

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

29th Legislative Day

April 25, 1989

Speaker Giglio: "The House will come to order. Members please be in their seats. The Chaplain for the day is the Reverend Gary Farthing, from the Ashland Church of Christ, in Ashland. Reverend Farthing is a guest of Representative Mays. The guests in the gallery may wish to rise for the invocation. Reverend."

Reverend Farthing: "Father in heaven we are thankful that you have given us this day and the beauty of the day. Thankful for the blessings you have showered on us. As these individuals gather here today, I ask your blessing upon them to give them wisdom and guidance, that you will guide them in all that they do, that you would bless their efforts as it blesses our state and our nation. I ask it in the name of Jesus. Amen."

Speaker Giglio: "Representative Ropp for the Pledge of Allegiance."

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

Speaker Giglio: "Roll Call for Attendance. Representative Piel are there any excused absences?"

Piel: "Yes, Mr. Speaker would the records show that Representative Tim Johnson is excused today."

Speaker Giglio: "Mr. Clerk, let the record so indicate. Representative Lang."

Lang: "There are no excused absences on this side, Mr. Speaker."

Speaker Giglio: "Thank you. Mr. Clerk, take the record. At this time there are 116 present; a quorum is present. Representative John Matijevich."

Matijevich: "Mr. Speaker, Members of the House. Representative Myron Olson and I have compared the Journals with our own

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records and have found no discrepancies and so I would move that these Journals be approved. #1 of January 11, 1989; #2 of January 12; #3 of January 26; #4 of February 1; #5 of February 9; #6 of February 16; #7 of February 23; #8 of March 1; #9 of March 2; #10 of March 3; #11 of March 7; #12 of March 9; #13 of March 14; #14 of March 15. These Journals are from the 1989 Session the 89th General Assembly. Speaker, also we discovered three discrepancies between our records and Journal #14 for the quorum Roll Call of March 15. We checked, however, and discovered that the appropriate Motions to make these changes in a quorum Roll Call had been filed in writing so these discrepancies are acceptable. Thank you, Mr. Speaker."

Speaker Giglio: "You've heard the Gentleman's Motion, the Gentleman from Lee, Representative Olson."

Olson: "Thank you, Mr. Speaker and Members of the House, I would like to affirm what Representative Matijevich has offered in the way of the Journal discovery and we move for adoption."

Speaker Giglio: "You have 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 Journal has been accepted... Adopted. The order at hand is House Bills Third Reading. On page 13 of the Calendar, House Bills. Third Reading. Representative Preston in the Chamber, Representative Preston. Out of the Record, Mr. Clerk. House Bill 77, Representative Klemm. Is Representative Klemm in the Chamber? Representative Klemm, do you wish to proceed with House Bill 77?"

Klemm: "I would like, Mr. Chairman, if I could move it to Second Reading for purposes of a clarifying Amendment, could I ask leave of the House?"

Speaker Giglio: "Mr. Clerk, House Bill 77, read the Bill."

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Clerk O'Brien: "House Bill 77, a Bill for an Act to amend Sections of the Illinois Vehicle Code, Third Reading of the Bill."

Speaker Giglio: "The Gentleman asks leave to return the Bill on the order of Second Reading for purpose of an Amendment. Does the Gentleman have leave? Hearing none leave is granted. The Bill is now on Second Reading. Representative Klemm."

Klemm: "Thank you, Mr. Speaker. House Amendment #2 actually makes some clarifications that were unclear in the Amendment that the committee had asked for in the Transportation Committee when I filed Amendment #1, so I would like leave to adopt Amendment #2. It clarifies divided highways; it clarifies the speed zones to which the no passing area would pertain to and it changes the effective date. And other than that, it has no other changes and I move its adoption."

Speaker Giglio: "You heard the Gentlemans Motion any question on the Motion? Hearing none, All those in favor of Amendment #2, signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and Amendment #2 has been adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Gentleman now asks leave to have this to have this Bill on the order of Third Reading to be heard, Mr. Cullerton. Representative Cullerton"

Cullerton: "Just give us a little time to, there are no objections to the Amendment; we just want to reflect on them. Let them sink in."

Klemm: "That's fine with me."

Speaker Giglio: "Take the Bill out of the Record, Mr. Clerk. Now, House Bill 77 is back on the order of Third Reading. On page 13 of the Calendar, under House Bills Third Reading

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appears House Bill 138, Representative Countryman, Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 138, a Bill for an Act in relation to the taxes. Third Reading of the Bill."

Speaker Giglio: "Representative Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 138 amends provisions of the Income Tax Act and the Retailers Occupation Tax Act dealing with bulk sales stop order procedures, to place additional responsibilities on the Department of Revenue as far as informing purchasers of how much they should withhold from the income or sales tax not paid by the seller. In summary it does the following; it requires an initial stop order to be issued by the Department within ten days after the receipt of the notice of transfer of business. That would be a change from the current thirty days and is designed and intended to speed up this process so that transactions can close quicker even with and still withhold money for payment of any potential unpaid tax liabilities. The purchaser is to withhold the amount stated in the initial order but a formula for determining the maximum amount even if the initial amount is provided is to be created by the Department. The amount is not to exceed a minimum amount by varying by type of business established by rules of the Department which would involve twice the amount of unpaid liabilities and twice the average liability of the proceeding filings times the number of unfiled returns, if any, which weren't filed. Within sixty days after the issuance of the initial order to withhold, the Department would provide a second notice to the purchaser showing the actual amount of taxes, penalties and interest due, and whether or not additional amounts may become due, as a result of unpaid taxes required to be held by an employer

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on returns which were not filed when due, pending assessments or audits that are not completed. I believe this Bill will, in essence, speed up the procedure mechanism by which transactions close. These are transactions which can many times involve sales of businesses. It really came to me as a result of some sales of some small businesses, but it would also apply to bigger businesses, while in the same time save or protect the taxpayers in terms of making sure that we will be able to get our money collected from any delinquent taxpayer. And the Department of Revenue agreed to this language last fall. We got mixed up in the Amendatory Veto process or we would have passed this in Senate Bill 2136 last fall. I move for its adoption."

Speaker Giglio: "You've heard the Gentleman's motion. Is there any further discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Would the Sponsor yield for a question?"

Speaker Giglio: "He indicates he will."

Cullerton: "Representative Countryman was this Bill negotiated with the Department of Revenue and some other parties last year?"

Countryman: "Yes there was."

Cullerton: "And who were the other parties who were involved in this?"

Countryman: "Essentially myself."

Cullerton: "Essentially yourself."

Countryman: "I think I probably represented the interest of what I would say would be the Bar Association but the negotiations were a result of an Amendment I put on Senate Bill 2136 last year, and the Department said that that was unworkable. And came back with suggestions and we negotiated to this language last year."

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Cullerton: "And so the Department of Revenue is in favor of the Bill now."

Countryman: "They tell me their current position is neutral."

Cullerton: "Their current position is neutral."

Countryman: "That's correct."

Cullerton: "Did they use to be opposed to an earlier form of the Bill?"

Countryman: "When it was in Senate Bill 2136, my belief was they were in favor of it. Then when the Bill was introduced this year, it was in Senate Bill 2136 which is in three parts, House Bill 138, 139 and 140. 139 and 140 are on the Consent Calendar. In the Revenue Committee, they came in and said that they wanted to make some changes to this language which effectively they had given me last fall and I stood firm so I guess there position is neutral."

Cullerton: "I have no further question."

Speaker Giglio: "Representative Countryman to close."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I believe this is a good Bill for the taxpayers and for the people of the State of Illinois in all respects. And I think it will improve the process. It will make business sales close quicker and provide for collection of unpaid tax revenues and I appreciate your favorable vote. Thank you."

Speaker Giglio: "Question is Shall House Bill 138 pass? All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, Dunn 'aye'. Have all voted who wish? Turner, Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there is 110 voting 'yes', none voting 'no', one voting 'present'. And House Bill 138 having received the

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Constitutional Majority is hereby declared passed. Mr. Clerk we're going to return to...excuse me Representative Tate."

Tate: "Mr. Speaker, on a point of personal priviledge. Okay the last week. We're right in the middle of our committee crunch. We have two weeks left and last week in several committees, specifically Consumers Protection, different Chairman, different Democratic Chairman of those committees allowed the Roll Call to be in opened to get the Democratic Bills out of committee. Now Mr. Speaker, as Speaker of this House, we probably need the real Speaker out to respond to this, but in an order of fairness and non-partisanship, I would appreciate a little equity in committee. If you have, you have the votes to get any Bill you want to get out of committee, you don't have to abuse our rights and allow six people to vote at nine o'clock in the morning and three more people to vote at 11 o'clock in the morning until you get your Bills passed and you allow your members to run all over the Capitol and get there Bills heard and passed and the Republican Bills aren't even getting called. We've sat in committee after committee last week where you took Democratic Bills first and didn't even get the Republican Sponsors. Now we've got two weeks left and your Speaker chose deliberately not to meet down here in March and we don't have two thousand Bills to get read and printed in this process and I want, I want the real Speaker to come out and tell us how were gonna handle this mechanical procedure in this House in an order of fairness and equity. Now I tell you that each and every one of us have been elected to represent people and to come down here to do a job and it's not fair for your members to trample on rights and abuse the process and were going to object every time you guys open the Roll Call. It's not

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fair."

Speaker Giglio: "Thank you, Representative Tate. Committee Chairman I hope you took those remarks seriously. Representative Stephenson (sic..Stephens)the Gentleman from Madison."

Stephens: "First of all, Mr. Speaker. Thank you, but it is Stephens. "

Speaker Giglio: "Stephens, excuse me."

Stephens: "Stephenson just doesn't quite click with my philosophy, I'm sorry. But Mr. Speaker we all know how, how tough it is to get Representative Tate excited and obviously he is excited about this issue. He's usually very laid back and doesn't speak out in that manner unless he has been wronged and obviously some of our members are concerned and I think we do deserve the courtesy of having the real Speaker come out and let us know how these last two weeks are gonna go. Thank you."

Speaker Giglio: "Representative Klemm. No. House Bill 77, Representative Klemm, Mr. Clerk, Read the Bill."

Clerk O'Brien: "House Bill 77, a Bill for an Act to amend the Illinois Vehicle Code, Third Reading of the Bill."

Speaker Giglio: "The Gentleman from McHenry."

Klemm: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 77 makes a change in that we've tried."

Speaker Giglio: "Excuse me Representative Klemm. Representative Cullerton for what purpose do you rise sir."

Cullerton: "I believe the rules would require that the Gentleman obtain leave to hear the Bill on Third Reading, since we adopted the Amendment today."

Klemm: "I thought we had done that earlier, I apologize."

Cullerton: "I have no objections to this."

Klemm: "I would like to have leave of the House."

Speaker Giglio: "The Gentleman has requested leave that House

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Bill 77 be heard on the order of Third Reading at the present time. All those in favor 'aye' those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. By the use of the Attendance Roll Call, House Bill 77 is now on Third Reading. Gentleman from McHenry, Representative Klemm."

Klemm: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Once again House Bill 77 amends the Illinois Vehicle Code. It makes a School Zones in Illinois a no passing zone with some limitations that the committee had suggested we incorporate. As you know School Zones in Illinois are no passing zones at days when school children are present. Obviously that sometimes is a confusing time but in our rural areas, particulary and in the suburban areas where we have our school attendance centers being almost a community center, we have activities that are constantly going on day and night, Saturdays, Sundays, volleyball games, and everything else. So it has been suggested that we have at least those school zones a no passing zone, twenty four hours a day, except on divided highways where the sides of the street are furthest from the school so we don't have to have any inconvenience to the motoring public then. Also, on streets and highways where the speed limit does not exceed 35 because we find that in incorporated areas, we probably don't have the problem we do in the rural areas. The Act doesn't take affect until July 1st, 1990, that would allow the Department of Transportation to resolve any problems with the marking and I do move it adoption."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of House Bill 77, shall vote 'aye' those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk,

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take the record. On this question there are 109 voting 'yes', none voting 'no', one voting 'present'. And the House does adopt House Bill 77, and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 164, Representative Flinn, Monroe Flinn. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 164, a Bill for an Act in relation to assistance to homeless persons. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from St. Clair, Representative Flinn."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. House Bill 164, simply provides for a box to be placed upon the state income tax form that would permit people to give up to ten dollars of money they have coming back in refunds to go toward the homeless. Originally, the Bill called for the money to go back to the county in which it was contributed and the Public Aid Department and the Revenue Department objected saying it was too cumbersome. So I've changed the Bill now to where the contributions will go to all the homeless all over the state regardless of where the contributions were made. I would ask for the adoption of the Bill and answer any questions if there are any."

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

McCracken: "Thank you will the Sponsor yield."

Speaker Giglio: "He indicates he will."

McCracken: "Our analysis indicates that the Department of Public Aid is opposed to this Bill. Can you tell us what the fiscal impact would be or if you are aware of it, what reason the Department of Public Aid would have."

Flinn: "The Department of Public Aid has changed their mind and

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their position now is mutual and their objection originally was because it was too cumbersome to send the money back to the county from whence it came and I changed it in an Amendment in the Committee and now the money goes to all homeless all over the state regardless of the place from which it came."

McCracken: "Okay and will this be subject to the same requirements for other check offs, that it has to receive \$100,000 minimum."

Flinn: "Yes, if it doesn't get \$100,000 then they will take it off."

McCracken: "Alright, Thank you."

Speaker Giglio: "Further discussion? Hearing none, all those in favor of House Bill 164 vote 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Hicks, 'aye'. Have all voted who wish? Mr. Clerk, take the record. On this question 110 voting 'yes', none voting 'no', none voting 'present'. House Bill 164, having received the Constitutional Majority is hereby declared passed. Representative Ropp, House Bill 193, Mr. Clerk, Read the Bill."

Clerk O'Brien: "House Bill 193, a Bill for an Act to amend the Animal Control Act. Third Reading of the Bill."

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

Ropp: "Thank you, Mr. Speaker, and Members of the House. House Bill 193, amends the Animal Control Act and it makes the owner or keeper of a dog liable for any damages that that dog may cause to farm animals, such as death or injury. In 1973, this Bill was revised and this particular portion was left out inadvertently when we developed the new Animal Control Act. As you may well recall, owners of dogs that

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cause damage to individuals or human beings are held liable and this is an attempt to put back into the statute which we inadvertantly left off in 1973. I'm happy to answer any questions you might have."

Speaker Giglio: "Any discussion on House Bill 193. Hearing none, all those in favor. The Gentleman from Cook, Representative Preston."

Preston: "Thank you, Mr. Speaker, would the Gentleman yield for a question."

Speaker Giglio: "He indicates he will."

Preston: "Mr. Speaker, it is so noisy in here it is difficult to understand what is being said on the Bills. But if the Gentleman could once again just explain how House Bill 193 makes the owner of a dog liable, and liable for what."

Ropp: "Liable for the damages to farm animals, such as causing injury or death to farm animals."

Preston: "And is there any reciprocal provisions so that should a farm animal cause injury or death to a dog that the owner of that farm animal will then pay damages to the owner of the dog."

Ropp: "Not in this Bill."

Preston: "Well, I'd like to speak to this Bill. I'm in opposition to House Bill 193 for that reason. I think that you make the owner of a dog, in a rural community especially, liable for a dog acting like a dog around other animals, but yet if those other animals act according to their instinctual behavior concerning the dog and injures or kills that dog, the owner of that farm animal isn't liable for that damage. I don't see how this makes any sense and I cannot support making owners of dogs liable when the dog may not have acted viciously, may not have acted imprudently but only acted as it is as a dog. So I'm voting no and I would certainly encourage others to to join

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me not withstanding my absolute respect for the fine Sponsor of this Bill."

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

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

I too rise in opposition to the Bill, not so much with the objective of the Sponsor of this legislation who is attempting to minimize damage to livestock and of course livestock is the lively hood of the farming community, and that is important and whatever does damage to livestock is of concern and should be dealt with. However, I just want to caution Members, especially downstaters, that essentially what this appears to me to be is a leash law for rural dogs and those of you who have constituencies in the rural areas in downstate know that there isn't one farmer in a thousand who leashes a dog. Well, that may be an exception, there may be a few more than that but not many and farm dogs become generally territorial. So that they will patrol the farm territory immediately around and protect the farm and the family and generally don't wander. But if this Bill becomes law and a farm owner knows that if one time in a hundred or a thousand his or her dog might get loose and cause some damage and that farmer would be liable in full for all damage caused, no questions asked. Just so you presume or prove that it was the farmers dog doing the injury. The farmer is going to say to himself or herself that I've got to leash my dog. Now maybe they should leash their dog, maybe they shouldn't, but the fact of the matter is that a lot of them don't, and I think if you vote for this Bill you probably will go home and when they find out about it and have a lot of your constituents very upset with you. I think we should slow this Bill down a little bit and rework it and deal with the language, deal with the problem and also deal with it in such a way that

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we don't have our friends and constituents upset with us. So, I would urge a no vote at this time and let's rework the content of this Bill."

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

Ropp: "Thank you, Mr. Speaker, Member of the House this certainly is not a Leash Bill dealing with rural dogs. It is an attempt to provide some equity and fairness and liability to those people who actually own dogs that become vicious. We do not need vicious dogs killing animals, as we do not need vicious dogs injuring people. We are dealing with the people issue in other portions of the statute. This is an attempt to deal with those owners who have vicious dogs because livestock in downstate Illinois is the livelihood that many people have and I think that farm animals should have preference over vicious dogs and I urge your favorable support."

Speaker Giglio: "The question is: 'Shall House Bill 193 pass? ' All those in favor, signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 88 voting 'yes', 21 voting 'no', one voting 'present' and House Bill 193 having received the Constitutional Majority is hereby declared passed. House Bill 209, Representative Saltsman, Representative Saltsman. Mr. Clerk, out of the Record. House Bill 219, Representative LeFlore, out of the Record. Representative Dunn, 245, are you ready, Sir? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 245, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of the Bill."

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

Dunn: "House Bill 245, is a Bill which would allow a plaintiff to

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commence a cause of action under certain time limitations and constraints where the party against whom the action is brought is deceased and the plaintiff did not know that until a later date. So this Bill will, will cover the situation were there is a cause of action but especially in large metropolitan areas, the plaintiff may be gathering evidence and may not be able to take depositions because the case has not yet been filed. The case is filed and only then the defendant learns that or the plaintiff learns that the defendant is deceased, the plaintiff wants to have the right to proceed with the legislation and this Bill will allow that to be done, and will provide a time frame in which they have to do so. I urge it's passage."

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

McCracken: "Thank you, Mr. Speaker, I rise in opposition to this Bill. And you should know that this pits our friends the trial lawyers against the insurance industry. There is a lot to this Bill, a lot more than meets the eye. In some cases the effect could be that where you have a fortuitous death of a party, a death of a person involved in a lawsuit which bears no relationship to the facts of the case, has nothing to do with the cause of action, that merely by that fortuitous fact and because of the neglect of the attorney, he could be excused from failure to find out within two years whether in fact the defendant is still alive. There is absolutely no responsible public policy reason for doing that. It is strictly a gift to the plaintiff's bar, there is already an allowance for substitution of parties if you have made adequate service. For example, if you sue someone before they die and the person dies during the cause of action you can amend the cause of action to sue the estate. This gives a gift to the plaintiffs council

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who has not exercised even enough diligence to tell if the defendant is still alive; has not even made an attempt to find out within the two years during which the statute runs to find out if the defendant is still alive. It is absolutely inexcusable to extend this statute of limitations. It requires no showing of excusable neglect. You can be as irresponsible, as negligent as you want and you can still get this extension. There are plenty of safeguards in the law now. We should not be extending the statute merely to make up for some plaintiff's attorney's neglect."

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

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The previous speaker has pretty well articulated the insurance industries point of view with regard to this legislation. There is to the best of my knowledge little or no duty on the part of the insurance company defendant to come forward and tell anybody that the plaintiff has died. The speaker indicated a situation were you can substitute parties, but that presumes that there is already a defendant party in the cause of action, if jurisdiction has been obtained through service of summons upon a defendant, and the defendant dies, yes of course you can substitute. On the other hand if and quite often happens a defendant is traveling through a metropolitan area, is from a different part of the country; it takes time to gather evidence, to gather facts, to gather statistics, and as everyone in this room knows especially in Cook county there is a tremendous backlog there is a lot of delay involved. If the plaintiff files a cause of action and through no fault of his or her own negligence has nothing to do with this; if the plaintiff simply doesn't know if the defendant

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is deceased, then we need to extend the statute and we have constraints in this legislation to provide for hoops to jump through. If the plaintiff after learning of the death of the other party must proceed with reasonable diligence to file the amended complaint. The party must proceed with reasonable diligence to serve process upon the personal representative. If there has been an estate opened there is a further protection. Probate estates have a six month claim period and after that it is forever hold your peace. This Bill addresses that problem also and indicates that if an estate has been opened and more than six months have passed the liability of the estate itself is limited to the extent of insurance proceeds available. So the previous speaker is trying to protect any insurance proceeds that may be available which is out there for the purpose of covering claims. Fourth, the Bill provides that in no event can a party commence an action under this subsection unless the personal representative is appointed and an amendment complaint is filed within two years of the time limit, time limited for the commencement of the original action. So what we are doing here is saying that in the unusual set of circumstances where the death, where there is number one a death; it doesn't cover a situation where there is no death. Number one, there must be a death. Number two, there must be lack of knowledge. Number three, it extends the time for filing for two years and the limits recovery where an estate has been open to insurance proceeds, if any. This is a good Bill, for the general public and I urge it's passage."

Speaker Giglio: "The question: 'is shall House Bill 245 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. The Gentleman from Cook, Representative Preston."

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Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 245, and I think it's important that Members realize the kind of time and effort and energy that Representative Dunn as a Chairman of the Judiciary Committee has put in to authoring, creating, sculpting, and making sure that this legislation is in the form that it will serve and benefit the people of Illinois. This isn't something to, to operate to the best interest of one industry versus another industry. It's designed and created to work to the benefit and best interest of the people of Illinois. He has spent a lot of time giving thought to this legislation and I would certainly urge the Members of this House to vote this Bill out and send it over to the Senate."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take. The Gentleman from Cook, Representative Dunn. Mr. Clerk, take the record. The Gentleman from DuPage, Representative McCracken. On this quest...the Gentleman from Saline, Representative Phelps."

Phelps: "Mr. Speaker, how am I voted?"

Speaker Giglio: "How is the Gentleman voted, Mr. Clerk? Representative Phelps, how is the Gentleman voted? Phelps, he's from Saline. The Gentleman is recorded as not voting."

Phelps: "Thank you, Mr. Speaker, I would like to vote 'aye', I did punch my switch right before you said take the vote and it didn't register, so vote me 'aye'."

Speaker Giglio: "Vote the Gentleman 'aye'. Mr. Clerk, take the record. On this question there are 63 voting 'yes', 48 voting 'no', and none voting 'present'. 61 voting 'yes', 48 voting 'no', none voting 'present'. Representative McCracken."

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McCracken: "Verification."

Speaker Giglio: "The Gentleman requests a verification, Mr. Clerk. The Gentleman from Winnebago, Representative Mulcahey, for what purpose do you rise sir."

Mulcahey: "Leave to be verified, now, please."

Speaker Giglio: "Gracias Senor. The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Leave to be verified."

Speaker Giglio: "Leave to be verified, does the lady have leave. Representative McCracken. Mr. Clerk, poll the absentees."

Clerk Leone: "A poll of those not voting, Bugielski, DeLeo, Lou Jones, Petka, Santiago, Trotter and Turner, no further."

Speaker Giglio: "Mr. Clerk, Trotter, 'aye'. Representative Turner 'aye'. Mr. Clerk what is the count now."

Clerk Leone: "There are 63 voting 'aye'."

Speaker Giglio: "Mr. Clerk, proceed with the verification."

Clerk Leone: "Poll of the Affirmative. Balanoff, Bowman, Breslin, Brunsvold, Capparelli, Countryman, Cullerton, Curran, Currie, Davis, DeJaegher, Dunn, Farley, Flinn, Flowers, Giglio, Giorgi, Granberg, Hannig, Hartke, Hicks, Homer, Hultgren, Shirley Jones, Keane, Kirkland, Krska, Kulas, Lang, Laurino, LeFlore, Levernz, Levin, Martinez, Matijevich, Mautino, McGann, McPike, Morrow, Mulcahey, Novak, Phelps, Preston, Rice, Richmond, Ronan, Saltsman, Satterthwaite, Shaw, Steczo, Stern, Sutker, Terzich, Trotter, Turner, Van Duyne, White, Williams, Wolf, Woolard, Anthony Young, Wyvetter Younge, and Mr. Speaker."

Speaker Giglio: "The Lady from Cook, Representative Lou Jones."

Lou Jones: "Thank you, Mr. Speaker, please record me as 'aye'."

Speaker Giglio: "Record the Lady as voting 'aye'. Representative McCracken."

McCracken: "Thank you, Representative Currie."

Speaker Giglio: "Is Representative Currie in the Chamber?"

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Representative Barbara Currie. Mr. Clerk, how is the Lady recorded?"

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

Speaker Giglio: "Remove the Lady from the Roll Call. Representative Santiago, record the Gentleman as voting 'aye'. Representative McCracken."

McCracken: "Representative Breslin."

Speaker Giglio: "Representative Breslin is in her Chair."

McCracken: "Representative Levin."

Speaker Giglio: "Representative Levin, Representative Ellis Levin."

McCracken: "He's at a press conference, that's alright. Representative Brunsvold."

Speaker Giglio: "Representative Levin is here. Representative Brunsvold is in the center of the aisle."

McCracken: "I see Representative Currie."

Speaker Giglio: "Mr. Clerk, restore Representative Currie to the Roll Call. Representative Bugielski votes 'aye'. Further discussion."

McCracken: "I've met my match for the day. I withdraw it."

Speaker Giglio: "The Gentleman withdraws the verification. On this question there are 66 voting 'yes', 48 voting 'no', none voting 'present'. House Bill 245, having received the Constitutional Majority is hereby declared passed. On page 14 of the Calendar, Senate Bills Second Reading, First Legislative Day. Representative Levin for a motion."

Levin: "Mr. Speaker, I would move, I would ask leave to move this Bill from First Legislative Day to Second Reading."

Speaker Giglio: "The Gentleman asks leave to move the Bill from...651, from First Legislative Day to Second Legislative Day, Second Reading. Is there leave? Hearing none, leave is granted by the use of the Attendance Roll Call. Senate Bill 652, the Gentleman asks a similar motion

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for Senate Bill 652. Does the Gentleman have leave?
Second Reading, Second Legislative Day. Leave is granted
by the Attendance Roll Call. Second Read...Second...Mr.
Clerk, Senate Bill, Second Reading, 651."

Clerk Leone: "Senate Bill 651, a Bill for an Act in relationship
to School Reform. Second Reading of the Bill. There are
no Committee Amendments."

Speaker Giglio: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Giglio: "Third Reading. Senate Bill 652, Mr. Clerk, read
the Bill."

Clerk Leone: "Senate Bill 652, a Bill for an Act to amend the
School Code, Second Reading of the Bill. Amendment #1, was
adopted in Committee."

Speaker Giglio: "Any Motions filed."

Clerk Leone: "There are no Motions filed."

Speaker Giglio: "Any Floor Amendments?"

Clerk Leone: "No further Amendments."

Speaker Giglio: "Mr. Clerk, the Bill will remain on the order of
Second Reading. The Gentleman from Cook, Representative
McGann, for what purpose do you rise sir."

McGann: "Yes, I would like to have an understanding, Mr. Speaker
I have an Amendment being prepared for Senate Bill 652, and
before it be moved to Third Reading."

Speaker Giglio: "It's on Second Reading right now,
Representative, it's gonna be held on Second Reading."

McGann: "Alright, that is fine. Thank you, Mr. Speaker."

Speaker Giglio: "You're welcome. The Gentleman from Cook,
Representative Kulas, for what purpose do you rise, sir."

Kulas: "Thank you, Mr. Speaker, I'd like to ask leave to waive
the posting rules, so that House Resolution 71 can be heard
in the Energy Environment Committee, tomorrow afternoon, I
have cleared it with the Minority Spokesman and I'd like

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leave to waive the posting rules on House Resolution 71."

Speaker Giglio: "You heard the Gentleman's Motion, does the Gentleman have leave. Hearing none, leave is granted by the Attendance Roll Call. House Bill. The Gentleman from Cook, Representative Parke. The Gentleman from Cook, Representative Steczko."

Steczko: "Thank you, Mr. Speaker, I'd ask leave of the House to have House Bill 1994 heard in the Cities and Villages Committee this afternoon, and have the posting requirement waived. House Bill 1994."

Speaker Giglio: "You've heard the Gentleman's Motion. All those in favor. Does he have leave, hearing none, leave is granted by the Attendance Roll Call. Representative Steczko, and Representative Kulas, those Bills have to be printed, as per agreement from both sides of the aisle so that those Bills can be heard. There are still further announcements. There is further business of the House. We are not ready to adjourn, so you want to hold your announcements before we adjourn. We would like to proceed with Third Reading, on page 13 of the Calendar. Representative Kulas."

Kulas: "The waiving of the posting rule was on a House Resolution #71, I believe that's printed."

Speaker Giglio: "Representative Kulas."

Kulas: "I waived the rule on a House Resolution #71, posting rule. So it's printed. It's not a House Bill that's not printed."

Speaker Giglio: "Well, Representative, it still has to be printed. We just want to make sure that the body understands that nothing will take place unless the Bill or Resolutions or proclamations have been printed."

Kulas: "Right, thank you, Mr. Speaker, you've enlightened me."

Speaker Giglio: "House Bills, Third Reading. On page 13 of the

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Calendar, there appears House Bill 252. The Lady from LaSalle, Representative Breslin. Mr. Clerk, read House Bill 252."

Clerk Leone: "House Bill 252, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

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

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, House Bill 252 is an effort on the part of this State to crack down on Steroid abuse. The Bill specifically makes it unlawful for any person to distribute human anabolic steroids to another, knowing the recipient to be an amateur athletic participant. You and I have read an awful lot recently about the adverse effects of anabolic steroids, where inappropriately used. You saw in Sports Illustrated not too long ago where a pro..where a professional ball player had to have a heart transplant, and it was traced back to the unnecessary and inappropriate use of anabolic steroids. Last fall, we heard the story of a high school athlete who died from the use of anabolic steroids. Just recently from the Illinois State Medical Society, you and I received in their March 3rd bulletin an analysis of the inappropriate use and the dangers of inappropriate use of anabolic steroids. That article indicated that a recent university study shows that nearly seven percent of all high school seniors have taken steroids. There is strong evidence now that such steroids are addicting. They cause depression and suicidal tendencies. They weaken tendons. They contribute to muscle tears and injuries. They mask pain and particularly in the young amateur athlete can cause stunted growth, high blood pressure, and permanent damage in the ability to reproduce, both in females and in males. I would be happy to answer any questions."

Speaker Giglio: "Any discussion, the Gentleman from Vermillion,

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Representative Black."

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

Speaker Giglio: "She indicates she will."

Black: "Thank you, Representative, I believe I talked to you about this on a previous occasion. Your Bill does not make it unlawful for a person to possess steroids, am I correct in that?"

Breslin: "That is correct."

Black: "And does it say anything about distribution being illegal if it's being used for power weight lifting?"

Breslin: "No, it does not it only applies to the distribution of steroids to amateur athletes. If your power weight lifters are amateurs then it would be prohibited."

Black: "Well, obviously by looking you can tell, I'm not a power weight lifter. So it wasn't..."

Breslin: "Nor am I."

Black: "Wasn't for any personal reason. Thank you, thank you. I just, I raised the question with you before and I still raise it, although I certainly think you are on the right track and I'm not about to oppose your Bill. I do think that in some point in time possession of these drugs must be addressed."

Breslin: "And I believe that there will be other Bills that will address that as well, Representative."

Black: "Thank you very much."

Speaker Giglio: "Further discussion. The Gentleman from Madison, Representative Stephens."

Stephens: "Well said, Mr. Speaker, well said. Representative Black got himself out of the Chair, so I guess he is a power weight lifter. With credit to Representative Ryder. Representative, how does this Bill affect those in my profession: filling prescriptions. If a doctor writes a

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prescription and that prescription is filled in normal procedures how are we affected."

Breslin: "You are not affected, Section 12-21 makes a specific exemption to those who are dispensing or prescribing steroids to any person for therapeutic reasons. And specifically mentions pharmacist or nurses for acting under order of a physician licensed to practice medicine in all of it's branches."

Stephens: "Well, we appreciate your reasonable protection and I think that your cause is honorable and I rise in support of your Bill."

Breslin: "Thank you."

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

Dunn: "I had trouble hearing and my question may just have been answered, I have a concern which may be in the Bill about the situation were someone who is an athlete needs a prescription that has steroids in it for therapeutic purposes unrelated to whatever the athlete excels in. Does this Bill permit dispensation in this situation or prohibit."

Breslin: "Yes, it permits the dispensing of anibolic steroids for therapeutic reasons, whether they are adults or for minors."

Dunn: "Thank you very much."

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

Breslin: "I would just appreciate a favorable Roll Call, thank you."

Speaker Giglio: "Question is Shall House Bill 252 pass. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is Third Reading, final action. Have all voted who wish? Have all voted who wish?"

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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 House Bill 252, having received the Constitutional Majority is hereby declared passed. Representative Giorgi in the Chamber. Representative Giorgi. Representative Matijevich, House Bill 287, Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 287, a Bill for an Act to amend the State's Attorneys Appellate Prosecutors Act. Third Reading of the Bill."

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

Matijevich: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. I'm handling House Bill 287, for Ken Boyle and Auggie Yont of the States Attorney Appellate Prosecutors Office. This would increase the maximum number of investigators which could be employed by the Appellate Prosecutor from four to eight and establish qualifications for a limited peace officer status on those investigators. The need for the Bill is because of Public Act 85-617, which gave the Appellate Prosecutor authority to allow for assistance to local prosecutors in controlled substance prosecutions. It is the only state agency in narcotics property forfeiturs. The limited peace officer status would be restricting the exercise of those powers only in those cases which local law enforcement officials have been contacted and have agreed to cooperate with the investigators in the exercise of those powers. There is no opposition to the Bill. I would appreciate your support."

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

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

Speaker Giglio: "He indicates he will."

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McCracken: "I see here in our analysis about a fifty-thousand dollar county match requirement, is that for the entire state or is that on a county by county basis, or..."

Matijevich: "No, that's for the entire state, matching federal grant. Representative McCracken."

McCracken: "Okay, so would the counties be required to put up that total amount to match or how would that work?"

Matijevich: "That's under one-third that the state has to put up, I understand."

McCracken: "Alright, thank you."

Matijevich: "Thank you."

Speaker Giglio: "Further discussion. The Gentleman from Lake, Representative Matijevich to close."

Matijevich: "We appreciate your support. Thank you."

Speaker Giglio: "Question is, 'Shall House Bill 287 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 108 voting 'yes', none voting 'no', and none voting 'present'. House Bill..Record Representative Ronan as voting 'aye', Representative Farley as 'aye', Keane 'aye'. On this question there are 110 voting 'yes', none voting 'no', and none voting 'present' and House Bill 287, having received the Constitutional Majority is hereby declared passed. Representative Hasara, House Bill 291, Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 291, A Bill for an Act to amend the School Code. Third Reading of the Bill."

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

Hasara: "Thank you, Mr. Speaker. House Bill 291 corrects a problem in the School Code for those few districts in the State of Illinois that have by referendum gone to electing

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school board members by single member board district. At the current time there is no provision for re-drawing those districts after reapportionment. This Bill simply sets up the same model that the county board uses for re-drawing districts every ten years. I move for the passage of House Bill 291."

Speaker Giglio: "Any discussion. Hearing none, all those in favor of House Bill 291, signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 114 voting 'yes', and 1 voting 'no', and none voting 'present'. House Bill 291 having received the Constitutional Majority is hereby declared passed. Representative Breslin, House Bill 302. Mr. Clerk, Read the Bill."

Clerk Leone: "House Bill 302, a Bill for an Act to amend the Hospital Licensing Act. Third Reading of the Bill."

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

Breslin: "Thank you, Mr. Speaker."

Speaker Giglio: "There must be something wrong with your microphone."

Breslin: "Thank you, Mr. Speaker. Mr. Speaker, I would ask leave to return House Bill 302, to Second Reading for the purposes of an Amendment?"

Speaker Giglio: "You heard the request. Does the Lady have leave to return House Bill 302 to the order of Second Reading for a purpose of an Amendment? Representative McCracken."

McCracken: "She can take it back to the Amendment. We'll object to hearing it today on Third Reading however. I'd like a chance to look at the Amendment and have a days opportunity to do that."

Speaker Giglio: "The Lady asks leave, does the Lady have leave."

McCracken: "The Lady has leave if she agrees to that, but not if

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she doesn't."

Speaker Giglio: "Of course."

McCracken: "So someone give me the 'hi' sign."

Speaker Giglio: "The Lady says that's fine."

McCracken: "Okay, thank you."

Breslin: "Did I?"

Speaker Giglio: "Mr. Clerk, return the Bill to the order of Second Reading."

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

Breslin: "Mr. Speaker, Amendment #1 is offered to satisfy some of the concerns raised in the committee about the Bill. It specifically provides that a person who voluntarily decides to leave a hospital may do so regardless of the fact that they may not have received the proper hospital discharge notice. So that no one could be detained in hospital against their will, because of the failure of the hospital to give the proper notice. In addition to that, it responds to a couple of technical problems in, at the beginning of the Bill so that the only substantive change that I have made and I would ask for the adoption of Amendment #1."

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

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. House Bill 305, Representative Hasara. House Bill 305. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 305, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

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

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Hasara: "Thank you, Mr. Speaker. House Bill 305 authorizes the Secretary of State to pay refunds to individuals who are eligible for circuit breaker license fee discounts and who overpaid. This Bill simply extends the time frame. Many elderly people, they have all year to file their circuit breaker and under the present statute if six months elapses the Secretary of State may not give them the refund. The Secretary of State is a proponent of the Bill and it is very important to the Senior Citizens of Illinois. I urge it's passage."

Speaker Giglio: "Any discussion. Question is, 'Shall House Bill 305 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'yes', none voting 'no', and none voting 'present' and House Bill 305 having received the Constitutional Majority is hereby declared passed. Representative Hultgren, are you ready, Sir. House Bill 315. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 315, a Bill for an Act to Amend the Illinois Vehicle Code. Third Reading of the Bill."

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

Hultgren: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is an Amendment to the Tinted Window Bill that was passed a year ago and specifically addresses the issue of medical exemptions. When the Bill was passed a year ago, there were only two conditions, Albinism and Lupus, that were exempted from the tinted window restriction. This Bill will broaden that exemption to other medical conditions such as certain forms of skin cancer and so forth which can be negatively effected by the direct rays

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of the sun. You may recall that we passed a legislation very similar to this in Senate Bill 1978, however, that legislation which was passed in the veto session was subsequently vetoed by the Governor because of other unrelated measures that were part of the same action. So this is needed now. Its supported by the Department of State Police, and I know of no opposition and would ask for a favorable Roll Call."

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

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

Speaker Giglio: "He indicates he will?"

Dunn: "Does this Bill do anything except broaden the medical exemption?"

Hultgren: "No, it does not. It is not intended to and we will not add anything like that, Sir."

Dunn: "Thank you."

Speaker Giglio: "Further discussion? Representative Hultgren, to close."

Hultgren: "Just simply to ask for a favorable Roll Call."

Speaker Giglio: "Question is, 'Shall House Bill 315 pass?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 111 voting 'yes', none voting 'no', none voting 'present' and the House does pass. House Bill 315 having received the Constitutional Majority. Representative Davis, Representative Davis votes 'aye'. There are now 112 voting 'yes', none voting 'no', and none voting 'present'. House Bill 315 having received the Constitutional Majority is hereby declared passed. House Bill 332, Representative

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Cullerton. Mr. Clerk, read the Bill.

Clerk O'Brien: "House Bill 332, A Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

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

Cullerton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would ask leave to return this Bill to Second Reading for the purposes of an Amendment or two."

Speaker Giglio: "Does the Gentleman have leave. Hearing none, leave is granted. The Bills on the order of Second Reading."

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

Speaker Giglio: "Representative Cullerton."

Cullerton: "I would ask leave to withdraw Amendment #4."

Speaker Giglio: "The Gentleman ask leave to withdraw Amendment #4, hearing none leave is granted. Amendment #4 is withdrawn. Further Amendments."

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

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

Cullerton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In an effort to keep this particular Pension Bill noncontroversial, this Amendment removes the provisions that were contained in House Bill 104. That was a Bill that Representative Bowman was the Sponsor of and that passed this House overwhelmingly and is now over in the Senate. So as we have already passed the Bill in another Bill and because it might have the potential for having some controversy, it's my intent to take that out of this package. We also have a minor change amending the General Assembly Retirement System by including in what the current law includes articles five through fourteen of the Pension

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Code, with certain other conditions we can add those provisions through Article 18 of the Pension Code. I'd be happy to answer any questions and I'd appreciate the adoption of the Amendment."

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

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

Speaker Giglio: "Representative Cullerton, on Amendment #6."

Cullerton: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House, I would move to adopt Amendment #6, it makes a technical change at the request of the Downstate Teachers Retirement System, the effect is to tighten a window in the Bill."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of Amendment #6, signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. The Gentleman ask leave to have immediate consideration here on this Bill. Hearing none, leave is granted by the Attendance Roll Call. Mr Clerk, read the Bill."

Clerk O'Brien: "House Bill 332, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

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

Cullerton: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This Bill amends various pension systems, and it's designed to be a noncontroversial Pension Bill. In

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the past, we have voted on this. Many of these provisions, we have passed them on to the Governor, as a matter of fact. But for one reason or another because there have been controversial measures in a Pension Bill, it has come back to us and we have not been able to pass it. So in an attempt just to get the noncontroversial measures passed and on the Governors desk. That's why I'm passing this Bill, or advancing this Bill. Any benefits that are included in the Bill were at the request of the systems at the request of the municipality or the unit of government that had to pay for them. In other words, they have been negotiated and agreed to by parties to the change. So I'd be happy to answer any specific questions about the Bill and I'd urge your support."

Speaker Giglio: "Any discussion? The Gentlemen from Warren, Representative Hultgren."

Hultgren: "Will the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Hultgren: "I have a question with regard to the addition of the Prisoners Review Board Employees and Members to the Department of Corrections Retirement System or the retirement formula for the Department of Corrections. Can you explain to me the rationale for that particular provision."

Cullerton: "Give me one moment."

Hultgren: "I believe its in Article 14, if that helps you locate your notes."

Cullerton: "As I understand it, Corrections and the State Police are under this alternative annuity formula and this is simply an effort to put the Members and Employees of the Prisoner Review Board under the same system. They are, the logic is I guess that they are part of the Corrections, logically part of the Corrections system and, right."

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Hultgren: "I understand what it does, I guess what I'm looking for is the policy rationale. If I understand correctly there is a higher retirement formula for the employees for the Department of Corrections and I think as you correctly pointed out the State Police and that, if I understand it correctly, that higher retirement formula is that the rationale for that is that people in those professions have hazardous job and there is a good deal of risk associated with those professions and for that reason we have a different compensation formula that allows them to retire on a little different schedule. But I'm not sure how that same rationale applies to those on the Prisoner Review Board. They're not really in the line of fire if you will, as the Corrections Officer is and the State Trooper is out on the highway and so how do we justify."

Cullerton: "Yes, I understand your question the Prison Reveiw Board, Prisoner Review Board members and the employees have daily contact with inmates and as a result, specifically the Review Board itself, in denying request, for parole can definitely be the target of an inmates wrath, so that when they do eventually get out, I think its clear that this position can be considered hazardous, as much as a state trooper is out patrolling the highways, for people who are speeding or whatever. There is always the potential for some dangerous...."

Hultgren: "I suspect."

Cullerton: "For an inmate to be disgruntled with their decision. And they physically appear and they are in the same room with the inmates."

Hultgren: "I suspect that we wouldn't have to go to far in the newspapers, to far back in time to discover when we last had a Corrections Officer who was injured in the line of duty, nor would we have to go to far back in the newspaper

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to discover when we last had a State Trooper injured in the line of duty. Can you tell me when was the last time that we had someone from the Prisoner Review Board injured in the line of their duties?"

Cullerton: "...no, I'm not sure that it's happened. Maybe it's because the, you know we're only talking about 17 employees that would be covered by that. So perhaps it's just simply because it's such a small number of of employees, but I think that we shouldn't. This doesn't give them any extra protection. This talks about their pension system, but I...

Hultgren: "I understand that."

Cullerton: "I wouldn't, I mean I wouldn't want to have to wait for one of these employees or Board Members to be injured or killed before we could say, well I guess it is hazardous so maybe we should pass the pension change. I guess it's the only answer I can give I don't think, the Bill is not to be controversial if I, it's a very low...I mean the cost is negligible."

Hultgren: "Well, Mr. Speaker to the Bill. There are a number of good provisions to this Bill, there is no question about that. I do question this one, however, the Sponsor points out or the Sponsor suggests that the cost is negligible. When in fact, when compared to the six and a half billion dollars of unfunded liability in the five pension systems, I suppose this three hundred and ninety thousand dollars in liability pales those in comparison. But of course it's three hundred thousand here and four hundred thousand there, and pretty soon we have the enormous unfunded liability in the pension system. So, while I'm sure the intention is good, I don't think the same rationale exists for including these employees of the Prison Review Board, into the Department of Corrections higher retirement

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formula. For that reason, I would suggest that until that be deleted. A present vote maybe the appropriate one on this particular legislation."

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

Terzich: "Yes, Representative Cullerton, is this the omnibus Pension Bill that was not passed in the last session?"

Cullerton: "No, this, this Pension Bill was included in the omnibus package that we passed last year, but what we have done is we've taken out the controversial provisions and are just trying to pass the part that doesn't have any controversy."

Terzich: "What were the controversial positions that were taken out?"

Cullerton: "Oh, I can give you a list of seven of them. There was, you may recall there was an effort to increase the compensation for the Leadership. There was a Constitutional Officers Pension Benefit there was the Brass Bill, which was very controversial. There was pensions increase for state police. There was a measure for Court Reporters. There was a Chicago System Group Health Insurance program. All those things were very controversial and they were all taken out of this Bill, not that they won't be considered in the session. We just wanted to get the more non-controversial measures, which have to be printed every time we try to reach an agreement to get those out, and on the Governors desk."

Terzich: "But then those provisions were taken out. Well, Mr. Speaker, members of the House then if that's the case certainly this piece of legislation affects the hundreds of thousands of people in the state of Illinois, and these benefits have been long overdue to these participants in these pension plans and certainly warrants the support of

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the entire General Assembly."

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

McAuliffe: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like to rise on the Republican side of the aisle and support this Bill. This Bill was passed out last year, and the only reason it was beaten was because there was a controversial amendments put on it in the Senate. It has something in it for almost everybody in this state. It includes the downstate Policemans Pension Fund, downstate Firefighters Pension Fund, the Chicago Policemen's Pension Fund, Chicago Firemen's Pension Fund, Chicago Municipal Retirement Fund, Chicago Municipal Employees and Laborers Pension Fund, Chicago Park District Employees, State Employees Retirement System, State University Retirement System, downstate Teachers, Chicago Teachers. There is something there for everybody in the state. If you're a Legislator in Illinois, you're going to have some constituents that are affected by this. General Assembly was left off, that's why it couldn't pass last time. We should have passed this last year, and we didn't because of all the controversial stuff that was tacked on. I would urge the Republican Member of the House to vote for this Bill. It's a good Bill that's been approved by the Pensions Committee and by the Conference Committee last year."

Speaker Giglio: "Representative Cullerton, to close."

Cullerton: "I appreciate a favorable Roll Call."

Speaker Giglio: "The question is, 'Shall House Bill 332 pass?' All of those in favor signify by saying '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."

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Capparelli? Mr. Clerk take the record. On this question there are 106 voting 'yes', none voting 'no', 6 voting present. House Bill 332 having received the Constitutional Majority is hereby declared, there are 107 voting 'yes', none voting 'no', 6 voting present. House Bill 332 having received the Constitutional Majority is hereby declared passed. Representative Preston? House Bill 4. House Bill 4, Mr. Clerk read the Bill."

Clerk O'Brien: "House Bill 4, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of the Bill."

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

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. What House Bill 4 does is to permit seniors in civil actions who are seventy years of age or older to request to move the court for preference in setting their cases for trial. Under the current system especially in urban districts, such as Cook County, there is currently some seven to ten years wait in order to get a civil case involving personal injury to a court room to an available judge and a trial. A senior adult seventy years of age or older in too many cases simply cannot wait that length of time whether that individual is the plaintiff or the defendant in order to have his or her case heard and properly adjudicated by the court. What House Bill 4 does is to require a special calendar to be set aside for the senior adults that are seventy years of age or older to cut down from seven to ten years, the amount of time that they might otherwise have to wait for getting to a court room, and I would be glad to answer any questions and ask for your 'aye' vote for your information. Mr. Aurelio Pichinsky the Clerk of the Circuit Court of Cook County came to Springfield to testify in favor of this Bill. This

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is a major Senior Citizen Bill, and I ask for your 'aye' vote."

Speaker Giglio: "Further discussion? Hearing none, all those in favor ...Gentleman from Macon, Representative Dunn?"

Dunn: "I would just like to go on record as being opposed to everything my seatmate just said."

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 111 voting 'yes', 2 voting 'no', none voting present. House Bill 4 having received the Constitutional Majority is hereby declared passed. On page 14 of your Calendar, appears House Bill 30, on the Consent Calendar, Second Reading, First Legislative Day. Hold on. Page 17 of the Calendar, Consent Calendar, Third Reading, Second Day. Second Reading. Alright, page 17 of the Consent Calendar, Third Reading."

Clerk O'Brien: "Consent Calendar, Third Reading, Second Day. House Bill 33, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill. House Bill 87, a Bill for an Act to amend the Local Mass Transit District Act. Third Reading of the Bill. House Bill 139, a Bill for an Act to amend an Act in relation to Guaranteeing Titles to Real Estate by Corporations. Third Reading of the Bill. House Bill 140, a Bill for an Act in relation to the Registration of Federal Tax Leins. Third Reading of the Bill. House Bill 147, a Bill for an Act to amend the Abandoned Mine Lands and Water Reclamations Act. Third Reading of the Bill. House Bill 176, a Bill for an Act to amend the Public Community College Act. Third Reading of the Bill. House Bill 264, a Bill for an Act to amend the Solid Waste Planning and Recycling Act. Third Reading of

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the Bill. House Bill 352, a Bill for an Act in relation to Constitutional Conventions. Third Reading of the Bill. House Bill 459, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 470, a Bill for an Act to amend the Illinois Domestic Violence Act. Third Reading of the Bill. House Bill 514, a Bill for an Act to authorize disclosure of certain offenses against children. Third Reading of the Bill. House Bill 590, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 640, a Bill for an Act to amend the Downstate County Working Cash Fund Act. Third Reading of the Bill. House Bill 715, a Bill for an Act to amend an Act to provide for the creation and management of forest preserve districts. Third Reading of the Bill. House Bill 764, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. House Bill 807, a Bill for an Act to amend the Illinois Highway Code. Third Reading of the Bill. House Bill 877, a Bill for an Act to amend an Act concerning aquariums and museums and public parks. Third Reading of the Bill."

Speaker Giglio: "The question is, 'Shall these Bills pass?' All these in favor signify by voting 'aye', all those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there are 115 voting 'yes', none voting 'no', none voting present, and these Bills having received the Constitutional Majority are hereby declared passed. On page 16 of the Calendar, House Bills, Second Reading, Second Legislative Day, Consent Calendar. Mr. Clerk, read the Bills."

Clerk O'Brien: "House Bill 218, a Bill for an Act to amend an Act in relation to the acquisition of the Illinois and

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Mississippi Canal. Second Reading of the Bill. House Bill 293, a Bill for an Act to amend the Public Community College Act. Second Reading of the Bill. House Bill 484, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. House Bill 511, a Bill for an Act to amend an Act in relation to certain civil law suits. Second Reading of the Bill. House Bill 559, a Bill for an Act to amend the School Code. Second Reading of the Bill. House Bill 589, a Bill for an Act to amend the School Code. Second Reading of the Bill. House Bill 644, a Bill for an Act to amend the School Code. Second Reading of the Bill. House Bill 657, a Bill for an Act to amend the Juvenile Act. Second Reading of the Bill. House Bill 726, a Bill for an Act to amend an Act to create Sanitary districts. Second Reading of the Bill. House Bill 727, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of the Bill. House Bill 730, a Bill for an Act to amend an Act in relation to county zoning. Second Reading of the Bill. House Bill 766, a Bill for an Act to amend an Act authorizing townships of less than 100,000 population to acquire fire, rescue and emergency vehicles. Second Reading of the Bill. House Bill 769, a Bill for an Act to amend the Illinois Domestic Violence Act. Second Reading of the Bill. House Bill 883, a Bill for an Act to amend the School Code. Second Reading of the Bill. House Bill 886, a Bill for an Act to control equine infectious anemia in Illinois. Second Reading of the Bill. House Bill 905, a Bill for an Act to amend the Boat Registration and Safety Act. Second Reading of the Bill. House Bill 931, a Bill for an Act to amend an Act in relation to fire protection districts. Second Reading of the Bill. House Bill 1117, a Bill for an Act to amend the Criminal Code. Second Reading of the Bill. House Bill 1149, a Bill for an Act to amend

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the Park District Code. Second Reading of the Bill. House Bill 1155, a Bill for an Act to amend the Comprehensive Health Insurance Planning Act. Second Reading of the Bill. House Bill 1305, a Bill for an Act to amend the Park District Code. Second Reading of the Bill."

Speaker Giglio: "Third Reading. Agreed Resolutions."

Clerk O'Brien: "House Resolution 312 offered by Representative Frederick. 315, Piel. 317, Ryder. 318, Frederick. 319, Stern. 321, DeLeo. 328, McNamara. 329, McNamara. 330, Doederlein. 331, Stange. 332, Kirkland. 333, Barnes. 334, Hoffman. 335, Turzich. 337, Ropp. 338, Myron Olson. 339, Santiago."

Speaker Giglio: "Representative Matijevich?"

Matijevich: "Mr. Speaker and Ladies and Gentleman of the House. Both sides of the aisle have examined the Resolutions. They are agreed to, and I move the adoption of the Agreed Resolutions."

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

Clerk O'Brien: "House Resolution 320 offered by Representative Martinez, 327, Flowers. 336, Hicks. 340, Balanoff. 342 Cullerton."

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

Clerk O'Brien: "House Resolutions 314 offered by Representative Countryman with respect to the memory of Hazel Millinger. House Resolution 316 offered by Representative Capparelli with respect to the memory of Steve Schaeffer. House Resolution 341 offered by Representative Anthony Young with respect to the memory of Earl Benjamin Williams Jr."

Speaker Giglio: "Representative Matijevich moves the adoption to the Death Resolution. All those in favor signify by saying

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'aye', all those opposed 'no'. In the opinion the Chair the 'ayes' have it, and the Resolutions are adopted. Committee Reports."

Clerk O'Brien: "Corrective Committee Report. House Bill 62 is reported from the committee on Elementary and Secondary Education in error on April 18, 1989 and the Bill will remain in committee. Representative Mautino, Chairman of the Committee on Insurance to which the following Bills were referred action taken April 11, 1989 reported the same back with the following recommendations: 'tabled in Committee.' House Bill 624. Representative Curran, Chairman of the Committee on Economic Development to which the following Bills were referred to action taken April 25, 1989 reported the same back with the following recommendations: 'do pass' House Bills 66, 'do passas amended' House Bill 1029."

Speaker Giglio: "Representative Black? You seeking recognition, Sir? The Gentleman from Vermillion, Representative Black."

Black: "I thank you very much, Mr. Speaker. I just simply rise to let the record reflect that I was called off the floor on the vote on House Bill 332, and had I not been called off the floor I certainly would of voted 'aye', Mr. Speaker."

Speaker Giglio: "Mr. Clerk let the record so indicate. Representative Matijevich now moves that the House stand adjourned until tomorrow, Wednesday April 26, at 12:00 noon."

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