273	SECOND READING	PAGE	169
SB-1273	RECALLED	PAGE	165
SB-1273	THIRD READING	PAGE	172
SB-1300	SECOND READING	PAGE	161
SB-1308	SECOND READING	PAGE	68
SB-1325	THIRD READING	PAGE	172
SB-1356	THIRD READING	PAGE	138
SB-1428	RECALLED	PAGE	145
SB-1428	THIRD READING	PAGE	147
SB-1484	THIRD READING	PAGE	153
SB-1489	THIRD READING	PAGE	172
SB-1501	THIRD READING	PAGE	172
SB-1506	SECOND READING	PAGE	69
SB-1514	SECOND READING	PAGE	8
HR-0517	NOTION	PAGE	168
HR-0559	OTHER	PAGE	5
SJR-0073	ADOPTED	PAGE	174

SUBJECT MATTER

HOUSE TO ORDER - REPRESENTATIVE BRESLIN	PAGE	1
PRAYER - FATHER ROBERT ERICKSON	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
INTRODUCTION - GRIFFIN HS BASEBALL TEAM	PAGE	2
REPRESENTATIVE LEVERENZ - BIRTHDAY	PAGE	18
REPRESENTATIVE MATIJEVICH IN CHAIR	PAGE	34
REPRESENTATIVE BRESLIN IN CHAIR	PAGE	53
REPRESENTATIVE GREIMAN IN CHAIR	PAGE	68
REPRESENTATIVE BRESLIN IN CHAIR	PAGE	151
REPRESENTATIVE GIGLIO IN CHAIR	PAGE	167
AGREED RESOLUTIONS	PAGE	173
GENERAL RESOLUTIONS	PAGE	174
COMMITTEE REPORT	PAGE	174
ADJOURNMENT	PAGE	174