

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

123rd Legislative Day

June 27, 1988

Speaker McPike: "The House will come to order. The Chaplain for today will be Father John Ossolo, of the Cathedral of the Immaculate Conception in Springfield. Father Ossolo is a guest of Representative Curran. The guests in the balcony may wish to rise and join us in the invocation."

Father John Ossolo: "Heavenly Father, You have given all people one common origin and it is Your will to gather them as one family in Yourself. Fill the hearts of all people with the fire of Your Love and a desire to insure justice for all their brothers and sisters, by sharing the good things You give us may we secure justice and equality for every human being in our State an end to all division in a human society built on love, and peace. In Your goodness watch over these who serve in public office, guide them in their deliberations with Your wisdom and love, so that people throughout Illinois may enjoy ever greater freedom, security and peace. We ask this in the name of Jesus our Lord. Amen."

Speaker McPike: "Be led in the Pledge of Allegiance by Representative Sutker."

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

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

Matijevich: "Mr. Speaker there are no excused absences on this side of the aisle."

Speaker McPike: "Thank you, Representative Kubik."

Kubik: "No excused, Mr. Speaker."

Speaker McPike: "Thank you. Take the Record, Mr. Clerk. 118 Members answering the Roll Call a quorum is present."

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Representative Giglio in the Chair."

Speaker Giglio: "House will come to order. Agreed Resolutions."

Clerk O'Brien: "House Joint Resolution 212, offered by Representative Mays. House Resolution 1653, Kubik. 1654, Stephens. 1655, Panayotovich. Senate Joint Resolutions 147, Black. 148, Regan. 153, Black and Weaver. 154, Tuerk. And 155, Granberg."

Speaker Giglio: "Representative Matijevec."

Matijevec: "Mr. Speaker, we have examined the resolutions and we, I move to adopt the Agreed Resolutions."

Speaker Giglio: "You heard the Gentlemen's Motion. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Resolutions are adopted. General Resolutions."

Clerk O'Brien: "Senate Joint Resolution 133, offered by Representative Hultgren."

Speaker Giglio: "Committee on Assignments. Death Resolutions."

Clerk O'Brien: "House Resolution 1652, offered by Representative Daley, with respect to the memory of George Daresh."

Speaker Giglio: "Matijevec moves the adoption of the Resolution. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the Death Resolution is adopted. Page 3 of the Calendar on concurrences, we're gonna go right down the list and on the first Order appears House Bill 253. Representative Wolf. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 253, a Bill for an Act to amend the Illinois Pension Code, together with Senate Amendment #2 and 3."

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

Wolf: "Mr. Speaker, I move to non-concur to Senate Amendments 2 and 3, to House Bill 253. This is a vehicle Bill for pensions and it's intended to go to conference."

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Speaker Giglio: "Any discussion? You heard the Gentleman's Motion. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the House nonconcurrs on House Bill 253. On that Order appears House Bill 589, Representative Flinn. Out of the record. Steczo, Representative Steczo, House Bill 812. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 812, a Bill for an Act in relation to forest preserve districts, together with Senate Amendment #1."

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

Steczko: "Thank you, Mr. Speaker, Members of the House. I move to concur with Senate Amendment #1 to House Bill 812. When this...when House Bill 812 went over to the Senate it contained a provision which related to notification of corporate territories by park districts seeking to annex those those territories. Subsequently discussions were held, Mr. Speaker, with the park district association and language was taken from the Illinois Municipal Code specifically dealing with annexation so...so as to make the statute consistent. So with regard to those with regard to that notice corporate authorities would have to give notice not more than forty five days or less than thirty days prior to the passage of an ordinance provided for publication would provide for public hearing and to my knowledge Mr. Speaker there is no objection and I would move for concurrence."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of concurring with Senate Amendment #1 to House Bill 812 vote 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 114 voting 'yes',

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none voting 'no' and none voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 812 and this Bill having received the Constitutional Majority is hereby declared passed. Representative McGann in the chamber? Representative Barnes? Mr. Clerk, House Bill 923, read the Bill."

Clerk O'Brien: "House Bill 923, a Bill for an Act to amend certain Acts in relation to proceedings to the sport of certain persons together with Senate Amendments #1 and 2."

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

Barnes: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendment #1 and #2, the Bill, House Bill 923 as amended in the Senate passed out 54 'aye' votes and no negative votes. It did not change any provisions which were included in the Bill as passed by the House, but added two additional provisions supported by the department. The Senate changes specify conditions which apply for failure to cooperate in child support enforcement activities and provide that minimum child support guidelines shall be used in proceedings for the modification of child support orders. The department supports these changes to the Bill and so I recommend that we concur in Senate Amendments #1 and 2 and ask for your 'aye' vote."

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

Countryman: "Thank you, Mr. Speaker will the Lady yield?"

Speaker Giglio: "She indicates she will."

Countryman: "Representative Barnes, you may have said this and excuse me but there was some noise right behind me when you were explaining it. What does it do with regard to the child support guidelines?"

Barnes: "Representative Countryman, I'll even explain them in

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better detail for your benefit. As amended by Senate Amendment #1, House Bill 923 further provides that failure to cooperate in child support enforcement activity by missing a court appearance can be cured one time by signing a statement of willingness to cooperate and by promising to attend a later court hearing, it provides for a maximum two month sanction and those instances where a failure to cooperate has led to the dismissal of the child support enforcement case by the court. The Bill also provides that a pregnant woman who fails to cooperate in the child support enforcement process without good cause cannot have medical assistance denied or terminated during her pregnancy or for thirty days after the termination of the pregnancy. Finally, House Bill 923, as amended by Senate Amendment #2, provides that minimum child support guidelines shall be used in proceedings for modification of a child support order, the original and current intent of the child support guidelines are to provide a formula for determining the minimum amount of child per child support per child owed by the absent parent. The language in the Bill will clarify that the guidelines do indeed also apply in request for modification of support amounts. And in case you didn't hear it Representative Countryman, the Bill as amended, House Bill 923 passed out of the Senate 54 'aye' votes and no descending votes."

Countryman: "I thought we came to resolution on this modification of child support about a year ago, where we put through a Bill that said you could go in one time for modification and that either party could show that the child support was set in the manner in which it was set by some other negotiations which had taken place prior to the time we adopted the child support guidelines. As I interpret this Amendment that would in essence replace that law with

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saying you can go to court every time you want to for modification."

Barnes: "Representative Countryman you have Jim Stump from the Department of Public Aid standing right next to your desk, shaking his head no. I would like to defer to him so you can discuss your problem."

Countryman: "They're telling me that this would now apply to the Parentage Act and not necessarily to the Domestic Relations Act. All, they are telling me know it will apply to all of them. Well, then, as I interpret it, it would apply and redo the law that we did last year, which says that, that you would have the guidelines would apply in any modification."

Speaker Giglio: "Representative Countryman."

Countryman: "Thank you, Mr. Speaker, I think as I...I'm going to stand in opposition to this at this time but maybe the Lady could take this out of the record and we could get back to it and see if we could work on it, but as I interpret it, it does change that law that we worked so hard for a couple of years ago. And I think that it makes for a situation where somebody who got a divorce in 1975, now turns around and finds out that there going back to court having negotiated some sort of settlement based upon a property dissolution now goes back to court and is forced to pay some mandated guideline which would not accurately reflect what they, what they negotiated some years ago. That's why we had that language in the Bill when we, we amended the law with regard to modifications and as I understand this it applies to every modification regardless of what happened years ago and for that reason I'd ask Members to vote against this so let's send it to Conference Committee and work it out."

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

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Currie: "Thank you, Mr. Speaker and Members of the House. I think the confusion is this. Last years legislation created a new ground for going into court one time only, that ground being the fact that the child support payment was below guidelines and there was nothing in the original order that made up for that lack of guideline. What this Bill says as I understand it is that when you have gone into court for modification under other standards that already apply then the question of guidelines is relevant to the extent again that there has not been some other solution in the particular case that means the guidelines are irrelevant. But if you go in under some existing ground for modification that is increased expense in rearing the child, then for that modification guidelines apply just as they do today, when the order is entered. The Bar Association with language that clarifies precisely that point is in support of this Bill for the reason that it does not reopen the door in all manner of custody and child support cases and I think that that with that explanation the right vote on House Bill 923 is a 'yes' vote."

Speaker Giglio: "Further discussion? The Gentleman from Macon, Representative Dunn."

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

Speaker Giglio: "She indicates she will."

Dunn: "First question is, this is not the Bill I referred to as the worst Bill I've ever seen. Is that correct?"

Barnes: "I'll say that's correct, because I want to get this Bill passed."

Dunn: "Okay, this does not have the provisions in it which requires that employers withhold child support payments. That's a different Bill isn't it?"

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Barnes: "This is not the Bill that your referring to, Representative."

Dunn: "With regard to the modification of child support orders, I, what is the, if this Bill becomes law what is the impact upon previous, previously entered court orders, directing the amounts of child support which shall be paid by payors to payees."

Barnes: "Representative it only addresses what guidelines apply if your entitled to a modification."

Dunn: "But if there is to be a modification doesn't the legislation say that the guidelines shall apply rather than may. It's not a discretionary thing is it? It's a mandate."

Barnes: "Right now, Representative there is so much deviation that you really could get away from that if you really wanted to. There is a split in the case authority and this just modifies it and specifies what can be done."

Dunn: "And what, well, I know there is a split now. But what will this Bill do will it mandate that the guidelines shall be followed or does it leave the court some discretion?"

Barnes: "The guidelines themselves now, presently, can be deviated from."

Dunn: "What does this Bill do? That's what I'm trying to find out, does it mandate the use of the guidelines or does it leave the...leave it up to the discretion of the court?"

Barnes: "It mandates application of the Section that does talk about the guidelines."

Dunn: "Alright, and in the event, with regard to the main portion of the Bill. If someone is out of work, and is required to jump through the hoops that are called for in this legislation, is there anything in the Bill which will tell the court that the person is out of work and stop the clock on child support payments or must that person file a



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petition for modification as existing law has been to stop the clock on child support payments. What I'm getting at is, is there anything in this Bill, because by definition you know that someone is out of work if they're out of work they can't make payments and does the clock keep running on a judgment keep...judgments keep adding up week by week over that persons head or does the clock stop?"

Barnes: "Representative, I knew that that was one of the problems that you had with this Bill. I had an Amendment to address it and I gave it to the Senate Sponsor and asked him to include it in the Bill. The Bill would permit a seek order, seek work order when enforcing an existing support order and includes cases wherein the court is establishing..."

Dunn: "I can't hear you. I can't hear you, speak up please."

Speaker Giglio: "Representative Barnes."

Barnes: "Would you like to give an example, Representative of what bothers you about a gentleman that is out of work when the women is entitled to support payments?"

Dunn: "The...Yes, what bothers me is that if you, you can't get blood out of a turnip is what it boils down to. If the man is out of work and the woman has to go on welfare or on aid, she, she is paid not enough but what the law allows by public aid. The man has no, has no income, has no ability to pay and if nothing is done judgments keep coming down on that mans head week by week, and then when the opportunity to work does come up, the man can't or won't go to work because it's a hopeless situation. And there is provision in the current law to go into court when you're out of work and ask that the payments be abated or the order be modified but you have to be smart enough to know that you have to file a petition in court to trigger that. And most people don't know that and I'm saying that if the

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Department of Public Aid knows a man is out of work, then that fact ought to be sufficient to trigger the potential stopping of the clock and let the court decide whether it should be stopped or not but I don't think that's in the Bill. I'd just like to know if it is or not."

Barnes: "Well, Representative, that was your problem I know when we first addressed this Bill."

Dunn: "That's right."

Barnes: "We had an Amendment that clarifies that the court may order these non-custodial parents to the Department of Employment Security, the local JTPA agency to look for work and corrects the oversight to provide for projects chance refer...referrals of title D-cases and enforce the situation. Because there are some men Representative that don't want to go to work because they don't want to have to support their children."

Dunn: "Were not talking about the chance to work, we're talking about stopping and abatig' the child support order, and there is nothing in the Bill which does that is that correct? The man behind you knows, there is nothing in the Bill that stops the clock for child support payments now. As is before us right now. Is that correct?"

Barnes: "He has to go back into court to request the reduction of order."

Dunn: "Then there is no change in the existing law in that regard. That's correct isn't it?"

Barnes: "That's correct."

Dunn: "Alright, I, then this may not be the worst Bill I ever saw but it sure is a bad one and I would urge an 'aye'...a 'no' vote."

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

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

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House. There have been many, many hours of discussion on this particular Bill. I would like to repeat that in the Senate it was voted out with 54 'aye' votes and no negative votes and I would please ask for your 'aye' vote."

Speaker Giglio: "The question is 'Shall the House concur with Senate Amendments #1 and 2 to House Bill 923?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 110 voting 'yes', 5 voting 'no' and none voting 'present', and the House does concur with Senate Amendments #1 and 2 to House Bill 923. And this Bill having received the Constitutional Majority is hereby declared passed. Representative Steczo, Mr. Clerk, House Bill 1254. Read the Bill."

Clerk O'Brien: "House Bill 1254, a Bill for an Act to amend an Act to provide for the creation and management of forest preserve districts, together with Senate Amendment #1."

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

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 1254, is the Bill that addresses the question of the validation of the appropriation and levies by the Cook County Board, the Cook County Forest Preserve District, and the Dupage County Forest Preserve District. Amendment #1 was attached in the Senate which deals with the DuPage County Forest Preserve District, for the fiscal year beginning 1987, and it received good support in the Senate and I would move for concurrence of Amendment #1 to House Bill 1254."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of concurring with Senate Amendment #1 to House Bill 1254, vote 'aye', those opposed 'nay'. The voting is open."

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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 105 voting 'yes', 7 voting 'no', one voting 'present', and the House does concur with Senate Amendment #1 to House Bill 1254. And this Bill having received the Constitutional Majority is hereby declared passed. House Bill 1491, Representative DeJaegher. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1491, a Bill for an Act in relation to long-term care insurance together with Senate Amendments #2 and 4."

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

DeJaegher: "Thank you, Mr. Chairman, Members of the General Assembly, I concur with Amendments #2 and #4...explanation. Amendment 2 is very brief in nature basically this was brought to us by the Christian Science Organization and that's what that does it long care insurance may include benefits for care and treatment in accordance with the tenants and practice of any established church or religious denomination which teaches reliance or special treatments upon those prayers for healings and basically that's all that Amendment does."

Speaker Giglio: "Any discussion? Hearing none, the question is 'Shall the House concur with Senate Amendments #2 and 4 to House Bill 1491?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 113 voting 'yes', 1 voting 'no', 2 voting 'present', and the House does concur with Senate Amendments #2 and 4 and House Bill 1491 having received the Constitutional Majority is hereby declared

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passed. House Bill 1576, Representative Countryman. Representative Countryman, 1596. 1576, Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1576, a Bill for an Act to amend the Illinois Vehicle Code, together with Senate Amendment #1."

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

Countryman: "Thank you, Mr. Speaker, I move we non-concur in Senate Amendment #1."

Speaker Giglio: "Gentleman moves that the House non-concur with Senate Amendment #1 to House Bill 1576. All those in favor signify by... Representative Countryman do you want to explain? Representative, Gentleman from Madison, Representative McPike."

McPike: "Thank you, Mr. Speaker, I would just make the same request that I believe Representative McCracken made last week. That if your gonna non-concur at least tell us why. What it does and why your against it. So if the Sponsor would please do that."

Speaker Giglio: "Representative Countryman."

Countryman: "Thank you, Mr. Speaker. There has been a request to put this Bill into a Conference Committee, they're working on the rent-a-car solutions and they thought that this was a good Bill which they could do that on because it didn't...it wasn't a terribly heavy Bill otherwise, and they thought they could do it, so they added an Amendment on and that Amendment isn't really one I want to concur in and correct and I'd like to send it to Conference Committee."

Speaker Giglio: "Representative McPike."

McPike: "Representative, I'm sorry, I have no idea what you said."

Countryman: "We want to send this Bill to Conference Committee,

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they put an Amendment on the rent-a-cars, insurance on the rent-a-cars, that Amendment isn't clear and the rent-a-car people and Senator Barkhausen talked to me about getting this to Conference Committee so we could clarify that and deal with some other changes that they want. So I want to non-concur on this Amendment so we can get it to conference."

Speaker Giglio: "Representative McPike."

McPike: "Would those be the only changes that you would make in Conference Committee dealing with rental cars."

Countryman: "That's all I've been requested and if you want my assurance that that's all we do. I'll give it to you."

McPike: "Thank you, very much."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the chair the 'ayes' have it and the House non-concurs with Senate Amendment #1 to 1576. All those in favor say 'aye', those opposed 'nay'. In the opinion of the chair the 'ayes' have it and the Motion carries. On Page 3 of the Calendar appears House Bill 1584, Representative Hicks. 1584, Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1584, a Bill for an Act in relation to drilling operations, together with Senate Amendment #1."

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

Hicks: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I would move to concur with Senate Amendment #1 to House Bill 1584, Senate Amendment #1 corrects a problem in the original drafting of the Bill which provided for the operator and the service owner whereby plugging a restoration of requirements actually just clears up all the differences between the service owners and the mineral owners in the Bill. I'd ask for the concurrence."

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Speaker Giglio: "Any discussion? Hearing none. All those in favor of Senate Amendment #1 to House Bill 2293 (sic 1584) signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 113 voting 'yes', none voting 'no' and none voting 'present', and the House does concur with Senate Amendment #1 to House Bill 1584 and this Bill having received the Constitutional Majority is hereby declared passed. Representative Currie, 2569. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2569, a Bill for an Act to amend the Freedom of Information Act, together with Senate Amendment #1."

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

Currie: "Thank you, Mr. Speaker and Members of the House. I move the House do concur in Senate Amendment 1, to House Bill 2569. That final Amendment clarified the responsibility of agencies of government to reduce or to waive fees in precisely the identical way that we amended Senate Bill 1672, last week. Providing responsibility on the part of the requester of the information that a fee waiver or reduction was appropriate. And secondly, it expands the kinds of documents that can be withheld from public view when those documents in the hands of a correctional agency have to do with the detection of the investigation of crimes or security problems. I would be happy to answer your questions and would appreciate your support for this concurrence Motion."

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

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

Speaker Giglio: "She indicates she will."

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McCracken: "Representative Currie, I'm looking at the Amendment from the Senate and I draw the conclusion from that that the requesting party can determine for purposes of a fee reduction or waiver the applicability of that merely by claiming the request to be in the public interest as defined in the Amendment. Now, as I look at the original language, apparently a finding in the discretion of the board or the public authority was required in order to trigger any fee reduction or waiver is that, is that your understanding? Does the Amendment change it as I've described it?"

Currie: "My understanding, Representative McCracken is that agencies were uncomfortable with unbridled discretion to make the determination whether a fee waiver or reduction was appropriate. The agencies, the public bodies in effect felt that they would be in a better position to establish clear standards if the requesting party was in the position of making the initial case. In that situation then the agencies the public bodies can make rules and regulations that will determine when given accurate information from a requesting, a requester of information a fee waiver or reduction is appropriate. So in fact this language is the request of public bodies who did not want unbridled discretion."

McCracken: "I don't think however, that it addresses my concern. I think a court would construe this language to allow for the claim to be dispositive on this issue. And merely defines what would sustain a position of public interest. So, I think, I think the problem is that a court could construe this to allow for the requester to automatically trigger the reduction or fee waiver the amount of which would then be in the discretion of the public body. And I appreciate our debate, but I don't think a courts going to



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get as far as this point because it will find the language to be not ambiguous on that point, I think its very poorly drawn, if in fact what you seek to do is what I believe your intent is. I don't know if its worth a Conference Committee. I am hopeful that the debate will suffice because I would be reluctant to let this go to a Conference Committee on this type of subject. Only bad things could happen."

Currie: "I would too, I would too but as I've already stated my understanding is that this will give the public body the opportunity to adopt the kinds of rules that would specify what counts as in the public interest for purposes of this, of this language and I think that the anxiety on the part of the departments was that lacking this specificity they would be making determinations no matter what their rules and regulations said that did not have any relation to the actual facts presented by the plaintiff to them."

McCracken: "Alright, so for the record. It's your intention that this not be determined solely by the requesting party, but that in fact some objective standard based on the circumstances defined in the Amendment would be used by the board to determine that."

Currie: "Yeah, absolutely and I think the language actually states that principal purpose of the request is the access and decimation of information regarding health safety and welfare or the legal rights of the general public, not for the principal purpose of financial gain or personal benefit to the requester. I think that language clearly is clearly well set out in this language and the only difference here is that the requesting party is gonna have to say to the public agency here is why I think you owe me a reduction or waiver of fee. And obviously the truth or falsity of that is up for the agency to determine as well."

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McCracken: "Alright, I hope a court would agree with you, thank you."

Speaker Giglio: "The Lady from Cook, Representative Currie to close."

Currie: "Thank you, Mr. Speaker, Members of the House. I think the issue is well debated I move that the House do concur in Senate Amendment #1 to House Bill 2569."

Speaker Giglio: "Question is 'Shall the House concur with Senate Amendment #1 to House Bill 2569?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 voting 'yes', 1 voting 'no' and none voting 'present', and the House does concur with Senate Amendment #1 to House Bill 2569. And this Bill having received the Constitutional Majority is hereby declared passed. Representative Goforth, Representative Goforth, Representative Goforth."

Goforth: "Thank you, Mr. Speaker would you let the record show that on House Bill 1491, that I would like to have voted 'no' I hit the wrong switch. Thank you."

Speaker Giglio: "Let the record indicate. Speaker Madigan in the Chair."

Speaker Madigan: "House Bill 2293, Mr. Giglio. Mr. Giglio."

Giglio: "Mr. Speaker, Ladies and Gentlemen of the House, I move to concur with Senate Amendment #1 to House Bill 2293. What it is is a technical Amendment and it just puts in the effective date."

Speaker Madigan: "The Gentleman moves to concur in Senate Amendment #1 is there any discussion? There being no discussion, the question is 'Shall the House concur in Senate Amendment #1?' Those in favor signify by voting

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'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 106 'ayes', no one voting 'no' the House does concur in Senate Amendment #1 to House Bill 2293, and this Bill having received the required Constitutional Majority is hereby declared passed. House Bill 2755, Representative Braun. Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move that the House do concur in Senate Amendments 1, 2, 3 and 4, to House Bill 2755. The original Bill created the Illinois Speech, Language, Pathology and Audiology Act, the four Senate Amendments are benign by in large except that they provide in the first Amendment it provides exemption for industrial hearing conservation technicians. And increases the fee for application and for renewal. The second Amendment really adds some almost technical additions to the Act, and guidelines for the Department of Registration and Education. The third Amendment is technical corrections for the Clinical Social Work Act, and the fourth provides that an individual who has practiced for four years but not consecutively may still be registered. I ask for concurrence in the Senate Amendments."

Speaker Madigan: "Mr. Bowman."

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

Speaker Madigan: "The lady yields."

Bowman: "You, Representative Braun, you indicated something about the Social Work Act, and I just wondered if you could explain what those technical changes are."

Braun: "They are technical, Representative, it changes the term treatment intraventions to treatment procedure, it deletes the exemption of practicing within the guidelines of an employer from the definition of independent practice. It

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changes the Section concerning exemptions, it adds being named as a perpetrator in a report under the Abused and Neglected Child Reporting Act as grounds for discipline. It amends the regulatory agency Sunset Act to change the repeal of the Act from December 31, 88 to December 31, 97. That's it."

Bowman: "Okay, is there any opposition to this?"

Braun: "Not as far as I am aware."

Bowman: "Thank you very much."

Speaker Madigan: "Mr. Hensel."

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

Speaker Madigan: "The Sponsor yields."

Hensel: "I didn't quite hear the answer. Did you say the Social Workers are in this Bill now or not? I couldn't hear the answer."

Braun: "The...no this is not the Social Work Bill. Representative all that this Amendment, Amendment #3 does is create some technical corrections with regard to the Social Work Bill. The Clinical Social Work Practice Act, and changes the sunset on it. Your Amendment analysis will show, will indicate as mine does that these are technical corrections."

Hensel: "Okay, another question. Is there any fiscal impact to the State on this or not?"

Braun: "No, Sir."

Hensel: "I noticed there were some fee changes in Amendment #1."

Braun: "That is correct if anything the fiscal impact will be that there will be more money for the State. There is no fiscal impact, a negative fiscal impact in the..."

Hensel: "You feel that the increase in fees will then counteract any impact that it will have that cost to the State."

Braun: "Oh, absolutely. I don't think in the first instance other than the normal regulatory time, time that's taken up

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by the regulatory agency there was never contemplated to be a fiscal impact on this Bill and in fact the fiscal note so indicated before it went to the Senate. This simply increases the fee Section of the Bill. And so in that regard there is even less impactful on the State."

Hensel: "As I understand it though this is a new regulatory function then for the agency is that correct?"

Braun: "That's correct. And the fee increase."

Hensel: "So wouldn't there be a fiscal impact regarding that then?"

Braun: "The original fiscal note when the Bill went out of here, out of the House, Representative Hensel indicated there was no cost to the State other than what time might be consumed by the department doing some additional regulatory activity. This fiscal, the fee increase will impact if anything more on the industry then it will on the State."

Hensel: "No further questions."

Speaker Madigan: "Mr. Black."

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

Braun: "Yes."

Black: "Representative, I think you clarified this originally but let me refresh my memory, I have heard from two or three people back in the district since we passed this out. What basically, what impact does this Bill have on someone who has been in the hearing aid business, say for twenty or thirty years."

Braun: "None, it has absolutely none. It was never intended to deal with the hearing aid industry at all. What this is about and Representative Kubik, I believe will further explain, it are the people who are involved in the very specialized field of Speech Pathology, speaking, speech lessons and the like and Audiology, which is and having to

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do with the physical monitoring and assistance required to help people who are speech and/or hearing impaired to speak and/or hear."

Black: "I appreciate that, so in other words if you have somebody back in your district that's been in the business of fitting and the repairing and selling hearing aids this doesn't effect them at all."

Braun: "No, Sir, at all, not at all."

Black: "Thank you very much, no questions."

Speaker Madigan: "Mr. Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I wanted to make sure that we understood that this Bill would not effect the hearing aid dealers at all. It will not effect the hearing aid dealers, we've had a couple of inquiries on that particular portion of the legislation, this strictly deals with the Audiologist and their licensure. It went out of this chamber almost unanimously we adopted some technical Amendments, in order to lessen, to increase the fees to make sure that this program would not cost the State additional dollars and I ask for your favorable consideration of the Amendments on House Bill 2755."

Speaker Madigan: "Representative Braun to close."

Braun: "Very briefly, Mr. Speaker. Representative Kubik, I think has set out the facts of the case, this House did...this Bill did receive overwhelming approval by the House before the Senate action, the Senate action is benign on the legislation and I encourage your support for our Motion to concur in Senate Amendments 1, 2, 3 and 4."

Speaker Madigan: "The question is 'Shall the House concur in Senate Amendments #1, 2, 3 and 4 to House Bill 2755?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? The Clerk shall take the record. On this question there are 115 'aye', no one voting 'no', the House does concur in Senate Amendments #1, 2, 3 and 4 to House Bill 2755. And this Bill having received the required Constitutional Majority is hereby declared passed. House Bill 2793, Mr. Kirkland, Mr. Kirkland."

Kirkland: "Thank you, Mr. Speaker. Okay, move for concurrence to Senate Amendment #1 which becomes the Bill. The original Bill was deleted by that Amendment. The Amendment makes a couple of changes to wording in connection with Senate Bill 1286, which passed in 1987 and permitted a trustee to enter agreements of various services for various services with his own bank. The changes are that the word investments is taken out of the law so that to make clear that trustees will not be allowed to invest in commercial paper or stock of their own bank. Also the Amendment makes clear that the prudent person rule will apply in all dealings between the trustee and the bank, and finally that there is explicit authority for the trustee to pay compensation for services provided including compensation to the bank operator, buyer affiliated with the trustee. Move for concurrence."

Speaker Madigan: "The Gentleman moves that the House concur in Senate Amendment #1 is there any discussion? There being no discussion, the question is 'Shall the House concur in Senate Amendment #1?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 115 'ayes', no one voting 'no', the House does concur in Senate Amendment #1. And House Bill 2793, having received a Constitutional Majority is hereby declared passed. House Bill 2794, Representative Parcells. Representative Parcells."

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Parcells: "Thank you, Mr. Speaker. I move to concur with the Senate Amendment to House Bill 2794. And briefly what the Amendment does...makes clean-up changes that we needed and provides that the limitation regarding the establishment of branch bank municipalities of 10,000 or fewer inhabitants applies only to branches established prior to January 1 of '89 and this provision was enacted last year three different ways. This provision is LRB's attempt to clean up the language and I would move for concurrence with this Senate Amendment #1 to House Bill 2794."

Speaker Madigan: "Mr. Homer."

Homer: "Thank you, Mr. Speaker. We would like to ask the Lady to take the Bill out of the record just for a brief time."

Parcells: "I would be happy to take it out."

Homer: "Thank you."

Speaker Madigan: "Representative, did you wish to take this out of the record?"

Parcells: "I do."

Speaker Madigan: "Alright. The Bill shall be taken...Mr. Homer...Mr. Homer."

Homer: "Thank you, Mr. Speaker, our questions have been answered. We withdraw our request to take the Bill out of the record. We withdraw our request to have you take the Bill out of the record...have no objection to your concurrence Motion."

Parcells: "Then I move to concur."

Speaker Madigan: "The Lady moves to concur in Senate Amendment #1 to House Bill 2794. Is there any discussion? There being no discussion, the question is, 'Shall the House concur in Senate Amendment #1?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 116 'ayes', no one voting 'no'. The House does concur in Senate Amendment #1



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and this Bill having received the required Constitutional Majority is hereby declared passed. House Bill 2909, Mr. Keane. Is Mr. Keane in the chamber? House Bill 2918, Mr. Mays. Mr. Mays."

Mays: "Out of the record, at this time."

Speaker Madigan: "The Bill shall be taken from the record. House Bill 2993, Mr. Brunsvold, 2993. The Bill shall be taken out of the record. House Bill 3007, Mr. Curran. Mr. Curran."

Curran: "Thank you, Mr. Speaker. I move to concur in Senate Amendment #2 to House Bill 3007."

Speaker Madigan: "The Gentleman moves to concur in Senate Amendment..."

Curran: "Mr. Speaker. I am sorry. I am being advised by staff here that that...Speaker, Senate Amendment #2 appears to be technically out of order. It refers to Senate Amendment #1 which was never passed. Therefore, I must move to nonconcur. This is not an attempt to get this Bill before a Conference Committee. I do intend to go to achieve the design of Senate Amendment #2 so I'll have to get that done in Conference Committee, I guess."

Speaker Madigan: "Thank you, Mr. McCracken."

McCracken: "Yeah. Thank you. Could we have your commitment that that in fact is all that will happen? We don't...we don't want to let this Bill move around on a conference except in the...with...with the understanding of its limited use. Okay. Thank you."

Speaker Madigan: "Gentleman moves that the House nonconcur in Senate Amendment #2. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, and the House does nonconcur in Senate Amendment #2. House Bill 3010, Mr. Flinn. Mr. Monroe Flinn. Mr. Flinn."

Flinn: "Mr. Speaker, I move to concur in Senate Amendment #1 to

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House Bill 3010."

Speaker Madigan: "The Gentleman moves to concur in Senate Amendment #1. The Chair recognizes Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. For the record, Representative, would you...would you tell us what the Amendment does?"

Flinn: "Well, originally, the Bill originally would provide fees from the Clerk's Office and the Recorder's Office and the Governor's Office asked us to amend that to where we could justify the cost by cost analysis first so the counties could not overcharge charge more than the cost of the fees, and we have comply to the Governor's request."

McCracken: "Okay. Thank you."

Speaker Madigan: "Those in favor of the Motion to concur will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 103 'aye', 11 voting 'no'. The House does concur in Senate Amendment #1, and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3024, Mr. Steczo. Take the matter out of the record. House Bill 3085, Mr. Cullerton. Take this matter out of the record. House Bill 3096, Mr. Matijevich take this matter out of the record. House Bill 3099, Mr. Regan. Mr. Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. I move to concur in Senate Amendment #1 to House Bill 3099. The Senate Amendment simply clarifies some technical language and put the Bill in a better position, and I urge for its concurrence."

Speaker Madigan: "The Gentleman moves to concur in Senate Amendment #1. Those in favor signify by saying...by voting 'aye', those opposed by voting 'no'. Have all voted who

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wish? Have all voted who wish? The Clerk shall take the record. On this question there are 114 'ayes', 1 person voting 'no'. The House does concur in Senate Amendment #1 and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3124, Mr. Ewing. Mr. Ewing."

Ewing: "Yes. Mr. Speaker, Ladies and Gentlemen of the House. I would move to concur in Senate Amendment #1. This...the original Bill dealt with saying that the Illinois EPA could not make restrictions or requirements more strict than the federal standard for our local sewage treatment plants, and Senate Amendment makes the provision apply to any unit of local government rather than just municipalities. And I agree with the Amendment and would move to concur."

Speaker Madigan: "The Gentleman moves to concur in Senate Amendment #1. The question is, 'Shall the House concur in that Senate Amendment?' Mr. Black."

Black: "Thank you very much, Mr. Speaker. Just one question of the Sponsor of the original Bill if I might."

Speaker Madigan: "Sponsor yields."

Black: "Representative, on Senate Amendment #1, I noticed the Senate Sponsor took that population trigger from what we had amended 12,000 back down to 5,000. Was her rationale for that just that the 12,000 trigger would put too many cities in that realm of possibility or have you an idea on that?"

Ewing: "I...I'm not certain why that came out. I think there were some strong objections to having it cover that large of community in the Senate."

Black: "Thank you very much."

Speaker Madigan: "Those in favor of the Motion to concur will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The

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Clerk shall take the record. On this question there are 114 'ayes', one person voting 'no'. The House does concur in Senate Amendment #1, and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3125, Mr. Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. On House Bill 3125, I would move to nonconcur in the Senate Amendment."

Speaker Madigan: "The Gentleman moves that the House do concur in Senate Amendment..."

Ewing: "No...no, Mr...nonconcur."

Speaker Madigan: "Gentleman moves that the House nonconcur in Senate Amendment #1. Those in favor of the Motion say 'aye', those opposed say 'no'. The 'ayes' have it. Representative Breslin, for what purpose do you seek recognition?"

Breslin: "I...I rise in opposition to the Motion. I agree with Senate Amendment #1. I think it is important that citizen groups not be called upon to bear this tremendous cost that would be imposed under Representative Ewing's original Bill. I think it would be a big mistake for this Body not to accept Senate Amendment #1. As I recall, it was the only reason that the Bill got out of the Senate in the first place."

Speaker Madigan: "Mr. Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. I really don't know what tremendous cost...tremendous cost that the Lady from LaSalle is talking about. We're just saying that the county government, local governments don't have to provide transcripts free. And I think that goes for anybody who wants to cause them trouble. And that isn't a great cost. We say if you're going to get in and challenge them, you gotta pay for your own transcript. That's all it

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says. It's a good Bill. It's a good local government Bill and if you don't want to help local government then you would want to keep the Amendment on."

Speaker Madigan: "Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. I rise in support of the Motion and I think if you look more closely at exactly what the Amendment does you would agree that we should not include it in any final passage. In the case where an agreed party seeks to appeal from a decision of the board, typically that party would not be a citizens group or an environmental...or a not for profit organization, I believe. Typically that would be the party that is intervening in this type of action; the citizens groups or the not for profit organizations. And I might add that just because an organization is not for profit doesn't mean it has no money. All that means is that it is exempt from paying federal income tax if it complies with various requirements. And it may also be exempt from state taxes as well. It doesn't mean there's no money. It doesn't mean that they in every instance are to be considered the poor relations in any type of activity along these lines. I think they have a blanket exemption for those types of groups that does a service to us all. We should be applying the Bill as it was originally passed in the House."

Speaker Madigan: "Representative Breslin."

Breslin: "Mr. Speaker. I make a substitute Motion that the House concur in Senate Amendment #1 to House Bill 3125. I base that Motion on the...the fact that the estimated cost to these citizen groups could be or is it estimated to be between 5,000 and 10,000 dollars. Those of you who have environmental groups in your community who participate in environmental decisions in your community, you know that

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they can't bear this cost. It is absolutely essential that this Amendment stay on this Bill."

Speaker Madigan: "Representative Breslin, relative to your Motion I would suggest that we just consider the Motion in question and if that fails then we can return to your Motion to concur. So the Motion before the House is a Motion to nonconcur. Mr. Ewing has moved to nonconcur in Senate Amendment #1. Representative Breslin has stood in opposition to that Motion. Those in favor of the Motion will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall...Mr. Ewing."

Ewing: "Mr. Speaker, I see that we want to make a partisan issue out of this and if I can't have the Bill in the form I want it then I want to take it out of the record."

Speaker Madigan: "The Gentleman request to take the Bill out of the record. Mr. Ewing, let me just check what the rules provide during a Roll Call. Mr. Ewing."

Ewing: "Yes."

Speaker Madigan: "I do believe the rules provide that you cannot take a Bill out of the record once you've started the Roll Call. Mr. Ewing. Mr. Ewing."

Ewing: "The Motion lost, then before, I think I still have control of the Bill, at that point I want the Bill out of the record."

Speaker Madigan: "Fine, so..."

Ewing: "You can declare my Motion lost."

Speaker Madigan: "That's what I shall do right now. Mrs....Representative Breslin. Breslin."

Breslin: "Thank you, Mr. Speaker. At this time I would renew my Motion to concur in Senate Amendment #1 to House Bill 3125."

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Speaker Madigan: "The first thing we will do is to conclude our consideration of the Motion to nonconcur. On that question there were 49 'ayes', and 64 'nos'. The Motion to nonconcur fails. Representative Breslin who offers a substitute Motion to concur, Mr. Ewing...Mr. Ewing."

Ewing: "My request is to take the Bill out of the record."

Speaker Madigan: "The Bill shall be taken out of the record Representative Breslin."

Breslin: "Mr. Speaker, I would make a parliamentary inquiry and that is whether or not at this stage of concurrence, any Member has a right to make a Motion to concur."

Speaker Madigan: "The Parliamentarian will respond."

Mike Pollack: "On behalf of the Speaker, the Motion to concur is in order. The rules provide that Rule 39(c) provides that when a Bill is on Second or Third Reading a Sponsor may take the Bill out of the record at any time. It does not provide for a Sponsor to take a Bill out of the record on a concurrence call."

Speaker Madigan: "Mr. McCracken."

McCracken: "Under Rule 38(b) which is in reference to final passage, the only limitation is to taking the Bill out of the record relates only to final passage actions. That holding that once the Roll Call is put the Bill may not there...then be taken from the record. I think that the Parliamentarians including within the ability to, of any party to make a Motion under the concurrence circumstances is...is based only upon the failure to refer to that specific circumstance under Rule 39, but I think the opposite conclusion is warranted in Rule 38(b), which is the only provision under that section where the Roll Call cannot be or the Bill cannot be taken out of the record during a Roll Call. So I think since we're on a nonfinal vote at the time Representative Ewing made his request to

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take the Bill from the record that that in fact is covered by Rule 38 and not 39 and therefore he should have been allowed to take it from the record even before the Chair announced the Roll Call on what was a nonfinal passage vote."

Speaker Madigan: "Mr. Piel."

Piel: "Thank you, Mr. Speaker. Also I would like to bring to the Chair's attention...I would like to bring to the Chair's attention that during the Roll Call which was not a final Roll Call, Mr. Ewing said, you know, he would like to take it out of the record and you did not think he could do it at that time, but he said as soon as you take the Roll Call he said, 'I want to take the Bill out of the record'. So then right after the Roll Call the Motion, you know, Representative Breslin was called on for the Motion so I would think the Sponsor did have the right to take the Bill out of the record before another Motion was put, Mr. Speaker."

Speaker Madigan: "Ladies and Gentlemen, if I could have your attention. I've been advised by the Parliamentarian that the rules provide that once a Bill's Sponsor puts a Bill in the record when the Bill is on the Order of Concurrence, as happened here with Mr. Ewing, then the Bill's Sponsor loses his or her right to take the Bill out of the record. Okay. Just bear with me for a minute. In this case, in this case, Mr. Ewing put the Bill in the record and made his Motion and then Representative Breslin made her substitute Motion. Mr. Ewing indicated that he wanted the Bill out of the record. And I told him that first we would conclude the Roll Call on his Motion to nonconcur. Having completed that I then recognized Representative Breslin, who made a Motion, and then I went to Mr. Ewing. And it seems to me that Mr. Ewing had very clearly indicated it is his desire



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not to have this in the record and I'm further advised by the Parliamentarian that had I recognized Mr. Ewing before I recognized Representative Breslin for her Motion, then Mr. Ewing would have been in his rights to take the Bill out of the record because we were finished with his Motion to nonconcur. And therefore it would be my ruling that the matter shall be taken out of the record pursuant to Mr. Ewing's request. Representative Breslin."

Breslin: "Mr. Speaker, Ladies and Gentlemen. I think it should be noted that there is precedent in this House for not only not allowing a Member to keep a Bill from being called on the Motion...on the Order of Concurrence not...not just waiting for them to...to call their Bill but actually requiring the Bill to be called. I would cite two examples. One was with Representative DeJaegher when an Amendment was put on his Bill two or three years ago that would require parochial school busing funding. That is one example. The second example was one with Representative Diana Nelson dealing with a concurrence Motion on the interstate compact for a nuclear waste disposal. I would suggest and I would ask the Chair to research both of those issues and urge you to be consistent in this ruling as well. Thank you."

Speaker Madigan: "Mr. Matijevich."

Matijevich: "Mr. Speaker, I didn't hear you say that she couldn't file a Motion that you just ruled at this time it's not timely and she has a right to file her own Motion when she wants to."

Speaker Madigan: "Thank you, Mr. Matijevich. Mr. Mautino."

Mautino: "Thank you, Mr. Speaker. For a clarification, I may have missed some of your statement. Your statement was that if a Member moves to nonconcur, the legislation remains in the purview of that Member. Is that correct?"

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Speaker Madigan: "What happened here was that he called his Bill and then during the Roll Call on his Motion he requested to take the Bill out of the record. And the rules clearly do provide that once you go to Roll Call you cannot take the matter out of the record. So I prevailed upon him to let me finish the Roll Call, which we did. And then I did move to Representative Breslin because I knew she wanted to make a substitute Motion, whereupon Mr. Ewing request that the matter be taken out of the record. My judgement is that he had clearly indicated in dialogue that he wanted the matter out of the record, and had I gone to him prior to Representative Breslin, he would have been in his rights to take it out of the record. So in this case, I think he has a right to take it out of the record, but I don't think you can use this to preclude future rulings. Mr. Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. I thank you for your ruling in this matter, but for a matter of clarification then, once your Bill is on concurrence and you call it for nonconcurrence then you're going to lose control of your Bill."

Speaker Madigan: "Parliamentarian is advising that once you call the matter on concurrence, you've lost control of the Bill."

Ewing: "Even with a nonconcurrence Motion. To me..."

Speaker Madigan: "That's my understanding."

Ewing: "Mr. Speaker. I think that has a very far reaching impli...implication for anybody who might have a Bill with a very onerous Amendment on it. He'd be better off to let his...his legislation die than to ever call it."

Speaker Madigan: "Mr. Ewing, I would think it's something that we ought to examine closely in the next couple of hours. Mr. McCracken."

McCracken: "Can you imagine how much furor there would have been

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if it had been over something important, Mr. Speaker."

Speaker Madigan: "House Bill 3216, Mr. Hoffman. Mr. Hoffman."

Hoffman: "Thank you, Mr...Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to nonconcur with the two Amendments that were adopted in the Senate. One of the Amendments provided for studying a report back in March in terms of the effectiveness of the program. That's already known and is not necessary, and there's another Amendment adopted that dealt with something totally unrelated as far as proper immunization was concerned. And I move that we nonconcur with the Senate Amendments to House Bill 3216."

Speaker Madigan: "Mr. Hoffman, did you move to nonconcur in both Amendments? The Gentleman moves to nonconcur in Senate Amendments #1 and 2 to House Bill 3216. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The House does nonconcur in Senate Amendments #1 and 2. House Bill 3255, Mr. Keane. Mr. Keane."

Keane: "Thank you, Mr. Speaker. I move to concur in Senate Amendment #1 to 3255. The...this is a clarification of the Telecommunication Excise Tax Act. It's the clarification that has been requested by the Department of Revenue. It clarifies that the exemption in the base Bill applies only to expense allocations made between a parent corporation and its subsidiaries or between wholly owned subsidiaries. It also authorizes the credit against the telecommunications tax liability if a retailer paid the tax to a vendor from whom telecommunications were purchased and used for resale by the retailer. Again I move for concurrence to Senate Amendment #1."

Speaker Madigan: "The Gentleman moves to concur in Senate Amendment #1 to House Bill 3255. Is there any discussion? There being no discussion those in favor of the Motion signify by voting 'aye', those opposed by voting 'no'."

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Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 115 'ayes', 1 person voting 'no', and the House does concur in Senate Amendment #1. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Keane, in your absence, we called a House Bill 2909. So, Mr. Clerk, we will call House Bill 2909. Mr. Keane, there are 3 Senate Amendments. Mr. Keane."

Keane: "Thank you, Mr. Speaker. I move concurrence on Senate Amendments #1, 2 and 3 to House Bill 2909. Amendment #1 deals with assessment schedule for coal and coal mining rights per agreement between the County Assessor's Officers Association in Coal Companies. They have agreed the changes in per acre assessed evaluation of all coal shall not exceed 10 percent in any one year except when changes of classification occur. And this means when acreage is used or developed for a purpose other than coal mining. I know of no opposition to that. Senate Amendment #2 changes the effective date from an immediate one to one which is both immediate and specifically effective for assessments made in 1988 and thereafter. And Senate Amendment #3 deals...it's the same Bill as House Bill 3864, which passed the House 116 to 1. Basically the Amendment #3 has three provisions. It deals with certificate of error, second it deals with advertising and publication, and third it deals with mailing notification. I...I would be happy to answer any questions on any of the three Amendments and move concurrence of Senate Amendment 1, 2 and 3 to House Bill 2901 (sic House Bill 2909.)"

Speaker Madigan: "Mr. Bowman."

Bowman: "Question of the Sponsor."

Speaker Madigan: "The Sponsor yields."

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Bowman: "Representative Keane, could you elaborate on the Amendment dealing with publication requirements?"

Keane: "Yes. The Amendment provides that any unpaid taxes remaining after final judgement by a circuit court on a certificate of error may be included in special tax sales so long as all publication and notice procedures established under existing law are followed. This, if you're familiar with the Bill that...that Representative Levin had, this is the exact Bill."

Bowman: "Okay. I was just wondering whether anything in these Senate...in these Senate Amendments might deal with the publication of the...the quadrial assessment."

Keane: "No."

Bowman: "Thank you, no further questions."

Speaker Madigan: "Mr. Keane has moved that the House concur in Senate Amendments #1, 2 and 3 to House Bill 2909. Those in favor of the Motion signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 113 'ayes', no one voting 'no', the House does concur in Senate Amendments #1, 2 and 3 and House Bill 2909 having received a Constitutional Majority is hereby declared passed. House Bill 3261, Mr. Giorgi. Mr. Giorgi."

Giorgi: "Mr. Speaker I move to concur to Senate Amendment #1 to House Bill 3261. All the Amendment did was delete the language that referred to annexations and disconnections. I've...everyone's...there's no objection to the Amendment so I move for the adoption."

Speaker Madigan: "The Gentleman moves to concur on Senate Amendment #1. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish?"

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Mr. Giglio. Have all voted who wish? The Clerk shall take the record. On this question there are 111 'ayes', 1 person voting 'no', the House does concur in Senate Amendment #1 and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3264, Mr. Matijevich. Mr. Giglio in the Chair."

Matijevich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I would move to nonconcur with Senate Amendment #1 to House Bill 3264. On Friday, the Senate Sponsor, Senator Berman, came to me and said that the Amendment is not yet agreed to. The Bill relates to the social workers registration. The clinical social workers Bill has not been worked out yet either, so there's need to go to conference. So therefore I would urge your support in a Motion to nonconcur with Senate Amendment #1."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye', those opposed 'nay', in the opinion of the Chair the 'ayes' have it and the House does nonconcur with Senate Amendment #1 to House Bill 3264. Representative Hannig, 3273. Representative Hannig."

Hannig: "Mr. Speaker, I would ask that we not concur on Senate Amendments 1, 2 and 3 to House Bill 3273."

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

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

Speaker Giglio: "He indicates he will."

Homer: "Gary, will you explain what you are going to do with the Bill?"

Hannig: "The hospital association and the medical society asked me if they could attach an Amendment to it and I've agreed to do that so..."

Homer: "The Bill in other words, will be going to conference. At that time will the Senate Amendments..."

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Hannig: "It would be my intention to keep the three Senate Amendments."

Homer: "Okay. Thank you."

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

McCracken: "Thank you, Mr. Speaker. What is the intention of the hospital Amendment in the Conference Committee. Can you tell us about it?"

Hannig: "Yeah, very briefly, there was apparently they want to repeal a law that has to do with some reporting that they have to now do on burns in burns units and they don't feel it's serving any purpose and they'd simply like to repeal it."

McCracken: "So it would delete some form of reporting requirement and it's been requested by the hospital association?"

Hannig: "And the medical society."

McCracken: "And you don't intend to use it for anything else other than what's in the Bill now in that single Amendment?"

Hannig: "That's correct."

McCracken: "Okay. Thank you."

Speaker Giglio: "Further discussion? You heard the Gentleman's Motion. All those in favor to nonconcur with Senate Amendments #1, 2 and 3 signify by saying 'aye', those opposed 'nay', in the opinion of the Chair the 'ayes' have it and the House nonconcur with Senate Amendments to House Bill 3273. Representative Mautino House Bill 3278."

Mautino: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendment #1 to House Bill 3278. 3278 in its original form has left the House, established that the payment for fixtures necessary to operate a business is not a franchise fee. Senate Amendment #1 provides that payment of rent which reflects

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the economic value of the property is also not a franchise fee and I move for concurrence of Senate Amendment #1."

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

McCracken: "Just to draw distinction what you're calling a franchisee fee is not necessarily the same thing as typically what is referred to as franchise taxes. Okay. So an out of state company to do business in Illinois will file its certificate of authority and be taxed on the value of its assets in the State. That's referred to as a franchise tax, this is a fee which has nothing to do with this other issue I'm referring to?"

Mautino: "Your assessment is exactly correct."

McCracken: "Okay. Thank you."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there are 113 voting 'yes', none voting 'no', and 1 voting 'present' and the House does concur with Senate Amendment #1 to House Bill 3278 and this Bill having received the Constitutional Majority is hereby declared passed. Representative Steczo 3297. Representative Steczo. Mr. Clerk. Representative Steczo. House Bill 3297."

Steczko: "Thank you, Mr. Speaker, Members of the House. I would move to nonconcur in Senate Amendments #1, 2 and 3 to House Bill 3297. Mr. Speaker and Members of the House, there are a couple of local government issues that have to be resolved and it's been requested that this Bill be taken to conference for that purpose so that's the intention for nonconcurring in the Senate Amendments."

Speaker Giglio: "Any discussion? Hearing none all those in favor



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to nonconcur signify by saying 'aye', those opposed 'nay', in the opinion of the Chair the 'ayes' have it and the House nonconcur to Senate Amendment #1, 2, 3, to House Bill 3297. Representative Wojcik, 3303. The Lady from Cook, Representative Wojcik."

Wojcik: "Yes, Mr. Speaker and Members of the House. I move to concur with Senate Amendment #1."

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

Homer: "Speaker, I think it would be good practice if the Sponsor would give an explanation of what the Motion entails. I'd ask the Sponsors to tell us what Senate Amendment #1 does and why she wants to concur."

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

Wojcik: "Yes, Representative I'd be happy to explain it. Senate Amendment #1 maintains the delay in the effective date of the Act and lessens the regulatory requirements on health care providers and local health departments. I believe you're all aware in the House that this Bill has been instigated and has been worked with and through the Department of Public Health. We have compromised in many areas and the Amendment that was presented in the Senate covered an area that was not looked at so therefore I concur with the Amendment."

Speaker Giglio: "Representative Homer."

Homer: "It is my understanding then that this is a Department Bill and it addresses some concerns of some local health departments?"

Wojcik: "You are correct."

Homer: "And it takes care of some problems they perceive that occurred when we passed some legislation last year?"

Wojcik: "That is correct."

Homer: "Concerning cholesterol testing."

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Wojcik: "Exactly. There has been some problem with cholesterol testing through the health fair practices and before they had to have a doctor on site when they were handling the health fair, now they just have to fill out a protocol and they can go on with their health screening."

Homer: "It sounds like a good Amendment. Thank you."

Wojcik: "Thank you."

Speaker Giglio: "Any discussion? Hearing none all those in favor signify by voting 'nay'...'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there are 113 voting 'yes', and none voting 'no', and none voting 'present' and the House does concur with Senate Amendment #1 to House Bill 3303. This Bill having received the Constitutional Majority is hereby declared passed. Representative Breslin, 3319. The Lady from LaSalle, Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentleman I move to concur in Senate Amendment #1 to House Bill 3319. You will remember that the initial Bill allowed for representation and indemnification for the new arbitrators under the Mandatory Arbitration Act. In addition to that two Amendments were included to include more employees under the State Indemnification Act. One is to include doctors who work for the Department of Veterans' Affairs and the other is to include those representatives of the state long term ombudsman for the Department of Aging. In addition to that this Amendment deletes the current requirement that State employees be represented by the Attorney General only in civil actions involving allegations concerning the deprivation of constitutional or civil rights. I believe this was at the suggestion of the Attorney General saying

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that this language really didn't comply with what the Attorney General's performance has been so he thinks that the law ought to reflect what the actual operation of the office has been. And the other Amendment changes is really a technical matter to eliminate duplicative language so I see nothing wrong with Senate Amendment #1 and I move to concur."

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

McCracken: "As I read the analysis apparently the Attorney General has assumed it was his duty to defend and indemnify all employees regardless of the underlying cause of action claimed as long as it was on the job related. Is that right?"

Breslin: "I believe that's the case, yes."

McCracken: "So you would delete the language which apparently would limit that right of indemnification in defense to civil rights violations."

Breslin: "Correct."

McCracken: "And our comments indicate that it probably doesn't cost anything as the Attorney General has been doing it already. Is that your understanding?"

Breslin: "That's my understanding."

McCracken: "Now the other...in the other portions of the Amendment is it your understanding that these areas of employees, certain types of employees are new to the scope of the coverage or is this merely done to insure that they are recognized as such."

Breslin: "It is my impression that these people are new to the scope of the coverage and both the Department of Veterans' Affairs and the Department on Aging have contacted me about them. The Department of Veterans' Affairs indicate that they need to cover doctors because they are now employing

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physicians sometimes on part time basis sometimes on full time basis and in particular if they are on full time basis they are not they aren't maintaining their own malpractice insurance. So they need to be covered under the State insurance if the State is going to continue to employ them."

McCracken: "And that would imply only to the situation where doctors are actually employees and not independent contractors?"

Breslin: "I believe that's correct, yes."

McCracken: "Okay. Thank you."

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

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

Speaker Giglio: "She indicates she will."

Countryman: "I think you just answered one of my questions and that is the independent doctors and the independent contractor would not be covered. Is that correct?"

Breslin: "I believe that's correct."

Countryman: "Alright. And then with response to answers to Representative McCracken, you indicated that civil rights would be taken out but I don't think that's the case. I think we still provide defense for civil rights action."

Breslin: "No. No. It includes that but it includes much more. It only deletes the language that restricts the type of coverage."

Countryman: "So in essence we kind of conform the law to what the practice has been in the defense of State employees. Would that be correct?"

Breslin: "That is correct."

Countryman: "Thank you."

Speaker Giglio: "The Lady from LaSalle to close."

Breslin: "I move to concur in Senate Amendment #1."

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Speaker Giglio: "All those in favor signify by voting 'aye', those opposed 'nay', the voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 110 voting 'yes', 3 voting 'no' and none voting 'present', and the House does concur with the Senate Amendment #1 to House Bill 3319 and this Bill having received the Constitutional Majority is hereby declared passed. Representative Granberg, 3331. Out of the record. Representative Saltsman. Representative Saltsman in the chamber? Out of the record. Representative Capparelli. 3380, Representative Capparelli. Out of the record. Representative Hicks, 3387. The Gentleman from Effingham. Jack...Jefferson, excuse me, Representative Hicks."

Hicks: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3387 was Senate Amendment #1. I would move to concur with House Bill 3387. What Senate Amendment #1 actually put House Bill 3386 on this Bill with it. So this Bill now encompasses both House Bill 3387 and 3386 together. Both Bills passed out of this House overwhelming. I ask for its concurrence."

Speaker Giglio: "Any discussion? Hearing none all those in favor signify by voting 'aye', those opposed 'nay', the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there are 115 voting 'yes', none voting 'no' and none voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 3387. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 3389, the Lady from LaSalle, Representative Breslin."

Breslin: "Thank you, Mr. Speaker. I'll wait til you change the Bill up there. Thank you. Mr. Speaker, Ladies and

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Gentlemen, I move to concur in Senate Amendment #1 and 2 to House Bill 3389. As you will recall this is the Bill that requires the state government in five agencies to establish a source separation and collection program to be implemented in at least five state buildings for office waste paper. It also deals with the use of compost matter and the study of scrap tires, etc. The two Amendments in question that I move to concur authorize revolving loans instead of just grants to solid waste projects and the second one would require the Department of Energy and Natural Resources to prepare a report explaining how to distribute and market landscape waste compost from centralized composting sites operated by the local government. These two Amendments were requested by the City of Chicago that indicate that they are further along in this whole issue of recycling than many of the other communities and both of these Amendments would assist them in actually getting their programs off the ground. So I see nothing wrong with these two Amendments and I move to concur."

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

McCracken: "If we agree to help the city in this regard will the city allow us to continue our tipping fees where we do them so much good by allowing their waste into our landfills?"

Breslin: "As you know, Representative McCracken, I have invited you to a meeting tomorrow morning to discuss that very issue and I will certainly push them to do so."

McCracken: "Well can we wait and vote on this Bill tomorrow then?"

Breslin: "No Sir."

McCracken: "Okay."

Speaker Giglio: "Question is, 'Shall the House concur with Senate

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Amendments 1 and 2 to House Bill 3389?' 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 'no' and none voting 'present' and the House does concur with Senate Amendments #1 and 2 to House Bill 3389 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3408, Representative Berrios. Representative. Representative Berrios."

Berrios: "I move to concur on Senate Amendments #1 which is a technical Amendment, Senate Amendment #2 which is at the request of the Illinois Commerce Commission and it deals with the logos on the side of vehicles with nine thousand pounds or less. Amendment #3 was at the request of the Department of Nuclear Safety and it deals with the relocation process. Senate Amendment #4 is just changing it so that the Department of Transportation corresponds with some federal changes in its definition of state agencies and displaced persons and Senate Amendment #5 is from Senator Maitland's district and it deals with using motor fuel funds for the construction of any county highway. I move to concur on these Amendments."

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

Homer: "Thank you, Speaker. May I ask the Sponsor to take this Bill out of the record for a moment?"

Speaker Giglio: "Out of the record. Representative Wait. Representative Wait in the chamber? House Bill 3415."

Wait: "Mr. Speaker. Thank you, Mr. Speaker. Ladies and Gentlemen of the House House Bill 3415 changes the Grain Dealers Act and would require a statement of cash flow rather than a change in financial position. Also Senate

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Amendment #1 was put on there dealing with the grain quality standards which would allow the University of Illinois and the Department of Agriculture to test for oil and proteins as well as for moisture and FN. I would move for concurrence."

Speaker Giglio: "Any discussion? Hearing none all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there are 116 voting 'yes', none voting 'no' and none voting 'present' and the House does concur with Senate Amendment #1 to House Bill 3415 and this Bill having received the Constitutional Majority is hereby declared passed. Would the record indicate Representative Stange wishes to be recorded as voting 'aye' on the previous Bill. House Bill 3417, Representative Frederick. Virginia Fredericks."

Frederick: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move that the House concur with Senate Amendment #1 of House Bill 3417. The Amendment allows business' to file tax returns quarterly instead of monthly as they do now. It's approved by the Department of Revenue, passed out of the Senate 55 to nothing. The main part of the Bill applies to hotel operators who will be allowed to deduct taxes on receipts where they have not collected taxes in the past. Also it applies to motor fuel taxes where a taxpayer is over paid and there has been no provision until now for a refund. The Amendment we put on in the House expands a License Revocation Act in order to include a number of other professions in the Act where when they fail to file a tax return they will have their license revoked. I move that we concur with Senate Amendment #1 to House Bill 3417."



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Speaker Giglio: "Any discussion? Hearing none all those in favor of the Lady's Motion signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there are 116 voting 'yes', none voting 'no' and none voting 'present' and the House does concur with Senate Amendment #1 to House Bill 3417 and this Bill having received the Constitutional Majority is hereby declared passed. Representative Peterson, House Bill 3425. The Gentleman from Lake, Representative Peterson."

Peterson: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1 to House Bill 3425. Senate Amendment 1 amends the Waste Water Land Treatment Site Regulation Act to exempt waste water produced and treated in the same county from current county approval processing and in addition treatment projects for waste water brought in from outside the county remains still subject to county review. In addition the Amendment amends the Environmental Protection Act to change siting restrictions for garbage transfer stations. It would prohibit an operator from locating a garbage transfer station within a 1,000 feet of an area zoned primarily residential instead of within 800 feet of any dwelling. It also makes an exception to allowing operators of transfer stations with industrial areas of 10 or more contiguous acres, usually industrial parks, to locate up to 800 feet of an area zoned primarily residential. This language was suggested by the Northwest Municipal Conference. I move for concurrence to Senate Amendment 1 to House Bill 3425."

Speaker Giglio: "Senate Amendment #2 Representative Peterson, you want to clarify that. The Gentleman moves for Senate Amendment #2 to House Bill 3425. Representative

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McCracken."

McCracken: "Thank you. Will the Sponsor yield?"

Speaker Giglio: "Indicates he will."

McCracken: "Right. Directing your attention to page 4 of the Amendment lines 2 and 3 the language appears somewhat ambiguous. It reads quote 'nor any non regional transfer facility which becomes a regional transfer station', is the phrase intended to permit the conversion of a non regional garbage transfer station existing on January 1, 1988 into a regional garbage transfer station such as Rolling Meadows and that that language is not intended to allow or permit any other conversion in the State of Illinois."

Peterson: "That is correct, Representative McCracken."

McCracken: "Thank you."

Speaker Giglio: "Any further discussion? Hearing none all those in favor of Amendment...Senate Amendment #2 to House Bill 3425 signify by voting 'aye', those opposed 'nay'. The voting is open. The Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. I just had one question of the Sponsor while we're still voting. It...the Amendment makes reference to zoning, prohibits an operator from locating a garbage transfer station within a 1,000 feet of an area zoned primarily residential. I guess my question is what if you're in an area that has no zoning law. Then I would assume this Bill does not apply to you at all. Would that be correct?"

Speaker Giglio: "The Gentleman want to yield? Yes, okay. The Lady from LaSalle, Representative Breslin."

Breslin: "Thank you. Thank you. Would the Gentleman yield to a question please?"

Speaker Giglio: "He indicates he will."

Breslin: "I am concerned about the second Section in your

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Amendment dealing, it's on page 3 of the Amendment. Lines 22 to 25. You've obviously reduced the number of feet that a garbage transfer station can be located if it is closer to if it is close to an industrial area."

Peterson: "That's correct."

Breslin: "However, on line 25 and 26 you have deleted or the Senate has deleted the provision or within 1,000 feet of any dwelling. As I read this Amendment Ladies and Gentlemen if we pass this Bill it would allow the establishment of the garbage transfer station anywhere next to any dwelling unless you happen to be in a zoned area that is zoned primarily residential. In my county we have no zoning so I wouldn't have any areas that would fall into this category outside of municipalities. And this would allow a garbage transfer station to be placed right next to any dwelling. Isn't that correct, Representative?"

Speaker Giglio: "Representative Peterson."

Peterson: "It says, Representative, 800 feet from the nearest property zoned for...which is primarily residential so it could be any residential area which is now 1,000 feet."

Breslin: "Only if it's zoned. Only if it's zoned. The point is you have taken out...you have deleted language at the end that protects any dwelling that is not in a zoned area."

Speaker Giglio: "Excuse me. Excuse me. Representative. Representative Flinn for what purpose do you rise Sir?"

Flinn: "Mr. Speaker on a point of order, we're on a Roll Call we're not on a question and answer session. Let's vote them up or down, one way or the other."

Speaker Giglio: "Bring your remarks to a close, Representative Breslin."

Breslin: "Okay. I'm sorry. I didn't realize we were on the Roll Call already. Ladies and Gentlemen I would urge 'no' votes on this Motion to concur. I think you will find that you

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will find individual people who are severely disadvantaged by this legislation if a garbage transfer station is allowed to be put in right next to their dwelling. I realize that the Amendment is poorly drafted. I'm sure it was not the intent of Representative Peterson to have this effect. He thought that residential dwellings would be protected under this language but it only protects those areas that are zoned residential. Which doesn't apply to the majority of downstate areas. So I would urge that this House not concur in Senate Amendment #2 to House Bill 3425, that we send it back to the Senate and reinstate that language dealing with dwellings."

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

Leverenz: "I think we have achieved what we're trying to achieve here to back it up. How much do we have to back it up? Are we there? We now have more reds than greens and we can get a technical hat for this Bill and we'll be in good shape."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Mr. Clerk the Gentleman from Will, Representative Regan. Representative Regan."

Regan: "Thank you, Mr. Speaker and Members of the House. I think a substitutive Motion to nonconcur and send this to a Conference Committee Report and straighten that language out is probably in order at this time. I make that Motion."

Speaker Giglio: "On this question there are 24 voting 'yes', 67 voting 'no', 25...26 voting 'present' and the Motion fails. Representative Peterson."

Peterson: "Mr. Speaker I move to nonconcur with Senate Amendment #2 to House Bill 3425."

Speaker Giglio: "You heard the Gentleman's Motion. All those in

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favor signify by saying 'aye', those opposed 'nay', and the House non concurs with Senate Amendment #2 to House Bill 3425. House Bill 3442, Representative Ewing. Representative Ewing in the chamber? Mr. Clerk, 3442."

Ewing: "Mr. Speaker, Ladies and Gentleman of the House. I would move to concur in the Senate Amendment which adds some new language which permit the Department of Public Health to designate local health departments in different counties to do the water well enforcement if that county were to so desire. If the county doesn't have the facilities or the staff to do it then it would be done by the...and I would just move to concur in that while Representative Breslin is over here on our side and before she picks fault with it."

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

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

Speaker Giglio: "He indicates he will."

Homer: "Amendment #1, Representative Ewing, would you explain Senate Amendment 1. Senate Amendment 1, would you explain Senate Amendment 1."

Ewing: "I didn't explain that?"

Homer: "I didn't hear it."

Ewing: "Okay. I think they're just explaining it to me. Just a moment."

Speaker Giglio: "Representative Homer."

Homer: "I'd like to wait until the Gentleman ex..."

Ewing: "Yes, Amendment #1 allows local health boards to be paid a local stipend or a stipend to be set by the country board. I'm sorry I didn't mean to leave that out."

Homer: "Alright, Mr. Speaker to the Bill. I think this is the wrong year to be voting for a pay raise Bills. We resoundingly defeated our own pay raise along with pay raise for judges and I don't think we want to engage in

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conduct now that would allow these individuals who serve on boards of health to obtain a pay raise. Very few members of boards of health around the county even seek a pay raise, most serve on a voluntary manner. There seems to be no good justification to allow DuPage County Board members to designate pay raises under these particular circumstances. And I think we should oppose that Motion for that very reason. So I would hope that all of the Members on this side of the aisle will show restraint and put red votes up on this Motion."

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

McCracken: "Well we're not asking for any money from the State for this. This would authorize not pay raises but the payment et al of the board or the Department of Public Health board members and the director or chairman or whatever the title is. So it isn't any State money involved. We do require statutory authorization. There's no impact on the State. The funds for it are raised and spent locally. All we're asking for is authorization and for that reason I think it really doesn't implicate the issues that the Gentleman refers to."

Speaker Giglio: "The Gentleman from Livingston, Representative Ewing to close."

Ewing: "Yes. I think the point has been made. If anybody if a county doesn't want to pay their public health board they're not required to. What we have done here is said that it's permissible. And I think most of us in this Body think that local government should have those responsibilities and those opportunities. In some large counties it's very difficult to get people to take on this bigger responsibility unless there is some remuneration."

Speaker Giglio: "The Gentleman moves that the House does concur

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with Senate Amendments #1 and 2 to House Bill 3442 and on that question all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Gentleman from Livingston, Representative Ewing."

Ewing: "I'd like to be recognized for another Motion when you take the Roll Call."

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

Leverenz: "I guess under the column explain my vote. Last week the Gentleman chastised us for not recognizing him and now that I look over there and squint my eyes I find that I can recognize him. Thank you."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there are...the Gentleman...the Lady from Sang...Sangamon, Representative Hasara, do you wish to speak?"

Hasara: "Mr. Speaker, I wanted to speak on the previous Bill. Do you want to go ahead and take the record on this please?"

Speaker Giglio: "Have all voted who wish? On this question there are 14 voting 'yes', 89 voting 'no', 13 voting 'present' and the Motion fails. Representative Ewing, the Gentleman from Livingston."

Ewing: "Yes, Mr. Speaker, I'm sure that my comments last week about not being recognized, you remember were directed to you not to the last Speaker. I didn't see him up on the podium but I would like and that's probably a blessing. I would like though to move to nonconcur in Senate Amendment 1 and to concur in Senate Amendment 2."

Speaker Giglio: "Alright. The Gentleman moves to non concur with Senate Amendment #1. All those in favor...Representative Fulton...Representative Homer from Fulton."

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Homer: "Thank you, Mr. Speaker. Can we..."

Speaker Giglio: "Representative Ewing."

Ewing: "I would just instead of proceeding with that Motion, move to take it out of the record."

Speaker Giglio: "Take the Bill out of the record, Mr. Clerk. The Lady from Sangamon Representative Hasara."

Hasara: "Thank you, Mr. Speaker. I had wished to change my vote on House Bill 3425 from 'yes' to 'no'. That was the Motion to concur on Senate Amendment #2."

Speaker Giglio: "Let the record so indicate, Mr. Clerk."

Hasara: "Thank you."

Speaker Giglio: "House Bill 3444, Representative Cowlshaw. The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3444 was graced with four Amendments in the Senate and I would like to review for you briefly what is contained in each of those Amendments before I make the Motion. The first Amendment applies only to the Kaskaskia School District. It is opposed by both Representative Richmond and Representative Goforth in whose districts it is located. And consequently because it is a local matter and both of those local Legislators are opposed to this Amendment I am also. The second Amendment has only to do it is in fact something that has passed here before, that is it permits in the formation of a unit school district for that petition for that formation to include a provision upon which the people would vote as to whether they want to elect their school board members by subdistricts or elect them at large. There is nothing controversial about that, and I am in accord with it also. The third Amendment has to do with the Homer School District which is at this point probably the most famous school district in Illinois despite its very small size. There is I am told some



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dispute at this point among the Senators as to whether they have that Amendment drafted correctly and even whether they want it. The fourth Amendment is something that was suggested and asked to be put on this Bill by Senator Berman, it has do with allowing the Chicago Board of Education to enter into lease purchase agreements for the construction of school districts. In short, Mr. Speaker and Ladies and Gentlemen of the House, Amendments #1 and 3 are generally agreed upon as being inadvisable where as 2 and 4 are not only advisable but totally uncontroversial. My Motion therefore is to nonconcur in Amendments #1 and 3 and to concur in Amendments 2 and 4 and I so move."

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

Leverenz: "Is she moving to nonconcur on all or just this one by itself?"

Speaker Giglio: "I understand the Motion is to nonconcur on 1 and 3 and concur on 2 and 4."

Leverenz: "Could she again just explain why she don't like Kaskaskia? Who don't want it?"

Cowlshaw: "I'm sorry, Madam Speaker, I can not hear the person asking the question."

Leverenz: "Well then take me out of the record."

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

Goforth: "Thank you, Mr. Speaker. The last Representative that said something, I'll tell you why she don't like it because Bruce Richmond and myself don't like it. That's the reason she don't like it and she was kind enough to nonconcur with it. Thank you, Sir."

Speaker Giglio: "Alright. The Lady's Motion is to nonconcur with Senate Amendments #1 and 3 to House Bill 3444. All those in favor signify by saying 'aye', those opposed 'nay', in

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the opinion of the Chair the 'ayes' have it and the House nonconcur with Senate Amendments #1 and 3 to House Bill 3444. The Lady now moves that the House concur with Senate Amendments #2 and 4 to House Bill 3444, on that question hearing none all those in favor signify by voting 'aye', those opposed 'nay', the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question 106 voting 'yes', 9 voting 'no' and 2 voting 'present' and the House does concur with Senate Amendments #2 and 4 to House Bill 3444. 3448, Representative McAuliffe. Representative McAuliffe in the chamber? Out of the record. Representative McPike. Representative McPike in the chamber? Out of the record. Representative Bowman 3464. House Bill 3464, the Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Senate Amendment becomes the Bill and is now equivalent to House Bill 4414 which had previously been Sponsored by Representative Steczo which dealt with community college tax levies and increases the levies for five community college districts scattered throughout the State who have special local needs and the Bill...Representative Steczo's Bill had passed the House but got stuck in the Senate, one of the Senate committees and so the Senate Sponsor of 3464 added this provision to the...to my legislation. This provision is now the Bill in its entirety and I offer to the community college board to sponsor this and move for concurrence on Senate Amendment #1."

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

Cowlshaw: "Would the Sponsor yield for a question, please?"

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Speaker Giglio: "He indicates he will."

Cowlshaw: "Representative are the provisions of Senate Amendment 1 in this Bill are they the same as the provisions in Senate Bill 1796?"

Bowman: "No. No. No. No. I know the one you mean that's the Math and Science Academy Bill. They are not, they are the same however as the provisions in House Bill 4144, I misspoke earlier. House Bill 4144."

Cowlshaw: "Alright. Fine. Thank you very much. The other thing...to the Bill or to the Amendment rather, Mr. Speaker. I believe that there is ample justification for seeing to it that the five community college districts that would benefit from this receive the opportunity to do what the Bill provides for them to do. The only thing I would like to call attention to for the purposes of all of my colleagues who have to vote on this matter that what this is, and I don't think that the Sponsor will deny it, this is a tax increase without a referendum just so you're aware of that."

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

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

Speaker Giglio: "He indicates he will."

Homer: "Representative Bowman can you tell us where the five districts are? Can you name them?"

Bowman: "Yes, just a moment please. Okay. Blackhawk. Lakeland. Thornton. Kankakee. One other, we have five of us over here and we can't... just a second. Belleville, Belleville is the fifth one."

Speaker Giglio: "Representative Homer."

Homer: "Okay, thank you. Thank you, Mr. Speaker. The Bill as accurately described only applies to five community college districts in this state where the facilities are at a point

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where they need...desperately need to be renovated and for what ever reason the voters of that district have not seen fit to voluntarily increase their community college tax levy in order to take care of that purpose. Now I could understand if there are Members in those districts how that question could cut either way. For those of us who do not live in those community college districts I would think this would be a very responsible vote because it would mean no additional tax increases for any of our constituents and at the same time it would allow these districts to renovate their buildings and keep them from coming to the Illinois State Legislature for state assistance. So for me it's a good vote and for anyone else who does not live in these districts it's a good vote and it may be a good vote for those who live in that district depending upon their view of whether or not the needs of their district are being taken care of by their current facilities. So I support the Gentleman's Motion."

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

Pullen: "I'd like to ask the Sponsor a question or two please?"

Speaker Giglio: "He indicates he will."

Pullen: "Sir, you indicated that this applies to only two...only five districts and yet I read in the Amendment that it says the board of any community college district established pursuant to this Act other than a district established pursuant to Section 2-12.1 may levy an additional tax etc. without referendum. Are all the districts in the state other than the five organized under Section 2-12.1?"

Bowman: "My understanding is that there...although the language you read is very general, that there is only five community college districts in the state that kick in under the formula and become eligible under the formula."

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Pullen: "How does the Amendment limit the application of the formula to the authorization in the first sentence of this that the board of any community college district may levy an additional tax in any year in which the state board issues certificate of eligibility to do so?"

Bowman: "Well it's the certificate of eligibility that you just described that determines whether a community college system would come under this or not. The state board does not have unlimited discretion to issue those certificates."

Pullen: "To what degree is their discretion limited? What is the provision by which they become eligible?"

Bowman: "First of all they have to be below the statewide average."

Pullen: "Statewide average what?"

Bowman: "Just a minute. Statewide average maximum authorized tax rate. And then refer to page...do you have a copy of the Senate Amendment in front of you? That's on page 2 line 4."

Pullen: "Yes. Well I wonder whether you would tell the rest of us, too. This is not just for me, I think."

Bowman: "That's correct. It's for five community college districts actually."

Pullen: "No I mean your explanation should not just be for me, Sir."

Bowman: "Okay."

Pullen: "The fact that I have the Amendment before me should not mean that you don't answer the question."

Bowman: "Well I'm trying to answer them as directly as possible. On page 2 line 4 and following it indicates the conditions for the issuing the certification of eligibility and in particular they must be below the statewide average maximum tax levy and then they can...at that point believe they can only get 75 percent of the difference between their tax

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levy and the average. And they have to be eligible for three years, they just can't this can't just be an episodic one year shot."

Pullen: "Mr. Speaker I would like to address the Motion please. Mr. Speaker may I address the Motion?"

Speaker Giglio: "Proceed."

Pullen: "Thank you. Mr. Speaker, Ladies and Gentlemen of the House, I'm certain that in crafting this Amendment the Senators attempted to insure that this really would be limited to five districts without specifying in law what those districts are. I think that we should keep in mind two things. Number 1 what we are authorizing if we adopt this Motion is a tax increase without a referendum on the people of those five districts. That is not something that we should consider lightly. Number 2 the way that the formula is constructed in this by which a community college district can become eligible could provide an incentive for a community college district to not attempt to levy funds that would meet its obligations to maintain its buildings so that in the future they would be able to go for a tax increase without referendum on buildings. That may sound like a strange thing for a community college district to do but coming from the district I come from believe me there are strange things the community board college board will do to avoid going to their voters for tax increase for purposes of building for what ever purposes they decide they want to build a building for. I respectfully urge that we defeat this Motion, thank you."

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

Steczko: "Thank you, Mr. Speaker, Members of the House. I rise in support of the Gentleman's Motion. And would make mention to the Members of this House that the language that is currently before us was before us about a month ago as

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House Bill 4144. At that time an extensive debate took place on the House floor about these very provisions and the Bill was approved by a majority of the Members of this House. In fact it would have been I think more than just a bare majority had there not been language included regarding one of the community colleges in the Jacksonville area which evidently was the point on which the success of the Bill the lack of some of the lack of votes turned. This Bill has been drafted to really assist those community colleges, those five community college districts in the State of Illinois that are really in dire need. I would have the Members of the House know that some of these community college districts were created before we got into formulas and before we got into allowing those districts certain tax rates. So many have never even benefited from the graciousness that we've given to other community college districts in the State of Illinois. This has protections, if you do not qualify for a three year period of time you can't qualify for this extra assistance. You have to make your case before the State Illinois Community College Board in order to get the assistance. This is intended to be something that's temporary but temporary to the point that it would assist those community colleges from keeping their plants and facilities up to date and some are in dire dire dire shape. So I would encourage everybody to look at this provision and also mention to you that each community college district must reappear before the community college board each year. This is only a one levy at a time kind of a situation in order to justify again their plight and their problems. I think that it's beneficial and I would encourage everybody to support House Bill 35...the Amendment to House Bill 3464 as they so graciously did about one month ago."

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

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The preceeding Speaker I think has explained it well. We're talking about districts, five districts which are the most needing, we're concerned about the quality of educational opportunities for people in these districts, then we should be supportive of this legislation. I'm not here to say that it's mentioned by a prior Speaker, that there are community college boards who do things that we might question or in fact disagree with. We're not talking about that issue now, we're talking about districts which have to meet a fairly severe test to qualify for this and out of 58 districts in this State only five of the most needy qualify. I recognize the condition under which this is being passed. I will say to you however that those community college board members are elected by their constituents and they have to make the decision whether they want to apply for this or not. My indication is that they may not all feel that way but regardless of that fact, what we're doing here is giving those elected officials in those community colleges the authority to apply this law if they so wish. I think this is a reasonable piece of legislation and I ask for your support."

Speaker Giglio: "Further discussion? The Lady from St. Clair, Wyvetter Younger."

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

Speaker Giglio: "He indicates he will."

Younger: "What does this Amendment do? What does Amendment #1 do?"

Bowman: "Representative Younger, this Amendment deals with five community colleges around the State including Belleville and it does provide for a tax increase without a referendum



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for the purpose of rehabilitation of the facility. That's it in a nut shell. If you have further questions, I'd be happy to elaborate."

Younge: "Thank you very much. To the Bill I'll ask everyone to vote 'no' and on this concurrence because I think that if people are taxed to a greater degree if they're taxes are increased in particularly in reference to a community college and the buildings that they ought to vote on it. And it is not appropriate for anybody to think that this is a needy situation or a..."

Speaker Giglio: "Proceed."

Younge: "I don't think that it is fair to increase the tax of a particular group of residents of a community college district without their consent. And for that reason I'll ask for a 'no' vote in reference to the people that I represent in the Belleville area college district."

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

Parcels: "Thank you, Mr. Speaker. Ladies and Gentlemen I too rise in opposition to this Amendment. The reason that these buildings may be dilapidated is because the people have not...the community colleges have not been able to pass a referendum before. So we're just skirting the will of the people here, going around them, giving them a tax increase without their voice vote in it, perhaps the people there don't have a lot of money, perhaps they know that Oxford and Cambridge are old but you can still learn. Education does not have to be in a beautiful brand new building. Education be given and received in old walls and if they don't have the money and they have previously been given referendum and a chance to vote on this and they have chosen not to, I don't think it's up to us here at the State to saddle those five districts with increased taxes and I would encourage your 'no' vote."

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

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

Speaker Giglio: "He indicates he will."

Ropp: "Representative with the Senate Amendment does it state that first of all before the referendum would go into effect without a vote that the state community college board would have to approve the increase."

Bowman: "Yes, that's correct."

Ropp: "Is there a certain time frame by which this is incurred. I mean say within a year or what is the mechanics in this set up?"

Bowman: "Well by November 1 of each year that they have to act no later than November 1 of each year."

Ropp: "Okay, then the tax actually would be for the following year beginning January 1, is that correct. It would come out on real estate tax the following April?"

Bowman: "Yes. That's correct. That's why the November cut off so that there's time to get plugged into the next years property tax cycle."

Ropp: "Okay. And there are approximately five community colleges currently would fall into this need."

Bowman: "I believe there is exactly five."

Ropp: "I didn't understand."

Bowman: "I'm sorry I believe there are exactly five not approximately but I think we know precisely which ones there are."

Ropp: "Oh, there is five. Okay. Thank you."

Speaker Giglio: "Representative Bowman to close."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I apologize if my answers were a little rough since this is actually the proposal originated in somebody else's legislation and so I'm sort of pinch hitting here. But it is indeed a tax increase without a referendum and it does

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indeed affect only five community colleges in the State. In response to Representative Pullen's concern it seems to me unlikely that some community college would just delay in doing rehabilitation to take advantage of this legislation because they're the ones that has to pay the bill sooner or later anyway. So it seems to me that if any community college is already doing everything that needs to be done for rehabilitation that there would be no additional incentive under this legislation to change their pattern of behavior at all. In other words, there's no free money here. It is the taxes raised locally to be expended locally for local improvements. So I think it's Representative Homer's points were well taken that this is an appropriate thing for us to consider and I would urge an 'aye' vote on the Motion to concur."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. This was previously House Bill 4144 that passed out of this Body. It allows for those individuals who were funded with their building by the Capitol Development Board to be provided that one year provision so that they may put their tax levy to where the other areas are. It affects three schools. Blackhawk East. Blackhawk West or five I guess, Blackhawk East, Blackhawk West, Thornton, Kankakee and Belleville. This does not effect any of those other districts in the State and allows them this one time provision so that they may get the funds necessary to make those corrections that were screwed up in initial Capitol Development Board application and funding in their projects. It doesn't affect anyone else's district. It's

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a good vote for those schools that need the assistance and the help. It's a one year window that's in and we seek your support."

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

Keane: "Thank you, Mr. Speaker. I would urge my colleagues to vote for this. If you remember what happened when CDB built junior colleges throughout the State and the colleges had problems, the junior community colleges they came back to us and we ended up putting out State money to repair those buildings. What we have now is we have a few communities that are not appropriately funding and maintaining the physical plant in of their community college district. Those community college districts are going to be down here in a couple of years when their plants fall apart and be asking for money. For State money. No one else gets this. None of us none of the community college districts that presently have a nice up to date, all of the groups that have nice campuses and have maintained their physical plant are not benefiting by this. What we are allowing some communities who do not maintain their community colleges to do is they will be coming down here in future years asking for us to bail them out. It is more appropriate and much more correct for local community college district to maintain their own buildings and I would urge you vote 'aye' on this Amendment."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 41 voting 'yes', 64 voting 'no' and 9 voting 'present', the Motion falls Representative Bowman."

Bowman: "I now move that the House do nonconcur in Senate Amendment #1 to House Bill 3464."

Speaker Giglio: "The Gentleman moves that the House nonconcur

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with Senate Amendment #1 to House Bill 3464. All those in favor signify by saying 'aye', those opposed 'nay', in the opinion of the Chair the 'ayes' have it and the Motion carries. House Bill 3469, Representative Kirkland."

Kirkland: "Thank you, Mr. Speaker. I move that we concur to Senate Amendment #1. Senate Amendment #1 simply changes some otherwise an attempt at a technical correction but that some language which inadvertently would have established unlawful discrimination in higher education as a new offense under the Illinois Human Rights Act. There was no intention in the original Bill to do this and this amends a part of the Bill that was simply a technical Amendment. The meat of the Bill in fact is not changed by this Amendment. I move for concurrence."

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

Homer: "Thank you. Will the Gentleman yield?"

Speaker Giglio: "Proceed."

Homer: "Jim, what do you think that Senate Amendment #1 does?"

Kirkland: "Well the guts of Senate Amendment has to do with establishing a civil rights violation for a public contractor to fail to comply with the Acts equal employment opportunity and affirmative action requirements for public contractors."

Homer: "That's not the Amendment. That's the Bill."

Kirkland: "That's the Bill. That's correct."

Homer: "What does Senate Amendment #1 do?"

Kirkland: "Okay. At the very beginning of the Bill there was an attempt to clarify the language which all I can do is read this really. Section A in a declaration of policy says that it is public policy of this State freedom from unlawful...freedom from sexual harassment in employment, unlawful discrimination, and sexual harassment in higher

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education, that was the title. The way the language was changed in the original Bill ended up seeming to set up unlawful discrimination in higher education as in other areas covered in the Human Rights Act."

Speaker Giglio: "Speaker Madigan in the Chair."

Kirkland: "The intent of the changing that language was to clarify it but was not to add unlawful discrimination as another area to be covered for higher education. We simply backed away from that in Senate Amendment that's what Senate Amendment does Senate Amendment #1 does when it was felt that it did substantially change the definition."

Homer: "Mr. Speaker, could we ask the Sponsor, there seems to be a lot of confusion about this Amendment, could we just take this out of the record for a minute?"

Speaker Madigan: "The matter shall be taken out of the record. Next Bill is House Bill 3470, Mr. Giglio."

Giglio: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. I move to concur with Senate Amendment #1 to House Bill 3470. What this does, this is the Las Vegas Bill and what the Senate has done is the Senate had put in some provisions that they can use the license in more than one location, they've also put in there that for counties under 60,000 to help the downstate counties who don't have large facilities to have their Las Vegas nights that they can go more than four times and they say they can go eight times with this provision. There's also a provision in there that increases the size of the bets from \$5.00 to \$25.00. If there's any questions I would...If there's any questions I'd be happy to answer."

Speaker Madigan: "Mr. Giglio, did you move to concur on Senate Amendment #1?"

Giglio: "I move to concur, yes."

Speaker Madigan: "Representative Wojcik."

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Wojcik: "Yes, Mr. Speaker and Members of the House. I rise in opposition to this proposal and for specific reason. I think the Members of this House know how hard we worked in order to maintain Las Vegas legislation. It took approximately four years for us to come as far as we have come today and to do what they are proposing to do right now would be very very inappropriate. In as much as when we had our negotiations we agreed that we would have the cost remain the same for at least two or three years to see what was going to happen. What they're proposing now is to increase the \$5.00 limit to \$25.00 and Ladies and Gentlemen this is truly reflecting gambling. What they're also trying to do now is have four bring it up from from to eight which means that we in essence could look at Las Vegas nights as being legalized Las Vegas evenings. It's really a bad proposal. In my traveling throughout the Cook County area and DuPage County area to discuss the merits and the purposes of this legislation many things were brought to our attention such as the incorporation of mob type people to have doors open to disruptable people. It's just not a good idea. I think we've come a long way. I think we ought to keep it this way now. Let's see what's going to happen and let's not get into a Las Vegas type situation. I really would ask you to look at this and to vote against it and to also tell you that revenue is opposed to this because revenue worked as deligently on this as we all did. This is not a good Amendment and I ask that you do not vote in favor of it. Thank you very much."

Speaker Madigan: "Representative Frederick."

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

Speaker Madigan: "The Sponsor yields."

Frederick: "Representative Giglio is this Amendment the same

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Amendment that failed in Revenue Committee?"

Giglio: "Yes it's part of the provision, yes."

Frederick: "Does it also extend the number of hours that games may be offered?"

Giglio: "No that wasn't included in this Amendment. Just the things that I mentioned about the counties under 60,000 also it allows the one place to have it 8 times instead of 4 times and it allows the betting to go from \$5.00 to \$25.00."

Frederick: "Does that mean that the maximum prize is also increased? No."

Giglio: "No. It stays at 250."

Frederick: "Alright. To the Bill, Mr. Speaker. I would also oppose the Bill I really think we're getting away from the Charitable Games Act and to professional gambling and I don't think this is a good idea so my idea is that a 'no' vote is the best vote on this concurrence."

Speaker Madigan: "Mr. Keane."

Keane: "Thank you, Mr. Speaker. I rise in opposition to this concurrence. Other Speakers have pointed out the major flaws but basically this would leave a big loop hole for organized crime to become involved in these games. And I would urge that you vote against concurrence."

Speaker Madigan: "Mr. Preston."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm afraid I have to disagree with the very eloquent previous Speakers. I rise in support of this Amendment. There are many very worthwhile charities in this state that depend as one of their major fund raising sources on a yearly casino evening. One that's held in Chicago that is a very large affair, I believe it's held on behalf of the Cystic Fibrosis Foundation called the Gamble, is attended by some of the best known people in Chicago and



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in Illinois and certainly by some of the wealthiest. This Gamble would be able to raise a great deal more money if the betting limit were not \$5.00 but instead \$25.00. This is a these type of events are charitable events the way of this particular event to get your money out is really by spending your chips to buy gifts that are grossly over priced so in fact you are making yet one more charitable contribution. It's a major fund raising effort and fund raising source for very worthwhile charities. We have to be realistic. A \$5.00 limit means the cost of running an event might be to prohibitive to make it worthwhile because the amount of money you raise simply can't be enough. Raising this in light of inflation from when we put this legislation in to a modest \$25.00 bet does not mean that organized crime is now desperately anxious to get involved in \$25.00 maximum bet type charitable casino operations. We here sound like that's some outrageous amount of money. In many casino's in Las Vegas, Nevada that's the smallest bet you can place. So what we ought to be doing is looking at the charities who are seeking to benefit from a sociable evening that in fact draws people to their event to participate and to make some money available of the charities they support. I think this is a modest, well needed, and good Amendment and I urge your 'aye' vote."

Speaker Madigan: "Representative Harris."

Harris: "Yes, thank you, Mr. Speaker. A question of the Sponsor?"

Speaker Madigan: "The Sponsor yields."

Harris: "Representative, my analysis indicates that there may be another change to the Bill and it indicates that people who are actually running the games are now allowed to participate in the games themselves when they are not running the games. As an example, someone may be dealing

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black jack stop dealing black jack, turn around and start playing black jack at the same table. Is that correct?"

Giglio: "Only if they're members of the organization. What it does provide, it provides that the organization could hire a consultant to show them how to play black jack or how to run the black jack game or the what ever games they're playing over there but these same people can not be the actual dealers at the charitable night. In other words if an organization doesn't know anything about Las Vegas nights and how these facilities are run they could hire somebody as a consultant, find out how they do it, but those people that belong to the organization are the only ones who can act as dealers not the consultant. But it does provide a provision where they could hire the consultant for a fee but they have no partake in the games."

Harris: "I understand and I follow what you're saying but a member of that organization who is indeed running the game or handling the game as a dealer or as an operator could once he stops dealing or operating turn around and become a participant in the game."

Giglio: "Yes, if he's a member of the KC and he was taught how to do black jack, he gets out then he can go and play black jack."

Harris: "So conceivably in a game and I don't know all the gambling games available but conceivably in a game where players may somehow be pitted against one another or there may be a sense that they are pitted against one another one could be a player and turn around three minutes later and be a dealer or an operator and kind of have a sense that the person he is dealing to is in essence his opponent. Could that not be the case?"

Giglio: "Well it could be a case but if all the people that were

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members of the organization participated in some work that night then nobody technically that belonged to the organization could really play and really enjoy the festivities after their turn at the table for a half hour or an hour."

Harris: "I appreciate your answers, to the Motion, Mr. Speaker. Ladies and Gentlemen of the House, there are several changes that were made in this Amendment. We here in the House have made a decision whether or not we want off track betting, whether or not we want the lottery, perhaps generally I don't think we want to be moving in a direction where by one, we are increasing the bet, two, we are establishing for all practical purposes gambling houses or full time betting houses with the expansion of a location from 4 to 8 times at a single location in the course of a year. And now with this additional change we are talking about having someone who could conceivably be a dealer in a game or a participant in a game with you turning around and dealing against you. I think we're moving as many of the previous Speakers have said, moving much to far, much to quickly in a law which we changed or enacted only a year or two ago. And I think we should vote 'no' on the concurrence."

Speaker Madigan: "The question is, 'Shall the House concur in Senate Amendment #1?' Those in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 46 'ayes', 65 'nos' the Motion fails. Mr. Giglio."

Giglio: "Mr. Speaker, I now move that the House now nonconcur with Senate Amendment #1 to House Bill 3470."

Speaker Madigan: "The Gentleman moves that the House nonconcur. Those in favor say 'aye', those opposed say 'no', the

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'ayes' have it, the House does non concur in Senate Amendment #1. For what purposes does Mr. McCracken seek recognition?"

McCracken: "Mr. Speaker I wanted to welcome to the House that lovely Lady standing to your right. Is that a relation by any chance?"

Speaker Madigan: "That's Nicole Madigan."

McCracken: "Welcome, Nicole. It's good to have you here."

Speaker Madigan: "House Bill 3477, Mr. Hensel. Hensel."

Hensel: "Thank you, Mr. Speaker and Members of the House. I move to concur with Senate Amendments #1 and 2 to House Bill 3477. Senate Amendment exempts persons who shampoo hair from the licensing requirement when under the supervision of a licensed barber. Senate Amendment 2 exempts licensed practical nurses from the licensing requirement of the Bill and I ask for a favorable vote."

Speaker Madigan: "Mr. Regan."

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

Speaker Madigan: "Sponsor yields."

Regan: "Representative, didn't this exclusion for shampoo girls in hospitals and things, wasn't that on the original Bill?"

Hensel: "The original Bill clarifies that registered nurses are not required to comply with licensing requirements and it exempts persons who shampoo hair from the licensing requirement so that they don't have to be a licensed cosmetologist. Last year when we passed the Cosmetology Bill that was it wasn't clarified and this is a clean up Bill to make sure that if you're shampooing hair you do not have to be a licensed cosmetologist."

Regan: "But you have to have a license barber supervise the shampooing?"

Hensel: "Well this exempts them from that, right. They don't

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have to be a licensed barber now to shampoo hair."

Regan: "Thank you."

Speaker Madigan: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 3477?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 113 'ayes', 1 person voting 'no'. The House does concur in Senate Amendments #1 and 2 and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3469, Mr. Kirkland."

Kirkland: "Thank you, Mr. Speaker. With the explanation I gave before and further explanation when we took the Bill out of the record, I think we've cleared up the problem and ask that there be concurrence to Senate Amendment #1."

Speaker Madigan: "The Gentleman moves that the House concur in Senate Amendment #1. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 111 'ayes', 1 person voting 'no', the House does concur in Senate Amendment #1 and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3489, Mr. Klemm."

Klemm: "Thank you, Mr. Speaker. House Bill 3489 amended the Fire Protection Act a District Act. It authorized the board of trustees of a fire prevention district to provide for the planning and the implementation of services necessary to prevent or respond to emergencies involving hazardous waste or hazardous materials. Senate Amendment #1 provided that no fees may be charged for that. That the district could accumulate some funds used for equipment and training for emergencies when they're involving hazardous substances and it meets the requirements, I think, of the counties

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hazardous materials subcommittees and committees that the Governor's has formed. There's no opposition of the Bill. And I move we concur with Senate Amendment #1 on House Bill 3489."

Speaker Madigan: "Gentleman moves that the House concur in Senate Amendment #1. Those in favor signify by voting 'aye' those opposed by voting 'no'. Have all voted who wish? Have all vote who wish? The Clerk shall take the record. On this question there are 117 'ayes', no one voting 'no'. The House does concur in Senate Amendment #1, and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3491, Mr. Ryder."

Ryder: "Thank you, Mr. Speaker..."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you. I move to concur with Senate Amendment #1. This Amendment clarified the Public Aid Code regarding residents which makes the current practice of the public aid part of the Bill."

Speaker Madigan: "Mr. Homer."

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

Speaker Madigan: "The Sponsor yields."

Homer: "Representative Ryder, if this language is already what is being done in practice by the department, why...why do we need the legislation?"

Ryder: "This was a recommendation of JCAR, and they wanted to lock in the department's current practice with what JCAR and others felt was the most advisable way to do it. And the manner in which to do that is to take their current practice and place it into legislation so that by administrative fiat they could not come back later in order to change it. That's the reason, Representative, that it was accomplished in this matter."

Homer: "The Amendment...the Amendment concerns when a new

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resident shall become eligible for public aid. Correct?"

Ryder: "Right."

Homer: "And, what's the rationale for the standard that's in the Amendment?"

Ryder: "Well, the rationale has been developed by the department as a timing mechanism to trigger residency as it applies to dwellings and I think that we have found, the department has found, over a period of time that it works reasonably well for them. JCAR seems to agree that the standards meet the necessary requirements for most administrative orders and as a result that's the reason that it is being considered at this time."

Homer: "But if a person has no dwelling, fixed home, or mailing address, under what circumstances would they be eligible for state assistance?"

Ryder: "I don't know the answer to that."

Homer: "Is this to deal with street people?"

Ryder: "Pardon me."

Homer: "Is this to deal with street people?"

Ryder: "I...I am told that this is to clarify so that they would be eligible even if they do not have a street address. I hope that answers your question."

Homer: "Are there any...are there"

Ryder: "I'm glad that you're now for the Bill."

Homer: "Are there any protections that would keep someone from Gary, Indiana, wandering over into Chicago and applying for ADFC?"

Ryder: "We...we understand that federal law restricts any policies that would...that would prohibit receipt of public aid funds without, or the denial is based on lack of a street or mailing address so it's my understanding of the current practice of the department is such that it would be in current compliance with federal guidelines. I know

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of...I know of nothing, Representative, that would prohibit that which you just described with the exception of the current practices of the department which are in some ways restrictive of that."

Homer: "Well, you know, Mr. Speaker, to the Bill. I...somehow...somehow, during the course of this Session rules have gotten flip flopped and Republicans are wanting to become Democrats and at least not all of them are not, I guess, but it wouldn't behoove me to stand here as a Democrat and to criticize the Gentleman's Motion but I certainly would say to him that there are seats over on this side and we would welcome you amongst our fold, Representative Ryder."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker, I would ask to concur in the Senate Amendment and at this time I would turn down the very kind invitation of Representative Homer, but I would keep it open for consideration and let him know that there's a few more empty seats on this side for him, if he would like to come on over."

Speaker Madigan: "The question is, 'Shall the House concur in Senate Amendment #1?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 115 'aye', no one 'no'. The House does concur in Senate Amendment #1, and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3495, Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. I would move for the House to concur in Senate Amendment #1 to House Bill 3495. This Amendment was offered by the Senate Sponsor, Senator Davidson, with the approval of the Illinois State Police.



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The Amendment deletes a mandate in the original Bill requiring division heads to be state police officers, and makes a technical change concerning auxiliary state policeman. And I would ask for the House to concur in the Senate Amendment."

Speaker Madigan: "The Gentleman moves that the House concur in Senate Amendment #1. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 115 'ayes', no one voting 'no'. The House does concur in Senate Amendment #1, and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3499, Mr. Curran. Mr. Curran."

Curran: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendment #1 to House Bill 3499. This Amendment provides that school boards shall submit a copy of its teacher evaluation plan both to the Bargaining Representative and to the State Board of Education. I know of no opposition."

Speaker Madigan: "The Gentleman moves that the House concur in Senate Amendment #1. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 109 'aye', 4 'no'. The House does concur in Senate Amendment #1, and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3512, Representative Frederick. Take the Bill out of the record. House Bill 3564, Mr. Kubik. Mr. Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to concur on Senate Amendment #2. Senate Amendment #2. Senate Amendment #2 is House...is

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actually House Bill 3567 which would provide that all communications services for all state agencies shall include telecommunication devices for the deaf and the speech impaired. The Bill passed out of the House on the Consent Calendar but withheld in the Rules Committee. In addition to that, House Bill 3563 is also contained in Senate Amendment #2 which would provide that hotels and motels provide at least one portable smoke detector per 75 rooms with the maximum of five. This measure also passed the House and was held in the Rules Committee. This is part of a hearing impaired protection package that passed the House previously and I would appreciate your favorable Motion on concurrence."

Speaker Madigan: "The Gentleman moves that the House concur in Senate Amendment #2. All those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 116 'ayes', no one voting 'no'. This Bill...the House does concur in Senate Amendment #2 and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3565, Mr. Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. 35...House Bill 3565 was sent over to the Senate and Amendment #2 was put on the Bill. I move to concur with the Amendment. What the Amendment does is to clean up the original language contained in House Bill 3565 which would require that essential telephones including Emergency Telephone and Coin operated phones be hearing aid compatible after the date of July 1, 1990. In addition, it contains House Bill 3567 which was held in the Senate Rules Committee. This would require that the employment contract for the Executive Director of the Illinois Commerce

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Commission be part of public information. I would appreciate your favorable Roll Call on concurrence on Senate Amendment #2."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Thank you. Representative, if you could, just bear with me for a second. Would you be kind enough to define first of all, an essential telephone."

Kubik: "Well, that would be an essential telephone, Representative...well, let me first say, Representative Black, I know that there was some discussion on this particular issue. What we've done in this particular legislation is to adopt the federal regulatory standard for essential telephones. They would include telephones like in hotels or hospitals, things of that nature."

Black: "And it says coin operated phones. Does that mean all coin operated phones you might encounter anywhere or are we only talking about public facilities such as, I think as we originally discussed, hotels, etc.?"

Kubik: "This would be coin operated phones everywhere. I might point out, Representative, as a practical matter again, these particular coin operated telephones would be under federal standards. This Bill would adopt the federal standards for those particular phones. And as a practical matter, many coin operated phones, or most of them, are hearing aid compatible."

Black: "Alright. So, if I'm hearing you correctly it really doesn't make then a great deal of difference if we fail to pass 3565 as amended because the Federal Government because the Federal Government is going to require it anyway. Is that what you are saying?"

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Kubik: "The Federal Government will probably require it within the next two to three years. Yes. And what we have done with 3565, however, is to make sure that we don't go back and require existing phones to be brought up to date. You know, there's no grandfather provision here. In other words, we don't go back and change that. They will be left alone, only future phones would be...would be hearing aid compatible."

Black: "Alright. One...one last question, Representative. I appreciate your patience. Is there then any...has anyone expressed any opposition to this to you?"

Kubik: "Yes. However, the...the electronics industry originally opposed the Bill. However, they have seen the Amendment. I've talked to the people in the electronics industry and they now have no position on the Bill."

Black: "Alright. Would their opposition be based primarily on the no grandfather clause, to the best of your knowledge?"

Kubik: "Basically their opposition was for the private telephones, the homes in your...the phones in your and my house which, you know, we should not have to control. That was their major opposition and they were interested in a federal standard in maintaining federal standards."

Black: "Thank you, Representative. I appreciate your answers."

Speaker Madigan: "Mr. Kubik moves that the House concur in Senate Amendment #2. Those in favor signify by voting 'aye' those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 111 'ayes', no one voting 'no'. The House does concur in Senate Amendment #2, and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3570, Mr. Curran."

Curran: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to nonconcur on Senate Amendment #1 to House

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Bill 3570. The...my open statement about that nonconcurrency is to move...to put this Bill into position for a Conference Committee so that if there would be increased revenue in this state, we could then have a chance to achieve the 30 to 1 ratio, case workers to cases, that we've been trying to accomplish in this House and Senate for a couple of years. So I move to nonconcur on Senate Amendment #1 to 3570."

Speaker Madigan: "Mr. Curran. Mr. Curran. Did you intend to offer a Motion on Amendment #2? Mr. Curran."

Curran: "Same Motion on Amendment #2, Mr. Speaker, sorry."

Speaker Madigan: "Mr. Curran moves to concur on Senate Amendments #1 and 2 and the Chair recognizes Mr. McCracken."

Curran: "Nonconcur, Mr. Speaker."

Speaker Madigan: "I'm sorry. You're Motion is to nonconcur?"

Curran: "Correct."

Speaker Madigan: "Mr. McCracken."

McCracken: "Thank you. So you're...you're...the only thing you're willing to consider is this case load ratio and then only if a tax Bill is going to pass...or has passed. Okay, thank you."

Speaker Madigan: "The Gentleman moves to nonconcur in Senate Amendments #1 and 2. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The House does nonconcur in Senate Amendments #1 and 2. House Bill 3586, Mr. Cullerton. Mr. Steczo. Mr. Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. I would move to concur with Senate Amendment #1 to House Bill 3586 which passed the Senate by a 52 to nothing vote. It first exempts municipalities over 1 million in population. Secondly, while the Bill implies that the provisions thereof would be in exclusive state power and may not be exercised concurrently by home rule unit, this provides

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that specific language. I would move for concurrence, Mr. Speaker."

Speaker Madigan: "The Gentleman moves that the House concur in Senate Amendment #1. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 109 'ayes', 3 people voting 'no'. The House does concur in Senate Amendment #1, and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3590, Mr. Pedersen."

Pedersen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur. What this Bill does, it amends a Section of the Insurance Code prohibiting sales by companies in hazardous financial condition. It makes a technical change to delete the reference to the Section which defines hazardous financial condition for risk protection groups."

Speaker Madigan: "The Gentleman moves that the House concur in Senate Amendments #1 and 2. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 109 'ayes', 2 people voting 'no'. The House does concur in Senate Amendments #1 and 2, and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3592, Mr. O'Connell. Mr. O'Connell. House Bill 3600, Representative Deuchler. Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendment 1. If you remember the underlying Bill would allow housing authorities to pay a per diem, not a salary, a per diem and 'intravel'

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reimbursement to be paid by the municipalities. Senate Amendment 1 reduces the population threshold to include cities over ten thousand inhabitants."

Speaker Madigan: "The Lady moves to concur in Senate Amendment #1. Those in favor...Representative Wojcik."

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

Speaker Madigan: "Sponsor yields."

Wojcik: "Representative, in reading the outline here of what the Amendment alludes to, it says it's regarding a per diem and it's to be reimbursed by the municipality."

Deuchler: "That's correct."

Wojcik: "Could you tell me why we are asking for this here instead of letting the municipalities do it in an ordinance manner."

Deuchler: "I was requested to Sponsor this legislation by Aurora, who has housing authority, and felt that they needed this authority."

Wojcik: "Thank you."

Deuchler: "It is permissive."

Speaker Madigan: "Those in favor of the Motion signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 87 'ayes', 27 'nos'. Record Mr. Mulcahey as 'aye'. On this question there are 88 'ayes', 27 'nos'. The House does concur in Senate Amendment #1 and this Bill, having received a Constitutional Majority is hereby declared passed. House Bill 3607, Mr. Hultgren."

Hultgren: "Thank you. I move to concur in Senate Amendment #1."

Speaker Madigan: "The Gentleman moves to concur in Senate Amendment #1. Those in favor of the Amendment signify by voting 'aye', those opposed by voting 'no'. Mr. Black. The

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Chair recognizes Mr. Black. Mr. Black."

Black: "Thank you very much, Mr. Speaker. In all difference to my seatmate and more honest a man I've never met, but he didn't explain what Senate Amendment #1 did."

Speaker Madigan: "Mr. Hultgren to explain his vote."

Hultgren: "Thank you, Mr. Speaker, Representative Black. The original Bill exempted the not for profit organizations from registering and paying a license fee on their canoes as long as those canoes were used on private waters. The Senate Amendment simply removes the requirement that the canoes be used on private waters and continues to exempt not for profit owned canoes from the registration fee by the Department of Conservation."

Speaker Madigan: "Have you finished, Mr. Hultgren?"

Hultgren: "I believe so, Mr. Speaker."

Speaker Madigan: "Alright, fine. The Clerk shall take the record. On this question there are 114 'ayes', no one voting 'no'. The House does concur in Senate Amendment #1, and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3612, Mr. Matijevich."

Matijevich: "Yes. Mr. Speaker, now if Nicole knows how to turn the mics off we'll be doing real well. Mr. Speaker, Members of the House. Senate...House Bill 3612 is a Bill that would permit the State of Illinois to extend medicaid coverage to poor pregnant women and infants up to one year old, one half of which is reimbursable by the Federal Government. The Department of Public Aid supports both Senate Amendment #1 and Senate Amendment #2. Senate Amendment #1 would permit Illinois to conduct the demonstration project extending medicaid coverage to pregnant...pregnant women and infants under age one with family incomes between 100 and 185 percent of the Federal Poverty Line. Senate Amendment #2 would mandate that the



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State of Illinois implement...implement a House Bill which we had enacted as Public Act 85-0453, providing such coverage. The department supports that Amendment because it has...has provided enough funds in the Governor's budget for that purpose. I therefore move and ask the House to concur to Senate Amendments #1 and 2 to House Bill 3612."

Speaker Madigan: "The Gentleman moves that the House concur in Senate Amendments #1 and 2. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 98 'ayes', 14 'nos'. The House does concur in Senate Amendments #1 and 2 and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3615, Mr. Daley."

Daley: "Thank you, Mr. Speaker, and Members of the House. I ask on House Bill 3615 that we nonconcur with Senate Amendment #1. What Senate Amendment 1 does it expands the category of persons who come within the protection of the initial intent of this legislation. And new people would be covered and those would be teachers, police, fire fighters, bus drivers, public aid case workers, park district employees, judges, and persons over in DCF as employees. I ask that we nonconcur."

Speaker Madigan: "Chair recognizes Mr. Johnson."

Johnson: "First of all, I didn't hear a word you said."

Speaker Madigan: "Ladies and Gentlemen, could we level...could we lower the noise level in the chamber. Mr. Daley, would you wish to..."

Daley: "Yes. I ask that we nonconcur this Amendment."

Johnson: "Well, that...I assumed that. It's on the board."

Daley: "Well, if you want me to explain it I will attempt."

Speaker Madigan: "Mr. Johnson, let Mr. Daley explain the Motion

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again. Mr. Daley."

Daley: "Again I ask that we nonconcur with this Amendment, Senate Amendment #1 does it would expand the offense of nonprobationable in the Committee that we...when this Bill was presented it dealt only with senior citizens. And I'm one who believes in the committee process. I know the Members of the Judiciary II Committee too, were very concerned, including your seatmate about expanding this."

Johnson: "Now this...this Hawkinson Amendment, Senator Hawkinson, I think is pretty well universally recognized as being a strong opponent of law and order. This Amendment, if...if we allowed it to stay on, would make certain things nonprobationable that are not nonprobationable now. Is that right?"

Daley: "That is correct."

Johnson: "Okay. Among other things, it would make nonprobationable a battery on a handicapped person. Right?"

Daley: "That is correct."

Johnson: "So, among other things, your Motion would restore the probation ability in this Bill beating up a handicapped person. It would also, in this Amendment if it got on, would make nonprobationable a battery on a peace officer...policeman. Is that right?"

Daley: "No, the intent of my legislation..."

Johnson: "No, I'm talking about the Amendment. The Hawkinson Amendment, if it were allowed to stay on would make a battery on a police officer nonprobationable. Is that right?"

Daley: "That...that was the intent of the Amendment that was offered in the Senate. I am not..."

Johnson: "And you're nonconcurring, would then make a battery on a peace officer or police officer probationable. Right?"

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Daley: "That is correct. But again I would be very..."

Johnson: "Now, likewise. Now, I...I am just interested in my questions. You can summarize on your own later on."

Daley: "I Will."

Johnwon: "The Hawkinson Amendment would also make a...a battery on a fireman in the line of duty. Would make that nonprobationable. Right? And by nonconcurring in this Amendment we'd make those...we'd make those offenses probationable. I think the point of this...of this debate ought to be this, this Amendment or the Bill itself, the underlying Bill, is a questionable liability. In questionable whether it is good policy. But Hawkinson's Amendment really makes a lot of sense. If you're going to make a simple battery or battery on a senior citizen nonprobationable, so we gotta build two or three new prisons. And that's the public policy of this state and that's what you want, then Senator Hawkinson's Bill certainly makes the general Bill more consistent with what the public policy of this state as evidenced over the last ten years of adding to the aggravated battery statute makes it certainly more consistent. Because if you go along with Representative Daley's Motion here, you're saying we want to make it...make it on the one hand nonprobationable to batter a senior citizen but allow somebody who batters a police officer or a fireman in the line of duty probationable. We want to say on the one hand of the underlying Bill that you make it nonprobationable to commit a battery on a senior citizen but it's okay to commit that same offense on somebody who's physically handicapped, to make that probationable. All Senator Hawkinson tried to do with his Amendment was to try to make a questionable concept at least consistent. And to say that it's just as bad to commit a...a physical battery on a person in a

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wheelchair as it is to commit that same offense or a similar offense as somebody who you thought was 46 who just happened to be 66. So for those reasons, and to try to make some consistency in the laws of the State of Illinois which we don't have because we come in with all these good press release Bills that wind up making a polyglod of our Criminal Code. At least to make some consistency within the law, I think it's very important that we concur with Senator Hawkinson's Bill and send a...send an underlying Bill to the Governor that he can approach from a comprehensive standpoint rather than picking out one thing that made a good press release that makes bad law."

Speaker Madigan: "Mr. Homer."

Homer: "Thank you, Mr. Speaker, Ladies and Gentlemen. There's a lot of double speak going on with respect to this Bill. Representative Daley offered a Bill. It went through the House Judiciary Committee and was approved by this Body that said that if there was a aggravated battery against a senior citizen involving great bodily harm or permanent disfigurement that this would become a nonprobationable Class II Felony. Now, Senator Hawkinson, when the Bill got over to the Senate, offered an Amendment on the Senate floor to include a whole bunch of new categories into the nonprobationable portion of the Bill. And then it comes back here and we're asked the issue is to whether concur or nonconcur. And Representative Johnson, who is really against the Bill, argues that we ought to not nonconcur. Well, I think the theories behind what Representative Johnson wants to do is, he wants to put a Bill on the Governor's desk that the Governor is probably going to be inclined to veto. If the Governor signs such a Bill, then it would put us into even a much worse situation with regard to the prison overcrowding issue since we would have

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thereby added a number of additional nonprobationable offenses to the Criminal Code, which neither Representative Johnson, Senator Hawkinson, nor Representative Daley want to do. So we take the Bill as we find it. The Bill is before us having passed the House, having gone over to the Senate, having a hostile Senate Amendment added with the purpose of trying to kill the Bill. So it comes back over here and Representative Daley moves to nonconcur in that Senate Amendment. I think that's the sensible thing to do at this point. Nonconcur. Let's send it back to the Senate say yes you've made your point, but you should recede from your Senate Amendment and let's put the Bill on the Governor's desk as it went through the House and as it went through the Senate committee which is simply a Bill to say if there's an aggravated battery committed on a senior citizen that it becomes a Class II Nonprobationable offense, which is the purpose of the Gentleman's Bill and the Bill has been thoroughly debated all the way and there's no sense at this point in trying to play games with this. So I join the Gentleman and let's agree to nonconcur."

Speaker Breslin: "The Gentleman from Coles, Representative Weaver."

Weaver: "Thank you very much, Madam Speaker. Will the Sponsor yield?"

Speaker Breslin: "He will."

Weaver: "Representative, your reason for nonconcurrency, can you very plainly and very simply indicate why you don't want to...want to concur."

Daley: "Very simply, I'm moving to nonconcur because when the Bill was offered in the Senate the man who put the Amendment on is against this Bill. He was against the Bill when it was proposed for aggravated battery against a

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senior citizen. He is trying to kill the Bill."

Weaver: "Okay. Very simply put. So, you're not arguing with the fact that with the fact that the, for example, that the Legislators are not part of the Amendment."

Daley: "No. As a matter of fact, if the Senator would...will offer this Bill next Session, I would be very happy to Cosponsor it with him to expand this."

Weaver: "Okay. So...so a teacher who is assaulted or someone who assaults a teacher would then be subject to Class II Felony, but someone who assaults a Legislator would not be subject to Class II Felony if this were...if this Amendment were to go on the Bill."

Daley: "He would be charged with the same offense of aggravated battery."

Weaver: "Yea. Well, probably while many would consider that justifiable, it probably wouldn't carry a great deal of weight. I think I'm probably going to support your Motion and nonconcur."

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

Williams: "Thank you, Madam Speaker. I rise to support the Gentleman's Motion to nonconcur in Senate Amendment #1. As you already know, the concept of nonprobationary offenses has already been expanded beyond its reasonable limit. I would like to state for the record that the Sponsor did give us his assurance that this would not be expanded in committee beyond its present scope. Right now under this Bill it we'll be adding fire fighters, teachers, bus drivers, public aid case workers, park district employees, judges, basically anybody who works for any form of government in any means, in any way whatsoever should be wearing tags around saying don't jump on me because if you do you're going to be nonprobationary. I think that

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there's a certain amount of what we would call reasonableness that we can go to, and right now we've gone beyond that. And I hope that you would listen to reason and move to nonconcur in Senate Amendment #1."

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

Countryman: "Will the Sponsor yield?"

Speaker Breslin: "He will."

Countryman: "Representative Daley, is it your intention to put this in conference or do you want the Senate to recede?"

Daley: "Conference."

Countryman: "Are you intending to put anything else in there or other...or just deal with this subject here?"

Daley: "Deal with the pre...as we passed it out."

Countryman: "Didn't you make a commitment to committee to add the knowingly element to this Bill?"

Daley: "No. It was another Bill...no. No, I did not."

Countryman: "You did not."

Daley: "No."

Countryman: "I...you know, I would try to remind you...refresh the Gentleman's recollection. I think we want to deal with the knowingly element. I'm not excited about the Bill or its present form, but if its going to go the Governor's desk I don't like the way it is, so I'm going to join the Gentleman's Motion."

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

Daley: "Simply, Madam Speaker, and Members of the House. The intent of this initial legislation was to deal with senior citizens, and I ask that we nonconcur with Senate Amendment #1."

Speaker Breslin: "The question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 3615?' All those in

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favor say 'aye', all those opposed say 'no'. And those in favor say 'aye', all those opposed say 'no'. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Breslin in the Chair. I think that was a loud 16 people shouting 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 38 voting 'aye', 19 voting 'no', none voting 'present', and the House nonconcur in Senate Amendment #1 to House Bill 3615. House Bill 3620, Representative McPike. Mr. McPike."

McPike: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendment #1. The Bill takes the City of Chicago out of the Act. The Amendment takes the city out."

Speaker Breslin: "The Gentleman moves to concur in Senate Amendment #1 to House Bill 3620, and on that question the Gentleman from DuPage, Representative McCracken. Representative McCracken."

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

Speaker Breslin: "He will."

McCracken: "I believe the underlying Bill was an Agreed Bill among the interested parties, is that right?"

McPike: "Yes."

McCracken: "Is the Amendment also agreed among the interested parties? Or what is the rationale for taking the city out?"

McPike: "Well, there's a dispute between the city and the state fire marshall. And the state fire marshall thinks that they should be in and the city's technical people were not able to convince him otherwise. The city thinks that they are a large enough entity to deal with federal regulators themselves and that they don't believe that the state should have to intervene between them and the federal



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regulators. The question is rather or not the city is going to be in compliance with federal law with this out. The city believes they will not be in violation. The state fire marshall believes they may be."

McCracken: "Is there a requirement in federal law that any state authority be followed? Is this...was this originally passed in order to bring us into compliance with federal law? I mean, let me put it this way, is compliance for federal purposes referenced by compliance with state regulation? Do you know off hand?"

McPike: "No, I don't."

McCracken: "Alright. So whether the city is in compliance or not with state requirements doesn't necessarily impact upon its being in compliance with federal regulation."

McPike: "Correct."

McCracken: "But that's also true for other municipalities as well."

McPike: "That...that would be true."

McCracken: "Okay. Well, to the concurrence, you know, I suppose it's not the end of the world that we exempt Chicago again. Here's some more special legislation. We'll let the city get out because they are so important to the Majority Party. There really is no good reason for not including them. Certainly what is...what is good for the state, other than Chicago, can apply to Chicago as well. It doesn't help to exempt them in order to get Chicago to comply with any federal regulations because there is no reference between the two authorities. So other than raw political muscle, what is the point of exempting them? I mean, if we are concerned about above ground storage leaking and if we want to do something about it, where else should we put our resources than in the largest city in the state? Probably the location with the most above ground

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storage tanks for this type of product. So, I understand that there may, in fact, be a good fate disagreement over whether or not Chicago would comply if it were included, but I think it has not been demonstrated to a satisfactory level why we should keep Chicago out of what is perceived or what is reported by the Sponsors of the legislation to be a safety issue. Certainly the people of Chicago have as much right to safety from the laws of the State of Illinois as anyone else. I think we should vote 'no'."

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

Braun: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I...I was...I'm really sorry, I hoped that we could avoid Chicago bashing at this stage of the legislative process. I would point out, Representative, that this Bill passed the Senate with a 44 positive vote to 8, 44 to 8 vote. That being the case, and given the intricacies of this issue and the impact on local government's ability to make decisions, it is appropriate to concur in the Senate Amendments just as if you're...some special arrangement or an arrangement had been made for your county, Representative, for something specific...specific for your area, I would think that you would expect the support of the other Members of the General Assembly just as we are calling for support for the Gentleman's Motion and for concurrence."

Speaker Breslin: "Representative McPike to close."

McPike: "Thank you, Madam Speaker. This was an Agreed Bill when it left the House. The genesis of the Bill was when there was a huge oil spill on the Ohio River last year. I met with industry and with the state fire marshall to make sure that we had regulations in place that would prevent this and that we would not be in violation of any federal regs concerning above ground storage tanks. The City of Chicago

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has had a program in place for many years dealing with the inspection and the regulation of above ground storage tanks...storage tanks because they already feel that they have a program in place, they did not feel that they should be underneath the state fire marshall. So the question is rather or not you think that the above ground storage tanks should be regulated in your district and rather or not the Bill adequately addresses that. I think it does and for that...for that reason I move to concur in this Amendment."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3620?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. Representative Brunsvold. Representative De...Representative DeJaegher is voting 'aye'. On this question there are 71 voting 'aye', 43 voting 'no', 1 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 3620. And this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3626, Representative McNamara."

McNamara: "Thank you, Madam Speaker. I move that the House concur with Senate Amendment #1. On the initial Bill what this Bill attempted to do was to hold the vehicles so that a person that was driving a vehicle arrested under the...the statutes for intoxication so that he would not be able to get on that vehicle again and drive away still under those...those...and be an incapacitator to drive. What the Senate Amendment did was change the hours from the minimum of holding of a vehicle of 6 hours to a maximum holding of 6 hours and I believe they did that with the intent that the legis...that the police officer would not hold a vehicle for an unwieldy amount of time. Since we do

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not know what the hours should be or whatever, I'm willing to concur on this and send it on to the Governor and study the amount of time limit later on in order to determine whether or not this is correct or not. I'd be happy to answer any questions."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendment #1 to House Bill 3626. On the question, the Gentleman from Fulton, Representative Homer."

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

Speaker Breslin: "He will."

Homer: "Representative McNamara, what would...what would happen in a situation where hypothetically, someone is arrested for DUI, let's say at 10:00 p.m. on a Friday night. His car is impounded, and he bonds out and goes home with his wife in some other car and he doesn't come back to claim his car that's impounded within the six hours. What happens at 4:00 O'clock in the morning? Do the police have to send the car out of impoundment?"

McNamara: "No. What I would expect by that...by that situation is that it does not impose a penalty on the police force or the person impounding the car of anything over the six hour period. What it does is...is our intent is is just sets up the possibility that if he is back there in six hours to get his car then that car must be released to him."

Homer: "Okay, so perhaps for purpose of legislative intent we need to make sure of what it is that this language would do is the change in the language from less than six hours to more than six hours would mean that that the car would be impounded involuntarily for up to six hours. It may be impounded beyond the six hours if it is not reclaimed by the owner of the vehicle in a sooner fashion. Is that...is that your intention?"

McNamara: "That's exactly the intention of this language."

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Homer: "So we're talking about an involuntary impoundment there may be a voluntary impoundment by reason of the failure to claim the vehicle beyond six hours. Is that correct?"

McNamara: "That's correct."

Homer: "Then there's no requirement then for the police to do anything at the end of six hours if the person is not there to reclaim their car at that time."

McNamara: "That's correct. If the person does not reclaim the car then the police are...have no, nothing to do with it."

Homer: "Alright. Thank you."

Speaker Breslin: "Any further discussion? Hearing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3626?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. This is final passage. 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'. The House does concur in Senate Amendment #1 to House Bill 3626. Representative LeFlore votes 'aye'. There are 116 voting 'aye'. This Bill, having received the Constitutional Majority is hereby declared passed. House Bill 3666, Representative Stange."

Stange: "Thank you, Madam Speaker. I move to concur with Senate Bill #1. Senate Bill #1 removes the landfill waste from definition of special waste instead its amended definition of pollution control waste to landfill waste. I urge your 'aye' vote."

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

Homer: "Thank you, Madam Speaker. May I ask the Gentleman to take the Bill out of the record for a moment."

Speaker Breslin: "Out of the record. House Bill 3668, Representative Stange."

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Stange: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Amendment 1 makes the fifteen year monitoring requirement applicable to all sanitary districts, landfills, regardless of size, and no facilities except landfills. I urge your 'aye' vote."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendment #1 to House Bill 3668. And on that question is there any discussion? Hearing none, the question is, 'Shall House Bill...shall the Senate...shall the House concur in Senate Amendment #1 to House Bill 3668?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 113 voting 'aye', none voting 'no', one voting 'present'. The House does concur in Senate Amendment #1 to House Bill 3668, and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3671, Representative Steczo. Representative Steczo. Out of the record. House Bill 3683. Representative Levin. Mr. Levin. Out of...out of the record. House Bill 3705, Mr. Keane. Representative Keane. Out of the record. On page 9 appears House Bill 3712. Representative Harris."

Harris: "Thank you. Thank you, Madam Speaker. I would move to concur with Senate Amendment 1 to House Bill 3712. Senate Amendment 1 allows the Department of Military and Naval Affairs to transfer jurisdiction of certain property in Chicago, namely the Chicago Avenue Armory, allows them to transfer jurisdiction of that property to the Department of Conservation in return for a property located also basically in the center of the city at 1900 S. Calumet Avenue."

Speaker Breslin: "The Gentleman has moved to concur in Senate

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Amendment #1 to House Bill 3712. And on that question the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker. I rise in opposition to the Motion to concur. I've discussed this matter with Representative Harris. I am advised that the transfer of the armory on Chicago Avenue in the city is not to be the only transaction contemplated. However, it's the only one contained in this Bill. I am advised that two or three other properties are involved and that if required by us, the department would be willing to stick into one Amendment the entire exchange of properties. I ask support from the Body for that purpose because in the absence of that we have no assurance that anything will happen other than a gratuitous transfer of the armory to the City of Chicago. The department is not opposed among all the interested parties. It has been contemplated that other exchanges are included in this proposition. However, because they are not contained in the Amendment, I ask you to resist this Motion and to ultimately nonconcur so we can put together a Bill that contains the entire proposition."

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

Braun: "Thank you, Madam Speaker. I had a question of the Sponsor."

Speaker Breslin: "State your question."

Braun: "Would you go over again which properties are involved here."

Harris: "Most certainly. Contrary to what the ini...the prior Speaker said, there are other, if you will, other provisions to the arrangement, however, they do not involve other pieces of property necessarily. Right now, this only involves one specific piece of property which is known as the Chicago Avenue Armory, there at 234 East Chicago Avenue. The arrangement right now is this. In exchange

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for what is the old R. R. Donnelly building at 1900 S. Calumet right down near McCormick Place, in exchange for that being turned into an armory, once the Adjutant General of the Department of Military and Naval Affairs says yes that is appropriate for an armory then he would transfer jurisdiction of Chicago Avenue to the Department of Conservation, which as I understand, would like to use it for something to do with the Museum of Contemporary Art."

Braun: "Thank you, Representative. I was just taking a look at the Amendment and you are quite correct. It does...it is very specific. Thank you very much."

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

Preston: "Thank you, Madam Speaker. Just in response to Representative McCracken's earlier remarks, I...I think he may have been reading a different Amendment because the Amendment that's being referred to here does list and discuss the three properties that were indicated by the Sponsor of the Amendment. Perhaps Mr. McCracken's staff did not get an opportunity to read the Amendment to him like they do some of the other Amendments, but if he would give them a chance to read the Amendment to him, perhaps if they went slowly he would see the reference to all three properties."

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

McCracken: "I stand corrected. I thought I read this Amendment. I must have been looking at a different Bill."

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

Didrickson: "Madam, thank you, Madam Speaker, Members of the House. Will the Sponsor yield for a question."

Speaker Breslin: "He will."

Didrickson: "Representative Harris. This is a pretty pricey



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piece of property in the City of Chicago. I'm just curious when we make exchanges like this from one department to another, I believe we're taking this from the Military Naval Department and transferring it to the Department of Conservation. Is that correct?"

Harris: "That is correct."

Didrickson: "Okay. Do we have to do an appraisal or what are the mechanisms when we do make those types of transfers?"

Harris: "I don't know the answer to that directly, whether or not we have to make an appraisal from transferring it from one department in state government to another department in state government. I can tell you that an appraisal was done several years ago, however, the city, as I understand it, the City of Chicago has changed the zoning for that parcel of land and making it substantially less valuable, but there certainly is a considerable value to a piece of property in the middle of...in the middle of Chicago."

Didrickson: "Well I believe it was about a year ago that I asked the department to do an appraisal and it seemed that that effort got...initiative got stalled. You said that there was one done several years ago. What was the appraisal value then?"

Harris: "I remember, I believe, it was in the mid 30 million dollar range."

Didrickson: "Mid 30 million dollar range. Okay. Now if we transfer this to the Department of Conservation, what are the intended uses and what are the provisions of such an agreement? For example, if the Museum of Contemporary Art is to have a lease back arrangement from the Department of Conservation for whatever value and I don't even know what that is, perhaps you can enlighten us on that, do we rehab this? Do we renovate this? Do we knock down the armory and then build from scratch or what are the...is this

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another White Sox or what are we doing here?"

Harris: "I...I have to tell you that I don't have a specific answer to that. The specific arrangement between the Department of Conservation and the Museum of Contemporary Art, I don't know what they are. This...for purposes of this Bill, we're simply looking at the transfer of jurisdiction from the Department of Military and Naval to the Department of Conservation. And I haven't talked to the people from the Department of Conservation."

Didrickson: "Well, to the...to the Amendment or the Motion, Madam Speaker. I just would move with caution. It isn't...without really understanding fully the impact of what we are doing here, the dollars that we're working with, the commitment or provisions that may or may not occur, I think we should move very carefully and very cautiously. This is a very pricey parcel. Right downtown Chicago, right off of North Michigan Avenue, and I think that this Body should be better informed with regards to the provisions before we move ahead on this Amendment."

Speaker Breslin: "Representative Didrickson, in answer to one question the Chair would advise you that when there is a transfer from one department to another no appraisal is necessary. It is only when the property is being transferred to a private entity. Representative Didrickson."

Didrickson: "But then you're going to lease that to a private entity...for what provision, how much? And that is a private entity. And why..."

Speaker Breslin: "Okay. I'm just telling you what the rules are. The rules require the appraisal for the..."

Didrickson: "I guess my question is is that the lease then is to a private entity?"

Speaker Breslin: "Yes. Okay, the Gentleman from Cook,

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Representative Leverenz."

Leverenz: "The Sponsor yield?"

Speaker Breslin: "He will."

Leverenz: "We are transferring property from who to who?"

Harris: "We are transferring property...we are transferring the jurisdiction of the Chicago Avenue Armory from the Department of Military and Naval Affairs to the Department of Conservation."

Leverenz: "Did I hear any story, news report, or anything where it is proposed that the land that is to be transferred was to be leased for one dollar a year for 99 years so that a Contemporary Arts Museum could be built on that property. Is this the same piece of property?"

Harris: "That's probably the piece of property that you heard about and, or read about in the story that you referred to. However, I can't say that with certainty because I haven't talked to the people from the Department of Conservation."

Leverenz: "What is the intentions of the Department of Conservation to do with the property?"

Harris: "Specifically, I do not know."

Leverenz: "Then why should we transfer it to the Department of Conservation?"

Harris: "The Adjutant General of the State of Illinois has looked for a way to do a couple of things in order to support the department. One is to maintain a presence of our national guard units in the City of Chicago, and at the same time expand the presence to the outer fringes of either Chicago or the suburbs. As I understand the arrangement that was made for this transfer of property, he would be able to keep a presence in the City of Chicago by transferring the Chicago Avenue Armory to the Department of Conservation in return for the building at 1900 S...or 1910 S. Calumet which is down near McCormick Place that would be an

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additional armory facility or an armory location sited somewhere around the either the outer fringes of Chicago or the suburbs of Chicago."

Leverenz: "It's called Main West North."

Harris: "That's what it is called."

Leverenz: "Is the...will the military and naval then still keep a presence within a stone's throw of the property at Chicago Avenue?"

Harris: "Within a stone's throw? Depends on how close you...they have a property now on North Broadway, they have...would have this property at South Calumet, that's..."

Leverenz: "You're saying then that they want to give up the Chicago Avenue Armory but still expand their presence in Chicago. That does not seem to fit."

Harris: "It...it fits insofar as they are getting a building at South Calumet which is equal to, in terms of square footage, equal to or greater than if you count the parking greater than the facility they have now and they also expect to get, as you refer to it, Main, I believe it was, Main North."

Leverenz: "Madam Speaker, then to the Bill. This would probably be categorized as one of the great rip offs of the State of Illinois. We're taking a piece of property that's worth somewhere between 30 and 40 million dollars. And rather than to get a dime for it, the intent in the next coming year or the year after is, to lease it for 99 years at a dollar a year. That's a horrible waste of a piece of property. I would expect even in view of the transfer from military and naval. If we are going to transfer it any place, I thought it would probably be best to go to the State Police in as much as they want a presence on the lake, and that the director thinks that that would be the most ideal location for a new police, State Police

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District. But if you read the news reports, you'll find that it will take somewhere in the area of 30 million dollars to make ready any property known or close to the R. R. Donnelly facility at 1900 South whatever in Chicago. So on one hand, we're giving away something worth 30 million and on the other hand, we're going to spend it up to 30 million dollars in preparing a piece of property. We don't have enough money to float this boat now, so now you're talking about an additional 60, 30 you're giving away and 30 you're going to spend. Smells like a bad deal cooked by Monte Hall someplace behind curtain number two."

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

White: "Madam Speaker, Ladies and Gentlemen of the House. The piece of property that you're talking about with regard to the Chicago Avenue Armory is in my district. The people in that community have worked long and hard to try to bring about some sanity to the situation that has existed for a long period of time. The property will not belong to any individual or group. The property will remain a part of the State of Illinois. The renovation will be done by the museum and all we're talking about right now is a lease...a lease agreement for 99 years. With regard to where the troops will be housed or staged, that will take place on Calumet Avenue on the south end of the Loop, and it's an ideal location primarily because you're right near transportation in case of an emergency. This is a good Amendment and I hope that my colleagues will join with me and with Representative Harris in voting for this meaningful piece of legislation. Again, this does not cost the State of Illinois a dime, and furthermore, the State of Illinois will always maintain ownership of the property."

Speaker Breslin: "The Lady...the Gentleman from Will,

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Representative Van Duyne. Representative Van Duyne, do you wish to speak to this question? Proceed."

Van Duyne: "Yes, would the Gentleman yield for a question?"

Speaker Breslin: "He will."

Van Duyne: "Major, as you know, I was a member of the National Guard Commission long before we went...went into extinction. My worry is what are they thinking about this? How do they receive the idea that they're giving away a piece of property that's worth 30 to 40 million dollars? And if I can, I would like to preface it by just saying a little bit of a background that historically the National Guard has had all kinds of problem getting funding for new armories around the rest of the state. And there's been a big 'human' cry about the Chicago Armory especially with Senator Netsch and a few other people who have been trying to say this that in fact we had a piece of legislation that was nurtured by the National Guard which said that any armories that were sold were, the money was supposed to be used for building new armories. Now this Amendment says that we're going to give it to a completely different department, department, that's going to transfer to the City of Chicago for a dollar a year for 99 years. What happens to that 30 million dollars that Jesse omitted that they could have used if they sold it for a new armory? Now, my last question, how do they feel about it?"

Harris: "I'll start with the last one first because that's the easiest one. The department is in support of the...of this Bill and is in support of the Motion to concur. Some of the dollar figures which have been quoted, in deed, were accurate at a time, however, the situation has changed and Chicago Avenue Armory has been a point of some contention for several years. The initial estimate for the value of that property was 30, even higher, 35 million dollars as

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stated earlier. However, as I understand it, the City of Chicago has changed the zoning requirement or changed the zoning laws for that particular piece of property so that its...the value would be 30 million dollars or 35 million dollars if you could put up a highrise which would be appropriate for that are. However, you can't do that anymore which would greatly diminish the value of the property. So, one, it's probably not worth 35 million dollars anymore. In terms of how the department views this, there were basically four parts to the agreement for their exchange or their willingness to transfer this jurisdiction of the...of the property. One was that they would get another piece of property equivalent to or better than what they have now. That is what they considered that they would be getting down at South Calumet, 1910 South Calumet, the R. R. Donnelly building. Secondly, the funds which you referred to for the purposes of building armory construction, it is their belief that an additional roughly 5 million dollars of state funds would be put into the armory construction fund through various sources over the course of the next three to five years. That is something they feel comfortable with. And then lastly, as the other Gentleman, the Chairman of the Appropriations Committee, made reference to there is another facility or another site being talked about in the in the close in suburbs, northwestern suburbs of the Des Plaines Main West or Main North High School which is possibly being sold. The Department of State...well, the State of Illinois would...would...would pick that up and I have just been informed we would pick it up for the cost of four point two million dollars. There would be several agencies that would use that: the Department of State Police and the Department of Military and Naval Affairs. They could have

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as much as 20 acres there for use as an armory. That's why they're in support of the Bill."

Speaker Breslin: "The Gentleman from Cook, Representative White. You have been recognized once before. For what reason do you rise now?"

White: "Madam...Madam Speaker, my name was used in debate."

Speaker Breslin: "Proceed."

White: "And I don't want the gentleman to my rear to walk away with any misunderstanding. First of all, you're not again selling the Chicago Avenue Armory. Several years ago, the Governor wanted to sell it for about 12 to 13 million dollars for...to a highrise developer and we fought vigorously to oppose that measure. And right now the Governor, to my knowledge, is in support of this package. And again, Representative, we are not, the state is not losing 30 million dollars. All we're doing is transferring one piece of property to another and leasing that property for one dollar for 99 years. The State of Illinois will maintain control of that property so I don't see the problem. You'd do it with regard to state...your state park system. What's wrong with doing it now? We're talking about a piece of property in Chicago."

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

Countryman: "Will the Sponsor yield?"

Speaker Breslin: "He will."

Countryman: "A couple of questions, Representative Harris. What's the highest and best use of this property?"

Harris: "The highest and best use? If we did not own it?"

Countryman: "Yea."

Harris: "Probably to build the highrise which cannot be done now."

Countryman: "And is it subjective to zoning ordinances as long as



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the state is the owner?"

Harris: "Is it subjective to zoning ordinances? I believe that it would be subjective to zoning ordinances whether the state is an owner or whether it was held privately."

Countryman: "I...I think you're wrong on that. I think that the state would be supreme over the city and at least in my judgement the...the state zoning ordinance wouldn't apply. You know, the one other question is can the Department of Military and Naval Department, can they lease for 99 years? Under current law?"

Harris: "Can we lease it to someone for 99 years?"

Countryman: "No, I mean, can...isn't the present department which owns it which is a Military and Naval Department, can they lease for 99 years?"

Harris: "Lease it to someone such as the City of Chicago or anybody?"

Countryman: "Yea. The City of Chicago or anybody."

Harris: "I don't have the answer to that. I don't know."

Countryman: "I don't think they can, but the Department of Conservation can under a Bill we enacted a few years ago to allow them to lease land for people to build hotels and other sorts of things to promote tourism. And is that the reason for the transfer? So they can make the 99 year lease? Or is there some other reason to go to conservation?"

Harris: "It would be my...it would be my belief that that's the reason for the transfer. So..."

Countryman: "So they can make the 99 year lease without having to come back before us."

Harris: "Yes."

Countryman: "Thank you, Representative. Madam Speaker, to the...to the Amendment. I stand in opposition to this at the present time. I haven't heard anymore than what's been

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said on the floor here today, but it seems to me like this is a pretty big deal. And we ought to learn a lot more about it before we vote to...to make this transfer and allow a lease of this property to occur. Thank you."

Speaker Breslin: "Representative Harris to close."

Harris: "Thank you, Madam Speaker. I believe that the Motion has been fully debated that the Chicago Avenue Armory has indeed been a sort of a contentious building within our inventory for many years. However, we have something know which...which the Department of Military and Naval Affairs feels is beneficial to them and the Department of Conservation feels it's beneficial, and I would simply ask that you vote 'yes' on the concurrence."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3712?' All those in favor vote 'aye' all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Representative Matijevich to explain his vote."

Matijevich: "Madam Speaker, in explaining my vote my seatmate is Jesse White, as everybody knows, who lives in this district and as we were debating the Bill, Jesse said to me I don't know why the Republicans are against this he said because it's the Republican part of my district that wants this Amendment. And as to the argument about trying to get an appraisal, the law is when it is as between public agencies, public bodies, you don't need an appraisal. So I think this is good and that we ought to get the 60 votes for it."

Speaker Breslin: "Representative Matijevich. I want, and Representative Didrickson, I want to make something clear, in reading the rule again, it is clear that this applies to a conveyance of any kind of an interest. Since there is a conveyance through a lease to a private party, it is

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possible that the rule could be construed to require an appraisal. However, the...the request is not timely. At this stage in the process to require an appraisal is not required under our rules. Representative Currie, one minute to explain your vote."

Currie: "Thank you, Madam Speaker, Members of the House. This is a good deal for the people of the State of Illinois, the people who own this land now and the people who will own this land if we concur in Senate Amendment 1 to House Bill 3712. This is by no means a rip off in fact if the particulars of the lease that is not part of this Bill are accurate, we're getting a particularly nice program. We're getting private people to invest 30 million dollars on land that we will continue to own. I would say that's a better program for the people than was the Bill we voted on last week in which we were, in effect, giving away land that belongs to the people of the State of Illinois so that a private not for profit organization could do some building and do some owning itself. Here, we're the owners now, we stay the owners in the future, this is a good program for all of us."

Speaker Breslin: "The Clerk will take the record. On this question there are 60 voting 'aye', 55 voting 'no', 1 voting 'present'. Representative Didrickson."

Didrickson: "Verify." Speaker Breslin: "The Lady asks for the verification of the Affirmative. Poll the Affirmative, Mr. Clerk."

Clerk Leone: "A Poll of those voting in the Affirmative. Berrios. Bowman. Braun. Breslin. Brunsvold. Bugielski. Capparelli. Cullerton. Currie. Daley. Davis. DeJaegher. DeLeo. Doederlein. Farley. Flowers. Giglio. Giorgi. Goforth. Harris. Hartke. Homer. Hultgren. Jones. Keane. Krska..."

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Speaker Breslin: "Excuse me, Representative Regan. He changes his vote from 'no' to 'aye'. Representative Ronan. Ask leave to be verified, Representative Didrickson. May he have leave? Very good. Proceed, Mr. Clerk."

Clerk Leone: "Kubik. Kulas. Lang. Laurino. LeFlore. Leverenz. Levin. Martinez. Matijevich. McAuliffe. McGann. McPike. Morrow. Novak. Panayotovich. Phelps. Preston. Rea. Regan. Rice. Ronan. Saltsman. Satterthwaite. Shaw. Slater..."

Speaker Breslin: "Excuse me, Representative Wennlund changes his vote from 'no' to 'aye'. Representative O'Connell changes his... Representative O'Connell changes his vote from 'no' to 'aye'. Proceed, Mr. Clerk."

Clerk Leone: "Steczo. Stern. Sutker. Terzich. Turner. Van Dwyne. Wennlund. White. Williams. Wolf. Anthony Young. And Mr. Speaker."

Speaker Breslin: "Any questions of the Affirmative, Representative Didrickson?"

Didrickson: "Representative Hartke?"

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

Didrickson: "Representative Steczo?"

Speaker Breslin: "Representative Hartke, are you seeking recognition? For what purpose? Representative Hartke changes his vote from 'aye' to 'no'. What was your next question? Excuse me."

Didrickson: "Representative Steczo?"

Speaker Breslin: "Representative Steczo is in the Chamber. Representative Slater, for what reason do you seek recognition?"

Slater: "To change my vote from 'aye' to 'no'."

Speaker Breslin: "Representative Slater and Representative Hartke both have changed their vote from 'aye' to 'no'."

Didrickson: "Representative Shaw?"

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Speaker Breslin: "Excuse me. Representative Shaw asks leave to be verified and he has leave."

Didrickson: "Representative Cullerton?"

Speaker Breslin: "Representative Cullerton. Mr. Cullerton. How is the Gentleman recorded?"

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

Speaker Breslin: "Remove him from the Roll Call. Representative McAuliffe, for what reason do you seek recognition? Representative McAuliffe changes his vote from 'aye' to 'no'. Representative Cullerton has returned to the chamber. Add him to the Roll Call voting 'aye'."

Didrickson: "Repres..."

Speaker Breslin: "Proceed."

Didrickson: "Representative Hannig?"

Speaker Breslin: "Representative Hannig. Representative Hannig. Is the Gentleman in the chamber? How is the Gentleman recorded? He's...he's voting 'no'. Representative Sutker asks leave to be verified and he has leave."

Didrickson: "Representative Flinn?"

Speaker Breslin: "Representative Flinn is voting 'no'."

Didrickson: "Representative Young?"

Speaker Breslin: "Representative Young. Anthony Young or Wyvetter Younge?"

Didrickson: "Anthony Young."

Speaker Breslin: "Anthony Young. Representative Anthony Young. How is the Gentleman recorded?"

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

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

Didrickson: "Representative Keane?"

Speaker Breslin: "Representative Keane. Jim Keane is in the chamber. Representative Wyvetter Younge, for what reason do you seek recognition?"

Younge: "Thank you, Madam Speaker. How am I recorded?"

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

Younge: "I vote 'aye'."

Speaker Breslin: "The Lady votes 'aye'. Record Representative  
Younge as voting 'aye'."

Didrickson: "Representative Krska?"

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

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

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

Didrickson: "Representative Laurino?"

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

Didrickson: "Representative Farley?"

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

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

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

Didrickson: "Representative Doederlein?"

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

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

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

Didrickson: "Representative Bugielski?"

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

Didrickson: "Representative Williams?"

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

Didrickson: "Representative DeLeo?"

Speaker Breslin: "Representative DeLeo was just here.  
Representative DeLeo is in the chamber."

Didrickson: "Is he in the chamber, Madam Speaker?"

Speaker Breslin: "He's in the chamber, yes I saw him."

Didrickson: "Representative Terzich?"

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Speaker Breslin: "Representative Terzich, Bob Terzich is in the center aisle. Anything further?"

Didrickson: "No further questions."

Speaker Breslin: "No further questions. Representative Granberg is recognized."

Granberg: "Madam Speaker how am I recorded?"

Speaker Breslin: "You're recorded as voting 'no'."

Granberg: "Could you change that to 'aye' please?"

Speaker Breslin: "Change Representative Granberg from 'no' to 'aye'. Representative Mautino for what reason do you seek recognition?"

Mautino: "Would you please change my 'no' to 'aye' please?"

Speaker Breslin: "Change Representative Mautino from 'no' to 'aye'. On this question there are 60 voting 'aye', 53 voting 'no', 1 voting 'present'. Representative Hultgren changes his vote from 'yes' to 'no'. Representative Braun for what reason do you seek recognition?"

Braun: "Thank you, Madam Speaker. I know that we're in the middle of a Roll Call except to say that I just for the life of me cannot understand what this position is about. The Governor has indicated he was..."

Speaker Breslin: "Representative Braun you...Representative Braun you are out of order and Members have objected. Representative Mulcahey."

Mulcahey: "Leave me on 'no'."

Speaker Breslin: "Representative Hicks changes his vote from 'no' to 'aye'. On this question there are 60 voting 'aye', 53 voting 'no', 1 voting 'present'. Representative Panayotovich votes 'no', changes his vote from 'aye' to 'no'. Representative Hartke changes his vote from 'no' to 'aye'. On this question there are 60 voting 'aye'...on this question there are 60 voting 'aye', 53 voting 'no', 1 voting 'present' and the House does concur in Senate

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Amendment #1 to House Bill 3712. And this Bill having received the Constitutional Majority is hereby declared passed. With leave of the Body we'll go back to House Bill 3683, Representative Levin. Representative Levin."

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would like to move to concur with Amendment #1 to House Bill 3683. I will then move to non-concur in Amendment #2."

Speaker Breslin: "The Gentleman moves to concur in Senate Amendment #1 to House Bill 3683. On that question the Gentleman from DuPage, Representative McCracken."

McCracken: "Is it correct that this is more of a technical nature this Amendment?"

Levin: "Yes, Representative."

McCracken: "Alright, I understand it's two Motions, but why do you want to concur in this and not concur in 2? Is it your intent to bring it back?"

Levin: "No, Amendment #2 was put on without my permission and contains a fairly controversial and totally different subject. I would hope that by concurring in Amendment #1 which is germane to the Bill, and non-concurring in Amendment #2 we can send it back to the Senate and they will recede on Amendment #2."

McCracken: "Alright, if they don't recede, well I suppose you lose control of the Bill, but if they don't recede what is your intent?"

Levin: "My intent then probably is to look for another home for the underlying Bill."

McCracken: "I'm sorry?"

Levin: "If they don't recede my intent would probably be to look for another home for the underlying Bill."

McCracken: "Okay, thank you."

Speaker Breslin: "The question is, 'Shall the House Concur in



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Senate Amendment #1 to House Bill 3683?' 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 112 voting 'aye', none voting 'no' and 1 voting 'present'. Now Representative Levin is recognized on another Motion."

Levin: "Madam Speaker I would move to nonconcur in Amendment #2."

Speaker Breslin: "The question is, 'Shall...the Gentleman has moved to nonconcur in Senate Amendment #2 to House Bill 3683, any further discussion? Hearing none the question is, 'Shall the House nonconcur in Senate Amendment #2 to House Bill 3683?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the House non-concurs in Senate Amendment #2 to House Bill 3683. With leave of the Body we'll go now to Representative Mays Bill, House Bill 2918."

Mays: "Thank you...thank you very much, Madam Speaker. House Bill 2918 is the Income Tax Refund Bill that we've worked with on a bipartisan basis for the whole Session. I would move that we concur with the Senate Amendments #1 and 2 to this issue. This would make this Bill...put this in the same form as the Senate Bill 1562 which we passed out of this chamber on Friday."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendments 1 and 2 to House Bill 2918. And on that question is there any discussion? Hearing none the question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill 2918?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 117 voting 'aye', none voting 'no', none voting 'present'. And the House does concur in Senate

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Amendment #1 to House Bill 2918. And this Bill having received the Constitutional Majority is hereby declared passed. The next Bill on page 9 on the Calendar on the Order of Concurrence is House Bill 3730, Representative Mays. Out of the record. House Bill 3738, Representative O'Connell."

O'Connell: "Thank you. Madam Speaker I would ask leave to concur in Senate Amendment #1."

Speaker Breslin: "You have to tell us why."

O'Connell: "I'm just getting to it. Senate Amendment #1 is an agreement between the Public Defender, the State Appellate Defender and the States Attorney of Cook County which would limit the extensions for continuances to one 30 day period beyond the 120 day period. It's an Agreed Amendment. It adds certainty to the Bill and I'd ask for its concurrence."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendment #1 to House Bill 3738. And on that question is there any discussion? Hearing none the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3738?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 112 voting 'aye', 4 voting 'no', none voting 'present'. The House does concur in Senate Amendment #1 to House Bill 3738. And this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3739, Representative O'Connell."

O'Connell: "Thank you, Madam Speaker. I would ask leave for non-concurrence with Senate Amendments 2 and 3."

Speaker Breslin: "And what about Amendment #1?"

O'Connell: "As well as Senate Amendment #1."

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Speaker Breslin: "Okay, the Gentleman moves to nonconcur in Senate Amendments 1, 2 and 3 to House Bill 3739. Can you give us a reason, Representative O'Connell?"

O'Connell: "Yes, the Amendments that were put in were not totally agreed upon with the State's Attorney of Cook County who is the prime Sponsor of the Bill. We wish to have further discussion with the various interested parties in each of the Amendments and for that reason we ask to be nonconcurrent."

Speaker Breslin: "Is there any discussion on the Motion? Hearing none the question is, 'Shall the House nonconcur in Senate Amendments 1, 2 and 3 to House Bill 3739?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the House nonconcur in Senate Amendments 1, 2 and 3 to House Bill 3739. House Bill 3748, Representative Black."

Black: "Thank you very much, Madam Speaker. House Bill 3748 passed the House 111 to 0 and as amended passed the Senate 57 to 0. I would move that we concur with Senate Amendment #1 that is viewed primarily as a technical change which allows language phrased as Educational Loan Corporation would be broad enough to cover other entity's wishing to participate in the Educational Loan Program. I see no problem with the Amendment. I would move that we concur with Senate Amendment #1 to House Bill 3748."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendment #1 to House Bill 3748. Is there any discussion? Hearing none the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3748?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 117 voting 'aye', none voting 'no' and

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none voting 'present'. The House does concur in Senate Amendment #1 to House Bill 3748. And this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3752, Representative Deuchler."

Deuchler: "Madam Speaker, Ladies and Gentlemen of the House, I move to concur with Senate Amendment 1 and Senate Amendment 2. Senator Smith has placed Senate Amendment 1 on the Bill, it establishes a coordinator of services to mentally disabled, deaf and hearing impaired persons. The department has signed off on this. It's been requested by Access to Living, Chicago Hearing Society and the Catholic Diocese. Senate Amendment 2 does designate a continuous treatment team for the Department of Mental Health and it codifies the linkage requirement under Rule 125 for after care for persons admitted to DMH facilities three or more times in a 12 month period."

Speaker Breslin: "The Lady has moved to concur in Senate Amendments 1 and 2 to House Bill 3752. On the question the Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, I rise in support of the Lady's Motion. Both of these Amendments were House Bills which passed the House on the Consent Calendar and got stuck in the Senate Rules Committee. There is no opposition to these proposals, the language of each was drafted by the Department of Mental Health in response to specific questions which arose during a course of some hearings that we had on mental health. And because there's no opposition, because these address real needs I would urge that we all join the Lady in her Motion and vote 'aye' on this legislation."

Speaker Breslin: "Hearing no further discussion the question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill 3752?' All those in favor vote 'aye', all those

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opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 114 voting 'aye', none voting 'no', none voting 'present'. And the House does concur in Senate Amendments 1 and 2 to House Bill 3752. And this Bill having received the Constitutional Majority is hereby declared passed. Representative Didrickson for what reason do you seek recognition?"

Didrickson: "Thank you, Madam Speaker. For a point of personal privilege."

Speaker Breslin: "State your point."

Didrickson: "I would like to introduce Baron Von Midal from Eunich Germany and Michael Frietag who is the Minority Leader of the County Parliament of Hamburg. I'd like you all to give them a very nice round of welcome. Thank you."

Speaker Breslin: "Welcome Gentlemen. On page 9 appears House Bill 3765, Representative McPike."

McPike: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendment #1 to House Bill 3765. Which gives quick take powers under the Eminent Domain Article of the Code of Civil Procedure to an airport in my district. Recently we attracted a new industry to this airport that will be working on military aircraft. In order to have the aircraft land at the airport the Department of Transportation agreed to extend the length of the runway to 8,000 feet. We have provided the Department of Transportation quick take authority so that they can proceed with construction immediately and so we don't lose the new industry that is located there. I'd be glad to answer any questions on this."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendment #1 to House Bill 3765. On the question the

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Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker. Before I address the Motion, point of order. The Amendment adopted in the Senate is absolutely positively, unequivocally, unconditionally not germane. We have considered this particular issue prior to this time and the Chair has ruled that it has the authority to rule out of order an Amendment adopted to a House Bill in the Senate finding it to be non-germane. Therefore I ask you to review the Amendment. I think you would agree with me. The underlying Bill addresses only the Toll Highway Authority Act. This Amendment addresses only the Code of Civil Procedure. No where in addition to that is there any relation of subject matter, therefore there is no germaneness of either type horizontal or vertical. As I say the Chair has previously held that it has the authority to rule this type of Amendment non-germane if in fact it finds it to be so. I ask the Chair to so rule."

Speaker Breslin: "Representative McCracken we don't have the Bill itself before us, so we have to get that. While we are doing that the Gentleman from Madison, Representative Stephens on the question."

Stephens: "Well thank you, Madam Speaker. I don't know if it's horizontal or vertical, but the Gentlemen's Motion...the Amendment from the Senate is in order for the people of Madison County and I would rise in support of the Gentlemen's Motion and would hope that in the mean time the Chair rules that the Amendment is germane. The economic development in Madison County will be much better off and this is a step in the right direction if this Amendment remains on the Bill. I rise in support."

Speaker Breslin: "Representative McCracken in response to your point of order, it's the Chair's ruling that the Amendment

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is germane."

McCracken: "I am amazed that it could be germane. Would you care to elaborate?"

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

Klemm: "I wanted to ask the Sponsor a question."

Speaker Breslin: "Proceed."

Klemm: "Did you want to respond to Representative McCrackens inquiry about why it's germane, before I proceed or..."

Speaker Breslin: "Ladies and Gentlemen from reading the Amendment in the Bill they both relate...the first Bill relates to construction, regulation, maintenance and operation of toll highways. This Amendment deals with quick take proceedings for the Toll Highway Authority. It seems to me very clearly germane. And I...the Gentleman from McHenry, Representative Klemm. That's the Chair's ruling. Representative McCracken for what reason do you seek recognition?"

McCracken: "I'd like to appeal the ruling of the Chair and address myself to that Motion."

Speaker Breslin: "The Gentleman appeals the ruling of the Chair. And on that question the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker. Respectfully I take exception to the Chair's ruling. The entire point of the House Bill was as a Vehicle Bill and it was a Vehicle Bill relating to the Toll Highway Authority and the Toll Highway Authority Act. In the Senate, Amendment #2 was put on and in an effort to comply with the requirement of germaneness sought to change the title of the underlying Bill to one dealing with transportation. That apparently is what the Chair's relying on for its finding of germaneness. But clearly that is the wrong finding to make in this case."

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The text of the House Bill was not changed by the Senate Amendment, it was merely added on to. The only thing changed was this title. What was amended was the Code of Civil Procedure, the Code of Civil Procedure was amended and if you look at the particular Amendment sought to be adopted relative to the Code of Civil Procedure, you will see that it does not relate to the quick take powers granted for Toll Highway Authority cases. It is quick take only for the limited purpose of this particular airport in this particular county. You stretch to the point of a lack of credibility, you're finding that this could possibly be germane. It bears no relationship one to the other. They're completely desperate, they completely deal with more than one subject. It violates the Constitutional Prohibition against the single subject matter roll. It is absolutely an abuse of this Chair's discretion to find that this is an Amendment germane to the underlying Bill. And I ask that we overrule the Chair's decision."

Speaker Breslin: "Any further discussion? On this question the Gentleman from Lake, Representative Matijevich."

Matijevich: "I rise in support of the Chair. We've had rulings of germaneness that are I'd say, much looser than this one. The underlying Bill does relate to highways and as I read the Amendment it relates to the relocation of a county highway and that subject matter. So I think within the purview of the Chair it is correct to rule the Amendment germane. I've seen some that we've really stretched germaneness. This one doesn't stretch near as far as we've done before, so I rise to support the Chair."

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

Countryman: "Thank you, Madam Speaker. I just want the Sponsor to realize if this is germane he's going to have to put a



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toll booth out there at the end of his runway. And when they get down to this point they're going to have to stop and pay the toll so they can go further down the runway."

Speaker Breslin: "The question is, 'Shall the Chair be overruled?' 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 45 voting 'aye', 70 voting 'no' and the Motion fails. The question before us now is, 'Shall the House concur in Senate Amendment #1?' And on that question the Gentleman from McHenry, Representative Klemm."

Klemm: "Yes will the Sponsor yield for a question?"

Speaker Breslin: "He will."

Klemm: "Representative McPike I don't have a copy of the Amendment, but for the clarity sake, does the Amendment affect any other airport in Illinois, any other county airport or any other municipal airport at all?"

Speaker Breslin: "Representative McPike."

McPike: "No it does not. It only affects St. Louis Regional Airport, a small airport in my district located in Madison County. It's a one year quick take provision, the Bill...the quick take sunsets after one year."

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

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

Speaker Breslin: "He will."

Countryman: "Are there any residences in the area where the quick take is proposed to occur?"

McPike: "Not to my knowledge."

Countryman: "So it will be all pretty much bare land then?"

McPike: "Pardon?"

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Countryman: "All bare land?"

McPike: "Yes."

Countryman: "Naked land?"

McPike: "Yes."

Countryman: "Thank you."

Speaker Breslin: "There being no further discussion the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3765?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 76 voting 'aye', 40 voting 'no', none voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 3765. And this Bill...Representative Terzich votes 'aye', there are therefore 77 voting 'aye'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 3767, Mr. McPike. Mr. McPike."

McPike: "Thank you, Madam Speaker, and Ladies and Gentlemen of the House. I move to nonconcur in Senate Amendment #1 to the Bill. The Bill was put in as a Vehicle Bill intended for conference. At this point we intend to use the Bill for the package that the Governor will present us on the Bear's Stadium."

Speaker Breslin: "The Gentleman has moved for the adop...has moved to nonconcur in Senate Amendment #1 to House Bill 3767. Is there any discussion? Hearing none...the Gentleman from DuPage, Representative McCracken."

McCracken: "This reminds of the morning I read in the Sun Times that the city and the Bears had made a deal and all we had to do was put up 30 million. Who are you dealing with, I mean who is it that feels this will be the vehicle for the Bears?"

Speaker Breslin: "Mr. McPike."

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McPike: "The Speaker."

McCracken: "Oh, I think we should concur in this one then. House Bill 3767 started as an Eminent Domain Bill regarding condominiums. We had a long debate about this Bill. And it was cleaned up in the Senate pursuant to the discussions had in the House. Now all of a sudden we hear it's always been a Vehicle Bill. That's not my recollection and now why don't we just non...why don't we concur in this. Let's defeat this Motion and not put this into a conference."

Speaker Breslin: "Any further discussion? Hearing none, Mr. MCPike to close."

McPike: "Well it was our preference to find four different Bills and make four changes in current law that were requested by the Bears. Has nothing to do with any appropriation and obviously this Bill could not be used for any appropriation. The Governor requested that instead of using four Bills, we simply find one Bill. And if the Minority Party is opposed to trying to accommodate the Governor and trying to accommodate the Bears then at this point we'll take it out of the record. If they want to kill the deal it's up to them. If they don't this Bill will be here to accommodate them at any time they're ready to request it. So at this point I take it out of the record."

Speaker Breslin: "Speaker Madigan in the Chair."

Speaker Madigan: "Mr. McCracken to sing the verify song. House Bill 3770, Mr. Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to concur on Senate Amendment #1. What Senate Amendment #1 does is two things, first of all it would delete language amending the Nursing Home Care Reform Act which would have required the Department of Public Health to adopt special nursing home licensure

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standards permitting licensed skilled nursing to be available to non-resident during the first five years of the facilities operation. The second portion of the Bill amends the Expiremental Organ Transplant Procedures Act to specify that the acts and indemnification of members of the Expiremental Organ Transplant Procedures Board shall extend and include situation wherein the members ceased approval of individual applications for transplantation. I would appreciate a an 'aye' vote on concurrence, the underlying Bill is a Bill to create...allow for social security numbers to be included on birth certificates and again I would appreciate an 'aye' vote on this."

Speaker Madigan: "Representative Braun."

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

Speaker Madigan: "The Sponsor yields."

Braun: "My analysis indicates that the changes of the Nursing Home Care Reform Act have been deleted by the Senate Amendment. Is that correct?"

Kubik: "Correct."

Braun: "Thank you."

Speaker Madigan: "The question is, 'Shall the House concur in Senate Amendment #1?' Those in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 117 'ayes' no one voting 'no'. The House does concur in Senate Amendment #1 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3799, Representative Currie. Representative Currie. Representative Currie."

Currie: "Thank you, Mr. Speaker, Members of the House. I move the House concur in Senate Amendments 1, 2, 4 and 5 to House Bill 3799. The underlying Bill extends the deadline for Pollution Control Board approval of regulations having

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to do with special and non-special waste by two years. Senate Amendment 2...sorry Senate Amendment 1 would extend a deadline for that same board in respect to regulations for classifying special...I'm sorry, it would extend their deadline for deciding whether and how to abolish manifest requirements for shipment of non-hazardous materials. Senate Amendment 2 makes it possible for the Pollution Control Board to move on its Tiger Mosquito Control Program by exempting people who use pesticides on scrap tires from current licensing requirements. Amendment 4 clarifies definitions of pesticide release and release of the pesticide for the Environmental Protection Agency so that there is consistency between those rules and Pollution Control Board Rules. And Amendment 5 would establish that a study due by the Inner Agency Committee on Ground Water, study due to us by March 1st, 1988, would in fact come to us by March 1st, 1989. I move concurrence in these Amendments. And would be happy to answer your questions."

Speaker Madigan: "The question is, 'Shall the House concur in Senate Amendments #1, 2, 4 and 5?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 115 'aye', no one voting 'no'. The House does concur in Senate Amendments #1, 2, 4 and 5 and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3800, Representative Currie."

Currie: "Thank you, Mr. Speaker. I move the House concur in Senate Amendments 1 and 2 to House Bill 3800. The underlying Bill deals with a composting program. The first Senate Amendment restores some fly ash language that was inadvertently omitted in the original Bill. And Senate Amendment 2 is a redrafting of that original composting

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program. It is I understand it has met some of the opponents arguments and to my knowledge there is not disagreement with the proposal in this Amendment. It would exempt composting from definitions of regional pollution control facilities and it would define biodegradable containers for compost materials. I'd be happy to answer your questions and would appreciate your concurrence in Senate Amendments 1 and 2 to House Bill 3800."

Speaker Madigan: "Mr. Weaver."

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

Speaker Madigan: "The Sponsor yields."

Weaver: "Representative under this...the first Senate Amendment it indicates that the compost and other waste material must be separated from one another. If they are placed in biodegradable bags how then will they be separated and how will the landfill operator know that they are in indeed the right bags in the right piles?"

Currie: "Well it's my understanding that the folks who will be responsible for carrying out this program will be able to do it. They'll be able to put the materials in separate containers within the same truck. They'll be able to use trailers on existing trucks. They could even run a second truck if that were their preference."

Weaver: "So it is your interpretation that this may in fact require a garbage hauler or a landfill operator to actually double the fleet of trucks that they have now to pick up the same material?"

Currie: "It's my understanding that they have many options. One would be to compartmentalize existing trucks. It is also my understanding that the haulers do not oppose this Bill."

Weaver: "Mr. Speaker to the Motion. I think what we're looking at here is the potential expensive...very expensive proposition. The Sponsor of the underlying Bill indicates

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that we may force the garbage haulers and the landfill operators to purchase additional trucks or to purchase trucks that are compartmentalized. It is only going to drive our costs up and I don't really think it's workable in the shape it's in. And I really think we need to vote against this concurrence."

Speaker Madigan: "Mr. Countryman."

Countryman: "Thank you, Mr. Speaker. I guess we had some debate on this thing the other day and I was the one who mentioned that we're going to go home in a few years and find out that we won't have any biodegradable bags to put our lawn clippings in and then we aren't going to be able to get them on the garbage trucks right. So we're all going to have to buy sheep. But my seatmate then came over and said really we're really even crazy for letting this stuff leave our lawn. But I still stand in opposition to the Bill, because I think we're going to either have to buy sheep, because we won't be able to keep our grass clippings or we're going to create so much expense and we don't even have these biodegradable bags. And I don't see any reason if we're going to use biodegradable bags, why we don't use them for everything. Then we won't have to sort out those things that will go in biodegradable bags from those that don't go in biodegradable bags. And I think we've got a long time to go before we need this law and I suggest a 'no' vote."

Speaker Madigan: "Representative Currie to close."

Currie: "Thank you, Mr. Speaker and Members of the House. I stand with the Environmental community with the Environmental Protection Agency and with the industry in support of these two Amendments to House Bill 3800 and I would welcome your support for the concurrence Motion."

Speaker Madigan: "The question is, 'Shall the House concur in

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Senate Amendments #1 and 2 to House Bill 3800?' Those in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 90 'ayes', 21 'nos'. The House does concur in Senate Amendment #1 and 2 and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3810, Mr. McAuliffe. Mr. McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to nonconcur in Senate Amendment #1 to House Bill 3810 and ask for a Conference Committee."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted and the House does nonconcur in Senate Amendment #1. House Bill 3831, Mr. Myron Olson. Mr. Olson."

Olson, M.: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendment #1 to House Bill 3831 which was a JCAR initiated Bill. It amends the Age Confidentiality Act to provide that no person may order a HIV test without first obtaining a written informed consent of the test subject. And also provides that someone who wishes to remain anonymous may do so except in cases where written informed consent is not required. I move for the adoption of this Motion."

Speaker Madigan: "The Gentleman moves that the House concur in Senate Amendment #1. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Would someone record Representative Currie as 'aye'? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 116 'ayes', no one voting 'no'. The House does concur in Senate Amendment #1 and this Bill having received a Constitutional Majority is hereby



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declared passed. On page 4 of the Calendar there appears House Bill 2993, Mr. Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. House Bill 2993 had two Senate Amendments attached. Senate Amendment #1 was a language change dealing with Adledo Civic Center, changing that name to Mercer. And that would be inappropriate because that is not the location of the Civic Center. So I would move not to concur in Senate Amendment #1. Senate Amendment #2 as most of you realize is the White Sox Amendment from the Senate. Senator Zito is standing next to me. He has requested that I move not to concur. He has worked on the language, this Bill had overwhelming support in the Senate. There are some questions about the state funds, he has intended that no state funds be used. There are some questions about that and he'd like to fine tune the Bill and has requested that I not concur in Senate Amendment #2. And so Mr. Speaker I would move that we...that I not concur in Senate Amendment #1 and Senate Amendment #2."

Speaker Madigan: "Mr. McCracken."

McCracken: "If I tell the Gentleman we don't want to nonconcur will he take it out of the record? No? Well lets take this one out of the record to. We are...I mean why are we furthering the cause of these teams owned by rich people, coming down here looking for a hand out? And we are voting against education, we are voting against everything else. Let's not...let's not prolong this, don't vote for this Motion. Demand a Roll Call, beat it, and then concur on it. Beat that Motion and kill this Bill. Don't let it go any further."

Speaker Madigan: "Mr. Homer."

Homer: "Thank you, Mr. Speaker. I rise to support the Gentleman's Motion to nonconcur. The Senate Amendment

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which effects the White Sox under its current construction has a contingent liability for the state of 60 million dollars through Build Illinois bonds. The problem is that number one there is noseparate authorization for the sale of those bonds. And number two is a number of us while wanting to see the White Sox stay in Chicago and want to make it possible for them to do so are reluctant and frankly opposed to supporting legislation under circumstances which could obligate the state to commit tax dollars toward that proposal. What the Gentleman is suggesting is that Senator Zito the author of the Senate Amendment is wanting to take the Bill to Conference Committee so as to fine tune the legislation and so as to build protection then for the tax payers of Illinois. That makes good sense, that's what we're down here to do is to protect our constituents where we can. That's what the Gentleman wants to do and so it makes little sense to me to defeat this Motion to nonconcur. I guess the alternative is to concur and to put the Bill on the Governors desk in its current form. That doesn't seem to make much sense in light of the Gentleman's objections on the other side of the aisle who opposes the Bill at all. So, let's all join with Representative Brunsvold in supporting his Motion to nonconcur."

Speaker Madigan: "Mr. Keane."

Keane: "Thank you, Mr. Speaker. I rise in support of the Sponsors Motion. I've talked to both the House Sponsor and the Senate Sponsor. The interest of both of the Gentlemen is to improve the Bill to take the burden as much as possible off of and maybe totally off of all state funding. And for that reason any time that we can improve a Bill and isolate and insulate this state from being tapped, I have a tendency to support it. And I would urge all of my

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colleagues to do so also."

Speaker Madigan: "The Motion is to nonconcur and Mr. Brunsvold.  
Mr. Brunsvold."

Brunsvold: "May I close Mr. Speaker?"

Speaker Madigan: "Yes, please proceed."

Brunsvold: "Thank you, you know back in 1986 I voted against the White Sox Stadium proposal. And I don't think that we ought to be spending taxpayers dollars on keeping the White Sox in Chicago. That's why I think everyone here ought to realize that if we put this in to Conference Committee we're going to make sure that there are no tax dollars used. And I can support that. I do not want any tax dollars to be used to support the White Sox. We can sell bonds, sell certificates, sell whatever you want to the public to support the White Sox, but no tax dollars should be used. And Senator Zito wants to make sure that that is clear that no tax dollars would be used. So if you're voting not to put this into Conference Committee, then I suppose you support the idea that we're going to use tax dollars then, because that's sure not my objective nor Senator Zito's objective. And let the Governor go ahead and if he chooses to do that, that's fine, but we don't choose to use tax dollars in this situation. And that's why we're going to Conference Committee to make sure that no tax dollars are used. And I would ask for your support in nonconurrence."

Speaker Madigan: "The question is, 'Shall the House nonconcur in Senate Amendments #1 and 2?' Those in favor will signify by voting 'aye', those opposed by voting 'no'. Mr. Terzich. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 75 'ayes', 34 'nos'. The Motion that the House do nonconcur in Senate Amendments

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#1 and 2 is adopted. On page 8 of the Calendar there appears House Bill 3592, Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. I would ask leave to concur in Senate Amendments 1, 2 and 3 for Senate Bill 3592. The Amendments were put on primarily after an effort on the part of the Members of the Juvenile Justice Commission to try and accomodate some of the concerns that were expressed by various Law Enforcement Agencies, as a result of a measure that was introduced to meet federal guidelines dealing with detention facilities for juveniles. The Amendments 1, 2, and 3 attempt to eliminate some of the measures that were in the guidelines, but the Bill 3592 still has sufficient guidelines in it so that those juvenile agencies that have been mandated by the Federal Government to comply with their minimum guidelines will still get the federal grant money which amounts to two million dollars per year. So, these Amendments were drafted by the Appellate Defenders Office, the State Appellate Defenders Office and I would ask for their favorable concurrence."

Speaker Madigan: "Mr. Mautino."

Mautino: "Thank you very much, Mr. Speaker. Because one of those Amendments is very controversial I would like to ask for a seperation of the question and present my views on the rationale for the seperation if it is so decided."

Speaker Madigan: "The Gentleman has asked for a division of the question. The rules clearly provide for that upon request. Therefore, we will proceed first on Senate Amendment #1. Mr. O'Connell would you wish to explain Senate Amendment #1?"

O'Connell: "Thank you, Mr. Speaker. Senate Amendment #1 deletes certain provisions that require a documentation of efforts that are made to prevent the necessity of the removal of

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the minor from his home. It also deletes provisions which authorize the court to order the provision of services to the minor, his family, to ameliorate the causes contributing to the finding of probable cause to believe that the minor is a delinquent. It eliminates a lot of the difficult provisions that Law Enforcement Agencies would have to comply with. I'd ask for its concurrence."

Speaker Madigan: "Mr. Ropp on Senate Amendment #1, Mr. Ropp."

Ropp: "Okay."

Speaker Madigan: "If you speak on anything else Mr. Ropp why...Mr. Ropp. Would you turn on Mr. Ropp. Mr. Ropp on Amendment #1."

Ropp: "Speak on #2. Mr. Speaker I want to have reference to #2 Amendment, so I'll withdraw my request."

Speaker Madigan: "Okay. The question is on Senate Amendment #1, those in favor of the Motion to concur will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 112 'ayes', no one voting 'no'. The House does concur in Senate Amendment #1. Mr. O'Connell on Senate Amendment #2."

O'Connell: "Senate Amendment #2 is probably the controversial Amendment. But it's also the most important Amendment. It sets certain standards and procedures for the confinement of minors in county jails or municipal lockups. The federal guidelines have set forth for a number of years that there should be a limitation of six hours for juveniles while they are being detained. Now, this does not include the time that is being used to transport juveniles to a lockup. It does not include time that is being spent in investigative procedure for the minor. This is six hours that the minor is being held in custody. Most

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courts have separate facilities that juveniles are being held in, this is simply a statutory acknowledgement of the federal guidelines which insist on a 6 hour limitation for a confinement of a juvenile. Now I recognize that the Sheriffs Association for one have been opposed to this, because certain jail facilities cannot meet these guidelines. I would suggest however, that the question is, will our juvenile agencies which are conducting services that if they do not, they are not able to conduct, the state will be required to conduct. They will lose two million dollars, two million dollars annually if this isn't complied with. I'd ask for its concurrence."

Speaker Madigan: "Mr. Mautino."

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

O'Connell: "Yes."

Speaker Madigan: "Sponsor yields."

Mautino: "Representative O'Connell what is the differential in the financial incentives for the jails at this current time under the current existing law?"

O'Connell: "I'm sorry, did you say differentials?"

Mautino: "Yes, what is...what would the difference be if we enacted this Amendment as opposed to what it currently is now?"

O'Connell: "This would require that there be a separate facility that the juveniles could not be left in the same cell area even if that area is separated by bars, but is in plain view. This would require that there be a separate holding facility for the juvenile."

Mautino: "If in fact a jail was recently built and a facility does have those available areas, would they also have to conform with the movement of those juveniles within six hours, even though they have facilities now which

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are separated by bars?"

O'Connell: "The question is, would they be allowed to be in that holding area for six areas?"

Mautino: "Yes, yes, what about the seventh hour? Would they have to moved from that facility to another facility that is certified after that six hour period? And who pays for that movement? Where does that money go?"

Speaker Madigan: "Mr. Ropp."

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

Speaker Madigan: "I'm sorry, I don't think he was through answering that question."

O'Connell: "The answer Representative would be that in the seventh hour that that juvenile, determination would have been as to whether to in fact release the juvenile or send him to custody in the juvenile home."

Mautino: "Now, third question. If in fact that individual...a facility that is certified, is what you're talking about. Let's say it's in Rockford, would those individuals have to be transferred from let's say Sterling to Rockford Illinois and who pays for that? Where there is no detention home in those counties?"

O'Connell: "Well it would be the arresting authority which is currently the law now."

Mautino: "Alright what is the split net two million dollars you mentioned?"

O'Connell: "The two million dollars is the amount that Illinois agencies get from the Federal Government for a grant, Juvenile Authority Grants that are sent to various agencies throughout the state."

Mautino: "What's the breakout? Who gets what?"

O'Connell: "I'm not certain Representative what the breakout is. It's spread on the basis of population primarily."

Mautino: "Alright then let me put it this way, there are 102

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counties, let's take the largest county, the county of Cook, what do they get out of that two million dollars?"

O'Connell: "I do not have a specific amount Representative."

Mautino: "Do they get one and a half?"

O'Connell: "I cannot answer that, I'm certain that they don't get one and a half of the two million dollars."

Mautino: "Well if it's on a population basis what I can see is the downstate counties having to provide additional funds at the county level to cover those costs of transfers number one, and number two or building on to an existing jail which may be in the construction stages now or just had been completed within the last couple years."

O'Connell: "All I can tell you is that the proponents of this Bill are members of the Juvenile Justice Commission. Which are represented by individuals and agencies throughout the state, including areas in your part of the state. So it is an equitable distribution, I cannot give you the specifics as to what that is."

Mautino: "Thank you."

Speaker Madigan: "Mr. Mautino are you finished? Mr. Ropp."

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

Speaker Madigan: "The Sponsor yields."

Ropp: "Representative O'Connell can you estimate how many dollars it's going to cost some of these downstate counties to comply with this particular Amendment as you have proposed?"

O'Connell: "No, I think that would...I cannot answer that."

Ropp: "Well let me give you some examples, in my county for example, it's going to cost an excess of \$200,000.00 a sizable cost in time and labor of delivery of juveniles. It's a cost that is not necessary. This Amendment is going to cost a number of counties more money than they have even anticipated, in fact I think this Bill went out of the



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House something like it and very few people listened to the effect of the cost on their county that this particular provision will incur. I urge those of you who are downstate to severely look at this Amendment. It is one that is not cost effective, it's one that's going to cause a number of your police force to use a sizable amount of their time just in delivering people generally outside of your own county, in which to take care of juvenile offenders. I urge a 'no' vote on this. It's too costly, it's too expensive and at this particular time is not needed."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Thank you. Representative let me just follow up on the question that previous Speaker asked of you. In my...in one of my counties about 15 years ago we built a new jail, very, very expensive I might add and at considerable burden to the taxpayer, property taxpayer. At that time we met all juvenile detention criteria, by that I mean, what we have in that jail is juvenile detention areas are segregated by sight, by sound, and in fact are kept on an entirely different floor. There is no way with the security in that facility that a juvenile can be seen, can be heard, or can be approached by any other inmate in that county facility. As I understand your Bill, that would not be good enough."

Speaker Madigan: "Mr. Terzich."

Terzich: "Well, in answer to the Gentleman's question, Representative that is not my understanding, you may be right. I will not dispute that. I would question though, however the validity of that statement that the fact that

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you have a separate facility the facility is a room. It's not a separate building. It's within the same building, but it is out of sight and out of sound. In my understanding that would be sufficiently separate. And if you had to create a whole new facility I would agree that that is not cost effective. But I don't believe that that's the case."

Black: "Thank you very much, Representative. Ladies and Gentlemen of the House, to Amendment #2 and as a previous Speaker said, I think most of us in downstate counties would well advised to listen very carefully to what this Amendment does. In the opinion of various Law Enforcement Officers in my district this Amendment could render our relatively new jail unable to detain a juvenile for more than six hours. We then, the county of incarceration would have to pay the expense of room and board, transportation and what have you, to an approved juvenile detention facility. We do not have one of those facilities in our county. The Gentleman from Champaign may be able to address, we used to send juveniles to a facility in Champaign County, it's my understanding that that facility may no longer be approved. So I don't know where in Vermilion County we would transport a juvenile. As a previous Speaker said this would be extremely expensive to many downstate counties. While I think the motives are laudable and certainly we should be moving in that direction, this is a mandate to many, many downstate counties that they simply cannot meet at this time. And I would urge you to vote against concurrence on Senate Amendment #2."

Speaker Madigan: "Mr. Robert Olson."

Olson, R.: "Yes, thank you, Mr. Speaker. I wish to address the Amendment. A county in my district is similar to what

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Representative Black just alluded to with a reasonably knew facility. And as they interpret this Amendment, which was a House Bill, they also would be have to build a new facility. I think there's some confusion in this and as a matter of caution, I would urge downstate counties to vote 'no' on this concurrence Amendment. Thank you."

Speaker Madigan: "Mr. O'Connell to close."

O'Connell: "I would just ask for a concurrence. I think there's been a lot of concern, I believe that the concern is not founded. When you're talking about a separate facility, separated by sight and sound, the mere fact that that happens to be on the second floor of a two story facility, where a separate elevator, a separate floor, that in my view would be a separate facility. So, the Gentleman that spoke before with regards to a new juvenile...new juvenile...new detention facility, I think that would confirm...conform. And I would ask for a compliance...concurrence."

Speaker Madigan: "The question is, 'Shall the House concur in Senate Amendment #2?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 18 'ayes', 92 'nos', the Motion fails. Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. Amendment #3 changes a provision in the Juvenile Court Act which establishes a time table for administrative review of foster care placements. Under current law, Judicial or Administrative Review, must occur within 18 months of a dispositional order. This Amendment requires review within 18 months of a sheltered care hearing. I'd ask for its concurrence."

Speaker Madigan: "The question is, 'Shall the House concur in Senate Amendment #3?' Those in favor signify by voting

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'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 115 'ayes', no one voting 'no'. The House does concur in Senate Amendment #3. Mr. O'Connell, Mr. O'Connell."

O'Connell: "I would...Mr. Speaker, I'd ask for leave for...to nonconcur in Amendment #2."

Speaker Madigan: "The Gentleman moves to nonconcur in Senate Amendment #2. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the House does nonconcur in Senate Amendment #2 to House Bill 3592. On page 8 there appears House Bill 3666, Mr. Stange."

Stange: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur on Senate Amendment #1. Senate Amendment 1 removes the landfill waste from the definition of special waste. Instead amends the definition of pollution control waste to include landfill waste. I urge your 'aye' vote. Thank you, Mr. Speaker can we take this Bill out of the record for a minute?"

Speaker Madigan: "Take this matter out of the record. House Bill 3840, Representative Didrickson."

Didrickson: "Thank you, Mr. Speaker, Members of the House. I move to concur with Senate Amendment #1 which removes the increase in the threshold defining an employment agency vs an executive search firm. The Amendment removes the \$40,000.00 threshold limit and puts it back to existing statutory language which is \$15,000.00."

Speaker Madigan: "The Lady moves that the House concur in Senate Amendment #1. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 114 'ayes', no one voting 'no'. The House does concur in

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Senate Amendment #1 and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3838 (sic 3888), Mr. Churchill. Mr. Churchill."

Churchill: "Thank you, Mr. Speaker. This is 3888 and I would move to nonconcur in Senate Amendments #1 and 2 to 3838 (sic 3888). The original Bill was a Bill that allowed bonding, blanket bonds for county officials. The effect of Senate Amendment #1 would be to destroy the original intent of the Bill, because it takes elected officials from the Bill. The effect of Senate Amendment #2 is to put on the gas tax in DuPage County and I don't think that's a proper part of this Bill. And I would move to nonconcur on both Amendments."

Speaker Madigan: "Those in favor of the Gentlemans Motion say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted and the House does nonconcur in Senate Amendment #1 and Senate Amendment #2. House Bill 3895, Mr. Wolf."

Wolf: "Thank you, Mr. Speaker. I move to concur in Senate Amendment #1 to House Bill 3895. The Amendment simply corrects a typographical error in the original Bill and I would move to concur."

Speaker Madigan: "The Gentleman moves to concur in Senate Amendment #1. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 117 'aye', no one voting 'no'. The House does concur in Senate Amendment #1 and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3900, Mr. Laurino."

Laurino: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1 and Senate Amendment #2...I mean #8 to House

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Bill 3900. Senate Amendment #1 was a technical Amendment that was adopted by the Senate on an oversight here in the House. And Senate Amendment #8 was a Amendment that brings the effective date back to July 1st, 1989."

Speaker Madigan: "The Gentleman moves to concur in Senate Amendment #1 and Senate Amendment #8. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 90 'ayes', 22 'nos'. The House does concur in Senate Amendment #1 and Senate Amendment #8 and this Bill having received a Constitutional Majority is hereby declared passed. The Chair would like to congratulate Laurino on the accomplishment of an 18 year objective. Congratulations Mr. Laurino. House Bill 3911, Mr. White. Mr. White."

White: "Mr. Speaker and Ladies and Gentlemen of the House, I move to concur on Senate Amendment #1 to House Bill 3911. It defines health screening and it gives the Department of Health authority to regulate the program. The Bill...the Act becomes effective upon the Bill becoming law and it terminates July 1, 1989. I moves for its passage."

Speaker Madigan: "The Gentleman moves to concur in Senate Amendment #1. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 114 'aye', none voting 'no'. The House does concur in Senate Amendment #1 and this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3917, Mr. McPike."

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

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House. I move to concur in Senate Amendment #1 to House Bill 3917. As everyone will recall earlier we passed a Bill to create an Ag-Science School in Chicago at no cost to the state. Amendment #1 limits enrollment in that school to 600 students. I move to concur in the Amendment."

Speaker Madigan: "The Gentleman moves to concur in Senate Amendment #1. Those in favor...Mr. Ropp."

Ropp: "Mr. Speaker, I'd like to ask a question of the Sponsor please."

Speaker Madigan: "The Sponsor yields."

Ropp: "Representative I can understand the Amendment, but if in fact this is a school that had no drop-outs as a potential of allowing any student from anywhere in the city of Chicago to come to, and that the potential is so great there, why we would we want to eliminate it to only 600 people?"

McPike: "Well I suppose it's just a compromise like anything else. I would tend to agree with you, the people that live in that area probably want to limit the size of it, the cost of the school should be limited in enrollment would put a cap on the cost of it. So for all practical reasons there's nothing wrong with putting the cap, if it works great then we can expand it later."

Ropp: "I think that is in the area that's got either 40 or 80 acres of clear land at least on two sides, so it certainly not being hampered by neighbors at least on two sides anyway. So I..."

McPike: "At this point the funding in the Bill would only support approximately 600 students, so if you're going to expand it, you'd have to put more money into it. And they haven't asked for any money from the state, so I think it's reasonable to put some type of enrollment limitation on

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it."

Ropp: "Thank you."

Speaker Madigan: "Mr. Piel."

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

Speaker Madigan: "The Sponsor yields."

Piel: "Representative McPike does this still...you are talking about the funding of the Bill, does it still contain the non-referendum tax levy on it?"

McPike: "Yes."

Piel: "Yes, that's what it contained when it left the House and the Senate? The Amendment does not change that?"

McPike: "Correct."

Piel: "Thank you very much."

Speaker Madigan: "The Gentleman moves to concur in Senate Amendment #1. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. Mr. Mulcahey. Record Mr. Mulcahey as 'no'. Mr. Novak 'no'. Mr. DeLeo is 'present'. Mr. Curran as 'no'. Mr. Hallock is 'no'. Mr. Rea is 'no'. Mr. Bugielsi is 'present'. Mr. McCracken is 'no'. Representative Didrickson 'no'. Mr. Olson 'no', Olson, Myron Olson. Mr. Barger 'no'. Representative Barnes 'no'. Mr. Hensel 'no'. Representative Breslin 'aye'. On this question there are 70 'ayes', 39 'nos'. The House does concur in Senate Amendment #1. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3926, Representative Barnes."

Barnes: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to nonconcur in Senate Amendment #1. The decision doesn't have anything to do with the merits of the Amendment. The reason that I ask you to nonconcur is because when Chairman Jim Keane heard the Bill I agreed



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that I would not accept any Amendments on House Bill 3926.  
I would appreciate your support."

Speaker Madigan: "The Lady moves to nonconcur in Senate Amendment #1. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the House does nonconcur in Senate Amendment #1. House Bill 3930, Mr. Ryder."

Ryder: "Out of the record."

Speaker Madigan: "Take the matter out of the record. House Bill 3931, Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. I would move to concur with Senate Amendments 2 and 4."

Speaker Madigan: "The Gentleman moves to concur with Senate Amendment #2 and 4. The Chair recognizes Mr. Homer."

Homer: "Thank you, Mr. Speaker. I know we're getting tired and it's been a long day, but I think we should stick with earlier announced policy requiring Sponsors to explain their Amendments. So I'd ask that Representative Ryder explain what those two Amendments do."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker and thank you, Mr. Homer for this opportunity to tell you about the good work that went into accomplishing Senate Amendments 2 and 4. Senate Amendment 2 represents comprehensive changes indicated as a result of advocacy groups. In fact it was a result of many hours of negotiations led by your Representative Currie, that were now incorporated into the Bill. All of which have been agreed to by her and the many groups that she represented. Senate Amendment #4 is simply a request by the Department of Public Aid. Both of these Amendments I might add, Mr. Homer, were placed on a similar Bill that flew out of here with well over a hundred votes. Is there any further explanation that you would care to have?"

Speaker Madigan: "Mr. Homer."

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Homer: "Do you care to give any further explanation?"

Ryder: "No I do not."

Homer: "Okay, thank you."

Speaker Madigan: "The question is, 'Shall the House concur in Senate Amendments #2 and 4 to House Bill 3931?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 117 'aye', no one voting 'no'. The House does concur in Senate Amendments #2 and 4. And this Bill having received a Constitutional Majority is hereby declared passed. House Bill 3938, Mr. Homer."

Homer: "Thank you, Mr. Speaker, Ladies and Gentlemen. I would move to concur with Senate Amendments 1 and 3. The Bill creates a new cause of action for sexual exploitation by psychotherapists. Senate Amendment 1 would shorten the Statute of Limitations to commence such an action from 5 years to 2 years. Senate Amendment #3 would provide that psychotherapy does not include religious counseling or advise of a friend. It also would provide that sexual conduct does not include casual social contact or inadvertent touching. Further would change the definition of former patient to limited to one year rather than two years. And finally the Amendment eliminates a member of the Clergy from the definition of psychotherapists. I would move for concurrence of Senate Amendments 1 and 3."

Speaker Madigan: "Mr. Ewing."

Ewing: "Mr. Speaker, I wonder if the Sponsor could just explain that a little more?"

Homer: "The Bill creates a new cause of action for sexual exploitation of a patient by a psychotherapist. And when the Bill went to the Senate there were some limited..."

Ewing: "No, I meant you were talking about casual sex and I

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thought maybe you could give us a better definition of that. I don't know when it's going to be objectionable or when it isn't."

Homer: "Well I don't know that I would want to admit to that Representative Ewing. But..."

Ewing: "Well if it's against and if we're not going to allow it, I mean you said casual sex wasn't included."

Homer: "No I didn't say casual sex, I said sexual contact that does not include casual social contact or inadvertent touching. So we're excluding casual social contact or inadvertent touching from the definition of sexual contact."

Ewing: "That's much clearer, thank you."

Speaker Madigan: "Mr. Preston."

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

Speaker Madigan: "Sponsor yields."

Preston: "Representative Homer just following up on I think it was Representative Ewing who was asking what this...what the Bill itself does and what these Amendments do. What is prohibited by the Bill itself?"

Homer: "Alright the Bill addresses the situation where a psychotherapist is counseling a patient and engages in sexual exploitation of that patient. Under that circumstance there would be a cause of action for that patient."

Preston: "When you say sexual exploitation does that mean...are you meaning by that an invitation to have a sexual encounter with the psychotherapist?"

Homer: "Well the definition is in the Bill. It would require actual sexual conduct and sexual contact in order to fall within the purview of the Bill."

Preston: "Is there similar prohibition to a internist having a

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similar activity with a patient?"

Homer: "Well I don't believe that there is under current law, there's perhaps some lawyer could come up with a theory, but there is no expressed cause of action in the law for an internist."

Preston: "So under this Bill, if a psychotherapist has been treating a patient and really gets to like that patient and I don't know, goes out with the patient, and that ultimately leads to some sort of sexual activity that person would be committing a felony by virtue of this?"

Homer: "No, no, there's no crime here. This does not create a crime."

Preston: "Is a cause of action."

Homer: "This is a civil cause of action for damages."

Preston: "So you'd be able to sue...the patient would be able to sue the psychotherapist?"

Homer: "Right."

Preston: "Even though the patient is of age and able to marry whoever he or she would like, is able to fend for himself or herself, deal with their business, but yet if that person should say yes to a psychotherapist who makes a...some sort of advance, we're saying I guess by virtue of this Bill that the person lacks the capacity because of being in the capacity as patient to the psychotherapist. To be knowing what their so crazy, they don't know what the hell they're doing. Is that what the theory is here?"

Homer: "Well, the the Bill arises because of the very special relationship that exists between a psychotherapist and his patient. And those who engage in psychotherapy know that there's a fundamental...there's a fundamental mental condition or psychological condition that's known as transference. Whereby a skilled psychotherapist can manipulate that patient who is intrusting that

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psychotherapist with her or his emotions and the psychotherapist by utilization of this theory of transference of affection can actually manipulate and convince the patient that the love and affection that that patient has for someone else is transferred to the psychotherapist. And because of that delicate sensitive relationship between the two, this Bill would establish a express prohibition for that type of conduct and would create a cause of action for a patient who has been exploited as a result of that relationship."

Preston: "Representative can you tell me if the Illinois Psychology Association has taken a position on this Bill?"

Homer: "They are neutral on the Bill."

Preston: "And the Illinois Association of Psychiatrists do they have a position on this?"

Homer: "They haven't contacted me."

Preston: "The AMA, or the Illinois State Medical Society has not made its position known on this?"

Homer: "No as I understand it, they've looked at the Bill and are neutral on the Bill."

Preston: "And the Illinois Psychoanalytic Association has taken no position on this Bill?"

Homer: "Well, I'm not aware of all of these Associations. But, certainly none of them have advanced any objections to the Bill."

Preston: "Does this affect school counselors at all?"

Homer: "Well, it affects anyone who engages in psychotherapy.."

Preston: "Whether or not they are licensed as a psychotherapist?"

Homer: "Yes, it doesn't, the person does not..it even effects attorneys who engage in psychotherapy. So everyone who engages in the practice would be covered under the Bill."

Preston: "Thank you, I just have one last question. On the Senate Amendments 1 and 3, if somebody feels as I do, that

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this is among the dumbest Bills that they have seen here, certainly not in first place, but among the dumbest Bills. Would such a person be in favor of Senate Amendments 1 and 3 or should they vote against Senate Amendments 1 & 3?"

Homer: "Well those who are in favor of sexual exploitation of patients should vote 'no', on Senate Amendments #1 and 3. The rest of us should vote 'yes'."

Preston: "I see, thank you."

Speaker Madigan: "Mr. Williams."

Williams: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields?"

Williams: "Does this apply for female psychotherapists as well as male?"

Homer: "Yes it does."

Williams: "Thank you."

Speaker Madigan: "Mr. Weaver."

Weaver: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Weaver: "That's a tough act to follow. Representative Homer, I understand the problem and I understand your concerns about the problem because it does exist and has for years. My only concern is under certain counseling and psychotherapy for sexual disfunction, there are psychotherapists who use surrogates in the therapy procedure. Would this not cause them problems and put them at certain risk in the use of sexual surrogates?"

Homer: "Well we're not talking about physical disfunctions. The Bill has a definition of psychotherapy that means professional treatment, assessment or counseling of a mental or emotional illness, symptom or condition. I would submit that if the problem physiological, the Bill would not apply."

Weaver: "But a psychotherapist quite often does prescribe a

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surrogate activity and if the patient was dissatisfied, or how can I put it differently, if the patient was.... if the patients problems were not taken care of and the patient decided, well I don't want to pay the fees and to get around the fees, I'm going to sue that psychotherapist based upon this law. I think your going to find the same problem occurring as occur with OBGYN doctors, their simply going to disappear."

Homer: "Well, Representative Weaver, I don't see that there is a problem. We're dealing not with as I say physiological problems here, we're dealing with mental emotional illness. And so I don't think your concern is well founded. Furthermore the cause of action would be predicated upon a showing that an injury resulted. And so I would question in your situation what injury would be complained of where the party engaged in sexual conduct with a surrogate under those circumstances."

Weaver: "So you maintain a physical injury has to be shown?"

Homer: "No, I didn't say a physical injury, I said injury has to be shown."

Weaver: "Okay, so a mental injury can be cause for action?"

Homer: "Well, that certainly the reason for this Bill, yes."

Weaver: "So, if the patient is depressed or dissatisfied or unhappy with the prescribed sexual surrogate treatment, that this psychotherapist has prescribed they could bring cause of action on that basis."

Homer: "Well Representative Weaver, what would be your measure of damages?"

Weaver: "It's not my Bill."

Homer: "Well I'm trying to come up with some rationale to warrant your concern."

Weaver: "You have just confirmed that if someone is has gone through mental anguish that that is cause for civil action."

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So I guess my question to you is, if someone does have mental anguish, how do you place a price on that?"

Homer: "Well if you can't place a price on it then you don't have a very good cause of action, that's the point."

Weaver: "Well then why do we need the Bill?"

Homer: "Well because there are people out there who are victims of psychotherapists who prey upon their emotional sensitive condition, who take advantage of them by sexually exploiting those people and damaging their...damaging them in many ways Representative Weaver."

Weaver: "But you just indicated that it would be very difficult to establish the amount of damage for an emotional trauma. Mr. Speaker, to the Motion, I think what we have here is a very well founded and well intended approach to the problem but I don't really see how that we can in anyway enforce it or keep the courts from getting clogged up in it and I really think we need to nonconcur on this. Thank you."

Speaker Madigan: "Mr. Rice."

Rice: "Does this.."

Speaker Madigan: "Mr. Rice."

Rice: "Will the ..."

Speaker Madigan: "Sponsor yields."

Rice: "Does this include ministry."

Homer: "No, Members of the Clergy are taken out with Amendment...Senate Amendment #3."

Rice: "They were taken out?"

Homer: "Yes."

Rice: "Thank you."

Speaker Madigan: "Mr. Homer to close."

Homer: "Well thank you, Mr. Speaker and Ladies and Gentlemen. I am surprised to find that there are those who stand with concern or opposition to this Bill. All of the psychotherapist who would be regulated by the Bill are



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either neutral on it or favor of it because they resent the bad eggs that are amongst them who utilize emotional manipulation to take advantage of patients. And anyone who doesn't think that occurs, hasn't talked to some of the people in the State that I have, since I introduced this Bill. It's wrong to allow a psychoanalyst or psychotherapist to take advantage of patients under those circumstances who doesn't understand that that's wrong, I feel sorry for you. But's it's a problem that permeates unfortunately throughout the profession and since those who are actively involved in the profession support the Bill or at least are neutral on the Bill because they recognize the need to rid their mitts to these people who violate patient trust. I think that we here in the General Assembly should stand in support, resounding support of these Amendments. Further Mr. Speaker, I would say that I think that some of those who ask questions don't recognize that the Amendments that were added in the Senate limit the purview of the Bill, so that those who had concerns about the Bill should strongly support the Amendments which reduce the statute of limitations and make other limitations in bringing a cause of action under this Bill. So I would ask that both sides join in support of the Senate Amendments."

Speaker Madigan: "The Motion is to concur in Senate Amendments #1 and 3 to House Bill 3938. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 105 'ayes', 3 people voting 'no'. The House does concur in Senate Amendment #1 and 3 and the Bill having received a Constitutional Majority is hereby declared passed. Ladies and Gentlemen, on the regular Calendar, are there any Members who wish to move to

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nonconcur? Mr. Hoffman."

Hoffman: "Thank you Mr. Speaker, the next Bill, 3946.."

Speaker Madigan: "To nonconcur, Sir?"

Hoffman: "Amendment #2."

Speaker Madigan: "Alright, on House Bill 3946, Mr. Hoffman moves to nonconcur in Senate Amendment #2. Those in favor say 'aye', those opposed...Mr. Homer."

Homer: "Thank you Mr. Speaker, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Homer: "Representative Hoffman, can you tell us for what purpose you want to nonconcur?"

Hoffman: "I want to eliminate on Amendment #2, I want to eliminate the immediate effective date. It's not necessary."

Homer: "Well, let me ask then, why don't you concur with the other Amendments so that the Senate can take final action?"

Hoffman: "I will concur on Senate Amendment #1, is that your point?"

Homer: "Yes, in other words concur with that Senate Amendment, to nonconcur with the other one and let the Senate recede."

Hoffman: "Fine."

Homer: "Would you change your Motion?"

Hoffman: "Yes, that's fine."

Speaker Madigan: "Alright fine, so..the Mr. Hoffman now moves to concur in Senate Amendment #1. Those in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 115 'ayes', no one voting 'no'. The House does concur in Senate Amendment #1. Mr. Hoffman now moves to nonconcur in Senate Amendment #2, those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the House does nonconcur in Senate Amendment #2. The Chair recognizes Mr. Flinn."

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Flinn: "Mr. Speaker, I move that the House nonconcur in Senate Amendments #1 and 2 on House Bill 589."

Speaker Madigan: "Okay, this Bill can be found on page 3 of the Calendar. House Bill 589, Mr. Flinn has moved to nonconcur in Senate Amendments #1 and 2. Those in favor of the Motion say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion carries and the House does nonconcur in Senate Amendment #1 and 2. Again, on the regular Calendar, Representative Pullen."

Pullen: "Mr. Speaker, on the regular Calendar I would like to move to nonconcur in the Senate Amendments to House Bill 4005."

Speaker Madigan: "That Bill can be ...found on page 10 of the Calendar. House Bill 4005, the Lady has moved to nonconcur in the Senate Amendments. The Chair recognizes Mr. Homer."

Homer: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Homer: "Would you tell us Representative Pullen, what your plan is for the Bill?"

Pullen: "I have problems myself with some of the underlying language in the Bill and some of my co-sponsors have problems with one of the Senate Amendments and I would hope that we would be able to make the Bill technically improved before it is sent to the Governor because I don't expect that he would improve it."

Homer: "Alright so your saying you just generally basically are not in favor of the three Amendments that were added."

Pullen: "I said that I have some problems with some of the language in the underlying Bill and some of my co-sponsors have problems with some of the Senate Amendments."

Homer: "Okay, fair enough."

Pullen: "Thank you."

Speaker Madigan: "Representative Pullen has moved to nonconcur,

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Representative Pullen moves to nonconcur in Senate Amendments #1, 2 and 3 to House Bill 4005. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion carries, the House does nonconcur in Senate Amendments #1, 2 and 3. The Chair recognizes Mr. Phelps."

Phelps: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I move to nonconcur in Senate Amendments #1, 2 and 3 to House Bill 4116."

Speaker Madigan: "The Gentleman moves to nonconcur in Senate Amendments #1, 2 and 3 to House Bill 4116. The Chair recognizes Mr. Myron Olson."

Olson, M.: "Thank you, Mr. Speaker. May I address a question to Representative Phelps?"

Speaker Madigan: "Proceed."

Olson, M.: "Representative Phelps, could you describe briefly your reason for nonconcurring and what elements might you be seeking in a Conference Committee Report?"

Phelps: "We have Senate Bill 1773 which has been agreed to, to go to Conference Committee and I think that there'll needs some things to be worked out. The original Bill is not, as you know, now in the form so we have agreed Bill that, that Senate Bill and some other concerns of Representative Granberg, I think are worked out in this agreement."

Olson, M.: "And the discussion we had relative to the fee and child support will not be a party to a Conference Committee Report."

Phelps: "That is not a part of this as Senate Bill #1, 2 and 3 in nonconcurrence."

Olson, M.: "Thank you very much."

Speaker Madigan: "Mr. Phelps has moved to nonconcur in Senate Amendment #1, 2 and 3. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion carries. The House does nonconcur in Senate Amendments #1, 2 and 3.

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Representative Pullen moves to nonconcur in Senate Amendments #1, 2 and 3 to House Bill 4005. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion carries, the House does nonconcur in Senate Amendments #1, 2 and 3. The Chair recognizes Mr. Phelps."

Phelps: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I move to nonconcur in Senate Amendments #1, 2 and 3 to House Bill 4116."

Speaker Madigan: "The Gentleman moves to nonconcur in Senate Amendments #1, 2 and 3 to House Bill 4116. The Chair recognizes Mr. Myron Olson."

Olson, M.: "Thank you, Mr. Speaker. May I address a question to Representative Phelps?"

Speaker Madigan: "Proceed."

Olson, M.: "Representative Phelps, could you describe briefly your reason for nonconcurring and what elements might you be seeking in a Conference Committee Report?"

Phelps: "We have Senate Bill 1773 which has been agreed to, to go to Conference Committee and I think that there'll needs some things to be worked out. The original Bill is not, as you know, now in the form so we have agreed Bill that, that Senate Bill and some other concerns of Representative Granberg, I think are worked out in this agreement."

Olson, M.: "And the discussion we had relative to the fee and child support will not be a party to a Conference Committee Report."

Phelps: "That is not a part of this as Senate Bill #1, 2 and 3 in nonconcurrence."

Olson, M.: "Thank you very much."

Speaker Madigan: "Mr. Phelps has moved to nonconcur in Senate Amendment #1, 2 and 3. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion carries. The House does nonconcur in Senate Amendments #1, 2 and 3.

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The Chair recognizes Mr. Robert Olson. Mr. Olson."

Olson.R.: "Mr. Speaker, I have a Bill I would like to ask nonconcurrency on."

Speaker Madigan: "Non-concurrence, which one is it?"

Olson, R.: "It's 4053."

Speaker Madigan: "4053, on Page 10 of the Calendar, Mr. Olson moves to nonconcur on Senate Amendment #1."

Olson, R.: "Yes, I move for nonconcurrency on Senate Bill #1, House Bill 4053. Last Spring, one year ago, both Houses passed with no dissenting votes to Senate Bill 1228, the Illinois Conservation Enhancement Act. In his wisdom, the Governor vetoed the funding portion of this Bill. This year at the request of the Department of Conservation, I introduced the same Bill as 4053 for the purpose of correcting drafting errors. The Bill, 4053 was sent to the Senate, was passed by the Senate with Amendment #1 which was another technical correction. I'm asking for nonconcurrency at the request of the Sponsor of the original Bill so that in the event that this General Assembly should act favorably on an income tax increase, yet this week, the Conference Committee would have the opportunity to include the provisions voted vetoed last year by the Governor. I ask for nonconcurrency."

Speaker Madigan: "The Gentleman moves to nonconcur in Senate Amendment #1 to House Bill 4053. Those in favor of the Motion say 'aye', those opposed say 'no'. The 'ayes' have it, the House does nonconcur in Senate Amendment #1. Mr. Hicks."

Hicks: "Thank you, Mr. Speaker, on page 11, House Bill 4282 on the regular Calendar, I would move to nonconcur with Senate Amendment #2."

Speaker Madigan: "Mr. Hicks, did you wish to concur with the first Amendment?"

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Hicks: "Yes Sir, I do."

Speaker Madigan: "So Mr., on House Bill 4282, Mr. Hicks moves to concur on Senate Amendment #1. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted wish? The Clerk shall take the record. On this question there are 115 'ayes', 1 person voting 'no'. The House does concur in Senate Amendment #1. Mr. Hicks now moves to nonconcur in Senate Amendment #2. Those in favor of the Motion say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion carries, the House does nonconcur in Senate Amendment #2. Are there any other Members who wish to nonconcur relative to a Bill on the Calendar. Mr. McGann, on Page 3 of the Calendar."

McGann: "Thank you, Mr. Speaker, Members of the Assembly. I would like to nonconcur with Amendment #1 in House Bill 849."

Speaker Madigan: "The Gentleman moves to nonconcur in Senate Amendment #1 to House Bill 849. The Chair recognizes Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. I wish to make ..ask a question of the Sponsor."

Speaker Madigan: "The Sponsor yields."

Ryder: "Representative, its my understanding that Senate Amendment #1 was a Bill..or excuse me, an Amendment that was more technical in nature. Am I incorrect in that?"

McGann: "You are correct. What is happening here is, the Department and the Community providers are very close to an agreement and we hope that it will come out in the Conference Committee Report...some resolution of it."

Ryder: "So your move to nonconcur is specifically to put this in a Conference Committee?"

McGann: "That's correct."

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Ryder: "Alright. Thank you."

Speaker Madigan: "The Gentleman moves to nonconcur in Senate Amendment #1. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the House does nonconcur in Senate Amendment #1 to House Bill 849. Are there any other Members who wish to nonconcur, to offer nonconcurrency Motions on the regular Calendar? We'll now go to the Supplemental Calendar. These are all items for the Senate, nonconcurrent in House Amendments. And so I would expect that in most instances the Sponsors will wish to refuse to recede, and ask for the appointment of a Conference Committee. So on the Supplemental Calendar #1, there appears Senate Bill 1532, Mr. Steczo."

Steczko: "Thank you, Mr. Speaker, I move that the House refuse to recede from Amendments #...Senate...House Amendments #1, 2, 3, 4 and 6 to Senate Bill 1532 and ask that a Conference Committee be appointed."

Speaker Madigan: "You have all heard the Motion. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Senate Bill 1563, Mr. Phelps, Mr. Phelps. Senate Bill 1615, Mr. Cullerton or Mr. Giglio. Mr. Homer, could you examine this file on Senate 1615. Senate Bill 1690, Mr. Keane. The Chair recognizes Mr. Keane."

Keane: "Thank you, Mr. Chairman. I refuse to recede from House Amendment #1 and 2 to Senate Bill 1690 and ask that a Conference Committee be appointed."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Returning to Senate Bill 1563, the Chair recognizes Mr. Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I refuse to recede Senate Bill 1563 and refer to



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Conference Committee."

Speaker Madigan: "Those in favor of the Motion, say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Senate Bill 1692, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, I refuse to recede from House Amendments #1, 2, 3, 4 and 5 on Senate Bill 1692 and ask that a Conference Committee be appointed."

Speaker Madigan: "Those in favor of the Motion say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Senate Bill 1693, Mr. Keane."

Keane: "Thank you, Mr. Speaker. I move to not recede from House Amendments #1 and 2, to Senate Bill 1693."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Returning to Senate Bill 1615, the Chair recognizes Representative Breslin. Representative Breslin, Senate Bill 1615."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. I would move to nonconcur or refuse to recede in House Amendments 1, 2, 5 and 6 and ask that a Conference Committee be appointed for Senate Bill 1615."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Senate Bill 1694, Mr. Richmond."

Richmond: "Thank you, Mr. Speaker, Ladies and Gentlemen. I move to refuse to recede."

Speaker Madigan: "The Gentleman moves to.."

Richmond: "...and I ask for a Conference Committee."

Speaker Madigan: "So those in favor of the Motion say 'aye', those opposed say 'no'. The 'ayes' have it the Motion is adopted. Senate Amendment 1695, Mr. Ropp."

Ropp: "Thank you, Mr. Speaker, I move to refuse to recede from

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House Amendments 1 and 2 and ask that a Conference Committee be appointed please."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Senate Bill 1696, Mr. Tate. Mr. Tate. There's a Senate Bill 1696, Mr. Tate."

Tate: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to recede on Amendment #3."

Speaker Madigan: "Gentleman moves to refuse to recede and to ask for the appointment of a Conference Committee. Those in favor say 'aye', those opposed say 'no', and the 'ayes' have it, the Motion is adopted. Senate Bill 1734, Mr. Mays."

Mays: "Thank you very much, Mr. Speaker. I move to refuse to recede from House Amendment and that a Conference Committee be set up."

Speaker Madigan: "Those in favor of the Motion say 'aye', those opposed say no. The 'ayes' have it, the Motion is adopted. Senate Bill 1742, Mr. Mays."

Mays: "Thank you very much, Mr. Speaker. I move that we do recede from House Amendment #2 on the Department of Financial Institutions."

Speaker Madigan: "Gentleman has moved that the House recede from House Amendment #2. This is final action. Mr. Leverenz."

Leverenz: "Could the Gentleman explain what the Amendment is he's to recede from and if it was his."

Speaker Madigan: "The Chair would suggest it will take this out of the record temporarily and let everyone talk but if we could move on Mr. Mays, the next Bill, Senate Bill 1748."

Mays: "Thank you, very much Mr. Speaker. This is the Appropriations to the Prairie State two thousand. I move that we recede from House Amendment #2. That was an allocations Amendment that basically redistributed funds

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ETAP..ITAP to ETAP. The Department ask that we not go about that and I told the Department I would try to accommodate. So I move to recede from House Amendment #2."

Speaker Madigan: "Gentleman moves to recede from House Amendment #2. Those in favor signify by voting 'aye', those opposed by voting 'no'. This is final action. Have all voted who wish? This is final action. Have all voted who wish? The Clerk shall take the record. On this question there are 114 'ayes', no one voting 'no'. The House does recede from House Amendments #2 to Senate Bill 1748, and this Bill having received the required Constitutional Majority is hereby declared passed. Senate Bill 1751, Mr. Tate. Mr. Tate."

Tate: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to recede on Amendment #9 which the House reduced the provider or the grants and aids line to service providers of a little bit over four million dollars. It eliminated the seven percent rate increase."

Speaker Madigan: "Mr. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in opposition to the Gentleman's Motion. I believe we should stand firm on this issue. We have attempted to find every nickle and dime for education. The ...we did add some extra money in the Department of Mental Health, which the Senate excepted, but we can't continue in that vein. This was an Amendment that we adopted in light of those considerations and we should stand by it. If we have the courage or convictions we should take a stand at this point and say 'no' on the Motion to recede."

Speaker Madigan: "This matter shall be taken out of the record. Senate Bill 1780, Mr. Keane."

Keane: "Thank you, Mr. Speaker, I refuse to recede from House Amendments 1 and 2 on Senate Bill 1780 and ask that a

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Conference Committee be appointed."

Speaker Madigan: "Representative Frederick."

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

Speaker Madigan: "The Sponsor yields?"

Frederick: "Yes, Representative Keane can you tell me what's going to happen in the Conference Committee?"

Keane: "On the Conference Committee, no."

Frederick: "Would you mind telling me what you hope will happen?"

Keane: "I believe that House Amendment #2 which is DCCA's Amendment will remain..is my hope that it will remain in the Bill."

Frederick: "Okay, thank you."

Speaker Madigan: "Those in favor of the Motion say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Senate Bill 1781, Mr. Mautino."

Mautino: "Thank you, Mr. Speaker, I move that the House refused to recede from House Amendment #1, and that Amendment it established the immediate effective date. I think it should be on the Bill and a Conference Committee be established."

Speaker Madigan: "Those in favor of the Motion say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Senate Bill 1889, Mr. Peterson, Mr. W. Peterson. Take it out of the record. Mr. Peterson, did you ...you don't wish to ask for a Conference Committee on this Bill?"

Peterson, W.: "No."

Speaker Madigan: "Senate Bill 1897, Mr. Johnson. Senate Bill 1897, Mr. Johnson. Is Mr. Johnson in the Chamber? Mr. Johnson."

Johnson: "I would move to refuse to recede from the appropriate Amendments to Senate Bill 1897."

Speaker Madigan: "And to ask for the appointment of a Conference

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Committee?"

Johnson: "Yes."

Speaker Madigan: "You've heard the Motion, those in favor say 'aye', those opposed say 'no'. The 'ayes' have it the Motion is adopted. Senate Bill 1955, Mr. Ryder."

Ryder: "Thank you, Mr. Speaker, I would ask that we refuse to recede from House Amendment #1 and ask that a Conference Committee be appointed."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Senate Bill 2002, Mr. Sutker."

Sutker: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to recede from House Amendments 3 and 4 on Senate Bill 2002. The House Amendments had reduced the penalties in certain instances under the Bill. The Senate wanted to restore those penalties, I accept the restoration."

Speaker Madigan: "The Gentleman has moved to recede from the House Amendments. Those in favor signify by voting 'aye', those opposed by voting 'no'. This is final action. Final Action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 113 'ayes', no one voting 'no'. This Bill...the House does recede from House Amendments #3 and 4 and this Bill having received a Constitutional Majority is hereby declared passed. Senate Bill 2028, Mr. Hannig."

Hannig: "Thank you, Mr. Speaker. I would move that the House refuse to recede from the House Amendments and that a Conference Committee be established."

Speaker Madigan: "Those in favor of the Motion, say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Senate Bill 2147 Mr. Granberg. Out of the

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record. Take this matter out of the record. Senate Bill 1742 Mr. Mays. 1742."

Mays: "Thank you very much, Mr. Speaker. I refuse to recede from House Amendment #2 on Senate Bill 1742 and ask that a Conference Committee be appointed."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Are there any further matters where Members wish to nonconcur or to refuse to recede. Mr. Peterson."

Peterson: "Thank you, Mr. Speaker. I understand that they would like me to refuse to recede from Amendment #1 to Senate Bill 1889 and ask for a Conference Committee Report."

Speaker Madigan: "Those in favor of the Motion say 'aye', those opposed say 'no'. The 'ayes' have it, the Motion is adopted. Are there any further matters where Members wish to nonconcur or to refuse to recede and ask for the appointment of the Conference Committee? Is there any way that we can accommodate the Republican side of the aisle? Mr. Tate has a suggestion for the betterment of the order, Mr. Tate. Mr. Tate."

Tate: "Thank you, Mr. Speaker, I think we're prepared to go back to the DASA budget now, which is...Representative McPike has better information than I do at this point."

Speaker Madigan: "The Chair is prepared to adjourn. Mr. Clerk, do you need time for perfunctory? Mr. Mautino. Mr. Mautino. Is Mr. Mautino in the Chamber? Mr. Mautino would like to table two Resolutions. Mr. Mautino are you the primary Sponsor of these Resolutions?"

Mautino: "Yes, Sir."

Speaker Madigan: "Alright, so Mr. Mautino has filed Motions to table HJR 208 and HJR 209. He is the primary Sponsor of these Resolutions and is there leave? A leave is...Mr. McCracken. Mr. McCracken."

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McCracken: "208 sounds like a familiar number. What does that have to do with?"

Speaker Madigan: "Mr. Mautino."

Mautino: "Well it has to do with, surface land reclamation, the other one has to do with the water way, railway system that was in equities in it and I filed new Resolutions, but I must table this."

McCracken: "Okay, thank you."

Speaker Madigan: "The Gentleman request leave to table the Resolutions. Is there leave? Leave is granted, the Resolutions are tabled. Mr. Clerk, anything further? Providing perfunctory time for the Clerk, the Majority Leader, Mr. McPike moves that the do stand adjourned until 11:00 a.m. tomorrow morning. Those in favor of that Motion will say 'aye', those opposed will say 'no'. The House does stand adjourned until 11:00 a.m. providing perfunctory time for the Clerk."

Clerk O'Brien: "Committee Report, Representative Van Dwyne, Chairman of the Committee on Counties and Townships to which the following Resolution was referred. Action taken June 27, 1988, reported the same back with the following recommendation; be adopted as amended. House Resolution 1612. Messages from the Senate, by Ms. Hawker, Secretary, Mr. Speaker. I am directed to inform the House of Representatives that Senate has refused to concur with the House on the adoption of their Amendments, the following Bills to wit: Senate Bills 1795, 2127, 1856, 1842, 1706, 1697, 1581, 959, 2151, 1958, 2257, 1515, 1532, 1563, 1615, 1690, 1692, 1693, 1694, 1695, 1696, 1734, 1742, 1748, 1751, 1780, 1781, 1889, 1897, 2028, 2147, 1955 and 2002. Action taken by the Senate, June 27, 1988, Linda Hawker, Secretary. There being no further business, the House now stands adjourned."

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