

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

45th Legislative Day

May 22, 1989

Speaker McPike: "The House will come to order. The Chaplain for today is Reverend Marvin Clausen, from Bethlehem Lutheran Church in Dundee Illinois. Reverend Clausen is a guest of Representative Doederlein. The guests in the balcony may wish to rise, and join us for the invocation."

Reverend Clausen: "The Bible says in Mark 10 verse 43 in the words of Christ. Whoever would be great among you must be your servant. Let us pray. Heavenly Father Lord of the nations, and sovereign God of all the earth. We thank You, and we praise You for the gift of this beautiful spring day. Especially for the very needed rain, and moisture. And for the understanding and perception to appreciate and acknowledge Your generous, and bountiful hand in giving it to us. We ask Father that You would give every Member of the State House Representatives the penetrating power of the Holy Spirit. To accept the redeeming grace of Your son Jesus Christ, and to live the risen, and abundant life in following him to the cross, the open tomb, and to a life filled with service to God, and to our fellow man. God of truth and righteousness, and justice we pray that as each state Legislature here today is confronted with decisive, and critical issues. To be resolved that You would give to each one of them the will, the determination, the grace, the courage to perform. In a way which honor You and reflects both the immoral responsibilities, and a sense of compassion and sensitivity to the people of Illinois. May they choose principals over expediency, selflessness over eagled, righteousness over sin, and the common good over special interest. Infuse them with the passion for moral integrity as they deliberate, and debate on important issues of the day. Whether they discuss matters of education or taxes, or welfare, or justice or drug abuse,

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or energy, or environment. Let them be men and women who have prepared to do the hard thing, the right thing, and the assurance that truth and honesty are their own reward, and guarantee equity to all. Let them be sensitive to all the people. To be pro-life for the old and the young, depressed and the poor, the successful and the achievers, the healthy and the sick, the living children as well as the unborn children. And finally Lord help all of these men and women of our State House of Representatives who have dedicated their life's to the work of our state to maintain their high idealism, their energy, their sense of kindness, and a high sense of self esteem. As they at times expend enormous energy on various issues only to see them go down, and most stretched and strained when strong will is clashed and demands our relentless and unceasing. Gracious God of love protect them from going beyond the limit, where burn out brings discouragement dissolution and cynicism. Help them to communicate with You with each other, to understand and listen to each other. Giving them assurance of your guidance and presence, and give them wisdom and courage to act as conscious dictates. And peace in their hearts. Once the decisive moment is over as they work together in the very strategic mix that governs our beloved country, and state. In the name of our beloved Savior Jesus Christ. Amen."

Speaker McPike: "Led in the Pledge of Allegiance Representative Hallock."

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

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

Piel: "Yes Mr. Speaker, will the record show that Representative

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Bernard Pedersen and Representative Dick Klemm are excused today."

Speaker McPike: "Thank you. Representative Matijevich."

Matijevich: "Speaker, no excused absences on this side."

Speaker Mc Pike: "Thank you. Mr. Clerk, take the record. 115 Members answering the Roll Call, quorum is present. Representative Matijevich moves that we waive the appropriate rules, so that the Rules Committee can meet immediately in the chamber behind the House floor. This has been cleared with both sides of the aisle. Their meeting on HJR 45. Anyone stand an opposition to the Motion? Being no opposition the Attendance Roll Call will be used, the Motion carries. The Rules Committee is going to meet immediately in the chamber behind the House floor. Representative Goforth."

Goforth: "Thank you."

Speaker McPike: "For what reason do you rise, Sir?"

Goforth: "Inquiry of the Chair."

Speaker McPike: "State your inquiry."

Goforth: "Last week we had a Bill up here concerning smoking again, and you advised me at that time that it took 60 votes. If my recollection is right when we passed that Bill it took 56. I just wanted to know if you think that's fair or not?"

Speaker McPike: "No."

Goforth: "Thank you."

Speaker McPike: "Agreed Resolution."

Clerk Leone: "House Resolution 505, offered by Representative Matijevich-Churchill - et al. House Resolution 506, offered by Representatives Matijevich-Churchill - et al."

Speaker McPike: "Representative Giorgi."

Giorgi: "Yes, Mr. Speaker. I move for the adoption House Resolution 505, 506."

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Speaker McPike: "The Gentleman moves for adoption of Agreed Resolution. All those in favor say 'aye', oppose 'no'. The 'ayes' have it. Agreed Resolutions are adopted. Senate Bills, First Reading."

Clerk Leone: "Senate Bill 383, offered by Representative Rice. Amends an Act in relationship to nursing home care. First Reading of the Bill."

Speaker McPike: "Special Order Drug Enforcement. Third Reading. Appears House Bill 1409, Representative Morrow. Mr. Morrow are you ready? Read the Bill, Mr. Clerk."

Clerk Leone: "On page 43 of the Calendar. House Bill 1409, a Bill for an Act in relationship the acquisition of certain paging devices. Third Reading of the Bill."

Speaker McPike: "Representative Morrow."

Morrow: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. What we have here with the 1409 amended on Second Reading. We have a Bill which allows the courts to charge with in a additional offense. Anyone who is found with a telecommunication device, and is found in possession of an illegal substance. The courts may charge them not only with possession, but the intent to deliver. I ask for a favorable vote on House Bill 1409."

Speaker McPike: "Is there any discussion? Representative Davis."

Davis: "Good Morning. Thank you, Mr. Speaker. Will the ..."

Speaker McPike: "Sponsor."

Davis: "Sponsor yield."

Speaker McPike: "Yes."

Davis: "I'd like to know Representative, at this time are the laws on the books that state if you have a controlled substance, and you're arrested that there's a certain sentence that you'll receive?"

Morrow: "Well that would be up to the findings of a jury and court, as to what kind of sentence you would receive. No

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law itself can...can sentences you to jail. That would be up to the jury."

Davis: "Well what this legislation does...does it state if you have a pager as well as a controlled substance, it enhances your sentence is that correct?"

Morrow: "It creates a new offense. House Bill 1409, would create additional offense of someone being charged not only with possession of an illegal substance that they have a telecommunication device. It allows the court to charge him with the additional charge of intent to deliver. If they chose to do so."

Davis: "Do you feel that this legislation will help to curb or prevent drug abuse?"

Morrow: "That's the intent of the legislation being put into the Clerk."

Davis: "You see it as..."

Morrow: "It is the intent of me trying this Bill passed out of the House, Representative Davis."

Davis: "You see this as a deterrent, is that correct?"

Morrow: "I do see as as a deterrent."

Davis: "Are you aware Representative, that the Cook County jail is over crowded, and that their being fined one thousand dollars per day, because they have five hundred people sleeping on the floor...on mattresses."

Morrow: "I'm aware of that, but just because our jails are over crowded does not mean that we should ignore the fact that we have people out here in our community that are in the business of selling illegal drugs to our kids. So I...I don't think that's a valid argument, Representative."

Davis: "Are you also aware that ninety-nine percent of the time, this type of sentence will only be administered to minorities?"

Morrow: "Well until to you have records to back that up

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Representative, I..."

Davis: "We have records, we have records."

Morrow: "You don't have records for this offense yet, because it hasn't been made law."

Davis: "Do you have opposition to this Bill besides me?"

Morrow: "I have...I'm not aware of any."

Davis: "Motorola and none of the other manufactures of beepers."

Morrow: "The state police and the telecommunication industry have both signed off on this House Bill 1409. The Amendment that was adopted on Second Reading the language was written up by the state police and the telecommunication industries. So, yes they've both signed off."

Davis: "Well, Representative I must say I admire you for your intent. I know that you feel that increasing criminal penalties, and adding enhanced sentences. Will help to to deter the sell of drugs and crime in our community, and I would have to disagree with you thoroughly and just say that the hold approach to drug abuse in this country is erroneous. It is not serving its purpose witness the fact the number of people who continue to be involved in it. Even though the jails are over crowded, even the though in the last eleven years we've built eleven new prisons. Even though there's a plan to continue to build the prisons, and the questions becomes what are you going to do when there are more prisons than there are houses? And that's the direction we are taking. I know that you have very good intentions. But I don't think this is the Bill is going to do or meet the ends that you have in mind."

Speaker McPike: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. Will the Sponsor yield for a question, please?"&tfh;7 Speaker McPike: "Yes he will."

Cowlshaw: "Thank you. Representative Morrow, does this Bill as amended still require anyone who acquires a paging device

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to get a permit for that device?"

Morrow: "No, it does not. Amendment #2, deleted the...the original Bill, and became the Bill itself. No, you do not have to register with the state police for a permit now, no."

Cowlshaw: "Very good, thank you very much."

Speaker McPike: "Further discussion. Representative Morrow...Representatiave Morrow to close."

Morrow: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. This Bill House Bill 1409, was conceive do to the fact to have other Bills dealing with pagers or telecommunication devices dealing in high schools. And I feel that those Bills are needed, but when we're dealing with a situation in many of our districts were have a drop out rate. In excess of fifty percent we're not going to be hitting a lot of kids in school, that are in this in type of illegal activity, and for that I wish a green vote on House Bill 1409. So we can deal with the situation on the streets of young people, and adults selling drugs to our children, and this activity must be stopped. Thank you very much."

Speaker Mcpike: "The question is, 'Shall House Bill 1409 pass'? All those in favor vote 'aye', opposed vote 'no'. Have all voted, have all voted who wish? Clerk, will take the record. On this Bill there are 107 'ayes', no 'nays', 5 voting 'present'. House Bill 1409 having received the Constitutional Majority is hereby declared passed. House Bill 2451, Representative Parcels. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2451, a Bill for an Act to amend Illinois Alcoholism and Other Drug Dependency Act. Third Reading of the Bill."

Speaker McPike: "Representative Parcels."

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Parcells: "Thank you Mr. Speaker, Members of the House. This Bill amends the Alcoholism and Other Drug Dependency Act, to increase the membership of the interagency Alcoholism and Other Drug Dependency Board, from sixteen to eighteen to include the criminal justice information authority, and Department of Revenue representative. The reason for that is the that...that would help us, because we would have the enforcement of drug Legislation from the the first new member that would be added. And the Department of Revenue, some of the money that the Federal money will pass through that Department. So, we thought that would be good additions to the board, it will cost it...will cost about hundred thousand dollars, and it has already been asked for and is presently in the Governor's budget. I'd be happy to answer any questions, and I'd ask for your 'aye' vote."

Speaker McPike: "Is there any discussion? Representative Satterthwaite."

Satterthwaite: "Will the Sponsor yield for a question."

Speaker McPike: "She indicates she will."

Satterthwaite: "Representative, I'm surprised to find you saying that it would cost a hundred thousand dollars to add two Members to a board. Are these members being paid for this activity?"

Parcells: "No, this not a salary. This is the travel and reimbursement that all of our agencies, and committees where we have a reimbursement for expenses. And this would be the maximum that we think it could possibly cost."

Satterthwaite: "But, were saying for two additional members, it going to cost a hundred thousand dollars. That means that each of these new members would be spending fifty thousand dollars a piece for travel."

Parcells: "This was the Departments estimate, and I agree with you it sounds high, but I think perhaps this for the entire

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board, is a hundred thousand dollars."

Satterthwaite: "But, it seem a very high price tag to me. I don't have any objections for adding additional members to the group. I would certainly hope that the price tag would not be fifty thousand dollars per member to be added to this advisory board."

Parcells: "It is my understanding they will not and further more there is no compensation for their services. This is to bring them on to the board."

Speaker McPike: "Further discussion. Representative do you wish to close?"

Parcells: "No, I would just say that it was requested. This hundred thousand was requested, and it was left in the budget. So, evidently the Appropriations Committee was satisfied that this was a proper expenditure for this board, in this new site that we're going to have and hopefully successful efforts against drugs, and I would just ask for your positive vote."

Speaker McPike: "The question is, 'Shall House Bill 2451 pass?' All those in favor vote 'aye', opposed vote 'no'. Representative Hicks."

Hicks: "Yes, Mr. Speaker will you record me, 'aye' please, I don't have a switch right now."

Speaker McPike: "Have all voted, have all voted who wish? Clerk, will take the record. On this Bill there are 101 'ayes', 1 'no', 7 voting 'present'. House Bill 2451, having received the Constitutional Majority is hereby declared passed. Economic Development. Second Reading. House Bill 217, out of the record. House Bill 255, Representative Breslin. Out of the record. House Bill 791, Representative Bowman. Read the Bill, Mr. Clerk."

Clerk Leone: "On page 15 of the Calendar. House Bill 791, a Bill for an Act to amend the Illinois Purchasing Act. Second

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Reading of the Bill. There are no Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Bowman."

Bowman: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. This Amendment was filed on Friday, and is apparently is not printed or distributed. But what I preferred to do at this point is to withdraw the Amendment move it to Third Reading. Then we'll take care of the formalities later. Mr. Speaker I ask leave to withdraw Amendment #1 move this Bill to Third."

Speaker McPike: "Gentleman withdraws Amendment #1. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker McPike: "Representative McCracken."

McCracken: "There was a Fiscal Note requested."

Speaker McPike: "Yes, yes. Mr. Clerk has a Fiscal Note been filed?"

Clerk Leone: "There's no Fiscal Note on file."

Speaker McPike: "Representative Bowman you need a fiscal...Representative Bowman."

Bowman: "Okay. Well, then could we at least read the Bill onSecond, and leave it there then?"

Speaker McPike: "Mr. Clerk the Bill has been read a second time hasn't it?"

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

Speaker McPike: "Fine, hold the Bill on Second Reading."

Bowman: "Thank you."

Speaker McPike: "Pending a Fiscal Note. House Bill 1595, Representative Hicks. Out of the record, and 2170, Representative Hicks you want that out of the record? Out of the record? Yes, thank you. Representative Hicks, you

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want to call that Bill?"

Hicks: "Yes, both of them."

Speaker McPike: "Both of them. House Bill 1595, read the Bill, Mr. Clerk."

Clerk Leone: "On page 6 of the Calendar. House Bill 1595, a Bill for an Act concerning plugging and the reclamation of oil well drilling sites. Second Reading of the Bill. There are no Committee of Floor Amendments."

Speaker McPike: "Third Reading. House Bill 2170, read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2170, a Bill for an Act to oil and gas leaks. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker McPike: "No Floor Amendments?"

Clerk Leone: "There are no Committee or Floor Amendments."

Speaker McPike: "Third Reading. Economic Development. Third Reading. House Bill 204, Representative Mautino. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 204, a Bill for an Act create the Private Enterprise Review and Advisory Board. Third Reading of the Bill."

Speaker McPike: "Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Legislation was amended to provide for the Department of...the Commission on Inter Governmental Cooperation to be the lead agency in The evaluation for the...for the premise of the Bill. This basically clarifies that the Advisory Board is to be set up 6 Legislatures, 6 members representing business and floor members representing state agencies. This Legislation has passed the Senate, and I believe that the embodiment of House Bill 204, for the evaluation and the impact on private enterprise performing duties. That the state is

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currently doing now in competition between each is at the right point in time, and I move for it's adoption and passage."

Speaker McPike: "Is there any discussion? Being none the question is, 'Shall House Bill 204 pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk, will take the record. On this Bill there 108 'ayes', no 'nays', 5 voting 'present'. House Bill 204 having received the Constitutional Majority is hereby declared passed. House Bill 507, Representative Richmond. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 507, a Bill for an Act to create the Randolph County Civic Center Authority. Third Reading of the Bill."

Speaker McPike: "Representative Richmond."

Richmond: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. This is one of those Bills that we've dealt with in the past for various municipalities, and units govern around the state. Which would merely establish an authority to proceed with plans for a future convention center in the city or somewhere in the County of Randolph. And also by Amendment in the City of Carbondale, and I would ask for your approval of this Bill. Thank you."

Speaker McPike: "Is there any discussion? There being none the question is, 'Shall House Bill 507 pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk, will take the record. On this Bill there are 102 'ayes', 9 'no', 2 voting 'present'. House Bill 507 having received the Constitutional Majority is hereby declared passed. House Bill 616, Representative Ronan. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 616, a Bill for an Act to adopt the Tri-State High Speed Rail Line Compact. Third Reading of

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the Bill."

Speaker McPike: "Representative Ronan."

Ronan: "Thank you Mr. Speaker, Members of the House. House Bill 616, creates an Act to adopt the Tri-Speed Tri-State High Speed Rail Line Compact between the states Illinois, Michigan and Indiana. There's been attempt over the last number of years to increase cooperation between these three states, and determine the feasibility of this line. We amended the Bill on Second Reading so that the state would not be bound through any obligation to expend funds. We're merely trying to do determine economically feasible. Would be glad to answer any questions concerning the Legislation."

Speaker McPike: "Is there any discussion? Being none, 'Shall House Bill 616 pass?' All those in favor vote 'aye', oppose vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 116 'ayes', no 'nays', none voting 'present'. House Bill 616 having received the Constitutional Majority is hereby declared passed. House Bill 645, Representative Richmond. Read the Bill, Mr. Clerk."

Clerk Leone: "On page 40 of the Calendar. House Bill 645, a Bill for an Act to amend the SIU Revenue Bond Act. Third Reading of the Bill."

Speaker McPike: "Representative Richmond."

Richmond: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 645 would give the capability to the SIU to allow them to sell bonds in the manner that would result in lowest possible debt service requirement. And the University of Illinois and Board of Regent already have this capability under their bonding statutes. The SIU is at present and will continue be governed by the interest rate maximum contained in that act, and we are...and they

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are as other state state public corporations, these Amendments simply housekeeping in the nature, and I would ask that we allow SIU to proceed in this matter, and your affirmative vote will be appreciated."

Speaker McPike: "Any discussion? Representative Ropp."

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

Speaker McPike: "Yes he will."

Ropp: "Representative, really what your attempting to do is something that has already occurred in other institutions. Is that not correct?"

Richmond: "That is correct."

Ropp: "Why have we been so late in so late in bringing Southern Illinois University up to these same kind if standards?"

Richmond: "That makes me wonder too, Representative Ropp. Perhaps some of us from that area dragging our feet, and that's why we're picking them up at this point."

Ropp: "Well, I think this is a good idea. They ought to be able to issue bonds and get them at the best possible financial rate for that institution like others have. And we would certainly support this measure."

Speaker McPike: "The question is, 'Shall House Bill 645 pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there 115 'ayes', no 'nays', none voting 'present'. House Bill 645 having received the Constitutional Majority is hereby declared passed. House Bill 738, read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 738, a Bill for an Act to amend the Illinois Highway Act. Third Reading of the Bill."

Speaker McPike: "Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 738, is a legislation which provides for bidding of contracts above the amount of

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twenty five thousand dollars in counties, and townships, and road districts throughout in downstate Illinois. Amendment #1 removed Cook County in City Chicago. Amendment #2, by Hartke provided for the exemption of maintenance from provisions and the legislation now addressed those major construction programs in downstate Illinois, bridges, new roads etc. And I move for it's passage."

Speaker McPike: "Gentleman move for the passage of House Bill 738, and on that Representative Hultgren."

Hultgren: "Will the Sponsor yield?"

Speaker McPike: "Yes he will."

Hultgren: "What are we intending to accomplish here, Representative?"

Mautino: "The first thing were intending to accomplish with this is a situation where township and counties are establishing themselves as construction companies. And in most cases in downstate counties where this occurs, they do a hot mix...eleven provision, and when they finish it up a contractor comes in, and does the job correctly. This is what we're trying to address because, in many areas in downstate Illinois the employees of those counties are really not in the construction business or in the maintenance business. By excluding the oil and chip which was the big issue for most individuals because they collectively bid for the oil and chip work that is done individually by those counties and township and road districts. I think we've elevated those problems. But what we provided is that those major jobs, over twenty five thousand be put out on bid. Now many of the downstate counties who are operating their own hot mix plants, and doing that construction are opposed to this Bill. I think by en large, it's the right to go because it gets done

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quicker. You have the exact cost of the job and it...it is no over runs or any delays and it's...it's done correctly."

Hultgren: "So, so effectively for for townships, for counties indeed for municipalities that currently doing their own road construction, bridge construction. They will no longer be able to do that under this Bill, if in fact cost of the project would exceed twenty five thousand dollars."

Mautino: "I know now downstate cities that do bridge construction with their own crews. I may be wrong, I...none have been brought to my attention. I know of very few if any that do not contract out construction programs for their roads. If you know of someone I'd be happy to discuss them with you. I doubt that in Central Illinois we have any of those."

Hultgren: "Well, I'm aware of at least one that does their own road construction, and I'm also aware of some...some township and county governments that do their own road construction. And they have some real concerns that if they're prohibited under this proposal from continuing that. That in fact the cost of building new roads will increase for them. And so, Mr. Speaker to the Bill. For that reason I'm going to be voting 'no', and would encourage others in downstate who have municipalities, townships or counties similar situated. To take a close look at this because, you may in fact be increasing the cost of road construction to local government if this Bill becomes law."

Speaker McPike: "Representative Mays."

Mays: "Thank you very much Mr. Speaker, Ladies and Gentlemen of the House. I simply rise in opposition to this Bill. There have been any number of township road commissioners that have approached me on this topic, not just this year but over the past several. They've also been approaching me, and I'm sure they've approached many of the other

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people in the chamber from the downstate area. Saying that they are...they don't have enough money to maintain their roads and bridges adequately now. And they don't want to have the flexibility to maintain those roads taken away from them in a manner such as this. If...If we'd got to look at what these people serve, the people that these people serve. They don't care who gets the job done, so long as the job gets done within existing revenue. This will simply cost more, and it will get less of the job done. So, I rise in opposition to the Bill."

Speaker McPike: "Representative Parcells."

Parcells: "Thank you Mr. Speaker. I also rise in opposition to this Bill, I thought it was a bad Bill in committee. They amended Cook County out cause Cook County wouldn't stand for this sort of thing. The township officials, county superintendents, and Illinois Municipal League all say this is way to costly to do this to it. I would encourage all of you to vote 'no' on this Bill."

Speaker McPike: "Representative Hartke."

Hartke: "Thank you very much Mr. Speaker. I have mixed emotions on this Bill simply because I feel that we're obligated to protect the taxpayers money, and if we see counties and townships running around starting to act like construction companies then we must put a limit on it. I don't know if the correct figure is twenty five thousand but my Amendment put...excluding general maintenance on that Bill. Now, if we have counties and townships who are running around, and are not putting major road projects out for for bids. And find that the highway superintendent or township supervisor has his own construction crews for bridges and roads. Then I think this Bill is a good thing. But, if were limiting the township their ability to do repair on a timely bases, and so forth, and it costs them extra money to go out for

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these bids. Then I think we ought to vote it down. I really have a problems with this I don't want to put a damper on those townships because of the limited amount of monies they have. But, then again I want to protect the taxpayers dollars too. I think you ought to give this Bill serious considerations and vote your conscious on this thing."

Speaker McPike: "Representative Flinn. Representative Flinn."

Flinn: "Mr. Speaker, I move previous question."

Speaker McPike: "Gentleman moves previous question. The question is, 'Shall the previous question be put?' All in favor say 'aye', opposed 'no'. The 'ayes' have it. Representative Mautino to close."

Mautino: "Thank you, Mr. Speaker. I know this is to a degree a very difficult Bill for some people to support. My personal belief is, if you do it under bidding provision, you know exactly what that new construction will cost. I think it can be done much quicker by doing it through a certified and licensing contractor. We have exempted the maintenance provisions, which do not address oil and chip. Strictly maintenance of existing roads. This is for new construction, and I don't see anything wrong with having a checks and balances. And providing these new construction jobs go out on bids. I think that's part of the checks and balances that we also address here in many other cases. I think it's a move in the right direction. I would not be adverse to having the Senate raise that amount to fifty thousand, if that is what the membership would like to do, if they have a concern with the twenty five thousand, figure on new construction but, that was just a figure a figure that we picked as a starting point. And I move its adoption."

Speaker McPike: "Gentleman moves to passage of House Bill 738."

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All those in favor vote 'aye', opposed vote 'no'. Representative Ewing to explain his vote. Mr. Ewing please. Mr. Electrician would turn on Mr. Ewing."

Ewing: "Thank thank you, Mr. Speaker. For getting me turned on. In explaining my 'no' vote. I think that the precedent we're setting here, is one that concerns all types of local governments downstate I've heard from a lot of them. And Twenty five dollars is just absolutely putting them out of the new construction business entirely. That limit is unreasonable. You can't build two feet of new road for that amount of money, and I'm glad the vote is heavily against this Bill. Thank you."

Speaker McPike: "Representative Ropp to explain his vote."

Ropp: "Thank you, Mr. Speaker. Currently local units of government have this authority right now, and it just seems what were attempting to do is force them really pay a lot more for their road construction and repair. As the previous speaker mentioned twenty five thousand dollars if you have checked recently. Really won't build you much repair, and I certainly appreciate those who are voting in opposition."

Speaker McPike: "Have all voted? Representative Mautino to explain his vote."

Mautino: "Mr. Speaker I'd be...I'd be...I'd like to explain my vote in by way of explanation, I'd be happy to reassess the provisions that twenty five thousand, so this could possibly be more palatable. If some of my colleagues would give me forty, give it up another twelve or thirteen vote I would be happy to put it on postpone consideration and see if I could work out a meaningful figure for postpone consideration, and then I would be most happy to work with the downstate township officials. As well as those in the contracting. Thank you very much, appreciate

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it."

Speaker McPike: "For Representative Barger to explain his vote."

Barger: "Thank you, Mr. Speaker. I would like to explain my vote too. It's far easier and far more...less complicated for local governments to handle their own paving repair projects. And I think that it was a good effort to kill this Bill, kill it immediately, and get it out of the way. It does absolutely nothing except, make life far more complicated for the people trying to run small local government. And it should be killed. Thank you."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 47 'ayes', 56 'nos', and the Gentleman asked the Bill be placed on postpone consideration it will be, so done. House Bill 1047, Representative Homer. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1047, a Bill for an Act to amend Sections the Illinois Enterprise Zone Act. Third Reading of the Bill."

Speaker McPike: "Representative Homer. Representative Homer, do want the Bill called?"

Homer: "Thank you, Mr. Speaker. I rose slowly because the title of the Bill that the Clerk has up is confusing. I...this Bill amends the Illinois Enterprise Zone Act, and I'd ask the Clerk to change the title to reflect the proper description of the Bill. Thank you. This Bill is simply a shell Bill, and it really has no subsidy provisions. It's been introduced as a result of a request from economic development initiative in my district in Havana. In an effort to attract Wagner Castings to purchase an abandoned manufacturing plant previously operated by the Victor Dana Corporation. And the Bill would simply be used as vehicle if and when the Department of Commerce and Community

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affairs, struck some sort of an agreement with Wagner in order to close the deal on Wagner coming to Havana. So, at this point I would simply ask that the General Assembly agree to pass the Bill. Send it over to the Senate the Bill does nothing in its current form."

Speaker McPike: "Any discussion? The question is, 'Shall House Bill 1047 pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 112 'ayes', no 'nays', 1 voting 'present'. House Bill 1047 having received the Constitutional Majority is hereby passed. House Bill 1066, Representative Phelps. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1066, a Bill for an Act to create the Alexander-Pulaski Port District. Third Reading of the Bill."

Speaker McPike: "Representative Phelps."

Phelps: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1066, like Representative Homer's. Is much of a shell Bill at this point and time. We have a task force back in these two counties that are meeting daily now, and trying to get some proposed recommendation of how this Bill should be written in the specific language. To address some objections of last year's legislation that that did reach the final hours of Session. So, if you could support me in passing this to the Senate hopefully will be admitted by the reflection of task force back into these two counties. Thank you."

Speaker McPike: "Representative Cullerton on the Bill."

Cullerton: "Will the Sponsor yield?"

Speaker McPike: "Yes he will."

Cullerton: "You say this Bill creates a pork district?"

Phelps: "Well, we would like to...we would except that if it did,

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in the ways I define pork, in my previous Congressman Kenny Gray. The pork that he brought home we appreciated but, this is port."

Cullerton: "Oh port, I see. Thank you, I thought it pork district Mr. Speaker."

Speaker McPike: "Further discussion? The question is, 'Shall House Bill 1066 pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. Representative Ryder for what reason do you rise?"

Ryder: "I just wonder if in deed it is port district, does he need anymore co-sponsors?"

Speaker McPike: "On this Bill there are 114 'ayes', 1 'no', 1 voting 'present'. House Bill 1066 having received the Constitutional Majority is hereby declared passed. House Bill 1135, Representative Shaw. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1135, a Bill for an Act creates the Illinois Advance Steel Technology Assistance Act. Third Reading of the Bill."

Speaker McPike: "Representative Shaw."

Shaw: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1135, Amendment...we have Floor Amendment #1, and I don't think that's been adopted yet. And I move for its adoption."

Speaker McPike: "Representative Shaw asked to leave to return the Bill to Second Reading, for purposes of an Amendment. Are there any objections? Mr. Black are you objecting? Gentleman has leave, Bill is on Second Reading. Are there any Amendments Mr. Clerk?"

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

Speaker McPike: "Representative Shaw."

Shaw: "Amendment #1, it...it becomes the Bill and what we're

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doing with Amendment #1 is asking the...the...We are asking the prairie state 2000 to do the study instead of instead of DCCA. and that's in terms of how we can rejuvenate the steel industry in Chicago and in Illinois. And that's all Amendment #1 does."

Speaker McPike: "The Gentleman moves for adoption on Amendment. On that Representative Black."

Black: "Well thank you very much, Mr. Speaker. I think all of us would like to see the steel industry rejuvenated but, before we agree that we'd like to see Amendment #1, and I don't believe we have it. I would ask the Chair to see if it's been printed and distributed."

Speaker McPike: "It has not been printed or distributed, Mr. Shaw. Would you like to leave this Bill on Second Reading?"

Shaw: "Beg your pardon."

Speaker McPike: "The Amendment has not been printed."

Shaw: "Okay, we'll leave it on."

Speaker McPike: "The Amendment will stay on Second Reading."

Shaw: "Okay."

Speaker McPike: "House Bill 1226, Representative Mautino. Read the...out of the record. House Bill 1256, Representative Ewing. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1256, a Bill for an Act concerning community economic emergencies. Third Reading of the Bill."

Speaker McPike: "Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. The ideal for this Bill came to mind out of the proposed or announced closing of the Rantoul Air Force Base. And the devastation that that type of an economic disaster can have for a community. We have drafted a Bill, and I hope is isn't going to be controversial. Because I have worked with the other side of the aisle to try and make this into

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a better Bill than it was originally introduced. But briefly the Bill provides that the director of Department Commerce Community Affairs can recommend to the Governor that an economic emergency exist in a particular community. The Governor then will convene a economic emergency council made up of eleven members ex-officio on that would all the Representatives and Senators from that area. That council would then develop a plan to try an address the economic disaster which may have befallen that community, and the plan could include such things as enterprise zone tax status. Economic and business loans and grants. Infrastructure rehabilitation loans and grants and extend the job training and retraining programs to the community as well as...final tax increment financing. What it does, it allows the plan to be develop locally and in conjunction with the state then it must come back to this Body for appropriation and approval. I would ask for your approval of this Bill."

Speaker McPike: "Is there any discussion? Representative Cullerton."

Cullerton: "Quick...quick question. You said this came out of the closing of the Rantoul?"

Ewing: "The proposed closing yes."

Cullerton: "Proposed closing right."

Ewing: "Yes."

Cullerton: "And our Attorney General's in there are trying to stop that?"

Ewing: "Absolutely, as is a number of other Legislators and statewide officer holders."

Cullerton: "So is Bill designed to help Rantoul...the economy in Rantoul in general."

Ewing: "Well, it's not, no it's not directed just to Rantoul but the idea came to me when this community is going to lose a

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third of the property owners, in that community probably will be moving, when many many of their small businesses will be closing. So we tried to come with an idea of a way we can help a community like that without having to wait for this General Assembly to take action."

Cullerton: "I just, I just raised this because there...their is a manufacture over in Rantoul. Which, is a very successful manufacture of motorcycle helmets. Second largest in the United States. That might be effected by...by this Rantoul closing."

Ewing: "Well I, I don't know if he's going to be effected by that. He might be effected by other things that happened here."

Cullerton: "That's true. But we should do everything we can to help that manufactures of those motorcycle helmets. In...in that Rantoul area."

Ewing: "We want...we want jobs in Rantoul. That's Representative Johnson's district."

Cullerton: "Right, thank you."

Speaker McPike: "The question is, 'Shall House Bill 1256 pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 115 'ayes', no 'nays', none voting 'present'. House Bill 1256 having received Constitutional Majority is hereby declared passed. House Bill 1724, Representative Mautino. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1724, a Bill for an Act to create the upper Illinois river valley development authority. Third Reading of the Bill."

Speaker McPike: "Representative Mautino."

Mautino: "Mr. Speaker, I would like to have leave to take this Bill back to Second for the purposes of an Amendment."

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Speaker McPike: "The Gentleman ask leave to return the Bill to Second Reading. Any objections? Hearing none leave is granted. Attendance Roll Call will be used, the Bills on Second Reading. Are there any amendments Mr. Clerk?"

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

Speaker McPike: "Representative Mautino."

Mautino: "Mr. Clerk, I would like to clarify for the record. Amendment #1, is at LRB8603724."

Clerk Leone: "That is correct."

Mautino: "I would like to Table Amendment #1."

Speaker McPike: "Is this your Amendment Representative Mautino?"

Mautino: "Yes, Sir."

Speaker McPike: "Gentleman moves withdraw Amendment #1. Amendment #1 is withdrawn. Further Amendments? Mr. Clerk. Representative...Mr. Clerk did you read the LRB number? On Amendment #...Representative Mautino could you pay attention this? Mr. Clerk would the LRB number on Amendment #1, 2, and 3."

Clerk Leone: "Amendment #1, is LRB8603724JMC DAM. On #2 it's LRB8603724JMC DAM, which is identical Amendments. On Amendment #3, it's LRB8603724JMC DAM01."

Speaker McPike: "Representative Mautino."

Mautino: "...I for clarification Amendment #1..."

Speaker McPike: "Amendment #1 and Amendment #2 have the same LRB number. You've withdrawn Amendment #1."

Mautino: "I've withdrawn Amendment #1 which addresses lines 8 through 13. I want that one withdrawn. #2, I'm sorry."

Speaker McPike: "Amendment #1, deletes lines 18 through 23."

Mautino: "Then I have the wrong one. I would...I don't have them listed that way Mr. Speaker, may I approach..."

Speaker McPike: "The best thing to do is take this out of the record for a second, and the approach the Chair."

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Rep...approach the bench. Representative Matijevich in the Chair."

Matijevich: "House Bill 2421. The Clerk will read the Bill."

Clerk Leone: "House Bill 2421, a Bill for an Act to amend the Illinois Development Finance Authority Act. Third Reading of the Bill."

Speaker Matijevich: "The Gentleman from Madison county, the Majority Leader Jim McPike. On House Bill 2421."

McPike: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. This is a shell Bill for the Development Finance Authority. It would be my intent to use it if we had a agreed Bill. So, I'd like to move it to the Senate. Be glad to answer any questions."

Speaker Matijevich: "Representative McPike has moved for the passage of House Bill 2421. Are there any questions? Seeing none the question is, 'Shall House Bill 2421 pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 110 'ayes', no 'nays' 2 answering 'present'. And House Bill 2421...Matijevich voting 'aye'. 2421 having received the Constitutional Majority is hereby declared passed. Representative Jim McPike in the Chair."

McPike: "Returning to House Bill 1724. The Bills on Second Reading. Representative Mautino."

Mautino: "Thank you Mr. Speaker. Amendment #2, eliminates eminent domain..."

Speaker McPike: "Excuse me, excuse me you we withdraw Amendment #1. Do you want Amendment #2 now? Mr. Clerk read Amendment #2."

Clerk Leone: "Floor Amendment 2, offered by Representative Mautino, amends House Bill..."

Speaker McPike: "Representative Mautino."

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Mautino: "Thank you, Mr. Speaker. Amendment #2 eliminates the powers of eminent domain and condemnation from the authority. That is what it exactly what it does, and I move for it's adoption."

Speaker McPike: "The Gentleman moves for adoption on Amendment #2. Is there any discussion? Representative Harris."

Harris: "Thank you Mr. Thank you, Mr. Speaker. A question of the Sponsor. Since Amendment #2 is exactly as Amendment #1... okay, we'll thank you."

Speaker McPike: "Further discussion? The question is, 'Shall Amendment #2 be adopted?' Representative Black."

Black: "Just an inquiry of the Chair, Mr. Speaker. Could you give us the LRB number on what is now Amendment #2."

Speaker McPike: "Representative Mautino, perhaps if you would read Amendment #2 it would make it easier for Mr. Black."

Mautino: "Okay, this is what Amendment #2..."

Speaker McPike: "Would you just read off the Amendment please."

Mautino: "Amends House Bill 1724 on page 15. By deleting lines 18 through 23 and inserting in lieu there of purposes from any of such-source."

Speaker McPike: "Any opposition? The question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it, the Amendment is adopted. Further Amendments?"

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

Speaker McPike: "Representative Mautino."

Mautino: "Withdraw, please."

Speaker McPike: "Gentleman withdraws Amendment #3. Representative Cullerton."

Cullerton: "Yes, just a quick question of the Sponsor. Did Amendment #2 or Amendment #3 eliminate language concerning the state's backing of the bonds?"

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Mautino: "Amendment #3 which I just withdrew, eliminated the moral obligation. The existing statute already provides for that provision. It's in all of the bond authorization, including Representative McPike's legislation and the Illinois Finance Authorities as well."

Cullerton: "Fine, thank you very much for answering my question."

Mautino: "Withdraw Amendment #3."

Speaker McPike: "Representative Mautino."

Mautino: "Yes, would you leave this Bill in its current posture, on Second Reading and with the understanding we may get back to it today. Once I clarify a situation."

Speaker McPike: "Alright, the Amendment #1 has been withdrawn. Amendment #2 is adopted. Amendment #3, is still pending the Bill will be left on Second Reading. House Bill 2816, Representative Wolf. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2816, a Bill for an Act to amend the Tri-City Regional Port District. Third Reading of the Bill."

Speaker McPike: "Representative Wolf."

Wolf: "Thank you Mr. Speaker, Members of the House. House Bill 2816, amend the Tri-City Regional Port District Act. Currently under the present Act no Commissioner of that Board, can have any private interest in any kind of work, Contract or sale or any kind of lease that are in connection with that district. House Bill 2816, would simply allow private interest for any of the Commissioners to the extent of the Fraudulent, and Corrupt Practices Act that I would ask for your support."

Speaker McPike: "Is there any discussion of the Bill? The question is, 'Shall House Bill 2816 pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 113 'ayes', no 'nays', none voting 'present'.

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House Bill 2816 having received the Constitutional Majority is hereby dec...is hereby declared passed. House Bill 914, read the Bill, Mr. Clerk. Excuse me, we have now gone to Order of Environment and Natural Resources. Second Reading. The first Bill is House Bill 914. Call the Bill, Mr. Clerk. Read the Bill."

Clerk Leone: "On page 5 of the Calendar. House Bill 914, a Bill for an Act to amend the Fish Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker McPike: "The Bill will be held on Second Reading. Representative Young in the Chair."

Speaker Young: "House Bill 1001, Representative Edley. Representative Edley on House Bill 1001. Out of the record. House Bill 1223, Representative Ryder. Is Representative Ryder in the chamber? Out of the Record. House Bill 1557, Representative Wait. Out of the record. House Bill 1599, Representative Novak. Mr. Clerk, read the Bill."

Clerk Leone: "On page 20 of the Calendar. House Bill 1599, a Bill for an Act in relationship to financially distressed municipalities. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Young: "Any Floor Amendments?"

Clerk Leone: "A Motion is filed in respect to Amendment #1. A Motion to Table Amendment #1, is being offered by Representative Novak."

Speaker Young: "Representative Novak on the Motion."

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. Could I have the Clerk rephrase this Bill. I believe he sighted the title of another Bill. My Bill amends the Wildlife Code. He read the...I believe the title of another Bill."

Clerk Leone: "House Bill 1599, is a Bill for an Act to amend the

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Wildlife Code. Second Reading of that Bill."

Novak: "Yes Mr. Speaker, Ladies and Gentlemen of the House. Could I have leave and Table Amendment #1 that was adopted in committee."

Speaker Young: "The Gentleman moves to Table Committee Amendment #1, and on that Motion is there any discussion? The Gentleman from Macon, Representative Tate on the Motion."

Tate: "Yes, we'd just like to...whats Amendment #1 do?"

Novak: "Representative, Amendment #1 that was adopted in committee a quotes, in Section D; funds expended pursuant to this Section, shall be in accordance with the North American Waterfowl management plant, as approved by the U.S. Department of Interior and the Government of Canada. When we get to Amendment #2 that will include that in another paragraph. We just had to get things in the right order."

Speaker Young: "Further discussion? Hearing none, the Gentleman moves to Table Committee Amendment #1. All those in favor say 'aye', those opposed say 'nay'. In the opinion of the Chairs the 'ayes' have it, and the Amendment is Tabled. Further Amendments?"

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

Speaker Young: "Representative Novak."

Novak: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 on Section C, on page 2. Provides for twenty five percent of the funds derive from of the sale of the state migratory waterfowl stamps. Shall be turned over by the department to the appropriate not-for-profit corporations...organizations to be used for the implementation of the North American Waterfowl management plants. Such funds shall be used for the development waterfowl areas within the dominion of Canada or the United

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States with specifically provide waterfowl for the Mississippi fly way. Section D, says before turning over any funds under the provisions of sub-section B and C, the department shall obtain evidence that the project is acceptable to the appropriate governmental agency of the dominion of Canada, or United States. Or one of its providence our states having jurisdiction over the lands and waters effected by the project. And shall consult those agencies in the State Duck Stamp Committee for approval, before allocating funds. I ask for your support."

Speaker Young: "The Gentleman moves for the adoption of Amendment #2, and on that question the Gentleman from Cook, Representative Piel."

Piel: "Thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Young: "He indicates he will yield."

Piel: "Representative Novak, you read real quick, and I didn't quite catch everything. Now let me see if I have this correct. We're going to collect funds on this Wildlife Code or the Waterfowl front or whatever you want to call it. Here in Illinois, and some of these funds are going to be going to Canada for preservation of a waterfowl refuge in Canada."

Novak: "No, Representative. The fly way starts from Canada and comes down north America. The essence of the Bill is that the state duck stamp when when we get to the Bill, and total the state duck state stamp. The Director can...will be allowed to raise the fee from five to ten dollars. And the additional funds that will be used, will be used in accordance with the United State Department of Interior programs, and also with the State Duck Stamp Committee. So all the funds will...any type of waterfowl development will

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be expended in the State of Illinois."

Piel: "So what your saying is even though it's dealing with the country of Canada, or the Federal government, or the United States Federal government. None of the funds will be expended outside of the State of Illinois?"

Novak: "Correct."

Piel: "What would the funds...give us some examples of the things the funds would be used for in the State of Illinois."

Novak: "Waterfoul propagation for duck hunters specifically in southern Will County area. In the northern Illinois alliance for laboratory propagation."

Piel: "Thank you."

Speaker Young: "Further discussion? Gentleman from Macon, Representative Tate."

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

Speaker Young: "Indicates he will yield."

Tate: "Representative Novak, then what...what this Amendment does is does this still allo...provide for the state duck stamp fee, to be an amount equal to the federal duck stamp fee?"

Novak: "Yes."

Tate: "So in other words if...if we adopt your Amendment we would be allowing the Director at his discretion, to raise the Illinois Duck Stamp from five dollars to possibly twelve dollars and fifty cents if he chooses?"

Novak: "Right. It's permissive rather than mandatory."

Tate: "Okay, then in...if that...if the Feds increase their duck stamp it would also then the Director would be always have the discretion, of of moving the state duck stamp fee to...to whatever the Fed would be, right?"

Novak: "Correct, on a permissive basis."

Tate: "Okay, how much right now how much money do we currently generate from the Illinois State duck stamp fee?"

Novak: "We currently generate about three hundred thousand

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dollars annually."

Tate: "Three hundred thousand."

Novak: "This would create another three hundred thousand dollars."

Tate: "Okay, now it also, your Amendment provides that...that only twenty five percent of that money would be for...devoted to the development of Waterfowl breeding areas in the Mississippi fly away?"

Novak: "Correct."

Tate: "So, and and the current statue that allows up to fifty percent of that?"

Novak: "Right, what we've done is we split out that fifty percent into two, twenty five percent sections. The Amendment changed from fifty percent to twenty five percent the amount of funds to be turned over to the Department of Conservation, to not-profit...not-for-profit organizations for the development of waterfowl propagation areas. Then it provides for other twenty five percent of the funds derive from the sale of the stamp shall, be turned over to the Department of Conservation for implementation of the north american waterfowl management plant."

Tate: "So, basically what your doing is...is you have a a duck stamp fee increase possibly maybe three hundred thousand dollars, and your going to allow the department then, because you reduced it from fifty to twenty five percent. That would allow the department to spend that additional money, that we're going to generate from the duck stamp on waterfowl habitat in Illinois somewhere, right?"

Novak: "The department can only spend fifty...fifty percent of this money. The twenty...the two other...the other fifty percent is broken out on the two twenty five sections. For propagation prints."

Tate: "So, so but, but as a result of your Amendment. Your...if

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you assume that you raise additional money then what what your saying is all the money that you raised then could be ear mark for waterfoul habitat development in Illinois, right?"

Novak: "Okay I...I was just given a note here from our staff. The discretionary area authority directed to increase the fee beyond ten dollars. In other words if the fee would go would go higher than that, pursuant to a federal decision was deleted in Section 3."

Tate: "So, so now what are you saying we allow the director to raise the duck stamp to ten dollars. Is is that the ceiling limit?"

Novak: "Correct."

Tate: "Is that what you're saying."

Novak: "Correct."

Tate: "Okay, again back to my next question then. Is the new discretionary area money that your generating because, you reduce the percentages. Does that mean that that money will be ear mark for waterfoul habitat development in Illinois? Or...or could...could...could...the additional money that's generated, would that be money that's potentially could be spent somewhere in Minnesota or Canada?"

Novak: "No, it could not."

Tate: "So, the additional two hundred thousand or three hundred thousand dollars would probably be spent somewhere. Now, what are the waterfoul projects is...is the Alton waterfoulers, are they for this Amendment?"

Novak: "Yes they are."

Tate: "Are they are the is the goose."

Novak: "Ducks unlimited."

Tate: "Is the goose alliance for this?"

Novak: "Specifically ducks unlimited and the geese hunters yes."

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Tate: "Okay, what specific projects in Illinois has the, I assume that the Director of Conservation is he for that then?"

Novak: "Yes they are."

Tate: "Okay, what's specific projects in Illinois are we talking about doing with the additional money?"

Novak: "Southern Will County the Braidwood area, the northern the north american alliance for waterfoul propagation management plan. The cooling lakes up around Commonwealth Edison Nuclear power plants. If you've ever been up there Representative, are excellent places for duck hunters, and for geese hunters. This money would be used to propagate that area, for wildlife propagation."

Tate: "Okay, thank you."

Speaker Young: "Further discussion? Hearing none, the Gentleman moves for the adoption of Floor Amendment #2. All those in favor say 'aye', those opposed. All those in favor vote 'aye', those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this Motion there are 110 voting 'yes', none voting 'no', 3 voting 'present'. Representative Mulcahey."

Mulcahey: "Mr. Speaker, explain my 'present' vote. Being one of the ducklings, I felt it was just a good conscious to vote 'present' on this, because I do have a conflict of interest."

Speaker Young: "On this Motion 110 voting 'yes', none voting 'no', 3 voting 'present', and the Amendment is adopted. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Young: "Third Reading. House Bill 1854, Representative Preston. Out of the record. House Bill 1854, Representative Balanoff. Read the Bill, Mr. Clerk. No, out of the record. House Bill 2306, Representative

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Preston, out of the record. House Bill 2544, Representative Kulas. Read the Bill, Mr. Clerk."

Clerk Leone: "On page 25 of the Calendar. House Bill 2544, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Young: "Third Reading. House Bill 2712, Representative Mays. Out of the record. House Bill 2746, Representative Shaw. Read the Bill, Mr. Clerk."

Clerk Leone: "On page 10 of the Calendar. House Bill 2746, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Young: "Third Reading. House Bill 120, Representative Terzich. This is Third Reading. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 120, on page 38 of the Calendar. A Bill for an Act to restrict smoking in public places. Third Reading of the Bill."

Speaker Young: "Representative Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I rise to present House Bill 120, the Illinois Clean Indoor Air Act, and I do so with pride. This pride is not limited to me as an individual. But rather to the fact that this Legislation has afforded me the unique opportunity to work closely with my colleagues and this House, and interested parties across the state. Both supporters and opponents willingly, or some instances not so willingly have over the years help craft, what I think is an excellent Bill. For example, a consistent attempt has been made to cloud or distort the content of this Bill, by referring it to as a ban on smoking. This is absolutely untrue. House Bill 120 simply prohibits wanton smoking in areas which are used by

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and open to the public. This legislation is not infringe on anyone's rights but, it is designed to protect the rights of both the smoker and the non-smoker. I do not believe that a smoker has the right to contaminate the air of a non-smoker. The direct and indirect affects of this legal addiction are so well documented that it strikes me as an essential that those who chose not to smoke, not to be exposed to the lethal form by product created by those who do. The second point of opposition of the Clean Indoor Air Act which has been brought up in discussions over the years, is that it's implementation would be costly and the law ultimately unenforceable. I submit to you that...that roughly forty thousand dollars is allotted by the Department of Public Health, which would be needed to implement House Bill 120, is nothing more than a wise investment. After start up cost, I sincerely believe that our state will seek cost directly related to this legislation, level out or decrease, as has been the case in other states. Indirectly a savings will be realized by our society. My sympathy goes out to those of the friends and families of the three hundred ninety thousand individuals who die annually due to smoking. But my sympathy becomes mixed with anger when I think of the tragedy suffered by the roughly five thousand citizens who deaths are...occur each year directly attributable to the side stream smoke. The opposition speaks in terms of dollars, and as a realist first, I will too, but let's not forget the values of human life. The cost in dollars of smoking are astronomical, but I could trot out the figures, thirty billion dollars in medical bills per year, sixty nine billion dollars in loss business due to illness, increase life insurance cost, millions of dollars loss due to fire. In fairness, I will not dwell on these facts because to do so would be a

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distraction. House Bill 120 does not address the direct cost of smoking, it's specifically geared to protect and insure the rights of non-smokers. Enforcement of House Bill 120 would not be costly, nor would this law be ineffectuated. It is my belief based on personal observation reinforced by gallup poll findings that society wants this law. House Bill 120 would function as a mechanism to enforce common courtesy to those few instances when nothing else will...will work. It should be noted that eighty percent of smokers are willing to accept these restrictions. Our society is becoming health conscious, and educated on the dangers of passed of smoke as a result of this height and awareness, 33 states have adopted a version of this Bill. I urge you to join me in this first step towards passage into law of this very important legislation, I believe Mr. Kenneth DeBensky of Elcrow Village summarized this Bill best when he wrote the Illinois Clean Indoor Air Act, is prohealth, proconsumer, prolife, and probusiness. I will gladly respond to any questions and requests your favorable support on this Bill."

Speaker Young: "The Gentleman moves for the passage of House Bill 120, and on that question is there any discussion? The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. Will the sponsor yield for a question, please?"

Terzich: "Yes."

Parke: "Representative Terzich, how is the enforcement of this legislation to take place?"

Terzich: "The enforcement of this Legislation basically it takes place the same as any enforcement of any law thats put on the books by law enforcement agencies."

Parke: "So, your saying law enforcement agencies are going to go

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into the restaurants of Illinois to make sure that they are in compliance with this legislation?"

Terzich: "No, I did not. I said that the, like any law you have law enforcement agencies whether it's for seatbelt or whether it's for smoke alarms, orspitting on the sidewalks."

Parke: "Representative Terzich would you address the question related to this Bill. I asked you a simple question. How is the enforcement of this legislation going to take place? Would you be specific please, related to this legislation."

Terzich: "I said that it would be enforced by law enforcement agencies."

Parke: "Then your saying legis...law enforcement agencies are going to go into the restaurants of Illinois, to enforce this legislation, is that correct?"

Terzich: "No, whatever the law enforcement...would you give me a specific, Representative Parke."

Parke: "According to your legislation...I'm asking you what law enforcement agency is going to go into the restaurants of Illinois to make sure they in fact, are complying with this legislation. It's a very simple question, and it must be in the meat of the law."

Terzich: "If there is a violation of a smoking ordinance, I would assume that a law enforcement agency person would handle the complaint."

Parke: "Do you know which one according to your law that you want to put into place in Illinois. Which one of them will have to enforce this law?"

Terzich: "I just said, any law enforcement agency would enforce any law in the state, Representative. Is murder an enforceable Law? Is rape an enforceable, who enforces those laws?"

Parke: "Okay, what is the penalty for non complying with this

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law?"

Terzich: "The penalty under the Bill is the same as the petty misdemeanor, or a individual..."

Parke: "What would that be according to your Bill?"

Terzich: "It would be the same as any violation of any smoking ordinance that is currently in the state."

Parke: "According to your law, what would it be?"

Terzich: "It would be up to fifty dollars."

Parke: "It would be fifty dollars, per occurrence?"

Terzich: "No, it would be a petty misdemeanor. I would assume that a judge could go up to fifty dollars."

Parke: "I see, well, isn't it in the legislation that the Department of Public Health is to go in and register...and regulate this legislation, is that still correct? Is this still part of your legislation?"

Terzich: "No, the Department of Public Health will descimate information to all of the agencies throughout the state, that is affected by the, by the legislation. There's specific duty, if you bare with me one second."

Parke: "So, the Department of Public Health will have the say in how this law is to be implemented on the restaurants of Illinois?"

Terzich: "The Department of Public Health...the requirement of the Act primarily through a vigorous educational program, the contract...charges in developing for mailing and printed material to local health departments, and other agencies notifying them of the law, and their responsibilities under the law. That's what the Department of Health would do."

Parke: "And they could take primative action on any restaurant that they find in non compliance. Do they, well ultimately if we pass this legislation, will the regulations of this legislation be drawn up by the Department of Public

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Health?"

Terzich: "No, it will not. The legislation would be, is the determining factor on that. The Bill in itself. They are...the Bill does not provide the Department of Public Health to set up any barriers or regulations as far as..."

Parke: "Thank you, Representative. To the Bill. In trying to get answers to the questions that concern me as it concern most business in Illinois, is actually how will this be enforced? That ultimately has a question to me. I believe it's difficult enough for small business, and businesses as a whole in Illinois do business without having agencies come in and telling them what their interpretation of this law will be. That to me is scary, and it should be scary to all of the people of Illinois as to...how they're going to set up tables, what sections will be non-smoking or smoking, and restrict the business matter womans ability to make a living because, government again will infringe on the determining factors of how a man or woman wants to run their business. To me, I think this is an invasion of...as it's structured. It is an invasion on making business more difficult to do in Illinois, but I think that the merits of the Bill are well intended, I think that no one can argue with the statistics of what is happening to our society in terms of smoking and second hand smoke, but I'm concerned about the direction that we're going with this specific Bill. Thank you."

Speaker Young: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair, if we might? One we'd like to know, we'd like to have an opinion of the Chair, if this Bill premps home rule, and if the Chair so rules, does the vote require an extraordinary majority?"

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Speaker Young: "While the parliamentarian researches the Bill, is there any further discussion? The Gentleman from Will, Representative Regan."

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

Speaker Young: "He indicates he will yield."

Regan: "You mentioned the fiscal cost of this, Representative, can you tell me, repeat that again, please?"

Terzich: "Yes, 39,820 dollars."

Regan: "That's the start-up cost for the Department of Public Health?"

Terzich: "No, that's...that's from the estimate from the Department of Public Health. Representative contrary to the last Representative that spoke on this Bill, that the Department of Public Health basically is going to desciminate information of the Bill, and they are not setting up so called, task force to go out and check out smoking areas or non-smoking areas."

Regan: "In other words the fiscal note here indicating 39,000 dollar set-up cost and 79,644 annual costs is wrong?"

Terzich: "The Department has sent out a fiscal note on the Bill for 39,800 dollars, which is basically I believe for one person to administer it, and other, you know, 2500 dollars would come out of these 2,000 dollars for printing, roughly 40,000 dollars."

Regan: "Okay, so what's printed in our journal is incorrect, it's not 80,000 dollars a year Department of Public Health. How about to the State Board of Education, what's the cost of that?"

Terzich: "I understand that the 80,000 dollars would be for the full year, Representative. the figured here that it would be for six months, I would assume, so it would be 80,000 dollars for the entire fiscal year."

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Regan: "So, it's annual cost program would be 80,644 dollars."

Terzich: "Yes."

Regan: "Alright, how about the State Board of Education, what's the cost to them?"

Terzich: "I really couldn't tell you."

Regan: "Well, a State Mandate Act...it says it would be 420,000 dollars to the State Board of Education."

Terzich: "Well, that...I would question now, the Bill basically does not mandate any of those costs. It just simply states that, you know public areas are designated non-smoking, what...they would incur in costs is simply beyond me nothing more than they would be doing now, that they...I'm sure that they currently have in schools or any other places of education, either no smoking signs or something to that nature. So, I really don't know where that would come from."

Regan: "So, this 400,000 State Board of Education, that's mandated on them is just a figment of their imagination, I see."

Terzich: "I certainly would think so. It certainly hasn't cost anything in the City of Chicago, that has substantial number of schools, and has adopted a similar type law."

Regan: "How is the fiscal impact on all of the businesses. We...we're dealing with fiscal impact here, just in state agencies. What do you think it's going to cost all of the businesses of Illinois?"

Terzich: "Actually, I think that the pit...what the businesses in Illinois? Well...well, we figure that the smoking impact on employers is also an interesting to note the study of business of Seattle University, found an employers spend an average of 4,000 dollars a year extra for each employee who smokes. This results in one; a typical smokers increase absentee rate of 2.2 days, two; is a 59 percent increase in

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the medical benefits, three; a greater number of accidents involving smokers, four; an increase fire and insurance cost, and the repair and cleaning of damage to the work environment caused by the employees generated smokes. So, this would be a substantial savings to employers."

Regan: "In that case then, all the business communities that chambers, and the manufactures, and the retailers, and the AEI, all these people that must endorse this legislation."

Terzich: "I would certainly think so. It's definately, I have not heard of any objections to it."

Regan: "I wonder if it's going to save them that much money, why they're all opposed to it."

Terzich: "Well, I don't know why they are all opposed to it, I haven't seen that. I've gotten substantial support from the people of the State of Illinois, and I have not received any objections from the rest... and I've tried to work with all of these interested parties in this legislation, and they all agree it's a good Bill, and it's time that it be passed by the General Assembly."

Speaker Young: "Representative Regan, bring your marks to a close."

Regan: "One final question. Representative, have you ever seen a restaurant advertise that it's for non-smokers only in the State of Illinois?"

Terzich: "No, not really. I have..."

Regan: "Neither have I. I wonder why that's the case if there's so many people out there that is so concerned. It seems to me that it would be a bonanza, if private industry would do what their allowed to do without federal regulations. They should open places for non-smokers only. Thank you very much."

Terzich: "I'm sure that they would if they would spoke they would have it non-smoking entirely. I'm sure Representative."

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Speaker Young: "Representative Black in response to your parliamentary requirement...inquiry. The Bill does preempt home rule, however, it gives home rule units concurrent jurisdiction, and therefore, requires 60 votes. Further discussion? The Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Mr. Speaker would the sponsor yield?"

Terzich: "Yes."

Ropp: "Representative, would you repeat the number of people who have died as a result of secondary smoke, either in the State of Illinois, or nationally."

Terzich: "Well, some of the basic information from the Health stand point that the following can be said about the tobacco products of practically 300 to 450,000 premature birth occur each year as a result of smoking with over 20,000 of these deaths occurring in Illinois, 40 percent of all cancer are attributable to tobacco products, 30 percent of deaths are attributable to tobacco products, 85 percent of all lung cancers are attributable to smoking, 10 percent of the total acute medical care cost as result of tobacco related conditions, and lung cancer is now the number one cancer killer in both the males and females."

Ropp: "Thank you very much, then it would certainly seem that if so many people are dying as a result of...either tobacco, or smoke related activities, that this would have a sizable impact on business too, doesn't it?"

Terzich: "Yes, it's very substantial that the economic impact that smokers and related results of smoking...the dollar amount is astronomical, most businesses have been setting up a total non-smoking and acutely aware of the medical care cost and the other related costs as a result of smoking."

Ropp: "And we also have a number of pieces of legislation that

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ultimately become law that are somewhat self-imposing or let's say self-enforcing. To the Bill, Ladies and Gentlemen of the chamber, this is a Bill that is long overdue. We're talking about the lives of people, the health of our state, and the health of our nation, and it's obvious that because of the serious cancer affect, particularly on lungs, on our citizens, that we need to address that. We need to have a public policy that so states that. This piece of legislation will do that, it will not obviously cost very much to implement. It's time, it's long overdue, and the fact that we are attempting to save the lives of not only young people, the newborn, but were also attempting to save the lives of those people who are afflicted by other people who are smoking and blowing smoke into the very air that they are attempting to breathe. I urge all of us to favorably support this, as a very needed, necessary piece of legislation for the health of our state, and the for the health of our nation. Thank you."

Speaker Young: "Further discussion? The Gentleman from Coles, Representative Weaver."

Weaver: "Thank you, Mr. Speaker. Will the sponsor yield?"

Speaker Young: "He indicates he will yield."

Weaver: "Representative, just to clarify a couple of things that have concerned me in the past, about this Bill. As I read through the Bill, correct me if I'm wrong, you are directing the Department of Public Health in cases where necessary, to use existing ventalation system, existing walls, and existing partitians. Is that the way you intend?"

Terzich: "Yes, Representative, basically one of the complaints and so on that were stressed was about some super agency going into different areas employers or restaurants, or

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whatever it is, and setting up and saying what is a barrier, and what is not. The Bill does not provide for that. The...we did take anything out on that and it's simply the Department of Public Health will simply decimate information to the affected parties, and that would be their soul object."

Weaver: "In the case of a restaurant or an office situation, where it is not feasible to use the existing ventilation system, or walls. What then would the Department of Public Health direct that owner or employer to do?"

Terzich: "Nothing, they would basically, what would happen is if there were a conflict with regard to a designated smoking area or non-smoking area, I'm sure that the Department would direct them as to what the statute would say about the provisions of the Clean Indoor Air Act."

Weaver: "But they could require a new ventilation system, or more beefed up..."

Terzich: "No, no, no."

Weaver: "They could not?"

Terzich: "Maybe a local unit of government that might be controlling restaurants or so, with regard to refrigeration, and a number of other things, but no, not the Department of Public Health."

Weaver: "Okay...one other question. I noticed by the Bill as it is written, you exempt a certain number of businesses, bars are exempt? Is that correct?"

Terzich: "That's correct."

Weaver: "Would a meeting Hall be exempt?"

Terzich: "Banquets would be exempt, I would assume if you're talking about a meeting place, or a public meeting place. I assume that, that would not be, but banquets would, private offices, private hotel rooms, basically those that are confined directly, and do not expose the general public

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to the smoking."

Weaver: "What about a bowling alley?"

Terzich: "A bowling alley, I believe it would be covered under the Bill as...except for the bar."

Weaver: "So, it would not be exempt?"

Terzich: "That's correct."

Weaver: "Okay. Thank you."

Speaker Young: "Further discussion? The Gentleman from Perry, Representative Goforth."

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

Terzich: "Yes."

Goforth: "Representative, I guess your yielding, aren't you, I didn't hear anything out of the Chair?"

Speaker Young: "He indicates he will yield for a question."

Goforth: "Thank you, Sir. Representative, did I understand you right that you said that this is not to keep people from smoking, you just wanted to protect the non-smokers from the people that did smoke, is that right?"

Terzich: "The Bill to me does not stop anyone from smoking, Representative, all the Bill does is simple defines area of where you can and cannot smoke, and it provides a freedom of choice. Now the reason..."

Goforth: "Okay, now then, I understand that point, I understand..."

Terzich: "The other part, is that the reasons for banning smoking, for example totally could be for a number of reasons, and that could be from a health reason, could be from a fire safety reason, there's a number of reasons why they ban the smoking of tobacco products."

Goforth: "Okay. If you Bill goes into affect, will you, will we have a separate section on this House Floor where we can smoke? Will that protect us then?"

Terzich: "The Bill provides that the...all public areas are

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non-smoking. That they may set up a smoking area in those particular..."

Goforth: "It may, but it don't require them too?"

Terzich: "Definately not, they may..."

Goforth: "Why don't you put an Amendment on it to require them to, and I'll vote for this Bill."

Terzich: "Because, that as I mentioned, that the Bill is designed not to really supersede any local jurasdiction of..."

Goforth: "Well, this isn't your jurasdiction, it's state..."

Terzich: "Or setting up they're own requirements with regards of smoking regulations."

Goforth: "But, this is a state Bill, this is a state legislature."

Terzich: "That's correct."

Goforth: "This is not local legislature, it's state legislation."

Terzich: "That's correct."

Goforth: "Okay, thank you."

Terzich: "We're exempt from the open meetings Act, also, Representative."

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

Kulas: "Thank you, Mr. Speaker. I wasn't going to talk on this Bill, because we've addressed this Bill a number of times, but, since listening to the debate, I just wanted to make a couple things clear. I'm not going to dispute the fact with the Sponsor of the Bill on, on the health benefits of such a Bill, etc. How many people have died from secondary smoke, because like I said before, different studies make different conclusions. My only problem and my main problem with this Bill is that it should be a local issue, it shouldn't be an issue what a state tells people to...what to do, and where to do it. The locals know where they can do it, and locals can protect their own people, just as the

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City of Chicago has passed it's own legislation, the City of Carbondale, might have a different situation than Chicago, they might want to have different...different rules. So, these things should be left to the locals. I have no qualm that this Body voted not to allow smoking in this chambers, because it's a local issue. We voted on it, and the majority of the people said they didn't want smoking in this chamber. But, how would you like it if the Senate said the House will not smoke there. How would you like that? You wouldn't like it. So, therefore, that's my main objection, and I would urge a 'no' vote."

Speaker Young: "Further discussion? The Lady from Sangamon, Representative Hasara."

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

Speaker Young: "He indicates he will yield for a question."

Hasara: "Representative, I have a large rule area in my district. I'd like to know very specifically how the little coffee shops where everyone in the little communities come and congregate in the morning. Most of the people do smoke. What exactly will this Bill require the owners of those places to do?"

Terzich: "Without being an absolute technician, with regard to this, but this basic question was pertaining, and I assume your talking about a restaurant. The Bill does not set up a regulation as to, you have to have 40 percent of the area, or 60, or 20, or 30, or whatever it is. That in general terms that you could say that all restaurants are to be non-smoking and they may set up their smoking area. This could be an 80 percent area, a 90 percent area, if they just simply have to have a set aside a no smoking area. So, if you had a place to set up 10 tables, you have two of them put off on the side as not smoking, than that would be the non-smoking area. If you had one table..."

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Hasara: "Right, it could be one table?"

Terzich: "Yes."

Hasara: "Okay, as long as it's some area?"

Terzich: "That's correct."

Hasara: "Okay. One other question, Representative. Were you in favor of House Amendment #3, that exempts government? Did you support that Amendment? The Amendment #3 that exempts?"

Terzich: "Yes, the...Representative Hallocks Amendment?"

Hasara: "Yes."

Terzich: "Yes, I did."

Hasara: "Okay. I really have to say, one of the reasons I had never supported this Bill, was because we were not willing to put this rule on ourselves, and yet we were willing to put it on everyone else in the state. Once we adopted our House Rule, I really felt pretty comfortable supporting this piece of legislation. However, I will say, I was quite upset at Amendment #3, that is again saying to everyone, you out there in Illinois must follow a rule that we are not making government follow, and so I was very disappointed, to see us watered down to that degree."

Terzich: "Well, again, the Bill is as I said it's a clean Indoor Air Act and that everyone has a right of freedom of choice, and that's basically what the Bill does provide, and that other ordinances that may come along will handle the smoking requirements entirely different. But, this simply..."

Hasara: "But, I mean restaurants have no choice, right?"

Terzich: "Simply says that you are entitled to a clean environment, and therefore public indoor air..."

Hasara: "But not state workers, or local government workers, are not?"

Terzich: "Excuse me?"

Hasara: "It doesn't say state workers are though, right?"

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Terzich: "It says everybody."

Hasara: "But, we've exempted state government."

Terzich: "No, the...from what I understand, Representative Hallocks problem was is that...or that the Amendment was that it would not require different units to set up smoking areas. It simply leaves that entirely up to the facility."

Hasara: "But, we're saying the restaurant owners are not leaving it up to you, we're forcing you to do it."

Terzich: "No, no different than were saying any...any place"

Hasara: "So, what if they don't want to set up a no smoking area?"

Terzich: "The...the fact of the matter is, as I said that they have to have a freedom of choice, and therefore then would have to make available, a no smoking area. Or you take it the other way, it requires them to set a smoking area, but they have to have both."

Hasara: "But, state government is not required to have both."

Terzich: "Yes, it is."

Hasara: "Then, I guess I don't understand Amendment #3."

Terzich: "Apparently not, but it...it does."

Hasara: "Could you tell me then, what Amendment #3 does?"

Terzich: "Amendment #3 says nothing that shall be construed to require a state or local unit of government official, or their designated proprior to provide for a smoking area. It doesn't make them...it just simply says this, you know, it doesn't require them to make a smoking area. They may, but it doesn't require them to."

Hasara: "Okay, thank you."

Speaker Young: "Further discussion? The Gentleman from Cook, Representative Shaw."

Shaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to...will the Sponsor yield for a question?"

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Terzich: "Sure."

Speaker Young: "He indicates he will yield for a question."

Shaw: "Yeah, now I didn't quite understand you about those maw and paw type restaurants? Are they exempt? Are, does this...would this law effect them."

Terzich: "Representative, I said that all public areas in essence under the Bill are non-smoking areas. It does allow those facilities to set up a smoking area. If the restaurant happens to set up a 80 percent of the area as a smoking area, then they may do so. If they want to set up a 90 percent area, they may do so. But, they do have to set aside a no smoking area."

Shaw: "Would this have to be an enclosed petition, or how should this be done?"

Terzich: "It could be done by petition, it could be...it could be done by a sign on the table, it could be done by a plack on the wall says, 'this is a no smoking area.' Whatever means that are available."

Shaw: "Okay, and you...to the Bill. You quoted some statistics a little while ago. Well, first, I would like to ask another question. What is the life expectancy of the average American today?"

Terzich: "I really couldn't tell you. It all depends on where you come from..."

Shaw: "The average American born in this country, what is the life expectancy in this country."

Terzich: "I couldn't tell you, Representative. In the mid 70's I would assume.."

Shaw: "I beg your pardon?"

Terzich: "I would assume in the mid 70's, but I really couldn't tell you for sure. I would think somewhere maybe in the mid 70's."

Shaw: "Do you know what it was 10 years ago?"

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Terzich: "Probably the mid 70's."

Shaw: "Well, you had some people there that was giving you some valuable information, those people should..."

Terzich: "Alright, yeah, it was 71 percent, 8.71."

Shaw: "So, you would agree that they're living longer to day than they was 10..."

Terzich: "No, some are living longer."

Shaw: "Well..."

Terzich: "Smokers are not."

Shaw: "Okay, but, the average person is living to...males is living 71. something, and the ladies are living 73. something."

Terzich: "No, non-smokers are living that, Representative."

Shaw: "For your own information, and that's an average in this country. I've...to the Bill. I've talked to Representative McGann, and Senator Brookens, and I've never, they have never told me about one person that they have had at their shops that didn't die of something. Never, never, and you might be mindful for that, certainly, everybody that they get have some type of ailment, and it was fatal, and it is not always smoke. What I think your doing here to this Body, and to local governments, and to Maw and Paw Restaurant, your creating a added expense upon those people, and I don't think that it's fair, I think that this is a issue that should be left to local units of government, and they're moving on it. What you are doing here, those same health...Department of Health they could come into the City of Chicago, from the way you explained the Bill, and tell the people in the City of Chicago what to do, and how to...this ordinance to be enforced. I think this is wrong, I think that your creating a burden upon a lot of little business people in this state, and I think that a you should think about it, and they...before

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they...this House vote for the Bill, they should think about it, and think about what impact it's going to have upon your community, and let the local city councils and county board pass this type of legislation. We want to give local control, that's what it's about, we should not be about the business of taken local control, in matters like this, and that's what we're doing Ladies and Gentlemen, and I urge a 'no' vote on this Bill."

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

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this legislation, and commend the Sponsor for the diligence, for which he, with which he has pursued this issue over many Sessions, and that, and the depth of knowledge he has acquire with regard there to. What we are asking this assembly to adopt today, is a policy statement, which would indicate throughout the State of Illinois, that the general condition shall be an atmosphere of non-smoking, and any establishment which wishes to cater to those who chose to smoke would designate a non-smoking area. As you know, in many instances now, it is just the opposite. But, if you go to your favorite restaurant, there was a comment about what happened 10 years ago, if you went to your favorite restaurant 10 years ago, there probably was not any kind of a non-smoking section. If you go to your favorite restaurant today, the chances are very, very good that there is not only a non-smoking area, but that it is growing. The purpose of this legislation is to recognize that trend, a trend which has been growing and growing in the United States of America, because of increasing awareness of the damaging affects, which smoking does not only to those who smoke, but, to those who inhale the incidental smoke. It is a policy which as the Sponsor has indicated is now in place,

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in almost every state in the union. There are only seven other states in this country which do not have such a policy. The City of Chicago has a non-smoking ordinance, this clean Indoor Air Act is well drafted, to provide as the Sponsor says, for a freedom of choice, because...if an establishment, be it private or public chooses to provide accommodations for smokers, they may do so. They just must do it under certain circumstances which...protect those who don't smoke. I think the non-smokers are becoming a growing majority, this is a good piece of legislation, some times an idea is ahead of it's time, this Bill has been introduced many, many times before, I think today is the day it's time has come, and I would urge a green vote, a 'yes' vote, and enough votes up there on the board to pass this vote. I hope we get 60 votes, because this is a good step forward for the State of Illinois, to send to everyone that we care about our citizens, and we are concerned about their safety and welfare. This is a good public safety welfare measure. I urge your 'aye' vote."

Speaker Young: "The Gentleman from Kane, Representative Kirkland."

Kirkland: "Will the Sponsor yield?"

Terzich: "Yes."

Kirkland: "To just clarify, no...no businessman or businesswoman would be required under this Bill to prohibit smoking totally in his or her establishment, is that correct?"

Terzich: "That's correct, it basically if...however if it's...are you talking about a business or an office?"

Kirkland: "Any business or office affected by this Bill still has the option to set up a smoking area."

Terzich: "That's correct."

Kirkland: "So, okay. And then I just say to the Bill, Mr. Speaker, it seems to me that the Bill is extraordinarily

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flexible, and as Representative Dunn says, it makes a policy statement, is a beginning, and is an important one but, it's very important to realize that nobody is required under this Bill, nobody to totally prohibit smoking in their establishment. Thank you."

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

DeJaegher: "Thank you, Mr. Speaker, Members of the General Assembly. I rise in opposition to House Bill 120. I believe what this Bill will do is again, separate society. I know of no smoker that will not compromise. We have taken priviledges away from the Members by not permitting smoking in the House chamber and Committee room. More and more smokers are giving up smoking by public awareness programs, not legislation, public awareness programs and I think they have been rather successful. For that reason, I encourage the defeat of House Bill 120, and ask that you really consider a Bill that will be coming over from the Senate, which is Senate Bill 527. This Bill will prohibit smoking in these areas, and please take note. Smoking will be prohibited in indoor theatre, concert halls, public audotoriums, libraries, art museums, and galaries in addition. Buses operated by public transportation authorities, and elevators, and to overcome the problem that we have with many, many of the small restaurants. The owner of any restaurant which has seating capacity of 70 or more persons may, may, and I must adopt that, adopt standards under which the owner may designate areas or places upon the premises in which the smoking is permitted, or prohibitted. These are the things that I think you have to realize. I realize that House Bill 120 is a priority with the Sponsor, he's carried this for a number of years, and he has that right, and perhaps maybe he is doing

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something of a favor to us, but I don't believe that we should legislate against this Bill. Hopefully when Senate Bill 527 comes over into this House, that the Sponsor of legislation on House Bill 120 will pick up this Bill. Let's make change, but let's not make change to rapidly. Let's give it consideration before we moved to rapidly in that particular area. As I said, very seldom will you see a smoker that is non receptive to a non-smoker. Let's compromise and if change is forth coming, let's do it in an orderly fashion. Thank you."

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

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

Speaker Young: "The Gentleman has moved for the previous question, and the question is, 'Shall the previous question be put?' All those in favor, say 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Terzich to close."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. All of the opponents to this Bill, basically should endorse this legislation, just by their mere statements of where they are talking about the hazard of cigarette smoke, or tobacco products in itself. We worked a number of years on this legislation, and certainly why shouldn't we legislate when we tell the people of the State of Illinois that they're entitled to clean air, that they're entitled to life, that they're entitled to a clean environment. Are we supposed to say no to that. This legislation doesn't stop the smokers from smoking. If they want to they can smoke as much as they want, but let's give the non-smoker our territory, let us know where we can go, that we don't have to join them in their death wish of smoking tobacco

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products, if you want to go to the hospitals or any McGann's funeral homes, I'm sure he'll show you good affects of tobacco smoke, but this Bill is a fair piece of legislation, it does not restrict it, it sets up the guidelines, and like Ken Debenski says, and I plead with all sincerity that this Bill is a pro-health Bill, it's a pro-consumer, a pro-life, and pro-business, I don't know anybody who could possibly be against this legislation, other than Reynolds Tobacco company, or Phillip Morris, or whatever those tobacco people are. So, please give the people a breath of fresh air, and vote 'aye', on House Bill 120."

Speaker Young: "The question is, 'Shall House Bill 120 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is now open. Representative Black, one minute to explain your vote. The Lady from Lake, Representative Sterns. One minute to explain her vote."

Stern: "Mr. Speaker, and Members of the House. Every year that I've been in Springfield, I have listen to the smokers beating up on courageous doubty Representative Terzich for this excellent Bill, and every year I stand up in defense of the idea. The more we learn, the more we learn to accomodate our conduct to new medical discovery. We have certainly come to know how bad smoking is for us, whether we are inhaling it ourselves directly, or getting it from the person at the next table. Every year I finish by saying this is an idea whose time has come. I don't know if it's come. Come on you guys who aren't voting, this should be passed by the legislature of the State of Illinois. It is excellent legislation, it is progressive legislation, it is healthful legislation. Let's get some green votes up there. Look how affective I am."

Speaker Young: "The Gentleman from Lake, Representative

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Matijevich. One minute to explain his vote."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House. We always like to say that we listen to our constituents, and we send out surveys. The truth of the matter is, that at least 70 percent of our constituents favor separation as a smokers and non-smokers. This is a compromised Bill, it's been compromised through the years. Even the restaurant association supports the Bill, because all the restaurateur has to do is put a small place card saying, that you can smoke in this area. So, this is a good Bill, it isn't often that we can save lives. Now, since we have quite smoking in the House, everybody, you know you can take off your coat when you go to the office, smell the coat and you don't smell any smoke in it, even in this House Floor, I would leave, go to my office, and my coat would be ringing of smoke. What would that smoke be doing to your insides? You know it kills. There's no if's and and's or but's about this good Bill."

Speaker Young: "The Gentleman from Vermilion, Representative Black, one minute to explain his vote."

Black: "Well, thank you very much, Mr. Speaker. I have not voted for this Billing the past three years, and I still have some concerns about it simply because I think the market place is doing what the Sponsor intends to do. However, if I heard him correctly, and Representative, I'm going to hold you, and I think your a man of your word. He said that it was his intent, it was his intent that no rules will be promilgated that the inspectors will go in, and say add a ventalator here, add a barrier there, it would seem to me with that flexibility, I might at long last support the Bill. It seems as if it's only shifting the burden from non-smokers to asking for a set aside area, to smokers, asking the smoker to ask for a set aside area. As

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I understand his compromised Bill, it does not prevent a restaurant from having a smoking area. In fact, they can have 90 percent of the seats, 90 percent of the seats could be set aside as a smoking area. I do think he is compromised, I commend him on that, I still would rather the market place be the deciding factor here, but I'm prepared to vote..."

Speaker Young: "The Gentleman from Jefferson, Representative Hicks. One minute to explain his vote."

Hicks: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in opposition to this Bill. I think we've seen over the years the cost of this Bill many times we've voted on it here on the floor. There is a lot of cost involved here in this Bill, a lot of cost in the business community, and even though I have a lot of people here on the Bill, I would still request a verification on the Bill. If it does pass."

Speaker Young: "Have all voted who wish? Have all voted who wish? Have all voted wish? Mr. Clerk, take the record. On this...Representative Hicks, do you...On this question there are 83 voting 'yes', 16 voting 'no', 14 voting 'present'. This Bill having received the required Constitutional Majority...Representative McCracken votes 'aye'. This Bill having received the required Constitutional Majority is hereby declared passed. House Bill 154, Representative Bowman. Out of the record. House Bill 224, Representative Flinn. Representative Monroe Flinn on House Bill 224. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 224, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Young: "Representative Flinn."

Flinn: "Just a minute Mr. Speaker. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 224 provides

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for a qualifications to be made for engineers to study the quality of a landfill. And all it does is ask the pollution control board to come up with those qualifications so that at least if a local government can have enough money out of the tipping fees, for example, they can monitor, properly monitor the landfills. That's about all the Bill does, I would answer any questions if there are any, if not I would ask for a favorable vote on the Bill?"

Speaker Young: "The Gentleman moves for the passage of House Bill 224. And on that question is there any discussion? Hearing none, the question is, 'Shall House Bill 224 pass?' All those in favor, vote 'aye', those opposed vote 'no'. Voting is open, this is final passage. Have all voted who wish? Have all voted who wish? Have all voted who wish. Mr. Clerk, take the record. On this question there are 111 voting 'yes', 1 voting 'no', none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. House Bill 258, Representative Steczo. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 258, a Bill for an Act in relation to Solid Waste Energy Facilities. Third Reading of the Bill."

Speaker Young: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker. Could I have leave of the House to move House Bill 258 back to the Order of Second Reading, for purposes of an Amendment?"

Speaker Young: "The Gentleman requests leave of the Body to move House Bill 258 back to Second Reading for purposes of Amendment. Is leave granted? Leave is granted by use of the Attendance Roll Call. Second Reading."

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

Speaker Young: "Representative Steczo. Withdraws Amendment #2."

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Any further Amendments?"

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

Speaker Young: "Withdraw Floor Amendment #3. Further Amendments?"

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

Speaker Young: "Representative Steczo, on Floor Amendment #4."

Steczko: "Thank you, Mr. Speaker. I move for the adoption of Amendment #4, which tightens up the language in the Bill, and also provides a language which has been agreed to by the Illinois Environmental Council, that this plan would cover facilities, two of which was local...whose local sight approval occurred before May 1st, 1989. I would move for the adoption of the Amendment."

Speaker Young: "The Gentleman moves for the adoption of Floor Amendment #4, and on that question is there any discussion? The Lady from LaSalle, Representative Breslin."

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

Speaker Young: "He indicates he will yield for a question."

Breslin: "Representative, for the purposes of clarification. On page 2, with regard to the new language and section B. For the record, could you tell us would this provision be available only to facilities sighted before May 1st, 1989?"

Steczko: "Representative, as I said in explaining the Amendment, yes, it would be applicable to those facilities sighted before May 1st, 1989. You're correct."

Breslin: "And as to facilities sighted after this date, would they have to be part of a Solid Waste Plan that has a 25 percent cycling goal."

Steczko: "That is correct."

Breslin: "Thank you."

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

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

Speaker Young: "He indicates he will yield for a question."

Black: "Thank you. Representative is the IEPA taken a position on an Amendment #4 that your aware of?"

Steczo: "Representative Black, not that I'm aware of, no."

Black: "One other question. It would appear that this Amendment, I think you said this, guts the Bill, and it becomes somewhat sites specific, we could probably agree on that, couldn't we?"

Steczo: "Correct."

Black: "In fact, so specific as to perhaps only involve two communities."

Steczo: "Representative, while it doesn't gut the Bill, but it does do is limit the nature of the Bill to an affect in fact, I think there are two communities that were sighted prior to May 1st, of 1989."

Black: "Thank you, very much."

Speaker Young: "Further discussion? Hearing none. The question is, 'Shall Floor Amendment #4 to House Bill 258 be adopted?' All those in favor say 'aye', those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Representative Steczo, now moves to suspend the appropriate rule and...for immediate consideration on House Bill 258 on Third Reading. Does the Gentleman have leave, leave is granted by use of the Attendance Roll Call. Third Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 258, a Bill for an Act in relation to Solid Waste Energy Facilities. Third Reading of the Bill."

Speaker Young: "Representative Steczo."

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Steczo: "Thank you, Mr. Speaker, Members of the House. A few years ago, this House approved House Bill 942, which the purpose of which was to attempt to try to address the solid waste crisis by allowing incinerators to be built, and those incinerators to be able to sell the electricity back to Commonwealth Edison, at a specified rate, and ultimately pay back the public utility fund where those monies come from, and hopefully by doing that we would see some, some other alternatives. Vibal alternatives toward reducing our reliance on landfills, and attempting to try to get rid of the solid waste which is creating problems as our landfills become closer to being filled. House Bill 258 takes that one step further. There are two communities, two sites in Illinois that have already received site approval for...for an insenerator, and actually this Bill probably deal with one of those two. What this does is specifies that the facility rather than the communities who will use the facility will provide for the, the Waste Management Plan, and will provide for the 25 percent of the solid waste stream to be recycled and utilized for energy recovery, and resource recovery, etc. It's something that I think is necessary, something that will give us a start toward were trying to do something in the alternative about...about the solid waste disposal crisis. One of which would be in inceneration, other would be the mandate in 25 percent recycling that would go along with it, and my understanding is that there is no opposition to this Bill I would move for it's adoption, or move for it's passage."

Speaker Young: "The Gentleman has moved for the passage of House Bill 258, and on that question, is there any discussion? The Gentleman from Bureau, Representative Mautino."

Mautino: "Representative Steczo, would you please reestablish what you consider the definition under your Bill, which is

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recovering from landfills, the energy which can then be sold to...or utilized by cities and industrial, and commercial intities, is that correct?"

Speaker Young: "Representative Steczko."

Steczko: "Representative Mautino, what the provisions for the sale of the electricity generated by the plant to the local Electric Companies are already law, that passed a few years ago, as to House Bill, as per House Bill 942. What this Bill is doing is simply saying that the facility can apply for the license rather than the communities involved."

Mautino: "I understand it, I support your legislation, I just want to point out to the Membership that the prior definition was that of Wheeling, which in fact, was defeated here, I think 96 to 93 on Friday, but as I pointed out then, I support now, the concept, and the evaluation. This one will probably fly."

Speaker Young: "Further discussion? The Lady from Cook, Representative Parcels."

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

Speaker Young: "He indicates he will yield for a question."

Parcels: "I commend this Bill, I think incinerators are the way to go, but I wondered if this would have any affect on those that are recovering methane gas and turning that into energy. Is this in any way affect that...I mean landfills that are there, where they are presently recovering methane gas, and turning that into power. Does this affect that?"

Steczko: "Representative Parcels, Representative Stange, I believe had House Bill 799 which dealt with the methane of...situation. However, the sale of methane is already permitted under the law."

Parcels: "This would have no effect on that?"

Steczko: "Correct."

Parcels: "This Bill? Thank you."

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Speaker Young: "Further discussion? Representative Steczo to close."

Steczko: "Thank you, Mr. Speaker. I would just, I appreciate Representative Mautino's remarks, and would like to reiterate to the Members of the Body that this is not Wheeling. This is not Wheeling at all. This is...this is something which our communities need very very desperately, and this is something which will help us try to deal with the solid waste crisis that we are facing in the very very near future. As far as I know, there is no opposition to it, it makes a change to a law that we passed two years ago, that provides one more option toward getting this thing underway, and I would appreciate your 'aye' votes."

Speaker Young: "The Gentleman has moved for the passage of House Bill 258, and the question is, 'Shall House Bill 258 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 112 voting 'yes', none voting 'no', and none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. House Bill 547, Representative Brunsvold. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 547, a Bill for an Act to amend the Wildlife Code. Third Reading of the Bill."

Speaker Young: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 547 inserts the word handgun in two areas of the Conservation Code, which would allow...then allow the Department of Conversation to set up a deer hunting season, with a handgun for the taking of deer as part of the deer hunting season. The Department of Conservation in discussions have indicated that they are

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supportive...the have mussel loaders this time, and cross bows, and they would like to include those in a special season with handguns, and separate from the shotgun hunters. So, I would be happy to answer any questions, this piece of legislation is supported by the Illinois Sportsman Legislative Coalition, which was started by Jake Wolf, most of you who remember. That organization has 500,000 members. I would ask for your support, and passage of House Bill 547."

Speaker Young: "The Gentleman has moved for the passage of House Bill 547. On that question is there any discussion? Hearing none, the question is, 'Shall House Bill 547 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is open. This is final passage. 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 99 voting 'yes', 13 voting 'no', 2 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. House Bill 725, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 725, a Bill for an Act to amend an Act creating Sanitary Districts. Third Reading of the Bill."

Speaker Young: "Representative Terzich."

Terzich: "Yes, Mr. Speaker. Currently, the board, after the first of the fiscal year has the power by 2/3 vote to authorize transfers within a department as long as the amount is effecient to cover all outstanding contracts, and obligations remain in the same line item. House Bill 725 would allow the board to make similar transfers between departments with a 2 percent cap on all transfers."

Speaker Young: "The Gentleman has moves for the passage of House Bill 725. On that question, is there any discussion? Hearing none, the question is, 'Shall House Bill 725 pass?'

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All those in favor vote 'aye', those opposed vote 'no'.
Voting is open. This is final passage. 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...Representative Rice votes 'aye'. On this question
there are 94 voting 'yes', 16 voting 'no', 2 voting
'present'. This Bill having received the required
Constitutional Majority is hereby declared passed. House
Bill 789, Representative Balanoff. Representative
Balanoff, on House Bill 789. Out of the record. House
Bill 1157, Representative Peterson. Read the Bill, Mr.
Clerk."

Clerk O'Brien: "House Bill 1157, a Bill for an Act to amend the
Illinois Chemical Safety Act. Third Reading of the Bill."

Speaker Young: "Representative Peterson."

Peterson: "Thank you, Mr. Speaker and Members of the House.
House Bill 1157 revises a list of standard industrial
classifications relating to various plastic products,
included within this sculpt of the Act. It changes from a
October 1, to February 1 the date for the ESDA annual
report, relating to emergency preparedness and chemical
safety. It also provides that the report shall be on a
calendar, rather than a fiscal year basis. I ask for your
support of House Bill 1157."

Speaker Young: "The Gentleman has moved for the passage of House
Bill 1157. And on that question is there any discussion?
The Gentleman from Cook, Representative Balanoff."

Balanoff: "Yes, for a question. What is the reason for changing
the date of the report?"

Speaker Young: "Representative Peterson."

Peterson: "Representative, so it will line up with all other
environmental reports. Currently, it's out of sequence, we
want to line them up."

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Balanoff: "Thank you."

Speaker Young: "Further discussion? Hearing none, the question is, 'Shall House Bill 1157 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is open. This is final passage. 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', none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. House Bill 1175, Representative Wennlund. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1175, a Bill for an Act to amend the Solid Waste Planning and Recycling Act. Third Reading of the Bill."

Speaker Young: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill extends the Solid Waste Planning and Recycling Act to all counties in the State of Illinois. Currently, under legislation passed two years ago, counties in accessive 110,000 were required to file and prepare a solid waste management plan by 1991, January 1 of 1991. This Bill authorizes counties to enter into the Governmental Agreements for Solid Waste planning purposes, and gives all counties in Illinois until 1995, to file, to prepare and have approved the, a solid waste management plan that also includes at least a 25 percent recycling goal. It's a Bill that extends the existing provisions of the Act to all counties. It's time that this legislation...legislation like this for the entire State of Illinois, have a comprahensive solid waste management plan, and everybody agrees that the solid waste management planning is the best way to go to prepare for an eventual crisis in...with respect with the diposing of solid waste.

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It's a good government Bill, it's something that needed to be done in Illinois, I encourage all 'yes' votes on this issue."

Speaker Young: "The Gentleman moves for the passage of House Bill 1175. On that question, is there any discussion? Hearing none, the question is, 'Shall House Bill 1175 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is open. This is final passage. 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', none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. House Bill 1328, Representative Steczo. Mr. Clerk, Read the Bill."

Clerk O'Brien: "House Bill 1328, a Bill for an Act to create the Long Chemical Application and Notice Act. Third Reading of the Bill."

Speaker Young: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker. Leave to bring House Bill 1328 back to the Order of Second Reading of the Bill for purposes of an Amendment, please."

Speaker Young: "The Gentleman requests leave to bring House Bill 1328 back to Second Reading for purposes of an Amendment. On that Motion is there any discussion? Leave is granted by use of the Attendance Roll Call. Second Reading."

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

Speaker Young: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker and Members of the House. Amendment #2 does one thing, and one thing only. It's simply says that nothing in the Act shall be interpreted to affect the existing powers of any unit of local government, including any home rule unit. The purpose of this...if

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this legislation is to enact something statewide, however, if local municipalities like oak park wish to go further, they may. And I would move for the adoption of the Amendment."

Speaker Young: "The Gentleman moves for the adoption of Floor Amendment #2 to House Bill 1328. On that question, is there any discussion? Hearing none. The Gentleman from Lake, Representative Peterson."

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

Speaker Young: "He indicates he will yield for a question."

Peterson: "Representative Steczo, would you explain why Oak Park needs this provision in as much as they're a home rule community, or the other communities that are home rule communities are currently have this authority or...do they fell that this Bill would impencege some way on their current authority?"

Steczko: "Representative Peterson, now with the Amendment having been adopted, there should be no concern, in Oak Parks...in Oaks Parks case or anybody's case, but when the legislation was first introduced, there was some concern that because Oak Park ordinance takes affect I believe, June 1st. That this was an attempt by the legislature to supercede what they were soing."

Peterson: "Okay, so this...to make sure that their ordinance and our State law, if it becomes law will be the same."

Steczko: "Correct."

Peterson: "It will not infringe on their ordinance?"

Steczko: "It won't infringe on their ordinance."

Peterson: "Thank you very much."

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

Black: "Well, thank you very much, Mr. Speaker, will the Sponsor yield?"

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Speaker Young: "He indicates he will yield for a question."

Black: "Thank you. Representative, I appreciate what you've done to this Amendment, and the next question is I think more seriously than it might be taken. There are a number of subdivisions, within a municipality around this state that have, I think what you would commonly know as deed restrictions, or restrictions on your property within that subdivision be it a pleasant acres, or what have you. And some people have approached me...that several of these subdivisions have very strict internal controls, not municipal ordinance or city law, or anything at that nature, but they just have very strict controls on the display on any sign within that subdivision, and in fact, that is noted as a deed restriction. I would suppose then that your law would supercede any deed restriction, and that this sign would have to be posted regardless of any deed restriction, to that piece of property to the contrary."

Steczo: "Is that a question?"

Black: "Yes, that is a question."

Steczo: "The question...Representative, the best way that I can answer that is to just simply say that the...the law requires that companies that would do lawn service...for...as a protection to the consumer, and the consumers in the neighborhood or the persons residing in the neighborhood, would have to place for a 48 hour or 24 hour period, or at least these markers informing people that the lawns have been sprayed, or that a chemical has been used. So, to that extent, because the powers to the ordinances or the provisions of those. Let's say homeowners Associations, or whatever are, in a way, not legally founded they are not municipal types of ordinances, I would presume that this would supercede those."

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Black: "Thank you very much."

Speaker Young: "Further discussion? Hearing none, the Gentleman moves for the adoption of Floor Amendment #2 to House Bill 1328. All those in favor say 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Representative Steczo now moves that the House suspend the appropriate rule, so that this Bill may be given immediate consideration, of Third Reading. Does he have leave? Leave is granted by use of the Attendance Roll Call. Third Reading. Representative Steczo."

Steczko: "Mr. Speaker, the Clerk should read it a third time."

Speaker Young: "Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1328, a Bill for an Act to create the long care products application and notice Act. Third Reading of the Bill."

Speaker Young: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 1328 creates the lawn chemical application and notice Act. And the Bill provides that the applicators, the lawn chemical applicators must place markers at the usual points of entry, immediately following the application of the lawn care product. In addition, any neighbor whose property abuts or is adjacent to the property of a customer, may receive prior notice of a application by contacting the applicator and requesting that they be notified. The Bill also provides that the...that it does not affect land area use for, research for agriculture production or for commercial production of turf or a lands situated in public rights of a way, or land which is devoted to the production of any agricultural commodity. I would answer any questions that the House might had. This is certainly a Bill that would protect the people who...for higher used

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lawn applicators, of those people next door who live in the adjacent area should they feel that there is a problem with these lawn application chemicals. And I would answer any questions you might have, and if not would appreciate 'aye' votes on this Bill."

Speaker Young: "The Gentleman has moves for the passage of House Bill 1328, and on that question is there any discussion? Hearing none. The question is, 'Shall House Bill 1328 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is open. This is final passage. 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 107 voting 'yes', 3 voting 'no', 3 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. House Bill 1339, Representative Hannig. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1339, a Bill for an Act in relation to degradable plastics. Third Reading of the Bill."

Speaker Young: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker I would ask leave to bring this Bill back for purposes of an Amendment. Bring it back for an Amendment."

Speaker Young: "The Gentleman moves to return House Bill 1339 to Second Reading, for purposes of an Amendment. Leave is granted by use of the Attendance Roll Call. Second Reading."

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

Hannig: "Yes, than you, Mr. Speaker, Members of the House. This is a very technical Amendment clarifying Amendment that the pollution control board asked me to adopt to clarify their position in the Bill, and I would move for it's adoption."

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Speaker Young: "The Gentleman has moved for the adoption of Floor Amendment #2 to House Bill 1339. On that Motion, is there any discussion? Hearing no discussion, the Gentleman moves for the adoption of Floor Amendment #2, all those in favor say 'aye', those opposed say 'nay'. In the opinion of the Chair the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Young: "The Gentleman now moves the House to suspend the appropriate rule so that this Bill may be given immediate consideration of Third Reading. All those in favor say 'aye', those opposed say 'no'. The 'ayes' have it, by use of the Attendance Roll Call. Read the Bill on Third Reading, Mr. Clerk."

Clerk O'Brien: "House Bill 1339, a Bill for an Act relating to degradable plastics. Third Reading of the Bill."

Hannig: "Yes, thank you Mr. Speaker, Members of the House. This Bill is based on a recommendation from the National Council State Legislatures, and it's an effort to really address two problems. Number one, to relieve the pressure that we presently have on our limited landfill space and secondly to provide additional markets for our corn products. So what the Bill does is that it provides that the department...Illinois Department of Energy and the Illinois Environmental Agency, Illinois Environmental protection Agency in cooperation with the other shall design and evaluate impact of degradable plastics and shall develop and propose model landfill practices concerning degradable and degradable plastic containers. It also provide that the department shall conduct a survey and a study to promote degradable plastics. It provide that the department shall study the feasibility of new degradable products and lastly it provides as a matter of state

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policy. The Department of Central Management, wherever possible and...when a competitive cost would provide that we buy a recycled products. Basically what we're trying to do is provide and collect data to determine whether or not it's really feasible and how best to go about providing a method where we can use recycable plastics bags in the State of Illinois. Obviously the advantage of this process would be that if we use degradable plastic bags they would be using a corn starch based type of plastic. This would provide an additional market for Illinois corn and on the other hand we would provide for degradable product to be put in our landfills and hopefully extend the life of our existing landfill. That's really the thrust of the Bill, very briefly, I think it's a small step forward and where we want to be going with landfill legislation this year. I'd be happy to ask...answer any questions and would ask for a 'yes' vote."

Speaker Young: "The Gentleman has moved for the passage of House Bill 1339. On that question is there any discussion? The Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill. I think it's a good idea, we're very concerned about our landfill space and providing a new market for our corn products in Illinois. Degradability is a new high tech aspect of dealing with some of the land...or some of the waste that we have to contend with in our landfills. Bio-degradable plastics has just come on the market in the last few years. We did pass some substantial legislation last year to mandate that compost, shall accept landscape waste in bio-degradable bags. I believe this is credible, I also believe that paper is bio-degradable, but I think that this...this legislation has credence because there seems to

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be a nation wide trend to discourage the use or the essence of degradable degradability in plastics. Archer Daniels Midlands a large organi...a large corporation in Decatur has spent millions and millions of dollars on this technology. In a recent Time Magazine article, the plastics industry is looking at recycling, well that's all and great and fine but we don't want the plastic industry to say to the degradable of plastics as far as corn starch is concern, is that recycling plastics is the only aspect as far as handling landfill problems. This is a good Act because it study serious questions and serious problems and I'd urge an 'aye' vote."

Speaker Young: "Further discussion? Representative Hannig to close."

Hannig: "Yes, just very briefly, Mr. Speaker, this Bill would provide that Illinois would be on the cutting edge of this new recycling technology, we hope that it could provide an additional market for the Illinois corn that we grow, it certainly could be helpful for our landfills, I believe it's a good proposal and I ask that you vote 'yes'."

Speaker Young: "The question is, 'Shall House Bill 1339 pass?' 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? Mr. Clerk take the record. On this question there are 107 voting 'yes', 3 voting 'no', none voting 'present.' This Bill having received the required Constitutional Majority is hereby declared passed. House Bill 1370, Representative Phelps. Mr. Clerk read the Bill."

Clerk O'Brien: "House Bill 1370, a Bill for an Act to amend the Fish Code. Third Reading of the Bill."

Speaker Young: "Representative Phelps."

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

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House, House Bill 1370 allows owners of private ponds to stop the White Amur diploied carp. Has been utilized and desired to use in order to be able to control the allergy problems that harass our private pond and lake owners in all throughout the state. Appreciate your favarable support."

Speaker Young: "The Gentleman moves for passage of House Bill 1370. And on that question is there any discussion? The Gentleman from Vermilion, Representatiave Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor of this big questionable Bill yield?"

Speaker Young: "Indicates he will yield for a question."

Black: "Well, thank you. Representative what's the difference between a...how'd you pronounce that a diploid carp?"

Phelps: "Yes."

Black: "What's the difference between a diploid carp and a triploid carp?"

Phelps: "One has, one more chromosome than the other one."

Black: "Well, in fact it's not the triploid carp a sterile...a derivative of the diploid carp?"

Phelps: "The triploid carp is sterile species, however, when the diploid carp was introduced several decades ago in the experimental state in the State of Arkansas, it was also found not to reproduce in still waters such as our lakes and ponds, and therefore it was introduced in our country because of those reasons. It was believed and still is that it cannot reproduce...in still waters, it would take quite turbulent waters like it is in Asia...China."

Black: "Alright, thank you, let me ask you another question. Why would you imagine that the Department of Conservation and the State Natural History Survey is opposed to this Bill?"

Phelps: "What I've been able to gather, is that they're concern would be that they would be over populated possibly in

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certain ponds and lakes and private owners in our area and possibly the question has been raised whether they would get in our lakes and streams throughout the system. So, that's...that's a caution naturally. But I believe they can be controlled if we had some communication between our Department of Conservation Energy and Resources between those and the fish...farm owners and those kind of people that have not had any communication whatsoever and therefore they're getting them from other states and under illegal aspects."

Black: "Well, thank you very much Representative. Mr. Speaker to the Bill, Members of the House. Obviously the Representative's purpose in this Bill is to enable a private pond owner to stock grass carp to control allergy and plant growth in that private pond. And you know if it were indeed private I guess I wouldn't have any problem with it, neither would the Department of Conservation, perhaps, but let's face it, most privately owned waters either temporarily at high water or through it's discharge is going to make certain that this reproducible species of carp will be released into Illinois waters. Now I think all of us in this chamber are aware that when we import a fish or a plant not indigenous to our state, we take somewhat of a risk. I think all of you that have traveled on your way to Florida has seen the plant kudzu which is literally taking over some of our southern states. You go down into Florida where they have a particular species of catfish which is crowding out the more desirable species of sport fish. I think you can go on and on and on about how the introduction of a...plant or organism not indigenous to our waters or our areas, is very very detrimental to the environment of this state. Now Ladies and Gentlemen, I...I would simply ask your indulgence in this, the Department of

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Conservation is opposed, the Natural History Survey strongly recommends against the release of this, or any other imported species into your state waters. I...I reluctantly rise in opposition to the Gentleman's Bill. If you'll take a look at this, any time we attempt to play mother nature we end up on the wrong side of the issue. I would urge that you'd cast a 'no' vote on House Bill 1370."

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

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I also rise in opposition to this Bill. The diploid and the triploid carp are being used at this time to control wheat populations in the lakes of other states around us. But one of the things that other states have that we...or that I should say we have and they don't have is a natural glacial lakes. Natural glacial lakes are those that are formed throughout the northern part of Illinois as the glaciers were treated, they dug out lakes and filled them with fresh water and they have types of plant life in those lakes that would become extinct if you were to put the diploid or the triploid carp into them. Currently the Department of Conservation is undergoing a study program to see that at some point along the line whether or not either the diploid or the triploid carp maybe used but that study program has not been concluded. What your facing here is a russian roulette game in which if you put these carps into ponds and they get out of the ponds and into our natural glacial lakes that you can end up destroying the glacial lakes which God created millions and millions of years ago. I don't think that's something we want to do at this point until further study proves that putting these carp into the ponds of the state are worthwhile. So I'd say today is a good day to vote 'no' on

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this, let's come back and reconsider the issue in four to six years when we have definitive information on the long range impact of this Bill."

Speaker Young: "Further discussion? The Gentleman from Cook, Representative Shaw."

Shaw: "Mr. Speaker, I move the previous question."

Speaker Young: "The Gentleman has moved the previous question. And the question is, 'Shall the previous question be put?' All those in favor say 'aye', those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and Representative Phelps to close."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I just ask that we offer at least farmers that have ponds and lakes that would like to control their vegetation like I said, their experimentation has noted that this fish does not reproduce in still waters. And in answer to the question of the previous speaker, Missouri and other states do allow the diploid carp, and I don't understand how we can isolate that their streams do not flow into our streams and rivers, so, I don't understand how one state isolates movement of desirable and non-desirable species. Appreciate your favorable support."

Speaker Young: "The question is, 'Shall House Bill 1370 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is now open. Representative McAuliffe, one minute to explain his vote. Representative Tate, one minute to explain your vote. Representative Robert Olson, one minute to explain his vote."

Olson, R.: "Thank you, thank you, Mr. Speaker. As recently as three weeks ago, I purchased triploid carp, they are legal in this state, diploid are not. The difference is, triploid will not reproduce, period. Diploid does under certain conditions. These fish eat allergy, grass, and

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weeds and you only stock them in your ponds to about four to six fish per acre. They are voracious eaters, they will eat not only...clean the algae and the weeds out of your ponds if you have a log hanging branch over the pond and you have those carp in there, they'll eat the branch and the leaves off that tree. We do not need these fish in Illinois. They could escape..."

Speaker Young: "Finish your remarks."

Olson, R.: "We do not need these fish in Illinois they will escape the farm ponds and such and will get into our streams. They will be very detrimental to other fishes and they will take too much food. A 'no' vote is a proper vote."

Speaker Young: "Representative Wennlund. One minute to explain your vote."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I want to point out the Department of Conservation has already pointed out that there already is a problem with diploid carp in the waters and streams in Illinois. All you hunters, these diploid carp will destroy the types of plants that waterfowl feed on. This is a bad Bill, we don't need these types of carp in Illinois. They'll virtually strip all public waters of any vegetation whatsoever. They do not belong, the triploid carp accomplished the very same purpose. Thank you. 'No' vote."

Speaker Young: "Representative Black, for what purpose do you seek recognition?"

Black: "Well, Thank you, Mr. Speaker, an inquiry of the Chair. Did you start a Roll Call and dump it? What happened here?"

Speaker Young: "The Clerk inadvertently opened the roll before the Representative had time to close so I instructed the

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Roll Call to be..."

Black: "So, the Clerk isn't following your direction? I think he should be properly chastised and I'm sure that he is. Thank you."

Speaker Young: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. This Bill having received 41 voting 'yes' 65 voting 'no', 6 voting 'present', and the Bill fails. We'll now proceed to page 31 of the Calendar under the Order of Mental Health. House Bill 69, Representative McGann. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 69, a Bill for an Act to establish a Bill of Rights persons with developmental disabilities. Third Reading of the Bill."

Speaker Young: "Representative McGann?"

McGann: "Thank....excuse me..."

Speaker Young: "Representative Black, for what purpose do you seek recognition?"

Black: "An inquiry of the Chair if I might, Mr. Speaker. We were going down the list on environmental issues now all of a sudden we're on a different Order of Call. Did you...I don't understand why we did that, could you enlighten me? I mean we were making some progress on the environmental issues that are very important to the state, now all of a sudden we're on a...new...new Order of Business."

Speaker Young: "Right, Representative, we're on the Order of Mental Health, Third Reading."

Black: "So we just decided to leave the other Order?"

Speaker Young: "The Chair has a right to change the Order of Business."

Black: "...Thank you very much."

Speaker Young: "Representative Hallock."

Hallock: "Well thank you, Mr. Speaker, I think we acknowledge

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that right, because you've shown it by having done it before. But could tell us where you're gonna go next and so we have some idea? You know...we have Members here on this side of the aisle who obviously want to have their Bills called and if they can make sure that they know the Order of Business they can know what Bills to be called next and when to be here."

Speaker Young: "We intend to finish this Order, and at the completion of this Order we will let you know what the next Order of Business will be."

Hallock: "Well, that says it all, thank you very much."

Speaker Young: "Representative Stephens?"

Stephens: "Well, which Order were we going to next, do you know?"

Speaker Young: "We are on the Order of Mental Health, Third Reading. And when we finish that Order we will let you know what the next Order of Business will be."

Stephens: "...And after that? So after we finish this Order...then you'll notify us of which order we'll be on when we get to that Order that we'll be on next, is that right?"

Speaker Young: "That's correct, that's correct."

Stephens: "That's what I thought you said."

Speaker Young: "Representative McGann on House Bill 69."

McGann: "Thank you, Mr. Speaker, Members of the Assembly. We have before us today, a group of...committee structured Bills for your approval. At the start of this 86th General Assembly, Speaker Madigan created the Select Committee on Mental Health..."

Speaker Young: "Excuse me Representative McGann. Representative Tate, for what purpose do you seek recognition?"

Tate: "Thank you, Speaker we're not trying to hold up the show, but...just...if we could just have five minutes to take this Bill out of the record, and we'll get to it....Would

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that be alright with the Sponsor?"

Speaker Young: "For what purpose are asking the Sponsor?"

Tate: "Just five minutes."

Speaker Young: "Is this a point of Order, Representative Tate?"

Tate: "Yes."

Speaker Young: "What point are you making?"

Tate: "We'd just like to ask the Speaker...the Sponsor to take it out of the record for just a few minutes."

Speaker Young: "Representative McCracken."

McCracken: "Yes, if we could just have the...Bill out of the record for just a few moments?"

Speaker Young: "Okay."

McCracken: "It is not a point of Order, it's just a request for some consideration if you could do that for us. We switched to the Order of Business unexpectedly. We just want to be prepared."

Speaker Young: "Representative McGann."

McGann: "Mr. Speaker...We'll take it out of the record for five minutes."

Speaker Young: "Okay. Take this Bill out of the record, Mr. Clerk. We will now go to the Order of Government Administration, Third Reading. House Bill 40, Representative Bowman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 40, a Bill for an Act relating to State Finances. Third Reading of the Bill."

Speaker Young: "Representative Bowman."

Bowman: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. We've debated this issue over and over and over again. I think everyone understands precisely what the issue is. If you want your local governments to receive the sales tax revenue that the state had previously been collecting, prior to enactment of the Sales Tax Reform Bill...and you want them to receive it on a on...regular

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basis without annual appropriation then vote for this Bill. If you don't, then vote against it. But, this Bill is very important because if it doesn't pass...there is no other legislation pending which will provide a mechanism whereby local governments can get any portion of the sales tax revenues collected by the state on their behalf, unless it goes through an annual appropriation. So in behalf of local governments throughout the State of Illinois, I urge an 'aye' vote on this Bill."

Speaker Young: "The Gentleman has moved for the passage of House Bill 40, and on that question the Gentleman from DuPage, Representative McCracken."

McCracken: "I certainly don't rise up in support of this Bill. Because it sets into concrete...an Act taken in the closing hours of the last Session. And this Bill is not on behalf of the municipalities, if it were on behalf of the municipalities, all of the local taxes collected by the state would have been returned by a continuing appropriation. I don't know if the press cares but, if you're listening, or you want to get the lay of the land politically, I can tell you that this is a half a loaf, that the municipalities feel they must accept because they have no choice. This is not for the municipalities. This essentially settles the whole issue of the continuing versus the annual appropriation, as it relates to municipal funds. And for all of those funds enacted newly by the Tax Reform Act of last year, the Sales Tax Reform Act...this continues at...an annual appropriation requirement for all of those new taxes. So, it's half a loaf. It isn't something the municipalities asked for, because they didn't ask to have any of these taxes taken away and placed on an annual appropriation in the first place. But, apparently there are enough Democrats there to pass the Bill. So

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unless it prevails only by about 60, and I can verify a few off, it'll probably pass."

Speaker Young: "Further discussion? The Gentleman from Madison, Representative McPike."

McPike: "Thank you Mr. Speaker, and Ladies and Gentlemen of the House. Well this is a little more than a half a loaf, as the previous speaker indicated. It's 95 percent of the loaf as Representative Bowman has just indicated. Municipal governments under previous law received about one point four billion dollars. Representative Bowman's Bill, will provide by a continuing appropriation, that they will receive that one point four billion dollars. We met with the Municipal League...could I have some attention please? We met with the Municipal League in the Veto Session, and we met with the Municipal League in early January. My first question to the Municipal League, was whether or not they wanted all three new taxes in a continuing appropriation? That response to me at that time was that they had not thought about all three of the new taxes. They were only concerned about the replacement tax. They had not thought about what we should do with the photo processing tax, nor had they thought about what we should do with the new Use Tax. I asked them at that time if it would be acceptable to them, to pass a Bill that would only deal with the replacement portion, that is 95 percent of the total amount of money or one hundred percent of what they had been receiving previously. The answer from the Municipal League was yes. That would be absolutely acceptable to them. That is what they were looking for. And when they informed the Republican Leadership of that in January, the Republican Leadership told them, 'no, we can make a political issue of this, even though your satisfied with receiving one hundred percent of what you had in the

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past, even though that represents one point four billion dollars.' I think we can make a political issue of this, and require the new 80 million dollars in a continuing appropriation. Even though the 80 million dollars, 30 million dollars doesn't go to local governments. It goes for debt service, it goes to EPA, it's a state agency. Now we have a position that we should have continuing appropriations, not just the units of local government, but now we have a proposition, that we should have continuing appropriations to state agencies. Now the only difference, if you don't understand between our regular appropriation process, and a continuing appropriation is this, the agency never comes before the Appropriations Committee. That's the only difference. The difference is that, we don't review state appropriations. So, the whole fuss of this is whether or not the General Assembly, the Legislative Branch of government should have the right under the Constitution to review appropriations. I maintain we should. I think we should review appropriations that go to state agencies. Do you want to make a political issue of this and say no, we shouldn't review anything anymore. Whatever money we collect, we should just give it to various agencies on a continuing appropriation, and tell them why by bother to come before the General Assembly? Why sit there in front of us, and answer our questions? Do what you want, we don't care. We're not the watch dog anymore. Don't come before us...in the committee, don't come before on the House floor. Just take it as a continuing appropriation. Representative Bowman and others feel...Representative Mays, felt that part of this should be by a continuing appropriation, and I made that offer to the Municipal League. The Municipal League thought it was a good offer, they agreed with it. Republican Leadership said, 'no lets

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make this a political issue', and so here we are today. I presume that as I rose last November, and objected to having continuing Appropriations. I said 'why', I stated my philosophic position on that, I thought it was wrong. I made no big deal out of it, and think I got three or four 'no' votes. It's apparent this General Assembly thinks that some appropriations should not be appropriated. And so we have Woody Bowman's Bill here today, to continue that process. I think the Republican Amendment that was defeated last week, was defeated correctly, and I presume this Bill today will pass."

Speaker Young: "Further discussion? The Gentleman from DuPage, Leader Daniels."

Daniels: "The difference between the two of us Representative, is that you want to take away their continuing appropriation as you have done. We want to leave it the same. You want to increase taxes, that's what you did last week, that's what you're on record as doing."

Speaker Young: "Further discussion? The Gentleman from Winnebago, Representative Hallock."

Hallock: "Thank you, Mr. Speaker, Members of the House. I guess this is the kind of Bill, we really can really summarize very succinctly, and say that this may point out the difference between our parties. Those who are gonna vote 'yes' on this, we don't care as much about local government. Those who vote 'no', do. We're saying on this side of the aisle, and have said all along, that we have an obligation to local government, it's been on the books for many, many years. By voting for this Bill, you're in essence saying that the money passes right on through here, down to them, only after appropriations by this General Assembly. We have an obligation to keep that money going without strings being attached to it in certain cases."

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That's been the law before, it should be the law now. Vote 'no'."

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

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. While certainly this Bill is better than the way the Bill was originally passed, without any continuing appropriation, I believe that the Republican position is very justifiable, and one that we can sustain, and that the Bill would be even better if we had continuing appropriation for all of the money that's going back to the local governments. We all know that there are times when you can play games with the appropriation process. We shouldn't do that with our local governments. This is money they count on for their bond issues, for the payment of their other debt services, and for their programs back home. And they ought to be able to count on it, without having to come down here, and justify it each year. The other thing that raises a question in my mind, if I understand correctly the Tax Bill, which was passed by the Democrats just last week, does provide for continuing appropriation, for that money which goes to units of local government. Isn't there an inconsistency there? Let's be consistent. Let's take this Bill back to Second, put the continuing Appropriation on, for all the money going to local government. I can't believe that the Majoritiy Leader is against that, cause I think he voted for the Bill last week with the Continuant Appropriation in it, and I would ask for 'no' votes on this."

Speaker Young: "The Lady from Cook, Representative Parcells."

Parcells: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I was the one that had that Amendment last week, because I was trying to put Representative Bowman's Bill

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back where it was when I was a Cosponsor with him. When we discussed that Bill he wanted it to be a continuing appropriation and then through pressure, he made it a second hand piece of legislation, which is what it is now. But, at the time that he originally drafted this Bill, before it was amended differently, he did have that continuing appropriation. This...the original Bill last year was embraced by the municipalities they, that thought it was fine, because they were told that they would be getting a continuing appropriation. They were giving up some of their home rule powers abilities to tax, and they said, that's fine because we'll have this additional funding. Now they may have embraced it anyway, if they knew it was going to be appropriated rather than a continuing appropriation. But they didn't know it, we didn't know it, nobody picked it up till the eleventh hour, and that's the thing that's bad about this. It's not a matter of whether or not it should be appropriated, it's the matter of the fact that it was done secretly, and at the last moment, at the eleventh hour, this was put on. And it disappointed everybody on our side of the aisle, and all this municipalities who had never been told anything about this previously. I agree with the previous speaker also, that the 363 million dollars that was voted on last week is going back by continuing appropriation. So to say that we are not willing to review these appropriations is ridiculous. We're only going to review 85 million but, we're going to let 363 go by, and not review it. So that...that doesn't hold water. I would ask those on this side of the aisle regrettably to vote 'no', because this Bill is not in its original form, and it's not as good as it was originally, and I hope you will vote 'no' on House Bill 40."

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Speaker Young: "Representative Bowman to close."

Bowman: "Well it's either this Bill or nothing. I urge an 'aye' vote."

Speaker Young: "The question is, 'Shall House Bill 40 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is now open. This is final passage. Representative Lang, do you wish to explain your vote? 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 71 voting 'yes', 38 voting 'no', 6 voting 'present'. This Bill having received the required Constitutional Majority, is hereby declared passed. We will now go to the Order of Mental Health, Third Reading. The first Bill on that Order is House Bill 69, Representative McGann. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 69, a Bill for an Act to establish a Bill of Rights for persons with developmental disabilities. Third Reading of the Bill."

Speaker Young: "Representative McGann."

McGann: "Thank you, Mr. Speaker and Members of the Assembly. Before we start to go through these committee structured Bills I would like to give you just a short background. At the start of this 86th General Assembly, Speaker Madigan created the Select Committee on Mental Health. I am sure he did so after viewing the long testimony taken at Special Committees and sub-committees for the last few years which addressed the needs of the mentally disabled in our state. This Select Committee comprised of Members: Representatives Granberg, Krska, Lang and Morrow, and Representative Hallock, Hultgren, Bob Olson, Minority Spokesperson, Representative Black, Vice Chairperson Representative Martinez and myself, concerned and committed to serving to their best the mentally ill and disabled throughout our

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areas. Discussions took place as to the best direction we should take...and it was decided that committee structured legislation would send to the Governor a package of Bills...addressing those concerns. All Members, upon appearing before the committee, were informed of the direction we were taking. All appearing agreed except one, and I will now go to the structured Bills, first one being House Bill 69. It creates the Bill of Rights of person's with developmental disability, also creates the Home Base Support Services Law for Mentally Disabled Adults and Family Assistance Law for mentally disabled children. These adults and the family assistance initiatives addresses critical needs of the mentally disabled here in Illinois. Unfortunately, the legislation is in so much jeopardy because of repeated distortions of the fiscal impact of the legislation by the Department of Mental Health and Developmental Disabilities. The Department recently submitted a fiscal note that claims that the administrative cost to establish the implementation plan of the Bill of Rights with developmental disabilities would be 75 thousand, and the cost of the new Home Based Support Services and Family Assistance Law for mentally disabled adults and children, would be 164 million to the extent such amounts are appropriated. But, the one thing they did forget is the fact that this is just a study, the first part of House Bill 69 is a study, and this Bill went through this Assembly and through the Senate by many majority votes over the last couple of years and was vetoed by the Governor, for the same misinformation that is probably being put before your minds today. When I introduced this House Bill 69, my purpose was to begin the process of developing the Bill of Rights once again for these disabled. These people are our fellow citizens and

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their needs and rights have been ignored far too long. You would think this goal would be shared by the Department and all the agencies who's job it is to be advocates for Illinois citizens. When I read their analysis I thought I'd picked up the wrong piece of paper. It is unfortunately that these distortions took place, I want to inform you, without going into much long dissertation. But this Bill takes care of the needs of a study for...the developmental rights, it also goes on to take care of the needs that were addressed by Representative Daniels in his independent living which is so important for the state. I ask you to please give me the support you've given me in the past years, and let's send a true message out of this House that we are caring for our developmentally disabled in this state. I'd ask for an 'aye' vote and I'll...answer any questions that may come forth."

Speaker Young: "The Gentleman has moved for the passage of House Bill 69 and on that question, the Gentleman from Dupage, Leader Daniels."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I rise with a sense of reservation and reluctance to support the Gentleman's motion for the passage of House Bill 69. House Bill 69 is really two Bills, it is Representative McGann's Bill to create an Advisory Committee to draft a Bill of Rights for persons with developmental disabilities, and it is my Bill to create a Home Base Support Services and Family Assistance Program for persons with severe autism, severe mental illness, severe or profound mental retardation and severe and multiple impairments. I have supported Representative McGann's Bill in past Sessions, in fact, his legislation has twice reached the Governor's desk and twice been vetoed by the Governor. Representative McGann's intention is noble, his concern I believe, is

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sincere, and his perseverance admirable, however his approach is fraught with danger, amply addressed by the Governor in his two previous veto messages. Succinctly, we must understand that to create a define list of rights is to create an obligation on the part of the state to insure those rights are always fulfilled. This is the third Session this Bill has been introduced in its current form. That means that for three years we've been asked to approve the creation of a committee to draft these rights. Never has the Sponsor presented us with a Bill of Rights so that we can measure its impact, assess it's potential cost, or determine how it relates to the large body of law which fills the statute books. What we are asked to do, in effect, is to approve a concept, while we hold our breath to see what this committee will produce. Those who would attempted to estimate the potential cost of Representative McGann's Bill, said it will cost upwards of six billion dollars. The legislation I had proposed to create a Home Base Support Services and Family Assistance Act is incorporated and rolled into this piece of legislation. There are already 20 states throughout the nation who have programs to assist the developmentally disabled, live at home. I said and I emphasize, live at home, live at home, three simple words that means so much, live at home. No one absolutely no one, should be denied the right of the love, the comfort, the security, the peace that comes from living at home. We don't need a medical degree to know that living at home is a powerful curative. The love and security embedded in one's home cannot be duplicated no matter how hard we try in another setting. The adults who would receive services under this program would have a community support team available to them and case management services available as well. The amount of

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services for each person would be determined by formulating a service plan which addresses that individual's unique needs. The Home Based Services would be provided through a community base providers designated by the Department of Mental Health and Developmentally Disabled. The access to Home Base Services and Family Assistance will be subject to available resources and will be made available through local screening and assessment units and community support teams. The Home Base Services Family Assistance portion of this Bill would be implemented, uniformly, statewide, over a five year period. A phased in implementation is recommended because of the magnitude of the task, the complexity of the undertaking, and frankly its cost. The cost of implementation over the five years would be as estimated to be 90 to 100 million dollars. This cost is small in comparison to the alternatives, not only that, but who among us can put a price on living at home? Living at home saves money of course, more importantly, living at home means that the quality of life for many children...reach its highest potential and will reach its highest potential. In closing, I intend to support this Bill. I am sorry the committee, led by Representative McGann, chose to put two important concepts in the same Bill. Frankly, I believe including the Home Base Support Services and Family Assistance Act in the Bill to create the Bill of Rights is a doomed strategy. It is not realistic to assume that the Governor will approve this Bill because these two ideas are combined and Mr. McGann's Bill has been vetoed twice before with an estimated cost by the Department of Mental Health ranging upwards, up to six billion dollars. Having already been vetoed twice, the Bill of Rights will drag anything attached to it, whatever its merits, down with it. For that reason, I did not seek

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to combine these Bills. There is no obvious merit in killing an affordable approach in search of strategy to get the Governor to sign a Bill, he has called a cruel hoax in the past. Our choice now is simple, support the passage of House Bill 69 and hope we can improve the Bills change for success by addressing its substantive content as the process continues. I will vote 'aye' and hope the Senate gives my Bill 555 the home support legislation, its own identity, and free from certain doom under this current doom strategy adopted by...the Sponsor. Thank you."

Speaker Young: "The Gentleman from Vermilion, Representative Black. Representative Giglio in the Chair."

Black: "Well, thank you very much, Mr. Speaker, will the Sponsor yield for a question? Thank you...Representative, can you...can you tell me if any state, currently...has the Bill of Rights for the Developmentally Disabled in effect?"

McGann: "Yes, the state of Iowa has completed its process in this area and that is one of the reasons that we have come forward with this legislation along with the Governor's Task Force on the mentally handicapped, it was their prime recommendation."

Black: "Are you aware of any difficulties the State of Iowa is having trying to fund the Bill of Rights?... Are they having difficulty or...am I mistaken?"

McGann: "Whatever difficulty they had was handled through the same legislative process that we go through and has rectified any problems regards to funding or whatever."

Black: "...Thank you very much Representative, and Mr. Speaker, Members of the House, to the Bill. You know...as Minority Leader Daniels has said, 'these are two very important concepts, concepts that most everybody on this floor in the past have voted for when they were separate issues. You know there are sometimes down here that I think the process

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is almost as important as the product. I didn't say it's as important, but I think there are times when the process is an important ingredient in what the product is that you're asked to vote on. Let me just share with you that while...the Chairman of this committee is a very well intentioned and honorable man, by collapsing Bills in this fashion, we sometimes make it difficult for people who travel here to testify on a particular...Bill to do so in a fashion that they expected to be able to so testify. On House Bill 555 we indeed had some people down from the Chicago and suburban area to testify on this Bill, and not all of them got a full opportunity to let their views be known on that very important concept. And these are the people who I think understand, more than anyone in this chamber...that those with severely...the severely disabled, those with severe mental illness need the underlying legislative initiatives that are embodied in House Bill 555. And they couldn't wait around until we got done with our business. And the Chairman was very kind, he did go back and after our business was complete ask those who had not had a chance to testify to do so. But because of the very stress and strain...that that this illness presents to these families, many of them had to leave. They simply cannot be away from home for an extended period of time. So, I guess I rise simply to say that hopefully in the future we can address important legislative issues on their own merits and make sure that every issue gets a full and fair hearing in committee and then survive the process in this chamber on their own merits. Again as the Minority Leader have said has...said, it's an important Bill here, but it embodies some underlying legislative initiatives that were in two separate Bills and now they're in one Bill. I would hope that whatever happens to the final

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product that we can move on and address the very real needs that are out there, Mr. Speaker."

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

Hallock: "Thank you, Mr. Speaker, and Members of the House, I think for like many of us on this side of the aisle, it's a very difficult situation we have here. On the one hand of this Bill, we have a Bill which is Sponsored by Leader Lee Daniels for the Home Health Services which is a tremendous idea, one who's I think time has come and surely something we should do this year. On the other hand, we have combined with it, Mr. McGann's Bill which would cost, according to estimates from the Governor's office, six point nine billion dollars per year. Now that of course is once it's implemented, and we all know how this process works here. We start it one year and implement the next, so unfortunately we have a predicament; we can't vote for the Bill as it is, even though it does have in fact, Representative Daniels products in here, which I think make a lot of sense. Overall their price tag on this Bill could be in the billions and that's something all of us have to take cognizant of. If this Bill in fact passes the General Assembly, the next year or the year after, we're gonna have to face facts and...that...those facts are, the moneys not there to fund this. I think the ideas are sound the ideas are good, the ideas are ones we've all talked about from time to time, but right now the money's not there. We can't afford the billing's this Bill will cost. I urge a 'no vote.'"

Speaker Giglio: "Further discussion? Hearing none, Representative McGann to close."

McGann: "Thank you, Mr. Speaker and Members of the Assembly. I just cannot believe what I am hearing this afternoon. Let

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me share with you a couple of points that the previous speakers made. Let's talk about the Governor's message in his veto last year, when he said it would be a ruse upon the people that's in need for this Bill of Rights. Let me share also with you the year before when one of the individuals across the aisle brought four Bills before my sub-committee and he pleaded and he said, 'I have to get these Bills out they're for the best for our people.' The Governor didn't call it a ruse then when he signed the Bills but never funded them. Think about it, he never funded those Bills. This budget year now they are partially, partially being funded. Our Bill costs no money, our Bill is getting the needs of the people addressed and their rights just like everyone else wants their rights in this state. Let me also mention to you, that this proposed Bill of Rights is actually embodying the needs that have been set forth by the federal government in...87 that we have to comply with. So they're embodied in this area. So, we need to do the job in order to be able to spend the dollars properly. Further, there's not any part of this Bill except the part of the House Bill 555 which is embodied in it...that's asking for millions of dollars, and don't get off on the kick about the billions, my fellow colleagues, because we have before us an Economic and Fiscal Commission that says that it's unbelievable that the department could up with such exaggerated figures, unbelievable, and this is true, the facts are here. I've shared with you in letters to my colleagues about the situation. Let's not be fooled, let's not place a ruse upon the people, let's try and help them, and the only way we can help them is to send this Bill out of this House, send it out of the Senate intact, and put it before the Governor and ask the Governor to help us. One final point,

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just about a week or so ago, a colleague of mine on the other side of the aisle said, 'the Governor told me he will not sign this piece of legislation. I know he's not going to sign it' he said, but yet in the paper the other day...in regards to another matter the Governor says, I never make the decision on a package of Bills until they're on my desk. I believe the Governor, I believe he'll take a close look at these Bills this year. I ask an 'aye' vote for House Bill 69, a structured Bill from the committee and the committee is proud to put it before you. Thank you."

Speaker Giglio: "Question is, 'Shall House Bill 69 pass?' All those in favor signify by voting 'aye', all those opposed vote 'no'. 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 81 voting 'yes', 22 voting 'no', 7 voting 'present', and...Representative Terzich 'aye', anybody else? Representative Ropp 'aye', Capparelli, Representative Hensel 'aye', Goforth 'aye', Deuchler 'aye', Barger 'aye', anybody else? Hultgren 'aye'. Have all voted? On this question, there are now 89 voting 'yes', 17 voting 'no', and 6 voting 'present', and House Bill 69 having received the required Constitutional Majority, is hereby declared passed. House Bill 1025, Representative McGann."

Clerk Leone: "House Bill 1025, a Bill for an Act to amend certain Act in relationship to mental health and developmental disabilities. Third Reading of the Bill."

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

McGann: "Thank you, Mr. Speaker, with leave of the House, I'd ask you to return House Bill 1025 for the purpose of...Amendment...return it to Second Reading for the purpose of an Amendment, and at that time I would ask Representative Bowman...this is a Committee Bill and I'd

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like to have Representative Bowman speak on House Bill 1025."

Speaker Giglio: "You heard the Gentlemen's Motion. All those in favor say 'aye', those opposed 'nay', in the opinion of the Chair the 'ayes' have it, the Bills brought back to Second Reading for the purpose of an Amendment. Mr. Clerk, read the Bill."

Clerk Leone: "Amendment #4 is being offered by Representative Bowman, it amends House Bill 1025 as amended."

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

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, first I ask leave to table Amendment #2 so that the subsequent Amendment will be in order."

Speaker Giglio: "Amendment #2 is tabled. Are there further Amendments? Floor Amendment #4 is now being offered by Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, Amendment #4 builds on the material that was in Amendment 2, includes all of that material, plus some additional material. In particular, it implements recommendations of protection advocacy agency designated by the Governor under Federal Law in relation to the protection and advocacy of the rights of the developmentally disabled and mentally ill. It makes several changes recommended by the House Minority Staff based on comments of the Department of Mental Health and Developmental Disabilities and the co-Chairs of the Special Committee on Patient Care. It makes a number...of changes in this regard, so I think rather than reading through them which is a rather lengthy list, I simply veil myself make myself...available for questions. Mr. Speaker, I think we're ready to proceed on the Amendment."

Speaker Giglio: "Any discussion on the Amendment? The Gentleman

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from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, will the Gentleman yield?"

Speaker Giglio: "He indicates he will."

Mautino: "Representative Bowman, does your Amendment provide that the ongoing investigations as it pertains to residence of mental health facilities be provided other agencies, did I hear you say advocacy?"

Bowman: "Well, in this legislation we reestablish the old office of Inspector General as a free standing agency, similar I might add, to House Bill 1745 sponsored by Representative Mays...which passed this Assembly almost unanimously last week."

Mautino: "Well what type of information is going to be provided those other commissions or agencies?"

Bowman: "Wait...what...would you repeat the question? I'm not sure I heard the whole thing."

Mautino: "Well, I don't have your Amendment in front of me, you said you were going to provide within that Amendment some provisions as it pertains to information to...to I think it was advocacy, guardianship and advocacy and something else. What I'd like to find out since sometimes things are taken out of context, there are some media stories written which are not correct, and by virtue of having that information flow, people are harmed. Now, I would not like to see that occur. Now, if you're going to take those investigations...that are ongoing by the Department and make them public before completion, I find myself in opposition to that...now if that's what you're gonna do. If not, explain to me what type of information is gonna flow that should be held in confidence and not provided to outside entities until completed even if necessary at that point in time."

Bowman: "Well, Representative Mautino...some agencies have

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residence of the...our mental health facilities as clients, and they represent them in a legal sense and they need access. This information...that you're concerned about would not be made available to the general public but only to agencies, certain select agencies of State Government."

Mautino: "My question is, is that information made during the ongoing investigation or upon completion? If it's ongoing then I have a problem with it."

Bowman: "The information that's available is with respect to the reports that are filed with the Office of Inspector General and to any status reports prior to final disposition, but not to the basic...not to the same information that the Inspector General will have access to."

Mautino: "Not to the same information? Then what do we need the Amendment for? My question is, I went through a lot of this when the Dixon Developmental Center was in my district, and I know what kind of problems you're addressing, but I also know that confidentiality must be maintained as well, especially in those investigations."

Bowman: "Well...Representative Mautino, we are not changing the law with respect to the kinds of information that the affected agencies such as P.N.A and G.A.C. have access to now. However, this will...will require that they get access to the results of the investigations."

Mautino: "Can't they get that now? I got a...for example when I was interested in some of those cases we had names blacked out of course, you know."

Bowman: "...But we have...it has been indicated to us that, no, they do not get that information now...even though the law does require that they don't get it. The department has used its discretion in my opinion inappropriately, because the law I think, is pretty clear right now, and we are not changing that law, but...instead of trying to build on it

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to make it clear that they should get the results of the investigation."

Mautino: "Let me get a hold of somebody from the department to see exactly what you're asking for."

Speaker Giglio: "Further discussion? The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, I rise in support of the Gentleman's Amendment. Part of the problem is that we have two agencies, both federal and state mandated agencies, that are supposed to be advocates for the clients in mental health treatment or in institutions for the developmentally disabled. Those safeguards are there, both at the state and federal level as a protection for the client to make sure that they are being adequately represented in any kind of investigatory procedure. If we do not provide information to those agencies they cannot fulfill their appropriate role in being an advocate for the client, and so I think it's very appropriate that we should provide these agencies with a route to having information during the investigation, otherwise, they cannot really fulfill their federal and state mandates to be advocates for the clients. I thoroughly approve of the Gentleman's Amendment."

Speaker Giglio: "Further discussion? Hearing none, Gentleman from Cook, Representative Bowman to close."

Bowman: "Thank you, Ladies and Gentlemen, this is a vote on the Amendment so I think we've had a full debate on that. We can discuss other issues at the time of final passage so I just urge an affirmative vote."

Speaker Giglio: "All those in favor of the Amendment say 'aye', those opposed 'nay', in the opinion of the Chair the 'ayes' have it, the Amendment's adopted. Are there further Amendments?"

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Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. Gentleman now asks leave by the Attendance Roll Call...this Bill be heard immediately. Mr. Clerk, say you have leave, leave is granted, Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1025, a Bill for an Act in relationship for the care and treatment of patients and residence of mental health developmental disability in long term care facilities. Third Reading of the Bill."

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

McGann: "Thank you, Mr. Speaker, Members of the House, this is...the Second Committee Bill. It implements the recommendations of the Special House Committee on Patient Care, the fine work they did in visiting all the institutions, came about as a result of some very terrible situations that occurred, and I'd like to now yield to Representative Bowman to give any technical points on the Bill and also answer questions accordingly."

Speaker Giglio: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As Representative McGann said this legislation is the product of the House Special Committee on patient care. It's a bi-partisan committee, half Democrat, half Republican, one Democratic co-Chair, one Republican co-Chair. We did everything on a bi-partisan basis, every Motion adopted by that committee was adopted unanimously and not one occasion is the committee on record...officially as being divided in any way. The committee visited every one of the 21 residential facilities operated by the State of Illinois. We interviewed everyone of the superintendents, we had numerous hearings, and we are recommending this legislation to you. Basically, there are three areas of concern this

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legislation addresses. One is, the present confused state of reporting...investigating of abuse and neglect cases. There are at the present time, no fewer than six entities that have authority in this area and consequently a lot of cases fall through the cracks. And we want to consolidate and simplify the reporting, make it uniform, we want to put the responsibility very clearly in the hands of...an Office of Inspector General to do the follow up and to manage the follow up. I would remind the Assembly that we did pass another Bill, a Republican Bill, I might add, creating an Office of Inspector General last week, so the work of this committee is consistent with that legislative initiative. Secondly, we want to improve training. We discovered that every facility does its own training. The Department of Mental Health has more employees than any other department in State Government, the turn over is very high. We need to improve training, we need to make it more consistent, more uniform and...more meeting the needs of the...patients themselves. Lastly, we feel that the facilities ought to be given direction in law...their mission ought to be defined. Again is an outgrowth of the autonomy that the facilities enjoy at the present time and we feel that the rights of the patients would be safeguarded by having a more...uniformity in the mission...responsibility of the facilities. There are many other miscellaneous items in this legislation, but those are the main thrusts. I would say with respect in concluding...with respect to the uniformity of reporting, that we want to make it clear that the uniformity...applies primarily to the cases that would be judged to be a... criminal in nature, so if there's any questions I'll be happy to veil myself at this time."

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

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Goforth: "Would the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Goforth: "Representative, as you well know me and you went quite a few of those sides, I think I was at nineteen of them. Do you have a centralized training facility in this Bill?"

Bowman: "No, unfortunately, I would support that, but it is not in this Bill."

Goforth: "Okay. Now, let me ask you something else. On our cost here, we got between 52 and 24 million dollars, estimated cost. What did this Amendment you just got through tacking on here a while ago...does that lower or increase the tax?"

Bowman: "Representative Goforth, number one, there are no specific sites at all mentioned any more."

Goforth: "But the total cost, I'm talking about the total cost."

Bowman: "Okay. okay. Number two, the fiscal note that was filed by the department, please do take a look at it, because almost all of that cost, all but about three million dollars, worth is for a...staffing ratios...which this Bill doesn't address. Now the report of the Special Committee did make some recommendations about staffing ratios, but that is in a different piece of legislation, it's not in this legislation, and therefore, I think that part of the fiscal note is irrelevant. If one looks only at the provisions of this legislation that is mandated, we're talking about a total of two point three million dollars."

Goforth: "Three point two."

Bowman: "I'm sorry two point three."

Goforth: "Okay, well, you know, and I think we all agreed, and I think most of the facilities agreed with us, you know we need more people at these facilities. You know, everyone agreed to that there but I don't understand what you're trying to do here when you're...are you trying to change the ratios, is that what you're doing in this Bill? We was

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6 to 1, I think is what it was. Wasn't that what it was basically? You know we'd run from one facility to the other and they'd be different, but basically overall it was 6 to 1 is that correct or not?"

Bowman: "One point six to one."

Goforth: "Yeah, that's what I meant, yeah. Now does this change that?"

Bowman: "No. This, no, it is still to the discretion of the department, I believe there is other legislation addressing that however, but that is not in this legislation. We have, what we do in this legislation is we indicate guidelines but it is still up to the discretion of the department, and I think the fiscal note was based on various options that the department might wish to employ, but again it is up to the discretion of the department it is not a mandate. That part is not a mandate."

Goforth: "Well bear with me, Representative, cause I beared with you as you well know."

Bowman: "Right."

Goforth: "Basically, what does this do different than what we done and what we heard through those three or four months that we spent our summer on? Would you tell me what this legislation specifically tells the department they've got to do or may do, I don't like this may do stuff, I don't understand why we should pass any Bill out of the House like we did the Smoking Bill a while ago that says you may do this or not, why should we have legislation that says may? If we're gonna pass legislation say either you do it or you don't do it, but basically get back to this, would you tell me what this piece of legislation does different as a result of our three of four months?"

Bowman: "Okay. Number one."

Goforth: "And keep it, keep it...I'm an ol' country boy you know,

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let's keep it with stuff that we can understand."

Bowman: "Oh sure you're an ol' country boy, right? Well number one, it provides that an all new direct cares staff to be trained at least 40 hours within their first six months."

Goforth: "The director staff? Who trains those?"

Bowman: "No, direct care staff."

Goforth: "Oh, direct staff, who trains those?"

Bowman: "Be trained by the department."

Goforth: "Well now, wasn't they doing that before, almost everyone when they come in they put..."

Bowman: "But there was no standardization."

Goforth: "Oh, you're wanting all...all of the facilities to do the same thing statewide?"

Bowman: "That there be...we are providing this legislation a minimum, that if they wish to augment the training in different facilities that's fine but we are establishing a minimum in this."

Goforth: "The minimum statewide? This is they got to do now...this is not...we want them to do, this is a shall do?"

Bowman: "That's right, this is what they shall do and the cost estimate on this is about two point three million."

Goforth: "Okay, thank you go ahead."

Bowman: "The other thing we're doing is we're establishing or re-establishing I should say the Office of Inspector General, in the as a free standing empathy, and by the way, I believe this was done in accordance with your wishes or suggestion so we are doing that and consolidating the follow up on investigations in that office."

Goforth: "...Alright, now then, they don't have to...they don't have to tell three or four different agencies and they call 'em back and they say, 'no we don't want to investigate this here,' this solves that problem?"

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Bowman: "That's right."

Goforth: "Okay, anything else?"

Bowman: "Those are the two. Excuse me just one second...well it standardizes the reporting process. You may remember that was another situation where each facility had its own reporting knowing mechanism, but reporting standards, and so some facilities would report a thousand different instances of abuse and neglect every year and others would report 20 and this standardizes that reporting."

Goforth: "Okay. Thank you, Representative."

Bowman: "We also require pregnancy examinations, remember that was something that was random and if we'd had these examinations in place the tragedy at the Chicago Reed never would have occurred."

Goforth: "Thank you."

Speaker Giglio: "Further discussion? Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you, would the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Ryder: "Representative, there are two fiscal notes, I think one is dated May 16 and then there's a revised fiscal note, is that correct?"

Bowman: "Yes. The department acknowledged an error in the first one, the second ones sub-plans for the first."

Ryder: "Right...and the first ranged from 56 million to 246 and that was a staffing portion is that correct?"

Bowman: "That is correct and that is not a mandate."

Ryder: "Right...what is the second one indicate?"

Bowman: "That simply that that is a range which they themselves selected that I think the second one makes clear that it is not a mandate, that the only mandated cost here are a few million dollars, mostly for training."

Ryder: "Specifically how much?"

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Bowman: "Two point three."

Ryder: "Thank you."

Speaker Giglio: "Further discussion? The Gentleman from Cook, Representative Bowman to close."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This legislation concludes almost a years worth of work by bi-partisan committee. We visited, as I said, everyone of the facilities. We're responding to a terrible tragedy that took place in one of the Chicago facilities and I believe we have a consensus piece of work here. We have addressed training issues, we have addressed investigation and follow up issues. I believe with this legislation in place that we will take a giant step towards protecting those people who cannot defend themselves who are living within state residential facilities. We have no more weighty responsibility, no more solemn duty than that. I urge an 'aye' vote."

Speaker Giglio: "Question is, 'Shall House Bill 1025 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. Gentleman from Dupage, Representative McCracken, do you seek recognition, Sir?"

McCracken: "For a verification."

Speaker Giglio: "On this question there are 62 voting 'yes', 35 voting 'no', and 13 voting 'present'. Representative McCracken asked for varification, Representative McGann asked for a Poll of the Absentees. Mr. Clerk, Poll the absentees."

Clerk Leone: "Poll of those...poll of those not voting: Bugielski. Krska. Novak. Santiago. Shaw and Steczko. No further."

Speaker Giglio: "Representative Shaw."

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Shaw: "Yeah, Mr. Speaker, how am I recorded?"

Speaker Giglio: "Recorded as not voting."

Shaw: "Would you vote me 'aye', please."

Speaker Giglio: "Vote the Gentleman 'aye'. Representative Sieben."

Sieben: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House, a Point of Personal Privilege. I understand it's a custom here in the House to recognize one's seatmate when they have a significant event or occasion in their life and sitting back here is my seatmate is a rose between the thorns, you might notice the beautiful flowers here. Well, Lolita's had a birthday today, but unfortunately, due to the very busy weekend that she's had and activities back in the district, she's been unable to arrange for any cake for Members of the House but she...she has seen fit to provide a handful of popcorn for the Members of the General Assembly so during this verification if you'd like to come back and wish Lolita a happy birthday and share in a handful of her popcorn we'd welcome you to the back row."

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

Didrickson: "Mr. Speaker, I accept those hearty congratulations..."

Speaker Giglio: "Electrician said you're on."

Didrickson: "Mr. Speaker, Members of the House, I accept those hearty birthday congratulations. I would just like to say that I have been referred to in the back row here by my seatmate, Representative Sieben as the mother of the back row. By no means should this birthday be interpreted as a very significant birthday, it's just another year, but I took em at their word back here, they're all on the diet and they all weighed in this morning so I thought popcorn was much healthier than the cake."

Speaker Giglio: "Representative Homer. Gentleman have leave?"

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Representative, how about Representative Lang? Gentleman have leave? Leave is granted. Representative McCracken, you have questions of the affirmative?"

McCracken: "He didn't read anybody, but that's alright, times on our side."

Speaker Giglio: "Representative, Representative DeJaegher have leave?"

McCracken: "Yes."

Speaker Giglio: "Leave is granted. Hartke, what's going on back there?"

McCracken: "Okay, Representative Kulas."

Speaker Giglio: "How's the Gentleman recorded, Mr. Clerk?"

Clerk Leone: "Representative Kulas is recorded as voting 'aye'."

Speaker Giglio: "Is the Gentleman in the chamber? Remove the Gentleman from the Roll Call."

McCracken: "Representative Mautino."

Speaker Giglio: "Representative McCracken, could you hold on a minute I think we've...moved too fast here, the Clerk has got to read the Affirmative Roll Call. Mr. Clerk read, those who are voting in the affirmative."

McCracken: "I'll waive that. We're ready we don't have to do it, I don't care."

Speaker Giglio: "Your're not gonna verify?"

McCracken: "Yes, I'm gonna verify, but you don't have to go through the ritual of reading the names. I'm ready to go."

Speaker Giglio: "Mr. Clerk, read the affirmative."

Clerk Leone: "Poll of the Affirmative: Balanoff, Bowman, Breslin, Brunsvold, Capperelli, Cullerton, Curran."

Speaker Giglio: "A little louder, Mr. Clerk, and take your time."

Clerk Leone: "Currie. Davis. DeJaegher. DeLeo. Dunn. Edley. Farley. Flinn. Flowers. Giglio. Giorgi. Granberg. Hannig. Hartke. Hicks. Homer. Lou Jones. Shirley Jones. Keane. Lang. Laurino. LeFlore. Leverenz.

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Levin. Martinez. Matijevich. Mautino. McGann.
McNamara. McPike. Morrow. Mulcahey. Munizzi. Phelps.
Preston. Regan. Rice. Richmond. Ronan. Saltsman.
Satterthwaite. Shaw. Stern. Sutker. Terzich. Trotter.
Turner. Van Duynes. White. Williams. Wolf. Woolard.
Anthony Young. Wyvetter Younge and Mr. Speaker."

Speaker Giglio: "Representative McCracken."

McCracken: "Now that all the Democrats are back did you take
Representative Kulas off?"

Speaker Giglio: "Representative Kulas in the chamber?"

McCracken: "He's off. Representative Laurino."

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

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

Speaker Giglio: "Remove the Gentleman from the Roll Call."

McCracken: "Representative Dunn. Representative John Dunn. Mr.
Clerk, how's the Gentleman recorded?"

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

Speaker Giglio: "Is the Gentleman in the chamber? Remove the
Gentleman."

McCracken: "Representative DeLeo."

Speaker Giglio: "Representative DeLeo in the chamber?
Representative DeLeo? How's the Gentleman recorded, Mr.
Clerk?"

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

Speaker Giglio: "Remove the Gentleman from the Roll Call."

McCracken: "Representative Richmond."

Speaker Giglio: "Representative Richmond is in his Chair."

McCracken: "Representative Shaw."

Speaker Giglio: "Representative Shaw in the chamber?
Representative Shaw, how's the Gentleman recorded?"

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

Speaker Giglio: "Remove the Gentleman from the Roll Call."

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Representative Cullerton, for what purpose do you seek recognition, Sir?"

Cullerton: "Yes, I believe that Representative Shaw voted orally and therefore cannot be verified off."

Speaker Giglio: "Yes, he did. Restore...restore Representative Shaw."

McCracken: "Representative DeJaegher."

Speaker Giglio: "Representative DeJaegher, he was verified. DeJaegher, Hicks, Lang."

McCracken: "Representative, okay. Representative Lou Jones."

Speaker Giglio: "Representative Lou Jones. Lady's in her seat."

McCracken: "Representative Mautino."

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

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

Speaker Giglio: "Remove the Gentleman from the Roll Call."

McCracken: "Representative Regan."

Speaker Giglio: "Representative Regan, Representative Regan in the chamber? How's the Gentleman recorded?"

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

Speaker Giglio: "Remove the Gentleman from the Roll Call."

McCracken: "Representative Novak."

Speaker Giglio: "Representative Novak. How's the Gentleman recorded?"

McCracken: "Oh, he didn't vote."

Speaker Giglio: "Novak."

McCracken: "He didn't vote. Nothing further."

Clerk Leone: "Gentleman's not recorded as voting."

McCracken: "All done, all done."

Speaker Giglio: "Any further questions? No further questions? Representative Bowman."

Bowman: "Thank you, Mr. Speaker, I'm going to ask...I was seeking

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recognition while Representative McGann was getting to his seat, because I believe he wants to ask for postponed consideration since he is the Bill Sponsor. But I just wanted to express my disappointment here because as co-Chair of this committee I went out of my way to give the Republicans..."

Speaker Giglio: "Excuse my Representative Bowman, Representative McCracken."

Bowman: "I'm not debating this, I'm not debating this."

McCracken: "Well you spoke in debate, if the Gentleman want's it on postponed consideration let him ask, we don't need a speech for that."

Bowman: "Representative McCracken, what is happening here I think is a breech of legislative etiquette."

Speaker Giglio: "...Representative McCracken."

McCracken: "I'm happy to talk to him, but not now. This is...we're in the middle of a Roll Call. I've said I'm done. If the Gentleman wants to ask for postponed consideration let's have him do it. The Gentleman already spoke in debate."

Speaker Giglio: "Restore Representative Mautino to the Roll Call, Mr. Clerk. Representative Mautino's in the chamber."

Bowman: "I am not intending to debate this."

McCracken: "I object, I object."

Bowman: "Recognize me after you put it on postpone."

Speaker Giglio: "Representative Mautino is on the Roll Call."

Bowman: "Well, just recognize me after you put it on postpone...I believe there's been a breech of legislative etiquette and that is what I am trying to address. I am not debating the issue, Sir. I believe, and I ask for your courtesy in letting me state what I believe is a breech."

Speaker Giglio: "Representative Santiago, for what purpose do you seek recognition, Sir?"

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Santiago: "I would like to be recorded a 'yes', 'aye'."

Speaker Giglio: "Pardon? Record Representative Santiago as voting 'aye'. Representative Leverenz, for what purpose do seek recognition, Sir?"

Leverenz: "Mr. Speaker, how am I recorded?"

Speaker Giglio: "How is the Gentleman recorded? Gentleman's recorded as voting 'aye'."

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

Leverenz: "Thank you."

Speaker Giglio: "Voting 'aye'. Representative Matijeich."

Matijeich: "Well, Mr. Speaker, since the other side of the aisle broke into the Roll Call to announce a birthday...I...you did...you did...it was in the middle of a Roll Call, and I thought I ought to tell you that I went over there, I went over there, and...now didn't you do it in the middle of the Roll Call? Ask Loleta's...ask Loleta's seatmate...didn't he do it in the middle of the Roll Call? He did. And since he did it in the middle of the Roll Call, I think I ought to report that I did have some popcorn over there, and I want to tell you...I want to tell you that I felt...I felt real bad for Loleta. I know how it is to get old, Loleta doesn't know, you know Loleta isn't near as old as I am Loleta when you get my age, then you'll know what old is. You're young, and you look young, I didn't even ask you how old you are, but I'm telling you the popcorn was good, I'm going over there to get some more popcorn. Loleta, God Bless you, and have many more happy birthdays."

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

McGann: "Yes...Yes, Mr. Speaker and Members of the Assembly. I did not speak in debate, so I will take that 59 seconds now. It's true that Representative Bowman, Representative Ryder spent many, many months throughout the year attending and addressing a problem that was truly...truly a problem.

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When we see a little baby die without attendance, we see the problems occurring. I think we should be supporting, and don't worry about the cost, because it's truly wrong about the cost..."

Speaker Giglio: "Kindly, give the Gentleman your attention."

McGann: "Because when the department don't want something to go through, they'll inflate the cost every time. Don't believe in the cost, give us the one more vote here we need. We'd ask you to help us. I think it's important. I'd like to have some attention, Mr. Speaker."

Speaker Giglio: "Representative McGann..."

McGann: "Can we control this House?"

Speaker Giglio: "Would you kindly give the Gentleman your attention, please?"

McGann: "I don't think that errant behavior...I don't think their errant behavior, the hopes, the fine group of colleagues that we have across the aisle. I think it's disgraceful. I can't understand why you would act this way."

Speaker Giglio: "On this question, there are 59 voting 'aye', 35 voting 'no', and 13 voting 'present'. Representative McGann."

McGann: "I would ask at this time to have House Bill 1025, the committee structured Bill placed on Postponed Consideration."

Speaker Giglio: "The Bill will be placed on Postponed Consideration. House Bill 1508, Representative Bowman. Excuse me, Mr. Clerk."

Bowman: "Yes, I would like to ask for the privilege of the floor for just a few minutes, if the Gentleman from DuPage has no objection? I'm not trying to, I'm not trying to delay any Roll Call, okay. Okay, I believe that there has been a breach of legislative etiquette, because this Bill is the product of the committee, it was a bipartisan committee,

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bipartison Chairmanships, every Motion was adopted unanimously, this legislation reflects the work of that committee, and I'm very sorry to see that this has become at this late stage in the game, a particsion issue. I'm very sorry to see that people who have been supporting this all along are not at this point supporting the legislation, and I believe that that only compounds a tragedy which we all witness, and we were trying to respond to. I've done my part, and I just ask that when we return to this, that others will do their part. Thank you."

Speaker Giglio: "On this subject matter, appears House Bill 2286, Representative Satterthwaite? Representative Satterthwaite in the chamber? 2286, Mr. Clerk."

Clerk Leone: "House Bill 2286, on page 24 of the Calendar. A Bill for an Act to establish the right to locate community residences. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Are there any Motions filed?"

Clerk Leone: "No Motions filed and no further Amendments."

Speaker Giglio: "Third Reading. The Lady ask leave that this Bill be heard for immediate consideration. Does the Lady have leave by the Attendance Roll Call? Hearing none, leave is granted. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2286, a Bill for an Act to establish the right to locate community residences. Third Reading of the Bill."

Speaker Giglio: "The Lady from Champaign, Representative... Representative McCracken, for what purpose do you rise, Sir?"

McCracken: "Has this Bill been read a second time, previously? Well, then we can't waive it, it's a constitutional requirement."

Speaker Giglio: "Take the Bill out of the record, Mr. Clerk."

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Bill is on Third Reading. The Bill is on Third Reading, and we will not read it a third time...tomorrow...The Order of State and Local Government, Third Reading, appears House Bill 90, Representative Leverenz? Representative Leverenz. Mr. Clerk, read the Bill."

Clerk Leone: "On page 38, of the Calendar. House Bill 90, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

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

Leverenz: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the one apparently you've all been waiting for. This would provide that independent pharmacies would have an opportunity to get in on HMO contracts during a 30 day period each year. I'll answer any questions that you might have, and ask for your 'aye' vote to pass the Bill."

Speaker Giglio: "Any discussion? Hearing none. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative McCracken...the Gentleman from DuPage."

McCracken: "Just for a verification, if it appears to...receive the required amount of votes."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Representative Stephens. For what purpose do you rise, Sir?"

Stephens: "Mr. Speaker, in order to explain my vote. It's obviously...going to be a close vote, and the verification has been sought. This Bill affects an industry that I'm directly related to. It affects pharmacy, and I'm a pharmacist, in private business. I have a conflict of

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interest, it would appear. However, I've decided to vote my conscious based on the facts that has been presented to me. I think that this Bill is...is less a pharmacist Bill, that is...as it is has been perceived, and more a consumer Bill, the way it has been presented by Representative Leverenz, and because it is a pro-consumer Bill. I'm going to vote 'aye'."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Gentleman from Vermilion, Representative Black."

Black: "Well, thank you very much, Mr. Speaker. Just to explain my vote. If it's a good consumer Bill, I wonder why all the consumer groups haven't come down here and supported it. It is anything but, it's going to raise the cost of your health care plan considerably. I think you can read as well as I do, that the opponents range everywhere from various HMO's to the AFL-CIO as an opponent, opponent, Illinois Federation of Teachers, the Teamsters, the United Auto Workers, the Steele Workers, AFSCME, the State chamber of Commerce, The Associated Employers of Illinois, the Chicago Association of Commerce and Industry, the Illinois Manufactures Association. Now, you're not going to get those kinds of groups all in opposition to a Bill, that's supposed to be a good consumer Bill. This Bill is anything but, and I urge a 'no' vote."

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

Terzich: "Yes, Mr. Speaker. You know, on this, this is...once again you're going to mandate something on to the medical, or the insurance area. The only way that this is going to affect the consumer is if this type of legislation passes that the HMO concept simply goes out the window, and that they'll start putting regulations on the provisions of providing drugs and medicines, either by putting on a

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deductable or co-insurance...that they don't have the facilities, and if the industry did want to provide that, they certainly would do so. But you're not doing anybody any good by supporting this type of legislation. Someone's going to pay for it, and the one that's going to pay for it is not going to be the druggist, it's going to be the consumer. So, I would urge a 'no' vote."

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

Leverenz: "Well, thank you, Mr. Speaker and Ladies and Gentlemen. For the eight that have not voted, I hope they return to the floor. For the seven that are voting 'present', I'd like to encourage you to vote for the Bill, as we passed it last year in the House. All the same arguments were raised last year."

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 69 voting 'yes', 42 voting 'no', and 3 voting 'present'. And House Bill 90 having received the required Constitutional Majority is hereby declared passed. House Bill 106, Representative Matijevich. Out of the record. House Bill 211, Representative McNamara. Out of the record. Representative Capparelli, 384. The Gentleman from Cook, Representative Capparelli. Out of the record. On the Order of Environment and Natural Resources, where we left off before, appears House Bill 1406, Representative Hartke. The Gentleman from Southern Illinois, Representative Hartke. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1406, a Bill for an Act to amend an Act in relationship to fertilizer. Third Reading of the Bill."

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

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Hartke: "Thank you very much, Mr. Speaker, Members of the House. House Bill 1406...is a conglomeration of several Bills. The original Bill increases the inspection fee rate...from ten cents to 20 cents per ton, only with fertilizer tonage...or the fertilizer control funds in the State of Illinois...in amending the Fertilizer Act. It also contains several provisions of the Senate Bill, and amends the Illinois Pesticide Act, the Illinois Grain Dealers Act, and the Civil Administrative Code, the Illinois Grain Insurance Act...the Illinois Grain Warehouse and Warehouse Receipts Act. I'll be very happy to answer any questions that you may have concerning House Bill 1406, and its three Amendments."

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

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

Hartke: "Yes, I will."

Speaker Giglio: "He indicates he will."

Ropp: "One of the provisions that has been amended is the ten cent increase on fertilizer inspection fees, is that correct?"

Hartke: "That's correct."

Ropp: "It was my assumption that in the committee, that this was to go for a research to determine what affects water run off would have, relative to fertilizer, and secticides, pesticides, etc. Is that correct?"

Hartke: "That is correct."

Ropp: "Well, I see a news clipping, here, that I think you brought around here that said, part of this money is going to be used to fund some other kind of program that you are initiating. What is that other program, and why?"

Hartke: "No, it is not, Representative Ropp. The funds could be used for that, but it's going to be used for education and

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research on the affects of fertilizer on the environment. Now, to do that research there is a possibility that some of those funds could be used by...by groups to study this...study this affect."

Ropp: "Okay, but this was an article, I think, you were passing out, and it so states that. But you may think that those funds may not directly go to this other program, is that correct?"

Hartke: "No, Representative, they could, if their...if they would apply for some of these funds through the Department of Agriculture, some of these funds could be used by that group or any group in the State of Illinois."

Ropp: "Okay, but we're only talking about 400,000, isn't that correct?"

Hartke: "That is correct."

Ropp: "Okay, so there wouldn't be an awful lot to go around, to everyone, it would seem. Okay, another question, and this is for information purposes only. One of the Amendments deals with adding at least one or two people to the board of Live Stock Commissioners and could you, for the record, tell us what that purpose would be?"

Hartke: "Under which?"

Ropp: "The Board of Live Stock Commissioners, wasn't it to add one or two people from the other universities around the state?"

Hartke: "This would add a member on a rotating basis of the various Deans of the college of Agriculture. One year we'd go to Western, next year, the University of Illinois, the next year, to Southern and so forth, in a rotating basis."

Ropp: "I thought we already had somebody on from the University of Illinois. Don't we have somebody from the Vet College now?"

Hartke: "This would add Southern, Normal, and Western in the

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rotation."

Ropp: "Yeah, but we already have somebody from U of I, and they're going to stay on permanently, wouldn't they, because of the Vet College?"

Hartke: "Right, they would stay on permanently."

Ropp: "Okay, the Vet College would stay permanently. We'd get a rotating someone from ISU, Southern, Northern. Does Northern have an Ag College?"

Hartke: "Western, Southern, and Normal."

Ropp: "ISU, it's ISU. Normal was taken off a few years ago."

Hartke: "Pardon Me, I didn't hear you."

Ropp: "The word Normal was taken off, 15 or 20 years ago. Okay, I stand in support of this, I think what were attempting to do, here, is to come up with funds that would give farmers a backup should we get more involved in water runoff, and it's an important piece of legislation. It is, my...also, understanding that we need to make some adjustments in the Senate to determine how this group will be set up by the Director of Agriculture, and it's also my understanding that you are in support of making some...some changes in the Senate for the purpose of clarification, is that correct?"

Hartke: "That is correct, Representative Ropp. There seems to be some question in some peoples minds, and I have agreed to work with the Amendment that would be put on in the Senate to clarify some of those problems."

Ropp: "Thank you."

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

Kulas: "Thank you, Mr. Speaker. I think we should all be supporting this fine Bill that the Gentleman has, I'm just sorry that he didn't accept my Amendment to this Bill, which would of put a fee on the fertilizer that is spread

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around these chambers, here. Because, if we had passed my Amendment, we wouldn't need to pass an Income Tax, and I would vote an 'aye' vote on this Bill."

Speaker Giglio: "The Gentleman from Livingston, Representative Ewing. Representative Ewing, seeking recognition?"

Ewing: "Mr. Speaker, I wondered if the sponsor would yield for a question?"

Speaker Giglio: "He indicates, he will."

Ewing: "Representative, is there...(some earlier date you may have covered this, I didn't hear it) some concern about the Farm Bureau with this Bill, has that been worked out?"

Hartke: "As the Bill was first introduced, and so forth, the Farm Bureau was opposed to the Bill, simply because they felt that this was a tax, a direct tax on fertilizer on farmers. It is a tax. It is a tax increase. It's a fee increase. At the present time, the 'in' law, ten cents per ton amounts to two and one quarter cents for the average farmer. This would double that, and they were concerned about that. However, I think that they have gone neutral on the Bill at the present time. Farm Bureau's affiliate, Gro-mark Incorporated, marketing incorporated, and many other fertilizer dealers throughout the State of Illinois, this is the origin of their Bill. So, they're in support of it. So, I guess you'll take that for what it's worth."

Ewing: "Are there some...there are some Amendments on this Bill that contain some provisions, the Department of Agriculture is interested in?"

Hartke: "Absolutely, they're interested in the Illinois Pesticide Act, the Grain Dealers' Act, the Illinois Grain Insurance Act, and the Grain Warehouse, and Warehouse Receipt's Act."

Ewing: "Thank you."

Speaker Giglio: "Further discussion? The Gentleman from Coles, Representative Weaver."

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Weaver: "Thank you very much, Mr. Speaker. Will the sponsor yield?"

Speaker Giglio: "He indicates, he will yield."

Weaver: "Representative, on your...your Bill, you are virtually doubling the tax on fertilizer from ten to twenty cents. The previous ten cents was going into the General Revenue Fund. Instead of doubling the tax on the farmers, why don't you just dedicate that ten cents that they were previously paying to go to this fund."

Hartke: "At the present time, the ten cents does go to the General Revenue Fund, and it turned around and then put into the Department of Agriculture for the inspection fee for the verification that fertilizer is what we say it is. Whether it's 18460, or 101010, or any analysis of that fertilizer. The Department of Agriculture felt that, that was adequate to do that. However, the Fertilizer Institute has suggested that this tax be raised, this tonage fee, on them so that education research can be done on the affects of...of fertilizer and the environment. I think we're all concerned about that. And they are too. So, they're suggesting that we tax them."

Weaver: "Well, now, I'm really confused. Are we taxing the fertilizer companies, or whose actually going to pay this tax?"

Hartke: "The fertilizer is paid...the fertilizer fee tax, or the ten cents per ton is paid by the dealer as he purchases that from the manufacturer. You see, when you buy fertilizer in a little jar for your flowers, or for a small garden, or whatever, there is a fertilizer fee done on that, as well, but it's such a minuet quantity. You couldn't...don't buy a ton of fertilizer to fertilize your philodendrons, or your mums, or whatever you had growing in your house, but there is a tax on that, and it's done

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between the manufacture, and the dealer."

Weaver: "So, this is not passed on to the farmer? The farmer does not pay any increase tax, as result of this Bill?"

Hartke: "I would imagine that the farmer would, in effect...for example, I farm about 900 acres, and we use about, I'll say, about 400 lbs. of fertilizer per acre, per year on an average, on the corn, wheat, and soy beans. As I stated earlier, Representative Weaver, that would amount to, for me, about an additional 2 1/4 cents per acre. On a thousand acres, that would...what...twenty-two dollars, and that's not hard to take. For my industry to make sure that we know what fertilizer is doing to the environment, I think that's a very reasonable amount."

Weaver: "Well, I appreciate your response. Mr. Speaker to the Bill. Contrary to what has been spoken to in debate, the current ten cent per ton fee is not a dedicated amount of money. It goes into the General Revenue Fund, and then the Department of Agriculture receives its appropriation to do what it has to do. In affect what we're doing with this Bill, is doubling the tax on the farmers. And those of you who have downstate farmers to answer to have to be very careful about this Bill, because it is in effect, a passed through tax from the fertilizer companies to the farmers. The farmers are going to pay more because of this Bill. They're going to pay more this year, because of an increase in the income tax. They're going to pay more because of this Bill, and I don't think we can afford to put the farmer in a position of paying increased taxes without any kind of property tax relief. I suggest a 'present' or 'no' vote on this Bill."

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

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

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Speaker Giglio: "He indicates, he will."

Goforth: "Representative, since the last time I talked to you, you didn't have all these Amendments on it now. The Department of Agriculture is still in favor of this Bill with your Amendments, correct?"

Hartke: "Absolutely, Representative they brought them to me."

Goforth: "And, just a minute, all I need is yes or no's. How about some fertilizer companies, too, they're in favor of it, also?"

Hartke: "Absolutely."

Goforth: "How much does a ton of fertilizer cost, approximately, nowadays?"

Hartke: "What kind would you like?"

Goforth: "Give me about some of that 200 and some odd dollars worth."

Hartke: "Well, we can get it at 200 dollars a ton, or we can get it at 240, or we can get it at 90, depending on the type of fertilizer..."

Goforth: "Otherwise I think it's what you prescribed before, if you want to put 400 tons, I mean 400 pounds of fertilizer on an acre of ground, it's going to cost you about 2, 2 and 1/2 cents. So, most of the farmers is farming a thousand acres of ground, all it cost them is about 20 dollars for something that's very important. I think you said that the Farm Bureau is neutral on it. I understood it that the Farm Bureau was in favor of it, now. But, to the Bill, Mr. Speaker. I stand in support of this Bill. I don't think it's that much cost. I don't think there's a farmer in my area that's concerned about 2 and 1/2 cents an acre, when he's already paying four or five hundred dollars to...for fertilizer for a ton. I think they want this here. It'll save restrictions, later on. I think everyone should vote 'yes'."

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Speaker Giglio: "The Gentleman from Henry, Representative Sieben."

Sieben: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I make my living selling seed corn to farmers, and I think in my contact, and exposure to the farmers around the state, that I do business with, they would gladly support paying an extra two or three cents an acre to fund a study that would be in their best interest on the use of agricultural fertilizer on their land. I think this is an excellent piece of legislation that takes a user's fee...(which is the tax on fertilizer) takes a user fee to fund a study that would represent the interest of the farmer and his long time use of fertilizer to be effective in his production of crops, and there's no question that utilization of fertilizer has lead to the high levels of corn and soybean yields that we have currently in the State of Illinois. I think our farmers want additional information on how to use these products, safely and effectively. I think this is a good Bill, and an appropriate use of the funds that would be raised by this increase in fee, and I urge a 'yes' vote in the interest of the farmers of the State of Illinois."

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

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

Speaker Giglio: "He indicates, he will."

Black: "Thank you. Representative, do you know, factually, at this point in time, is the Farm Bureau in favor of the Bill, neutral on the Bill, or opposed to the Bill? I have heard all three in the debate."

Hartke: "I've just been informed that the Farm Bureau is in support of this Bill, because I have agreed to look at an

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Amendment in the Senate, and they are in agreement with the Bill. Originally, they were opposed to the Bill, then they were neutral. And now with my agreement to work of some language in the Senate, they are in support of the Bill."

Black: "Okay, so that they're in support of the Bill, if it's amended in the Senate?"

Harke: "That is correct."

Black: "Not in its present form. Alright, now let me ask you another question. Does this measure create a new program?"

Hartke: "This is a research, an education program. It is...I guess you would say, it does. Yes"

Black: "Alright, that's kind of what I thought. Wouldn't the farmer just as soon see the money go into, say, the University of Illinois, Ag research rather than start a new program?"

Hartke: "Representative Black, I think that the scientists, and the University of Illinois, and the sole scientists and so forth, and Southern will be involved in this program."

Black: "Well, you know, I guess maybe, without knowing what your Amendment will be in the Senate, it's a little hard to deal with this issue, but, thank you Representative. I think your Bill is very, very commendable. And Mr. Speaker, to the Bill. No matter how commendable the Bill is, there is an increase involved here, and if you think the fertilizer company is going to swallow half of that increase, or a third of that increase, or ten percent of that increase, I've not even seen that happen. The farmer is going to pay the increase, and he's probably going to pay a premium over and above the increase. Now, I don't...you know, a lot of you up north don't have some of these problems, but I...and I know that the Sponsor is a farmer and is...the Bill is commendable, and his intentions are honorable, but you're adding a cost to an industry that's already suffering from

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economic problems. I guess, the only thing I can advise my fellow downstaters, as a previous speaker said, perhaps a vote on this at this time would be 'present'. If it does go to the Senate and gets worked out, we'll consider it again. But let there be no mistake about it, this Bill is going to add a cost of doing business to the farmer, and maybe the farmers down in the Sponsor's district are a little better off than mine, but mine simply can't afford it. Thank you."

Speaker Giglio: "The Gentleman from Logan, Representative Robert Olson."

Olson, R.: "Yes, to the Bill. As a farmer, I read often where we are criticized because of pollution, pollution of ground water, and such. As I understand, the money raised through this charge is to provide research and data for the future. Our industry is attempting to clean up their own act. If we're polluting water, we want to know about it, and quit it. If we're not polluting water, we wish to have a data basis to refer to as the charges are assessed against us. As a farmer, and speaking to the farmers that I visit with in coffee shops, they are not opposed to this Bill. I have talked to the Farm Bureau at several times. We've even had a mimi conference with them. We're hoping to take all the opposition away from this Bill that is expressed by the Farm Bureau. It's good farm legislation. Thank you."

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

Hartke: "Thank you very much, Mr. Speaker, Members of the House. We've heard a lot of talk about a tax increase, and a tax increase on farmers, and what this is going to do. I think I've been up front with each and everyone of you. It is an increase in the cost of production for farmers, if that...if you want to consider 400,000 dollars spread

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across the State of Illinois as a major tax increase. As I look at it, a 2 1/4 cent increase per acre is not that big of an increase. As a hog farmer, I give a 25 cents for each hog that I sell. If you sell a thousand heads of hog, that's two hundred fifty bucks to promote and to protect your industry. What the fertilizer industry is doing is trying to do some educational reasearch on the effects of fertilizer on the environment. I think it's commendable that they brought the Bill to me, and I'm proud to Sponsor this piece of legislation. I would just urge that each and every Member of the House would give me support on this legislation. Thank you."

Speaker Giglio: "The question is, 'Shall House Bill 1406 pass?' All those in favor, vote 'aye', those opposed vote 'nay'. The voting is open. The Gentleman from Cook, Representative DeLeo, are you seeking recognition, Sir? Want a minute to explain your vote?"

DeLeo: "No, just tired of talking."

Speaker Giflio: "Have all voted to whis? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 102 voting 'yes', 8 voting 'no', 3 voting 'present'. House Bill 1406, having received the required Constitutional Majority is hereby declared passed. House Bill 1507, Representative Currie. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1507, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

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

Currie: "Thank you, Mr. Speaker, Members of the House. House Bill 1507 would provide a program of regulation of hospital incenerators. Only new hospital incenerators would be affected. The Bill was drafted and introduced in a way similar to our action in 1985, which began to control for

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the first time, municipal hazard waste incinerators. We have worked with a specific Hospital that already has a permit in process, the University of Chicago Hospital, and have worked to meet their concerns. We have also, responded to some of the concerns of the Illinois Hospital Association. For example, we amended the Bill from it's original introduction so that it does not ban small incinerators, and we have clarified that the Bill would be prospective only that is, it would only apply to new hospital incinerators. Various studies show that the kinds of toxics that are emitted when hospitals do waste incineration do include items like cadmium, lead, chromium, arsenic, and dioxin. And in fact, dioxins per gram of waste burned, tend to be in more heavy concentrations than those found in municipal waste...municipal hazardous waste incineration. Finally, hospitals frequently would build their incinerator programs in densely populated area. This legislation has the support of the Illinois EPA, the Environmental Community, and the National Solid Waste Management Association. I would be happy to answer your questions, and would appreciate your support for this worthwhile, new program to protect the health and the lives of the people of the State of Illinois."

Speaker Giglio: "Any discussion on the Bill? Hearing none. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'yes', 2 voting 'no', and none voting 'present', and House Bill 1507, having received the required Constitutional Majority is hereby declared passed. Is Representative Terzich in the chamber? Representative Goforth, 1627. Are you ready, Sir? Mr. Clerk, read the Bill."

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Clerk Leone: "House Bill 1627, a Bill for an Act to amend an Act regulating the use of explosives. Third Reading of the Bill."

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

Goforth: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1627, authorize the mines and minerals, to resume criminal history checks prior to issuing license allowing people to purchase and possess dynamite blasting caps, and other explosives. The other major change is expansion of definition of explosives to include blasting agencies which are commonly used by the major industries engaged in blasting. We're not aware of any opposition to this Bill."

Speaker Giglio: "Any discussion? Hearing none. All those in favor, signify by voting 'aye', those opposed vote, 'no'. 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 107 voting 'yes', none voting 'no', and 1 voting 'present'. House Bill 1627, having received the required Constitutional Majority is hereby declared passed. Representative Churchill. Mr. Clerk, 1686, read the Bill."

Clerk Leone: "House Bill 1686, a Bill for an Act to amend the Illinois Low Level Radioactive Waste Management Act. Third Reading of the Bill."

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

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In its current status, House Bill 1686 is a vehicle so that when the negotiations have been completed between the Department of Nuclear Safety, and the various affected parties that a fee structure can be established for the

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institution of the low level nuclear waste site. The intention is to pass this over to the Senate if the agreement is reached to put an Amendment on there and send it back here. I'd ask for you to support it at this time."

Speaker Giglio: "Any discussion? Hearing none, all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 voting 'yes', 3 voting 'no', 1 voting 'present'. House Bill 1686, having received the required Constitutional Majority is hereby declared passed. Representative Hallock. Hallock, in the chamber? 1688, Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1688, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

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

Hallock: "Thank you, Mr. Speaker, Members of the House. House Bill 1688, does...sponsored by Representative Giorgi and I is aimed at helping some businesses out, that have had some problem with the Illinois Pollution Control Board. It basically, uses the...it puts us on a fast track for the PCB, and would ask for your support."

Speaker Giglio: "Any discussion? Hearing none. All those in favor signify by voting 'aye', those opposed vote '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'. House Bill 1688, having received the required Constitutional Majority is hereby declared passed. Representative Terzich's Bill, 1472. Mr. Clerk."

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Clerk Leone: "House Bill 1472, a Bill for an Act in relationship to Solid Waste. Third Reading of the Bill."

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

Terzich: "Yes, Mr. Speaker, this Bill applies to counties with the population of 100,000 or more, and cities with the population of 1,000,000 or more to develop and implement solid waste management by March 1, 1991. What the Bill does, it provides that no landfill may accept truckloads of leaves for final disposal which have not been separated, and it changes the compliance date from September 1, 1989 to July 1, 1990, to be in compliance with the other Environmental Protection Acts, and I move its adoption."

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

Breslin: "Thank you, Mr. Speaker. Would the Gentleman yield for a question, please?"

Speaker Giglio: "He indicate he will."

Breslin: "Representative Terzich. Could you tell us the need for this legislation, please?"

Terzich: "A...yes, there are approximately three different dates for compliance...come in compliance with the Environmental Protection Act. They range from September 1, 1989, July 1, 1990, and September 1, 1991, and what this particular provision does is that the landfill is not supposed to accept leaves that are separated for final compost. This effective date is September 1, 1989. There's a number of municipalities that are already, accepting that, but they don't have any landfills that have already been set up to do that, and what this will simply do, is authorize the landfill to accept the leaves, and they could put them in with the other garbage to be decomposed."

Breslin: "The problem is that those dates were set out so that we

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could gradually start taking all of this yard waste out of the landfills. Landfills currently make up 50...or rather yard waste currently makes up 15 to 20 percent of all landfill space. In our effort to save landfill space for those things that cannot be composted and cannot be recycled, we're trying to eliminate those products from the landfill. If we keep pushing off the date, we keep using up our landfill space. So, my question to you is, if we push off this date, what is going to assure us that it's ever going to come about and before we run out of the space."

Terzich: "Well, one thing is that it's, it's going to come in compliance with the other Environmental Protection Act where by no municipalities or landfill may accept landscape, except, where such wastes are separated, and that effective date is July 1, 1990. This will simply come into compliance with that, and there's really not much of a change, and it just changes it from September 1, 1989, which there's been a number of municipalities that are doing that right now. They're separating it, but basically they haven't found the landfill that have been already set up to accept that."

Breslin: "Okay, I guess then, my last question is, can we be assured that you won't be in next year to postpone this date any further?"

Terzich: "Without question. Like I said, that there is three different dates on this, and this is only a difference of seven months, and the disposal area, can have separate areas to do that."

Breslin: "Oh, yes."

Terzich: "Right now, they can do it. And they...and the municipalities are separating it."

Breslin: "I just...what I want to prevent is people coming in and

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further delaying the date year after year after year. So, if we have your commitment that that won't happen, I would be happy to support your Bill."

Terzich: "Right, and it simply will bring it in uniform with the other transition as well."

Breslin: "Thank you."

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

Wennlund: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Giglio: "He indicates, he will."

Wennlund: "Representative Terzich, what's the genesis of this Bill?"

Terzich: "The genesis, I like that. Well, there's a number of...there's approximately 17 municipalities in that county, and they are setting up their composting and everything, and they have developed the plan for separating the compost and so forth. What they are doing is they're separating the leaves and they're making the pickups. The companies that are using the garbage disposal do not have any, you know, landfill areas to dispose of the waste, and they are set up for July 1, 1990. The leaves are set up that they are not supposed to accept them until...as of September 1, 1989. So, there's a difference of seven months, and they just want time to implement it, and also to incorporate it into the landfill area."

Wennlund: "Thank you very much."

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

Balanoff: "Yes, I rise in opposition to this Bill because, as all of us know, landfills across this state, are filling up. The Illinois Environmental Protection Agency gives most of them only 4 or 5 more years, and it's important that we do all that is possible to reduce the waste stream, now, and

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to extend the life of the existing landfills because none of us in this chamber want another landfill in our back yards. Government has got to understand, municipalities have to understand, that we mean business. They have to move swiftly, and it's not a matter of saying we're going to extend the deadline, and extend the deadline, and extend the deadline. Enough is enough. We should make them comply, and I urge a 'no' vote."

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

Parcells: "Thank you, Mr. Speaker. I would like to rise in support of this. I think those of you from the suburban area ought to realize this is very important to have that additional nine months. Our communities are working very hard in the collar counties too. Downstate, this isn't a problem, but up there we need space to find a place to put these yard wastes, grass clippings, etc., and this extra nine months would be the difference between being successful, and not being successful. September of 89 is upon us. You have to have had your plan already in gear, and I think that we do need, and it will not hurt us, we've lived a lot of years without it, to give it an extra nine months, and I hope you will vote 'yes' for House Bill 1472."

Speaker Giglio: "Representative Terzich, to close."

Terzich: "Yes, Mr. Speaker, this came out of committee with unanimous vote. It certainly does act...it will adopt the Solid Waste Disposal Program, which does go in effect as of September of 1989, and this simply will bring it in line, and help those community adopt it, and I would urge your support."

Speaker Giglio: "The question is, 'Shall House Bill 1472 pass?' All those in favor vote 'aye', those opposed vote 'no'."

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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 101 voting 'yes', and 11 voting 'no', and 2 voting 'present'. House Bill 1472 having received the required Constitutional Majority is hereby declared passed. Representative Balanoff. 1803, are you ready, Sir? Out of the record. How about 1804? Out of the record. Mulcahey, 18... Out of the record. Representative Peterson, W. Peterson. Mr. Clerk 1988, read the Bill."

Clerk Leone: "House Bill 1988, a Bill for an Act to amend the Toxic Substances Disclosure to Employees Act. Third Reading of the Bill."

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

Peterson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1988, amends the Toxic substance disclosure to Employees Act. It excludes from employee education training requirement, employers who employs are not routinely exposed to toxic substances. The word 'routinely' is in the statutes already. Basically, what this does is exempt employers who do not have any toxic materials on their premises from the obligation to go through the training that's required by law. The State Department of Labor, which administers the State Act, says they have no objection to the Bill. I ask for your support."

Speaker Giglio: "Any discussion? The Gentleman from Madison, Representative McPike."

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

Speaker Giglio: "He indicates he will. Representative Cullerton, in the Chair."

McPike: "What do you mean when you say, 'the employees are

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routinely exposed?' If you're exposed once a week, is that routinely?"

Peterson: "Representative, from what I understand is the way this was drafted, routinely is already the language that's in the statute. What they're trying to exempt and that's the way the Bill was drafted is to exempt those employers who do not have any employees that come in contact with toxic substances. I understand your question. I question the drafters of the Bill, because that language. They say they used it because it was in the statute, but it..."

McPike: "I follow you, I see it in the sentence above. So, the...all you're saying is that routinely is already in the Bill. It's already in the law, and you're just making an exception, saying that if an employer has no employees?"

Peterson: "That's correct. That's the intent of the legislation. If they have no toxic substances on their presence, on their...on the presence of their company or manufacturing area, that they don't have to give this training to their employees."

McPike: "Yeah, I see nothing wrong with that Bill."

Speaker Giglio: "Representative Churchill, Peterson, to close."

Peterson: "Thank you, Mr. Speaker, I ask for an affirmative vote on House Bill 1988."

Speaker Giglio: "The question is shall House Bill 1988 pass? All those in favor, signify by voting 'aye', those opposed vote 'no'. 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 108 voting 'yes', 6 voting 'no', and none voting 'present', and House Bill 1988, having received the required Constitutional Majority is hereby declared passed. Representative Peterson on 2010. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2010, a Bill for an Act to amend the

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Environmental Protection Act. Third Reading of the Bill."

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

Peterson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2010, provides that the Illinois Environmental Protection Agency may not deny a permit on the basis on insufficient information if it does not request the additional information in writing within 30 days of receiving the permit application. It's been suggested that this Bill go into effect because the IEPA sometimes denies permit applications on the basis of insufficient information without notifying the applicant that more information is needed. This, hopefully, will remedy that problem. I ask for your affirmative vote on House Bill 2010."

Speaker Giglio: "Any discussion? Hearing none, the question is, 'Shall House Bill 2010 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, 115 voting 'yes', none voting 'no', and none voting 'present'. House Bill 2010 having received the required Constitutional Majority is hereby declared passed. Representative Breslin. Out of the record. Representative Breslin, 2025? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2025, a Bill for an Act in relation to Solid Waste Planning and Recycling Act. Third Reading of the Bill."

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

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 2025 as originally introduced, would have required the state to establish a state recycling emblem, that would indicate the recyclability or recycled content of

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packaging. For example, some glass, aluminum, and even plastic containers are made from recycled material. The use of the recycling emblem would be voluntary not mandatory, and it was needed...and is needed to allow consumers to more easily chose products that are made with recycled materials in our efforts to promote the use of recycled materials and encourage manufacturers to use recycled materials in their goods. The Bill was amended on Second Reading, here, in order to address industries' concerns. As amended, it gives the Department of Energy and Natural Resources two years to work with business and environmentalists to develop a national symbol, which is to be preferred. However, if a national emblem is not developed, E and R must adopt a state emblem so that we can promote recycled goods. I'd be happy to answer any questions."

Speaker Giglio: "Any discussion? Hearing none. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. 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'. House Bill 2025, having received the required Constitutional Majority is hereby declared passed. Representative Zickus, for what purpose do you rise."

Zickus: "Yes, I had pressed the 'yes' button, and I would like to be recorded as voting 'yes'. It didn't show up."

Speaker Giglio: "Mr. Clerk, let the record show that..."

Zickus: "Thank you."

Speaker Giglio: "Representative Parcells. House Bill 2039. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2039, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

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

Parcells: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill amends provisions concerning civil penalties imposed by the Pollution Control Board. It requires that the final orders specify a due date, and they impose interest on late payments at the same rate charged for late payments of Illinois Income Tax, that rate is 9 percent, or such higher rate as is established by the US Internal Revenue Service, the current rate, as I say, is 9 percent. This could actually bring a little money into the state, but it is a good idea whether...even...if we...if it's just to break even, that we do have a due date and some interest to encourage those people who need to pay a penalty to get their payments made and I would be happy to answer any question on the Bill."

Speaker Giglio: "Any discussion? Hearing none. All those in favor signify by voting 'aye', those opposed vote '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 108 voting 'yes', none voting 'no', 2 voting 'present'. House Bill 2039, having received the required Constitutional Majority is hereby declared passed. Representative Mays. Representative Mays in the chamber? Mr. Clerk, House Bill 2040, read the Bill."

Clerk O'Brien: "House Bill 2040, a Bill for an Act in relation to receipt of monies. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Adams."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This is an Audit Commission suggested Bill. This would repeal the listing of the Super Conducting, Super Collider Fund, in the State Finance Act, and it would repeal the substantive law for the Super Collider, Super

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Conducting Fund. Basically, the reason we're doing this, is because the SSC for Illinois ceased operations on December 16, 1988. I'd move for passage."

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

Cullerton: "Will the sponsor yield?"

Speaker Giglio: "He indicates he will."

Cullerton: "Representative Mays, off hand, how much money did we, here in Illinois spend to try to bring this Super Conductor, Super Collider before George Bush got elected President and gave it to Texas?"

Mays: "A lot. We did a pretty substantial study, if you'll recall that. I don't know how many feet thick it was when we submitted it to Congress, and I can't give you the dollar figure that we actually did spend in trying to get it. But, I've been told that a lot of the information that was gleaned from those studies is very useful."

Cullerton: "Well, did we...wasn't there somebody right near you there from the department that might be able to answer this question?"

Mays: "There was. There is not now."

Cullerton: "He ran out the door?"

Mays: "I think we a...I can't tell you how much we put into that...for the studies, but it was a substantial amount of dollars."

Cullerton: "How about lobbyists? Did we hire any lobbyists to try to lobby Congress to try to get us the Super Conductor?"

Mays: "If we didn't, we certainly should have, because frankly, it would of been a nice thing for us to get. But I think we did...did hire some lobbyists to try to sway some of the thoughts of...on our behalf. And, I think that's what we need to do in the State of Illinois to get the federal

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dollars back here that we keep losing to other states like Texas and California and such."

Cullerton: "You won't here objections from me, as to the concept of hiring lobbyists. The question probably would be the quality of the lobbyist that we did hire. That's probably what we ought to look into, and that's why I was curious how much we spent on lobbyists."

Mays: "Well, thank you very much. I appreciate your observation."

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

Hartke: "Representative Mays, you said substantial and a lot. What is a lot, and what is substantial? I mean, are we talking about a half a million dollars, or are we talking about a quarter of a million dollars, are we talking about five million dollars?"

Mays: "Well, a half a million dollars is a lot and it was more than of a half a million."

Hartke: "It was more than a half million? Was it more than five million? Representative Mays."

Mays: "One second. We...it happened so long ago that we can't even recall what those figures were, that the..."

Hartke: "Do you remember exactly, was it more than five million?"

Mays: "It was up there."

Hartke: "Was it more than ten million? Was it more than fifteen million? That's a lot of money, fifteen million dollars, and..."

Mays: "And, just think what we're doing with this Bill. We're abolishing that fund so we can't put anymore money in it at all."

Hartke: "Wow, you know we ought to really all vote for that then. I mean, you know."

Mays: "Thanks for your support, Representative. I move the

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previous question."

Speaker Giglio: "You weren't recognized for that, Representative Mays. Representative Black."

Black: "Well, thank you very much, Mr. Speaker. Will the Sponsor of this very fine Bill designed to save us a great deal of money, yield for a question?"

Speaker Giglio: "He indicates he will."

Black: "Thank you."

Mays: "He didn't rise for that purpose either. He was going to move the previous question."

Black: "Oh, no, by no means. I, you know as a previous speaker said, you know, the power of the Speaker of the House, Jim Wright took this thing to Texas, and I just want to make sure that we're not abolishing the underlying statute are we? In case those fire ants run this thing out of Texas, you're going to keep the underlying statutes so we can maybe bring it back to Illinois, are you?"

Mays: "Are you here to help?"

Black: "I'm trying to."

Mays: "What we want to do, it ceased operations on December 16, 1988. We want to stop the Super Colliding Fund, and it just makes sense for every Act we pass, we ought to repeal at least one."

Black: "Well, are you aware...I agree with you. But, are you aware that what you're doing does not repeal the entire SSC Act. I thought maybe you were leaving that out there in case those fire ants run them out."

Mays: "No, we're not doing that."

Black: "Okay. Can you tell me is there any money in the SSC Fund, currently? Because, they could except some private donations as I recall."

Mays: "I think they ceased operations on December 16th, and they've transferred the funds out."

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Black: "Transferred it all out?"

Mays: "Right."

Black: "So, all you're trying to do is to make sure in our...late in the Session, we don't make a mistake, and put a lot of money in this account, right? That sounds like a good government Bill to me. It sounds like a good Government Bill to me, Representative."

Mays: "Thank you."

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

Parke: "Mr. Speaker, I move the previous question."

Speaker Giglio: "The Gentleman has moved the previous question. All those in favor say 'aye', those opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it. The previous question has been moved. Representative Mays, to close."

Mays: "Well, we've had a good discussion on this Bill, and I'm sure that people realize that we gleaned a lot of information from the studies, and from all the exercise we went through in attempting to get the SSC to locate in Illinois. A lot of that information will probably be useful in the future in some form or fashion for the State of Illinois, and I think you would all agree that we should be doing everything we possibly can to attract the federal dollars that we've been missing for so many years to the State of Illinois, especially on such high tech, cutting edge, stuff as this. The fact is, we lost it. The fund has ceased operations last December, and we ought to be...abolishing the funds, taking it out of the State Finance Act. If indeed some...some future organization wishes to come forward and use some of the information, I think the Legislature can, you know examine that, and maybe set up another fund to...but, I would just ask for an 'aye' vote on this Bill."

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Speaker Giglio: "The question is, 'Shall House Bill 2040 pass?' All those in favor, signify by voting 'aye', those opposed 'nay'. The voting is open. Representative Didrickson. Have all voted who wish? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Would you ask the Clerk to vote me 'aye', please?"

Speaker Giglio: "Mr. Clerk. Have all voted who wish? Have all voted who wish? Have all voted who wish. Mr. Clerk, take the record. On this question, 115 voting 'yes', none voting 'no', none voting 'present'. House Bill 2040, having received the required Constitutional Majority, is hereby declared passed. Representative Wennlund. House Bill 2304. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2304, a Bill for an Act to amend the Township Refuge Collection and Disposal Act. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Wennlund...I mean Will, excuse me, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2304 does two things. Number one, townships currently do not have the power to enter into contracts for recycling and composting. This Bill provides that townships would have the power to enter into contracts for composting and recycling with...whether it be waste management or any other recycle or composting company, which they currently do not have areas in unincorporated townships that are very populated that are ideal for curb side recycling. Currently, the townships do not have the power to put that program into effect. They have no manpower to do it, themselves. This will go a long way in helping townships enter into recycling and composting contracts for the unincorporated areas of townships. It also increases the annual levy from 15 cents to 20 cents,

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but only with a front door referendum. Only when authorized by the electors of the unincorporated areas in each townships. So, and the reason that was increased was so that townships can enter into matching recycling grants from the Department of Energy and Natural Resources. I'd be happy to answer any questions."

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

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

Speaker Giglio: "He indicates he will."

McNamara: "I heard in your discussion that you said that this was a front door referendum."

Wennlund: "Correct."

McNamara: "It didn't...could you check that again to make sure that it is."

Wennlund: "It is. Yes, I'll read you the language right out of Act. The Township Board of Trustees, when authorized by the...by the electors of the unincorporated area of such township."

McNamara: "Okay. The authorization by the elected areas, is that at a town meeting?"

Wennlund: "No."

McNamara: "I guess that's my confusion on the Bill. If you see what I mean, a township form of government can obviously have a town board meeting, which is considered the electors of that district."

Wennlund: "I..."

McNamara: "That's the reason I'm looking for your language that says that it's a front door referendum. I think the authorization that is in that Bill comes from a town meeting, which allows them, and that would make it in reality, a tax increase without a referendum. That's the reason I'm questioning that."

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Wennlund: "I don't know the answer to the question, John. I don't know."

McNamara: "Thank you."

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

Wennlund: "Currently, townships do not have the authority to enter into contracts for recycling and composting, and are...there are at the present time many, many townships in Illinois who are...who have heavily populated, unincorporated areas that are ideal for curb side recycling, when there's no other logical entity to enter into contracts and provide for curb side recycling, and for collection of composting, and I think this will...this is supported by the...the Illinois officials, the township officials of Illinois, and I think it's a good government Bill. It's going to get townships into the business of recycling and composting, and I urge your 'aye' vote."

Speaker Giglio: "The question is, 'Shall House Bill 2304 pass?' All those in favor, 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, take the record. On this question, there are 77 voting 'yes', 31 voting 'no', 3 voting 'present'. House Bill 2304, having received the required Constitutional Majority is hereby declared passed. Representative Preston, 2308, Sir? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2308, a Bill for an Act to amend an Act creating the Environmental Protection Trust Fund. 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. House Bill 2308 amends the Environmental Protection

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Trust Fund Act to authorize grants from the fund to promote the propagation of trees in Illinois. There is also, an Amendment that was added to add as an ex-officio member of the Environmental Protection Trust Fund Commission the Director of the Department of Conservation. That was done at the Director's request, and to allow the Department of Conservation to receive grants from the trust fund, for research and development of educational programs to promote the use and importance of trees in Illinois. I'd be glad to answer any questions, and ask for your 'aye' vote."

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

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

Speaker Giglio: "He indicates he will."

Kulas: "How is the fund to be funded?"

Preston: "That's in a separate Bill, Representative. The first one you killed, and as yet, it is not determined. So, right now, there is no funding mechanism. I hope there will be one. We're working on an Amendment."

Kulas: "Thank you."

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

McCracken: "I see the title up there, propagate trees. Do trees reproduce asexually?"

Preston: "Yes, they do Representative."

McCracken: "Then, we don't want to propagate them."

Speaker Giglio: "Representative Preston, to close."

Preston: "Just an 'aye' vote, please?"

Speaker Giglio: "The question is, 'Shall House Bill 2308 pass?' All those in favor 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, take the record. On this question, there are 106 voting 'aye', 6

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voting 'no', 2 voting 'present'. And House Bill 2308, having received the required Constitutional Majority is hereby declared passed. Representative Leitch. Mr. Clerk, House Bill 2309, read the Bill."

Clerk O'Brien: "House Bill 2309, a Bill for an Act to amend an Act relating to rivers and streams. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 2309 would replace the Pollution Control Board with the Environmental Protection Agency, as a concurring agency for Department of Transportation permits issued for work in Lake Michigan. This is a Bill which has been worked out by both agencies to streamline the permitting process, and I know of no opposition, and would appreciate a favorable Roll Call."

Speaker Giglio: "Any discussion? Hearing none. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', none voting 'no', and none voting 'present'. House Bill 2309, having received the required Constitutional Majority is hereby declared passed. Representative Churchill, 2310. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2310, a Bill for an Act to amend an Act to reduce the likelihood, and to minimize the severity of accidents. Third Reading of the Bill."

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

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2310, creates the Illinois Nuclear

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Facility Safety Act. It allows the Department of Nuclear Safety to conduct studies relating to the safety at nuclear facilities. It allows the Department to promulgate and enforce criteria for nuclear facility design, equipment operation, inspection of maintenance. It allows the department to adopt rules requiring operators of nuclear facilities to notify the Department upon the occurrence of any specified event. It provides at least, one full-time resident engineer to nuclear power plant. It requires the power plants to submit to the Department copies of their decommissioning plans for nuclear power plants, and provides for several other provisions promoting nuclear safety in the State of Illinois."

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 110 voting 'yes', 2 voting 'no', and none voting 'present'. House Bill 2310, having received the Constitutional Majority is hereby declared passed. Representative Mulcahey. Are you ready, Sir? House Bill 2346, Mr. Clerk."

Clerk O'Brien: "House Bill 2346, a Bill for an Act creating the Illinois Lake Management Program. Third Reading of the Bill."

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

Mulcahey: "Thank you, Mr. Speaker, Members of the House. House Bill 2346 creates the Illinois Lake Management Program Act, and the purpose of it is to establish a program of diagnostic and feasibility studies in order to gather data on lakes and long term restoration and preservation projects. It encourages lake owners to exercise property

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lake management with of course, financial and technical assistance. I know of no opposition to the Bill, and I ask for your affirmative vote."

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

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

Speaker Giglio: "He indicates he will."

Ropp: "Representative, I happen to have come from an area where we probably have the lake with the least amount of water in it because of the drought in that area. What will this Bill do to either facilitate some kind of opportunities to either get more water into that lake or help dredge it or anything like that. Will this do anything to help that situation?"

Mulcahey: "Well, it's...regarding that particular problem, there are the three areas, of course the diagnostic and feasibility study, the long term restoration, and preservation projects, and would probably fall into that particular category there, and indeed this could be...this could be accomodated."

Ropp: "Would there be monies in here that would be available for dredging?"

Mulcahey: "If that was decided to be the proper course of action, the answer is, yes."

Ropp: "I'm sorry I didn't...I didn't hear what your..."

Mulcahey: "If that was determined that was the proper course of action to take, the answer would be, yes."

Ropp: "Okay, thank you."

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

Levin: "Will the Gentleman yield?"

Speaker Giglio: "He indicates, he will."

Levin: "Just one question, that is, does this only apply to

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natural lakes or would it also apply to man-made lakes?"

Mulcahey: "It also applies to man-made lakes, as well."

Levin: "So that, in either case you would be able to avail yourself of this good program."

Mulcahey: "That's correct."

Levin: "Thank you."

Mulcahey: "That does not apply to Lake Michigan, though."

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

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

Speaker Giglio: "He indicates he will."

Black: "Thank you. Representative, in response to an earlier question you said...if certain circumstances warrant, money could be used to dredge. Your Bill does not address, however, any funding source or revenue in the Bill, does it?"

Mulcahey: "I think the Gentleman along aside of you might have an answer for you."

Black: "I'm sorry. Okay, I understand now. In the previous question. Thank you."

Mulcahey: "Yes".

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

Mulcahey: "Please vote 'yes', you'll love yourself in the morning."

Speaker Giglio: "The question is, 'Shall House Bill 2346 pass?' All those in favor, vote 'aye', those opposed, vote 'no'. 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 112 voting 'yes', 2 voting 'no', and none voting 'present.' House Bill 2346, having received the required Constitutional Majority is

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hereby declared passed. Representative Curran. Representative Curran, on House Bill 2348. Are you ready, Sir? Out of the record. Representative Hicks, 2370. Out of the record, Mr. Clerk. Representative Mays, 2435. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2435, a Bill for an Act to amend an Act in relation to Waste Management. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2435 changes references to the Hazardous waste Technology Exchange Service Program to the Hazardous Wastes Research and Information Center to reflect the current department organization. It also creates a revolving loan fund for the Department of Recycling Loan Program. I would move it's passage."

Speaker Giglio: "Any discussion? Hearing none. All those in favor, signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', none voting 'no', none voting 'present'. House Bill 2345, having received the required Constitutional Majority, is hereby declared passed. Representative Parcels. Mr. Clerk, House Bill 2463. Read the Bill."

Clerk O'Brien: "House Bill 2463, a Bill for an Act to amend the Illinois Solid Waste Management Act. Third Reading of the Bill."

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

Parcels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill requires the Department of Energy and Natural Resources to issue loans and grants for composting, as well as for recycling and to require the department to

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develop a public education program on the importance of both composting and recycling in order to preserve landfill space in Illinois. We amended the Bill also with Amendment #2, which would have the department work with natural...national organizations to develop a nationally recognized recycling logo system, and to develop and implement a public awareness campaign to purchase products in containers which are recyclable or have a recycling material content. It requires the department to develop educational materials on recycling for elementary schools. I would ask for your 'aye' vote on House Bill 2463."

Speaker Giglio: "Any discussion? Hearing none, the question is, 'Shall House Bill 2463 pass?' All those in favor, vote 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', none voting 'no', 1 voting 'present'. House Bill 2463, having received the required Constitutional Majority, is hereby declared passed. House Bill 2574, Representative Kirkland. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2574, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Kane, Representative Kirkland."

Kirkland: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill amends the Solid Waste Management Act passed in 1987, and particularly, that portion that allows local units of government to assess so called tipping fees for planning and other programs to do with recycling and landfilling. The new wording simply clarifies that these local governments should segregate those funds into a separate fund, and that the interest received in that fund

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should stay with it...within that fund and that those...the unit of local government shall develop and implement a program for expending those monies within one year. Move for passage."

Speaker Giglio: "Any discussion? Hearing none...excuse me, Representative Barger, the Gentleman from DuPage."

Barger: "Yes, would the Representative yield for a question?"

Speaker Giglio: "He indicates he will."

Barger: "Mr. Kirkland, if these monies must go into the fund, can that...is that the only use to which they can be put?"

Kirkland: "Yes, they can be put to the uses intended under the original statute and the intent of the language is simply to make sure that the money is used for those uses. It doesn't change the uses under the original statute."

Barger: "But, can it be changed out if there's a necessity in the local government to use it for another purpose?"

Kirkland: "No, the idea is not to allow it to be changed out, because the idea of allowing the tipping fees in the first place, was that they be used for the statutory purposes."

Barger: "Then, if it eventually accumulates a sufficiently large amount of money that its receiving more than is absolutely used for that purpose, then they would have to lower their tipping fees?"

Kirkland: "Well...I would think that...I suppose that makes sense. Yes, they wouldn't have to lower their tipping fees, but they simply could not use them for other purposes. And yes, if they couldn't expend them within a year, they'd assumedly have to lower them."

Barger: "They are limited as to the amount of money they can accumulate."

Kirkland: "Say that again."

Barger: "There is a limit to the amount of money they would be able to accumulate in that type of a fund, so something

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would have to be done to relieve the fund of its excess money."

Kirkland: "Okay."

Barger: "In one way or another. And you've cut off the possibility of...of relieving it in any other fashion than lowering the fees."

Kirkland: "Well, we simply...I simply don't think the original intent of the legislation was to allow the funds to be used for other purposes."

Barger: "Okay. Thank you, Sir."

Speaker Giglio: "The question is, 'Shall House Bill 2574 pass?' All those in favor, 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, take the record. On this question, there are 110 voting 'yes', 5 voting 'no', none voting 'present'. House Bill 2574, having received the required Constitutional Majority, is hereby declared passed. Representative Cullerton, in the Chair."

Speaker Cullerton: "House Bill 2576, Representative Olson. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2576, a Bill for an Act to amend an Act pertaining to vehicle emissions testing. Third Reading of the Bill."

Speaker Cullerton: "Representative Olson, on House Bill 2576."

Olson, M.: "Thank you, Mr. Speaker, and Members of the General Assembly. This Bill is relative to an EPA initiative to extend the sunset from January 1st '91, to '96, January 1st, '96, on the vehicle emissions' inspection factor. This Bill moved through Energy Environment a couple of weeks ago. The specificity of the area involved are the same zip codes that we had when the Bill went on line in 1984. The major impact of this legislation is, that if we

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do not put this in place we might jeopardize about 130 million in road building funds, and the early desire of the agency to put this in place, is so that they may get out their bidding processes for the companies to carry out the inspection program in a timely manner. I'd be happy to accept some questions and move for the passage of 2576."

Speaker Cullerton: "The Gentleman's moved for the passage of House Bill 2576. Is there any discussion? The Gentleman from Will, Representative Wennlund."

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

Speaker Cullerton: "He indicates he will."

Wennlund: "Specifically, what areas does this cover, Representative Olson?"

Olson, M.: "Specifically, Cook County and portions of DuPage, Lake, Madison, and St. Clair Countys."

Wennlund: "That's the only areas it covers?"

Olson, M.: "Yes, specifically, there is no additional data to indicate other areas should be included on todays standards."

Wennlund: "Thank you, Representative Olson."

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

Hartke: "Will the Gentleman yield?"

Speaker Cullerton: "He indicates he will."

Hartke: "Representative Olson, how many dollars do we spend every year for this emission testing?"

Olson, M.: "20 to 22 million, Representative Hartke."

Hartke: "And that comes from the Motor Fuel Tax Fund?"

Olson, M.: "Yes...yes, it does."

Hartke: "How much is the air quality increased? How much better is it now, than it was in 1984, when we started? This much...this much...a whole lot?"

Olson, M.: "There's...there's no exact measurement of the amount,

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other than the fact we know it's certainly not deteriorated since then because of the factor."

Hartke: "So, we've spent 22 million dollars a year since 1984 and it hasn't deteriorated? Is that progress?"

Olson, M.: "Well, to put this in retrospect, if we weren't to do this, we would lose 130 million, so the odds are quite good. It's about a 6 to 1 ratio. The Feds are very adamant on doing this, and I think we should participate as a state, particularly in view of the large urban areas we have."

Hartke: "Okay, thank you."

Olson, M.: "Thank you."

Speaker Cullerton: "Further discussion? The Gentleman from Lee, Representative Olson, to close."

Olson, M.: "I would just ask for an affirmative vote on this. It's important that we get on with it. The things have been described as to the areas, air quality is a significant concern. We discussed this at length last week when we were at Second Reading. I move for an affirmative vote."

Speaker Cullerton: "The question is, 'Shall House Bill 2576 pass?' All those in favor, vote 'aye', all those opposed vote 'no'. The voting's open. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 92 voting 'aye', 19 voting 'no', 4 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. House Bill 2700, Representative Stephens. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2700, a Bill for an Act to amend the Fish Code. Third Reading of the Bill."

Speaker Cullerton: "Representative Stephens, House Bill 2700."

Stephens: "Well, thank you, Mr. Speaker. I bring for your

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consideration, House Bill 2700. House Bill 2700, amends the Fish Code and adds provisions protecting snakes, and frogs, and salamanders, and yes, lizards. A couple years ago, we passed a Bill out of committee Representative McPike was on the House floor that evening and he reminded us that one of the last things that the previous Representative from our district wanted to do, was to pass a Bill on caves. That's what the Representative had passed on to Representative McPike, and in a subsequent conversation with the previous Representative, he also came to me and said that he had this important piece of legislation about snakes, and frogs, and salamanders, and lizards. So, I bring it for your consideration. What it does, is establishes a value of \$2.00 for each of those afore mentioned critters and provides that snakes may be taken by landowners or tenants who actually reside on the property. I'd be pleased to answer any questions about House Bill 2700. And I urge its passage."

Speaker Cullerton: "The Gentleman's moved for the passage of House Bill 2700. Is there any discussion? The Gentleman from Coles, Representative Weaver."

Weaver: "Thank you very much, Mr. Speaker. I'm starting to get the drift of where your career is headed Representative Stephens. Is this not really an Equal Opportunity Bill to extend the same protection you have previously given to bats, to other reptiles?"

Stephens: "This adds similar protection to that...of which we are already giving to the gar, the bowfin, the mussel, the Shinook Salmon, which I think resides in your district, Representative Weaver. Except that those are \$1.00 per pound and this...my Bill is \$2.00 per critter."

Weaver: "What exactly will your Bill protect them against? Does it...is it involve physical abuse, mental abuse. If, for

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example, we call them dirty names, does that qualify under your Bill as an offense?"

Stephens: "Let's not confuse this Bill with any other."

Weaver: "This is not a ritual abuse Bill then?"

Stephens: "This is...although, Representative Regan, I'm sure will stand in support of this, this is not a ritual abuse Bill. This Bill...actually, what it does, it prevents commercial providers of these animals, these reptiles, from coming into our state and raping our state of the presence of these very important creatures."

Weaver: "Raping the snakes or the state?"

Stephens: "Yes..."

Weaver: "And what is the penalty for that offense in this state, according to your Bill?"

Stephens: "What would you suggest? I..."

Weaver: "Well, snake rape is pretty...a pretty serious offense."

Stephens: "Well, I think they just have to pay a fine, here."

Weaver: "Well, I think it sounds like an Equal Opportunity Bill and I think we did it for one...one reptile, we really ought to do it for all of them.Thank you."

Speaker Cullerton: "The Gentleman from...the Gentleman from McLean, Representative Ropp."

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

Speaker Cullerton: "He indicates he will."

Ropp: "I guess I got near the end of your question...or your answer that we're protecting these animals from someone coming into the state to take them?"

Stephens: "Well, seriously there is a problem with some 90 species of reptiles in our state that are...that we offer no protection to and indeed, the collectors for commercial and experimental use can come into Illinois and ravage these populations, and I think it's right that we protect them for people like the Brookfield Zoo and others who are

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very interested in the propagation of snakes in your district."

Ropp: "Couldn't we...couldn't we call this kind of...economic opportunity for people to come in and take these snakes from us and then..."

Stephens: "Well, we don't want to...we don't want to give up our resources to states like South Carolina for good snakes."

Ropp: "I guess I don't understand what the \$2.00 per animal is for."

Stephens: "Pardon me?"

Ropp: "The \$2.00 per animal, what is that for?"

Stephens: "That's a very significant question, and I appreciate that. And what that does, it puts it in relative terms to the gar. We think that a frog or a snakes about twice as valuable as a gar, and the gar is already a dollar, so we figured \$2.00."

Ropp: "Well, what do we do with that money? Does that go in the general revenue fund? Do we charge them when they come in and take one, you have to pay \$2.00 to get one out of here?"

Stephens: "Yeah, I believe that's it, and I think it goes in general revenue. I'm not really sure, Representative. The herpetologist didn't fill me in on that."

Ropp: "Well, do we have places at the border of our state that serve as check points to make sure that we get our legitimate \$2.00?"

Stephens: "That's another good question. I'll tell you what, you got to watch those Kentuckians, because they come across the Ohio River on many an occasion and down into Representative Phelps district, and they've been known to come in there and take...well, snakes and other things with them. And so we ought to be careful about that."

Ropp: "Well in all due respects to your sincerity, I maybe voting

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red."

Stephens: "That will be a mistake."

Speaker Cullerton: "The Gentleman from Madison, Representative
McPike."

McPike: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
House. I'm not sure if this is the Gentleman's second Bill
or third Bill. I remember his first Bill dealing with
caves and I thought that was extremely significant. But,
I'm a little confused on this one. I'm having a difficult
time reading this Bill, is it a Class III Felony if
you...if you kill 150 lizards?"

Stephens: "Not now. Not now, it's not."

McPike: "Under this Bill, would it become a Class III felony if
you kill 150 lizards?"

Stephens: "No, I just think it'd cost you \$300.00."

McPike: "But, the felony only provides...only refers to what?"

Stephens: "I don't know that the felony..."

McPike: "Well, I'm trying to read the Bill, that's why I'm asking
you this. If you...if you for profit, or for commercial
purposes, knowingly capture or kill, possess, sell, etc.,
etc., go through all this, something in excess of \$300 in
value. And they mention all these different species here,
and now you're adding \$2.00 as a value for every toad,
lizard, salamander, frog, etc. So I'm asking, is that
\$2.00 times 150, is \$300.00 worth?"

Stephens: "Well, you know what, I think you're right."

McPike: "So, if you...okay, to the Bill."

Speaker Cullerton: "Proceed."

McPike: "Thank you. I did compliment the Gentleman four or five
years ago, when he passed the Bill dealing with caves, and
he made it some kind of criminal offense to take water, or
rocks, or bats, or snakes, out of a cave. And I understood
that that was an important...certainly no one would want to

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see anyone go into a cave and take out a bucket of water, pour it on a fire. But, now five years later, he comes along with a Bill that says, 'you're going to spend five years in jail and face a 10 thousand dollar fine, if you happen to kill or try to sell 150 salamanders or 150 lizards'. Now, I know that's a pretty bad crime, but I'm not sure it's worth five years in jail to kill and sell 150 lizards. I would hate to think that some young 18 year old, who catches 150 lizards and sells them for bait to a commercial fishermen, should spend the next five years of his life in Menard. It's a pretty tough sentence. But, if this is your second Bill, I'd say it's much more significant than your first."

Speaker Cullerton: "The Gentleman from DuPage, Representative Barger."

Barger: "Thank you, Sir. Would the Gentleman yield for a few questions?"

Speaker Cullerton: "Representative Stephens."

Stephens: "Maybe one of my co-sponsors would take care of the questions."

Barger: "This one is one that I think you, in particular, should answer though. I know you're in the pharmaceutical business, and is it acceptable to just take the eyes out of the salamanders, which I think the British call Newts and turn them back blind, and not have to pay a fine? Or would you have to pay the fine based on two eyes, to a newt?"

Stephens: "Well, it would be a dollar per eye, because it...my Bill says any animal in whole or in part."

Barger: "In whole or in part? Per part or for pair of parts?"

Stephens: "It'd be a dollar per part, if you just took the eyes."

Barger: "Well, I want to thank you for clarifying this and I want to thank you also for breaking the tension of this evening. There has to have been some reason for this Bill and I

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assume that must have been it."

Stephens: "Maybe we'll get that...we'll get to that in the close."

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

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

Speaker Cullerton: "He indicates he will."

Turner: "I'm just curious as to why you put a figure of \$2.00 per animal, because when I went in the other day to the fishery, and ordered some frog legs, they're more than two bucks, and I think that \$2.00 is not a fair figure for frogs. I'm also curious, because I was interested in buying some lizard boots, and I know lizard boots cost much more than \$2.00 per lizard, so I think that the Gentleman...the figure that he's put on these animals here is not a fair figure, and I think that the figure should be much higher. And I believe that he should take this Bill out of the record, so we can get an Amendment, which would increase the price of the animal. But, I don't think \$2.00 is a fair figure for these animals. Not even wholesale."

Stephens: "Maybe we can work on that in the Senate."

Speaker Cullerton: "Did you put a question to him?"

Turner: "Well, the question is, is where did he come up with \$2.00? I mean, if...you know, why two?"

Speaker Cullerton: "Representative Stephens."

Stephens: "Well, I'm sure that the Senate Sponsor should we be so fortunate to find one, if the Bill gets there, would be willing to discuss an Amendment. This is in line with the price of the gar, which is a dollar right now. If you're guilty of catching 150 gar...excuse me, 300 gar and killing them, then that's a Class III Felony as Representative McPike pointed out. So, we think that if you're...since a frog, or a fine snake, like the garter snake, is more

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attractive than the gar, then only half as many of those ought to be caught in your possession, or their parts as Representative Barger talked about."

Turner: "So, I can assume then Representative..."

Stephens: "They're twice as valuable as a gar."

Turner: "I can assume then, those lizard boots that I've ordered from Texas, which I'm sure would be more than 150 lizards, that if they were made in Illinois, I would be sent to prison?"

Stephens: "These...those lizards you talk about are probably protected in Texas, but this Bill..."

Turner: "If they were Illinois made boots, I would go to jail, is that what I...is that..."

Stephens: "This Bill...oh, well it depends...no, you would not actually. This just allows...allows a price to be set on them that's probably cheaper than the price that...where do you buy your boots, by the way?"

Turner: "Texas."

Stephens: "Texas. You know, that's not good for the Illinois economy. I think we ought to discuss that."

Turner: "Yeah, but if you're going to charge me \$2.00 per lizard and you know, it's a felony for killing 150, I don't know if I want to buy them in Illinois. In fact this may be bad for the economy of our state if you're putting that kind of a price tag on them in Illinois. Thank you, Mr. Speaker."

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

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

Speaker Cullerton: "He indicates he will."

Mautino: "Your Amendment says, 'to obtain', which would be to collect or to kill I would assume, in part or whole, is that correct?"

Stephens: "Yeah, I believe that's what it says."

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Mautino: "Okay, then let me ask you this question. You know, there's a serious side to this and it's called the medical science side. We use...and in Illinois, we capture rattlesnakes for the venom. By milking this rattlesnake, does that and this is not funny, it's a straight question Ron."

Stephens: "I understand."

Mautino: "By milking that rattlesnake, does that come under your provisions? I think it does in part."

Stephens: "Well, if I can respond to that. The Section of the Code that we're amending and to be serious, does include other animals. For instance, the rock bass, white bass, yellow bass, blue gill, crappie, bullhead, pickerel, yellow perch, catfish, are all in the same Section of the Statutes. And it's not that they're not collectible, it's not that they're not something that we can continue to use. It is something that we can continue to use. But, for the serious ecologist, this offers some protection for about 60 species of the 90 that reside in Illinois, are in danger. And so there is a serious side to this. Obviously, we're having some fun with this Bill, but conservationists want it, ecologists want it, the zoo people want it, the educational people in Illinois want it, and I think that..."

Mautino: "Ron, I'm very serious, I'll...just tell me if it affects the rattlesnake venom? Very simple. Very easy. I think it does under your legislation. I recommend you correct it..."

Stephens: "Yeah, in my...if my understanding is correct what this would disallow, is just going out and doing it haphazard. You can then, get a...you can get a permit from the department and you can harvest them for the purposes of medical science, for providing snake venome, for providing

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frogs for kids to experiment on. That will still all be allowed. It will just be by permit, so that one particular species will not be allowed to be destroyed, for instance. So, in answer to your question, yes, you can still do that."

Mautino: "Okay, that's all I want to know."

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

Hultgren: "Mr. Speaker, I slither to the microphone to move the previous question."

Speaker Cullerton: "The Gentleman's moved the previous question. The question is, 'Shall the main question be put?' All those in favor say, 'aye', all those opposed 'no'. The 'ayes' have it in the opinion of the Chair. Representative Stephens, to close."

Stephens: "Well, thank you, Mr. Speaker, and thank you for the background music. The Illinois Department of Conservation, the State Natural History Survey Division, the Brookfield Zoo, Eastern Illinois University, and others, I knew that would get your attention...stand in support of this Bill. This will allow for the taking of these animals, these reptiles. What it will prevent is one particular species from being ravaged and taken from our midst and the possibility of indeed becoming extinct for those few species who reside only in Illinois. There are 110 species affected by this Bill, 60 percent of which are in serious danger of extinction, and this would allow the Department of Conservation to provide some protection while we still utilize the benefits of those reptiles for our health benefits and other advantages that they offer. Although, we've had a great deal of fun with this Bill, the proponents are very serious of its passage, and I would urge an 'aye' vote."

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Speaker Cullerton: "The Gentleman has moved for the passage of House Bill 2700. The question is, 'Shall House Bill 2700 pass?' All those in favor vote 'aye', all those opposed vote, 'no'. The voting's open. This is final passage. Representative Regan to explain his vote."

Regan: "Thank you, Mr. Speaker. I was going to ask the question. I was just wondering what the Restaurant Association thinks about this Bill, particularly Oriental ones and frog legs. Is it a particular specie of frog or is it all frogs? Two dollars a frog is going to raise the price of a meal pretty good."

Speaker Cullerton: "The Gentlemen from Cook, Representative Williams, to explain his vote."

Williams: "Yes, I also was going to ask a question. My real and serious concern is whether or not a person could get in trouble for fishing. If he goes fishing and catch over 150 bass in a given year, he might be subject to penalties under this particular Bill. Now, I don't know if that...I don't know if it does that or not, but it seems to say that. And secondly, they talk about that you may take snakes if you live on your brothers or sisters, but they don't tell you just the brothers and sisters are the landowner of the snakes, so it's kind of confusing. But, I would say that you'd better be careful of the fishermen of Illinois, cause you may get yourself in real trouble under this Bill."

Speaker Cullerton: "The Gentleman from Cook, Representative Levin, to explain his vote."

Levin: "Yeah, Mr. Speaker, in explaining my vote, recently I was at a restaurant in this area that had a fish tank and I asked why the tank was empty. And the answer was, because the fish had died. My daughter has a fish tank, and I'm concerned if we pass this Bill, that if something happens

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to the salamanders or the other critters that are in her fish tank, she could go to jail. I'm not sure this is a good Bill."

Speaker Cullerton: "Have all voted who wish? Mr. Clerk, take the record. On this question, there are 50...59...60 voting 'yes', 40 voting 'no', 9 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. House Bill 2713, Representative Peterson. Out of the record. House Bill 2780, Representative Peterson. Mr. Clerk, read the Bill. Representative Peterson."

Clerk O'Brien: "House Bill 2780, a Bill for an Act pertaining to preservation of wetlands. Third Reading of the Bill."

Speaker Cullerton: "Representative Peterson, House Bill 2780."

Peterson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2780 creates the Inner-Agency Wetland Policy Act. It would require that any state financed project include an assessment of the projects impact upon area wetlands and provide for wetland replacement and in another geographical area if necessary. The Department of Conservation has suggested this Bill in order to formulate a uniform state wetland preservation policy and it in part would allow Illinois to comply with federal executive order. And it does not apply to any privately financed projects. I ask your support for House Bill 2780."

Speaker Cullerton: "The Gentleman's moved for the passage of House Bill 2780. On that, is there any discussion? There being none, the question is, 'Shall House Bill 2780 pass?' All those in favor, vote 'aye', all those opposed, vote 'no'. The voting's open. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', none voting 'no', 1 voting 'present'. This Bill having

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received the required Constitutional Majority, is hereby declared passed. Returning to a Bill that was on this Order that was taken out of the record, House Bill 2348, Representative Curran. Mr. Clerk, please read the Bill."

Clerk O'Brien: "House Bill 2348, a Bill for an Act to amend the Illinois Solid Waste Management Act. Third Reading of the Bill."

Speaker Cullerton: "Representative Curran on House Bill 2348."

Curran: "Mr. Speaker, permission to return House Bill 2348 to Second Reading for purposes of an Amendment."

Speaker Cullerton: "The Gentleman asks leave to return House Bill 2348 to Second Reading for the purpose of an Amendment. Leave is granted. Mr. Clerk, please read the Bill on Second Reading."

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

Curran: "Move to withdraw Amendment #1."

Speaker Cullerton: "Withdraw Amendment #1. Any further Amendments?"

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

Curran: "Mr. Chairman, Amendment #...Mr. Speaker, Amendment #2 becomes the Bill. It simply allows the Department of Central Management Services under deteriorating market conditions of recycled materials to modify state agency wastepaper collection programs, to permit recycling centers to serve as buyers of that paper. This Bill is agreed to by the Governor's Office, the Department of Central Management Services, and the Department of Energy and Natural Resources. I move to adopt the Amendment."

Speaker Cullerton: "The Gentleman has moved for the adoption of Amendment #2, to House Bill 2348. Any discussion? There

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

Clerk O'Brien: "No further Amendments."

Speaker Cullerton: "Representative Curran, there's been a request for a fiscal note, which has not been filed. So the Bill remains on Second Reading. Also, returning to a Bill that was taken out of the record on this Order of Business, House Bill 2020, Representative Breslin. Mr. Clerk, please read the Bill."

Clerk O'Brien: "House Bill 2020, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Cullerton: "Representative Breslin, on House Bill 2020."

Breslin: "Thank you, Mr. Speaker. I would ask leave to return this Bill to the Order of Second Reading for the purposes of putting on an agreed Amendment."

Speaker Cullerton: "The Lady asks leave to return House Bill 2020 to Second Reading for purposes of an Amendment. Leave is granted. Mr. Clerk, please read the Bill."

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

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

Breslin: "Thank you, Mr. Speaker. Amendment #2 strips from this Bill any reference to the banning of tires or appliances from landfills. The...there has been an agreement to delay action on those two issues, and have this Bill deal only with the banning of batteries from landfills and the mechanism for recycling of them. So, this takes out tires and white goods from the Bill. I ask for its adoption."

Speaker Cullerton: "The Lady moves for the adoption of Amendment #2 to House Bill 2020. On that, is there any discussion? There being none, the question is, 'Shall Amendment #2 be

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adopted?' All in favor, say 'aye', all opposed, 'no'. In the opinion of the Chair, the 'ayes' have it and Amendment #2 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Cullerton: "Third Reading. The Lady asks leave to consider House Bill 2020 on the Order of Third Reading. Mr. Clerk, please read the Bill."

Clerk O'Brien: "House Bill 2020, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Cullerton: "Representative Breslin, on House Bill 2020."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, this Bill as amended prohibits the landfilling of lead acid batteries. Further, it encourages the recycling of more batteries. Retailers, who sell lead acid batteries for cars, trucks and vans, will be required to accept used batteries at the point of transaction. They will also be required to charge a recycling fee of \$5.00 for each new battery and they will be allowed to retain that in order to facilitate their recycling of the battery. There is also an alternative for retailers who may offer a \$5.00 recycling credit for a new battery if it is...if a used one is returned. This is primarily for Sears, who currently already have this kind of a credit program in operation. I'd be happy to answer any questions and move passage of this Bill."

Speaker Cullerton: "The Lady's moved for the adoption...or the passage of House Bill 2020. On that, is there any discussion? The Gentleman from Cook, Representative McNamara."

McNamara: "Yes, will the Lady yield for a question?"

Speaker Cullerton: "She indicates she will."

McNamara: "Thank you. On that \$5.00 charge on a new battery, I heard you say the word 'may'. In other words it is

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permissible for them to charge the \$5.00 or is it permissible for them to keep it? What does the 'may' mean?"

Breslin: "The Bill allows the retailers to charge the \$5.00 fee and retain that to recycle the batteries that will be returned to them."

McNamara: "So, in other words, the \$5.00 fee then is not just an additional cost for a new battery, and we're not saying that everyone who sells batteries must charge this?"

Breslin: "Oh, no. They only charge it if someone is making a purchase and not returning a used battery. In other words, so the object is to get them to recycle it. If they come in with their used battery, then no problem. They don't get the extra charge."

McNamara: "So, this is totally permissive legislation?"

Breslin: "Correct."

McNamara: "Okay, thank you."

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

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

Breslin: "She indicates she will."

Black: "I didn't understand that last exchange. If I read the notes in my file correctly, this is not permissive language."

Breslin: "It's not...it's not permissive in that you don't have to comply. But it is permissive in that a person who returns a battery, doesn't have to pay the \$5.00 fee. That's what the former Representative was referring to."

Black: "Okay, alright. But, if someone walks into a automotive parts store in my district, in the dead of winter, and buys a battery, and he forgot or whatever, doesn't have his or her battery at the point of sale, the old battery, then as

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I understand the language here, then the dealer would be required to charge them a \$5.00 recycling fee on their new battery purchase. Is that correct?"

Breslin: "That's correct. And the Bill also requires that the recycle posts information at the point of sale, so that the customer is not unwitting and unknowingly going to be charged this \$5.00 fee. The customer will know that that is expected. He's expected to return the old battery, in order to purchase the new battery."

Black: "Alright, bear with me for just a second now. Is...to the best of your ability, Representative, or the best of your knowledge, is there currently a market for batteries in the recycling of batteries?"

Breslin: "Yes."

Black: "So, in other words, the...if I take my old battery into an automotive parts store, that owner doesn't have to worry about just storing them, he does have a market then to move those batteries on somewhere else?"

Breslin: "He...correct. He either moves it to a recycling facility or to a secondary lead smelter."

Black: "Okay."

Breslin: "And there is a viable market for that already in place."

Black: "Well, I...you know, I think it certainly is headed in the right direction. I guess my main concern is that somehow we need to start getting word out to the public. I think a lot of times a Bill is never publicized, as we think it will be, and then someone walks into a store when this Bill goes into effect, gets hit with a \$5.00 fee that he or she has never had to see or pay before, and I think that's where some of our problems begin. I wish I had an answer for that question and I don't pose it to you, but somehow, we need to start educating the public and letting them

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become aware of where we're headed. And I know you have worked very hard to do this, but in talking with people back home over the weekend, I find a abysmal lack of knowledge about why and what for, and where we're headed, and I think if we don't get the people with us on Bills like this, that we're going to have a heck of a time trying to enforce it. Thank you for your kindness, Representative."

Speaker Cullerton: "The Gentleman from McDonough, Representative Edley. Representative Anthony Young, in the Chair."

Edley: "Speaker, Ladies and Gentlemen of the General Assembly, I will be voting 'present' on this legislation, because I'm a parts wholesaler. I have a couple of operations and we do sell batteries. But I see absolutely nothing wrong with the Lady's Bill. We handle old batteries that people bring in and once a week or so a battery recycler will come by and pick them up and generally the price ranges anywhere from 50 cents to 2 or 3 dollars that you can get out of a used battery. So, I don't see that this would be a severe hardship on small businesses, nor do I see it for the consumers because they're going to have to dispose of this battery...giving it to their point of purchase place is probably the best way to do it. Thank you."

Speaker Young: "The Gentleman...the Gentleman from Cook, Representative Balanoff."

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

Speaker Young: "Indicates he (sic-she) will yield."

Balanoff: "Under this legislation, what would be the penalty for lead...for landfilling a lead acid battery and how will it be enforced?"

Breslin: "That...that isn't in this Bill. That's the normal penalty for disposing of items in a sanitary landfill that is not permitted. Okay?"

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Balanoff: "Thank you."

Breslin: "So, whatever the current law is."

Balanoff: "Okay."

Speaker Young: "The Gentleman from Cook, Representative Kulas."

Kulas: "Thank you, Mr. Speaker. I rise in support of House Bill 2020. The Lady's Bill addresses just one problem of the solid waste disposal problems that we have in this state. But it's a serious problem because of the lead contaminations in our ground water. We've worked very hard on this Bill. The retailers have signed off on this Bill and I would ask everybody to support this Bill."

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

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

Speaker Young: "Indicates she will yield for a question."

Regan: "Does this pertain strictly to retailers or are we getting involved in wholesalers as well?"

Breslin: "Anyone who sells batteries. If they're selling them at wholesale to the general public, then they would be involved, but that's....that's not commonly done."

Regan: "It's really designed for retailers isn't it?"

Breslin: "Yes."

Regan: "Alright, thank you."

Speaker Young: "The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill and I want to commend the Sponsor for doing an excellent job of bringing everybody together on this Bill. If there's one thing that you want to keep out of landfills, if there's one thing you want to keep from contaminating the underground water aquifers, your source of drinking supplies, it's a lead acid battery, with lead, cadmium and acid. It's extremely important that these items be kept out of the way stream

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and out of dwindling landfill space. For your own health, and for the health of future generations, I urge a 'yes' vote on this fine Bill."

Speaker Young: "Further discussion? The Lady from LaSalle, Representative Breslin, to close."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, Representative Wennlund said it all. I encourage an 'aye' vote."

Speaker Young: "The question is, 'Shall House Bill 2020 pass?' All those in favor vote, 'aye', those opposed vote, 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 114 voting 'yes', none voting 'no', 1 voting 'present'. This Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 2790, Representative McPike. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2790, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Young: "Representative McPike."

McPike: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This amends the EPA to authorize the agency to enter into settlement agreements with the deminimus parties to an administrative or civil action to recover response costs. As everyone on the House floor probably recalls, we have strenuously fought the elimination of joint and civil liability in regards to landfills, toxic spills, etc. However, the department has drafted a Bill that will allow them to reach agreement with those parties that are only minimally responsible for a spill and they set forth a number of requirements that must be met before the agency would recognize someone that is minimally responsible. I think it's a good compromise and I move the

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passage of the Bill."

Speaker Young: "The Gentleman has moved for the passage of House Bill 2790, and on that question, the Gentleman from Lake, Representative Churchill."

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

Speaker Young: "He indicates he will yield for a question."

Churchill: "Does this have to do with the land soil case or is this a different Section of the statute on the EPA?"

McPike: "I'm not familiar with that case. I did not draft the Bill. The EPA drafted it and gave it to me. I'm not familiar with the case you mentioned."

Churchill: "The land soil case is the case where people who are trying to recycle oil, would give it to somebody in a recycling business and supposedly the recycler was recycling the oil, but he did not. In fact, he put the oil into a landfill, and when the EPA found out about it, they went to clean it up and now they're coming back to all of those people out in the state who had given their oil to the recycler, and asking for them to contribute back to the cost of the clean up. And I just wondered if this Bill would allow the state to come in and settle those deminimus cases against the people who had tried to recycle the oil."

McPike: "Well, I...I really can't answer that specific question. I'm not familiar with that case. You can read, if you have the Bill in front of you. It sets out some of the requirements. Number one, the amount of hazardous substance contributed by that party to the sight. And number two, the toxic or other hazardous effects of the substance contributed by that party to the sight are minimal in comparison to the other hazards...the other hazardous substances of the sight. I don't know if that..."

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Churchill: "Sounds like a fine Bill."

McPike: "I don't know if that answers..."

Churchill: "Sounds like a fine Bill."

Speaker Young: "Further discussion? Representative McPike to close."

McPike: "Just ask for an 'aye' vote."

Speaker Young: "The question is, 'Shall House Bill 2790 pass?' All those in favor, say 'aye', those opposed, say 'no'. Voting is now open. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', none voting 'no', none voting 'present'. This Bill, having received the required Constitutional Majority, is hereby declared passed. Also on this Order, we will go back and pick up House Bill 2348. Representative Curran. Read the Bill, Mr. Clerk."

Clerk O'Brien: "This Bill was taken back to Second Reading and held for fiscal note. The fiscal note has now been filed."

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

Clerk O'Brien: "House Bill 2348, a Bill for an Act to amend the Illinois Solid Waste Management Act. Third Reading of the Bill."

Speaker Young: "Representative Curran."

Curran: "Thank you, Mr. Speaker. This Bill is...now as amended, has been agreed to by the Governors office, the Department of Central Management Services, and the Department of Energy and Natural Resources. It simply allows state agencies to modify the way they would take in or take care of the problem of recycled material. And I'd ask for a favorable Roll Call. I know of no opposition."

Speaker Young: "The Gentleman has moved for the passage of House Bill 2348, and on that question, is there any discussion?"

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Hearing none, the question is, 'Shall House Bill 2348 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', none voting 'no', none voting 'present'. House Bill 2348, having received the required Constitutional Majority, is hereby declared passed. We'll now go to the Order of Business, Government Programs, Second Reading. The first Bill on this Order is House Bill 34, Representative Hicks. Is Representative Hicks in the chamber? House Bill 34. Out of the record. House Bill 89, Representative Leverenz. House Bill 89, Representative Leverenz. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 89, a Bill for an Act to amend an Act relating to disaster relief. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Young: "Any Floor Amendments?"

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

Speaker Young: "Representative Leverenz, on Floor Amendment #2."

Leverenz: "Thank you, Mr. Speaker. The Amendment would change the date from what is in the Bill, I believe it's the 10th, moving it back to the 7th. I would move for the adoption of Amendment #2."

Speaker Young: "The Gentleman moves for the adoption of Floor Amendment #2 to House Bill 89, and on that question, is there any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Just an inquiry of the Chair. I believe we filed a fiscal note to this Bill?"

Speaker Young: "Mr. Clerk, there's a note..."

Black: "I filed to request, I'm sorry."

Speaker Young: "The fiscal note has been filed."

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Black: "Thank you."

Speaker Young: "Any other discussion on Floor Amendment #2? Hearing none, the question is, 'Shall Amendment #2 be adopted?' All those in favor, say 'aye', those opposed, say 'nay'. The opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Young: "Third Reading. House Bill 121, Representative Giorgi. Out of the record. House Bill 143, Representative LeFlore. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 143, a Bill for an Act to amend the Hospital Licensing Act. Second Reading of the Bill. No Committee Amendments."

Speaker Young: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Young: "Third Reading. House Bill 227, Representative Giorgi. Read the Bill, Mr...no, out of the record. House Bill 424, Representative Flowers. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 424, a Bill for an Act to amend the Employee Rights Violation Act. Second Reading of the Bill. No Committee Amendments."

Speaker Young: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Young: "Third Reading. House Bill 436, Representative Giorgi. House Bill 436. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 436, a Bill for an Act to amend certain Acts in relation to child and spouse support collection. Second Reading of the Bill. Amendments #1 and 2 were adopted in committee."

Speaker Young: "Any Floor Amendments?"

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

Speaker Young: "Third Reading. House Bill 761, Representative

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Davis. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 761, a Bill for an Act to prohibit certain uses of automated telephone systems. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Young: "Any Floor Amendments?"

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

Speaker Young: "Representative Davis, on Floor Amendment #2."

Davis: "Thank you, Mr. Speaker. Floor Amendment #2, simply deletes the telephone company from being the enforcing agent, and it leaves the responsibility to the Attorney General."

Speaker Young: "The Lady moves for the adoption of Floor Amendment #2. On that question, is there any discussion? Representative Davis, I think you explained the Committee Amendment #1, not #2."

Davis: "For House Bill 761?"

Speaker Young: "Right. Floor Amendment #2."

Davis: "May I come up there for a minute?"

Speaker Young: "Would you..."

Davis: "Move to table Amendment #2."

Speaker Young: "The Lady withdraws Floor Amendment #2. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Young: "Third Reading. House Bill 774, Representative Giorgi. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 774, a Bill for an Act to amend an Act to create sanitary districts. Second Reading of the Bill. No Committee Amendments."

Speaker Young: "Any Floor Amendments?"

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

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Speaker Young: "Representative Parcels, on Floor Amendment #1."

Parcels: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is an Amendment to..."

Speaker Young: "Excuse me, Representative..."

Parcels: "This is an...Amendment #1 to House Bill 774, and this was adjusting the salaries...this is for an increase in salaries..."

Speaker Young: "Excuse me, Representative Parcels, the Sponsor wishes this Bill be taken out of the record. Out of the record. House Bill 792, Representative Trotter. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 792, a Bill for an Act to amend the Illinois Human Rights Act. Second Reading of the Bill. No Committee Amendments."

Speaker Young: "Any Floor Amendments?"

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

Speaker Young: "Representative Trotter."

Trotter: "Thank you very much, Mr. Speaker, Members of the House. Amendment #1 just makes the language in this Bill proactive versus retroactive. Doesn't do anything other than that."

Speaker Young: "The Gentleman moves for the adoption of Floor Amendment #1 to House Bill 792, and on that question, is there any discussion? Hearing none, the question is, 'Shall Floor Amendment #2 be adopted?' All those in favor, say 'aye', those opposed, say 'no'. In the opinion of the Chair...this is Floor Amendment #1. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Young: "Third Reading. House Bill 889, Representative Trotter. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 889, a Bill for an Act to amend..."

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Speaker Young: "Out of the record, Mr. Clerk. House Bill 910, Representative LeFlore. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 910, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Young: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Young: "Representative, there has been a request for a fiscal note. For what purpose does the Gentleman from Vermilion, Representative Black, seek recognition?"

Black: "Just an inquiry of the Chair, Mr. Speaker. Our...is the board correct? Is that the Bill we're on?"

Speaker Young: "That is correct."

Black: "Thank you."

Speaker Young: "Representative, the note is not in the possession of the Clerk at this time. So, this Bill will remain on Second Reading until such time as the note is filed. At this time, I'd like to go back one, Mr. Clerk. House Bill 889, Representative Trotter."

Clerk O'Brien: "House Bill 889, a Bill for an Act to amend the Personnel Code. Second Reading of the Bill. No Committee Amendments."

Speaker Young: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Young: "Third Reading. House Bill 981, Representative Davis. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 981, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Young: "Any Floor Amendments?"

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

Speaker Young: "Representative Davis."

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Davis: "Mr. Chairman, I would like to table Amendment #1."

Speaker Young: "Withdraws Amendment #1."

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

Speaker Young: "Representative Davis."

Clerk O'Brien: "Mr. Chairman, we'd like to table Amendment #2."

Speaker Young: "Withdraw Amendment #2."

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

Davis: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. Floor Amendment #3, removes the requirement from the Bill, that the State Board of Education would establish procedures and criteria for the development and implementation by school districts of minority recruitment policies for teachers and other certified employees. And it also has a technical change of changing the word 'certified', to 'certificated'. And this was an Amendment that was requested by the State Board of Education, and we ask for a favorable consideration."

Speaker Young: "The Lady moves for the adoption of Floor Amendment #3 to House Bill 981, and on that question, the Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. I appreciate being recognized. Will the Sponsor yield for a question, please?"

Speaker Young: "Indicates she will yield for a question."

Cowlshaw: "Thank you. Representative Davis, because of the fact that as...if we adopt this Amendment, the State Board of Education would not have any additional responsibilities?"

Davis: "Not on this particular legislation."

Cowlshaw: "Right, and if...but, if we adopt this Amendment, I want to make sure I understand what the Amendment does. If we adopt this Amendment, local school boards would still be

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required, and it's just a one time thing for them to do, still be required to adopt some sort of a policy having to do with minority recruitment, is that correct?"

Davis: "That is correct."

Cowlshaw: "And as amended then, that is all your Bill does, is that correct?"

Davis: "My Bill requires that school districts across the State of Illinois, promulgate rules that will set up regulations for recruiting minorities for schools. That's all. That's it."

Cowlshaw: "Then..."

Davis: "What the Amendment does, Representative, is remove the responsibility from the State Board of Education."

Cowlshaw: "Very good. Just a couple of other quick questions if I may. Representative Davis, do you know how many Bills are on this Special Order called Government Programs?"

Davis: "Well, it's in the Calendar. It's on the Calendar, I think there are 15, maybe more."

Cowlshaw: "Yes, I counted them, and there are 50. Half of 100. Five zero. 50 Bills on this Order."

Davis: "Okay. Alright."

Cowlshaw: "Do you know how many of them are sponsored by Republicans?"

Davis: "I'm sorry, since I'm not..."

Cowlshaw: "None. Not one Bill on this order of call is sponsored by a Republican."

Davis: "Wait, excuse me, Representative. Now, this morning, you know, I got here this morning about 12:30..."

Speaker Young: "Let's have some order. Let's have some order, we are discussing Floor Amendment #2."

Cowlshaw: "Well, Mr. Speaker, I think we should adopt this Amendment, and I also think that it's kind of notable that all the people who want new programs that cost money and

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don't necessarily accomplish much are Democrats and not one single Bill on this Order is sponsored by a Republican. Thank you, Mr. Speaker."

Speaker Young: "Further discussion? Hearing none, the question is, 'Shall Floor Amendment #3 be adopted?' Did you wish to close, Representative? The question is, 'Shall Amendment #3 be adopted?' All those in favor, say 'aye', those opposed, say 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Young: "Third Reading. Representative Davis."

Davis: "Mr. Speaker, I would like immediate consideration of this Bill."

Speaker Young: "Representative Davis, all the Bills on this order are on Second Reading, so we're going straight down the order trying to move them off from Second to Third."

Davis: "Thank you, Mr. Speaker. I don't want to upset Representative Cowlshaw."

Speaker Young: "At this time, we will go to House Supplemental Calendar #1, for purposes of a Motion. Representative Mays on House Supplemental #1."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I move to discharge the Appropriations Committee Senate Bill 385. It's a supplemental Appropriations Bill."

Speaker Young: "The Gentleman has moved to discharge Appropriations I Committee from further consideration and advance to the Order of Second Reading, First Legislative Day, Senate Bill 385. On that Motion, is there any discussion? Hearing none, the question is, 'Shall the Appropriations I Committee be discharged from further consideration of Senate Bill 385?' All those in favor, say 'aye', those opposed, say 'nay'. I'm informed that we need

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a Roll Call. All those in favor, vote 'aye', those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'yes', 2 voting 'no', none voting 'present', and the Motion carries. Back to the Order of Government Programs, Second Reading, appears House Bill 1414, Representative Giorgi. For what purpose does Representative Leverenz seek recognition?"

Leverenz: "I believe we had an agreed Amendment while we're with that Bill, and if we could just do that."

Speaker Young: "Before we return to Government Programs, we'll go back to this Order on...to the Supplemental Calendar, Senate Bill 385, Representative Mays."

Mays: "Thank you, Mr. Speaker. Amendment #1 to...House Amendment #1 to Senate Bill 385...the board is still on the next Bill."

Speaker Young: "Senate Bill 385, Representative Mays."

Mays: "Yes, I'd like to...ask leave of the Body to advance this Bill to Second Reading, Second Legislative Day."

Speaker Young: "The Gentleman asks leave to advance to Second Reading, Second Legislative Day. Leave is granted by use of the Attendance Roll Call."

Mays: "Thank you. Now, Amendment #1."

Clerk O'Brien: "Senate Bill 385, a Bill for an Act to amend the Illinois Vehicle..."

Mays: "Thank you very much, Mr. Speaker..."

Speaker Young: "Just a second, the Bill has to be read a Second time."

Clerk O'Brien: "Senate Bill 385, a Bill for an Act making appropriations for various agencies. Second Reading of the Bill. No Committee Amendments."

Speaker Young: "Any Floor Amendments?"

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

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Mays and Ryder."

Speaker Young: "Representative Mays."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen. What this Amendment does, is basically take everything out of the Supplemental Bill that passed over to the House, except for the prize money for the Illinois State Lottery. It's a 40 million dollar prize supplemental that we'll be appropriating to them. If they don't get it, they won't have any prize monies to award. I would move its adoption."

Speaker Young: "The Gentleman moves for the adoption of Floor Amendment #1 to Senate Bill 385, and on that question, is there any discussion? Hearing none, the...the Gentleman from Cook, Representative Rice."

Rice: "Can we ask a question please?"

Speaker Young: "The Gentleman will yield for a question."

Rice: "What prize money, Jeff?"

Mays: "This is a lottery prize money for the people that win lottery tickets...win the big lotto. We've had such a turn over in the lottery prizes three times now, and they're out of money for prizes. We appropriate prize monies here."

Rice: "Don't you think we ought to give the surplus money for fifty cents for a million dollars or fifty cents of whatever to the School Fund?"

Mays: "I, personally, think you ought to get every dime of it, Representative."

Rice: "No, I don't need it. I just want it sent to the State School Fund. Those 16 school districts that need money."

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

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

Speaker Young: "Indicates he will yield."

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Frederick: "Yes, Representative, was there a 25 million dollar appropriation supplemental in there for circuit breakers, that's been taken out?"

Mays: "What the intent is, is to hear the subject matters and the dollars in the Appropriations Committees on subsequent Bills on Tuesday, I believe. And...but, this is an imminent thing that has to get done right now."

Frederick: "Oh, okay."

Mays: "So, the rest of the Bill, in portions, will be heard in the Appropriations Committee. But, this is something that's right in front of us right now. And we need to do it."

Frederick: "Okay. Thank you."

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

Leverenz: "Thank you, Mr. Speaker. To help those Members that have questions, we are putting this on a fast track, so that we can meet a Friday deadline. The other things will be heard in committee and we will find a Bill that is in the House, and those things will be amended on that Bill. So, I'd appreciate your 'aye' vote, so we can get this out of here. Thank you."

Speaker Young: "Further discussion? Representative Mays to close."

Mays: "I think we've pretty much layed it out. I appreciate your help on this and I appreciate your 'aye' votes."

Speaker Young: "The question is, 'Shall Floor Amendment #1 to Senate Bill 385 be adopted?' All those in favor, say 'aye', those opposed, say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Third Reading. We will now return to the Order of Government Programs. House Bill 1414, Representative Giorgi. Out of the record. House Bill 1415,

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Representative Trotter. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1415, a Bill for an Act in relation to adequate ventilation of office buildings. Second Reading of the Bill. No Committee Amendments."

Speaker Young: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Young: "Representative, there has been a request for a fiscal note. The Bill will remain on Second Reading. Representative Trotter."

Trotter: "Yes, the fiscal note has been filed, already."

Clerk O'Brien: "Fiscal note is filed."

Speaker Young: "Third Reading. Mr. Clerk, we can go back now, to House Bill 1414, Representative Giorgi. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1414, a Bill for an Act to amend an Act in relation to compensation of Members of the General Assembly. Second Reading of the Bill. No Committee Amendments."

Speaker Young: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Young: "Third Reading. House Bill 1527, Representative Flowers. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1527, a Bill for an Act to create the Child Care Program. Second Reading of the Bill. No Committee Amendments."

Speaker Young: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Young: "Third Reading. House Bill 1559, Representative Younge. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1559, a Bill for an Act in relation to financially distressed municipalities. Second Reading of the Bill. No Committee Amendments."

Speaker Young: "Any Floor Amendments?"

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

Speaker Young: "Representative Stephens on Floor Amendment #1."

Stephens: "Well, thank you, Mr. Speaker. The provisions of Amendment #1 provide that loans or grants administered by DCCA..."

Speaker Young: "Excuse me, Representative Stephens...excuse me, for what purpose do you seek recognition Representative Young?"

Young: "Thank you, Mr. Speaker. I question the germaneness of this Amendment."

Speaker Young: "Well if that's the case, I have to find the parliamentarian."

Stephens: "Well, Mr. Speaker, if I may while you're seeking out the advice of the Parliamentarian, maybe I could describe the Amendment. The...provides that..."

Young: "Mr. Speaker, I question the germaneness of the Amendment."

Stephens: "We're getting to that."

Speaker Young: "The Parliamentarian is going to study the Amendment."

Stephens: "Mr. Speaker, if I might continue? Financially distressed municipalities under this Amendment, will not be given any help if their chief executive officer has hired bodyguards. And this is a direct attempt to send a message to the City of East St. Louis, where the mayor continues to administer his city in such manner that it continues to fall further and further into a distressed manner financially, and yet at the same time, has the audacity to take police officers off the street, police officers that were prior to this time, designated to be fighting gang crime and gang drug distribution. He pulled that drug unit off the street in order to provide himself five bodyguards."

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I searched around the state to try to find another city that had so many bodyguards for their mayor, and I couldn't find one. And I'm...I think that if mayors like the Mayor of East St. Louis are going to operate a city in the irresponsible manner we ought to send a message from this General Assembly that it's not going to be tolerated. It's not going to be tolerated for them to run a city right into the ground and then come to us for financial assistance. I think it's wrong. This is a...this Amendment is directed at a mayor..."

Younge: "Mr. Speaker...I think it's an abuse of this process to permit him to go on like that. It clearly is not germane to this Bill..."

Stephens: "...who is sent to the country of Zaire, but I don't want to go over there..."

Speaker Young: "Repre..."

Stephens: "This is very germane, Mr. Speaker."

Speaker Young: "Representative, the Parliamentarian has ruled that the Amendment is germane."

Stephens: "Well, thank you, Mr. Speaker, and I'll continue. This Amendment is directed at the Mayor of East St. Louis, and I think he has set an example that we want to make sure that other mayors of municipalities do not follow. This Mayor has embarrassed his city most recently in his...in accepting an invitation from the country of Zaire..."

Speaker Young: "Excuse me, Representative Stephens. Representative Williams, for what purpose do you seek recognition?"

Williams: "Yeah, I wanted to ask the Sponsor of this Amendment some questions, and it seems to be...you know, he's off on these tirades, right now, and I'd like to have an opportunity..."

Speaker Young: "He has...he's in his initial introduction..."

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Williams: "Oh, okay."

Speaker Young: "He will yield for questions whenever he gets through."

Williams: "Thank you."

Stephens: "Well, Mr. Speaker, thank you for the consideration.

But, the Mayor of the city in question that this Amendment is directed at has showed...has shown a total...totally intractable position in trying to mismanage the city. One example after another and I think, the most blatant example is taking those fine...five officers, who are out on the street, on a day to day basis, in an almost impossible mission trying to stop the drug scene down there, trying to stop gang crime, trying to stop and save the city. He took them off the streets, where they could no longer do their job and put them to use as his personal bodyguards, and I think we ought to all be offended by that. Mr. Mayor...Mr. Speaker, the people of the City of East St. Louis deserve better. In the most recent aldermatic elections, they sent a strong message to the Mayor. They defeated every candidate that he backed for the City Aldermatic Council. There is hope in East St. Louis, and we have to continue to support those cities who are willing to stand up. And those proud people who stood in East St. Louis and helped elect those aldermatic council members, need to hear from Springfield, that we understand that a poorly administered city is not a city that has hope. And so Mr, Speaker, I move the adoption of House Amendment...Amendment #1 to House Bill 1559, an Amendment that clearly improves the Bill and I urge an 'aye' vote."

Speaker Young: "The Gentleman moves the adoption of Floor Amendment #1 to House Bill 1559, and on that the Gentleman from Cook, Representative Williams."

Williams: "Thank you, Mr. Speaker, will the Gentleman yield?"

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Speaker Young: "Okay, he indicates he will yield for a question."

Williams: "Your Amendment says that a loan or grant should not be given to any financially stressed municipality, who's chief executive has hired any bodyguards. Does that cover the City of Chicago?"

Stephens: "The City of Chicago as is not unusual in this process, is excluded from the language of the entire Bill."

Williams: "Where is that?"

Stephens: "In the original Bill, Sir."

Williams: "But, when you say this particular...now what about any other township, is this just anybody, any town, in any...in the State of Illinois that might have any sort of trouble and the mayor, for whatever reasons, might have a bodyguard, could never come to this General Assembly and ask for money. Is that correct?"

Stephens: "Well, they could come, and they could ask, but if this language is adopted, as it ought to be, then if they are coming to us because of financial problems that they've gotten themselves into, or that have been the creation of the economy as a whole, what we're saying is, if you're going to come to us for help, you're going to have to have your priorities straight. And what we're saying is, that you shouldn't be taking police officers off of your own street, to provide the protection of one individual at the expense of 40,000 others."

Williams: "Well, what about if in fact, there is a serious crime, or serious problem or threat made against...directly against the mayor's life, in a given instance when a mayor may have been actually threatened and his city just happens to be in financial trouble. Are you saying, because of the fact that he responds to a threat that he can't have financial help."

Stephens: "If...if that's the case...if that's the case, then we

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have many mechanisms with which to deal with that. Including in the State of Illinois, the Department of State Police, the Department of Criminal Investigations, the...and on the federal level, the FBI and others stand ready and willing to provide protection for those serious threats on an elected official's life. And we would, certainly, not want to put a man in danger, but when you're talking about a mayor who's gone off the deep end, who might not have a reason..."

Williams: "I'm not talking about one person, I'm just asking you in general."

Stephens: "Okay, are those...generically, then for those mayors who make the unusual decision to provide 5 or 6 bodyguards for themselves, I think that this General Assembly should consider that before we go loaning money to a city that is by the hiring of those bodyguards, said we don't know how to administer our city. Cause when people are doing without police protection, our mayor is protected..."

Williams: "Isn't it conceivable though, that a person might hire his own bodyguards and then be relieved of the ability, cause your Bill says, 'who has hired bodyguards.' It doesn't say that they were hired by the city. Doesn't say that they were hired...the guy could reach into his own pocket, hire bodyguards and then because he has hired bodyguards, hired of his own money, his town would be denied direct support from the state. That's what your Bill says, right? Yes, or no, does it say that?"

Stephens: "In...if I may answer your question, I think that it's...first of all indicates that we need a Roll Call on this Amendment, Mr. Speaker. So, I ask for that."

Williams: "You didn't answer the question."

Stephens: "Well, I wanted to get that into the record. I wanted to ask for a Roll Call and then answer your question. The

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intent of the Bill is that they be hired by the municipality."

Williams: "That's not what it says...to the Bill...to the Amendment. I rise in opposition to this. This is obviously a very mean spirited Amendment. I think that it's wrong to say that a person who lives in a particular community, whether or not you agree or disagree with this particular plight of the city in which this person is trying to address this Amendment too, the question becomes would you, yourself want to be the chief executive of one of these large municipalities where a lot of heated people and a lot of heated things do not have the right to even have a bodyguard, not even had a right to hire your own bodyguard. This doesn't say bodyguards hired by the municipality. This says, if you go out and you hire your own bodyguard for any given reason at any given time, that this state can no longer help you in that municipality. All it says to anybody who wants to be a chief executive officer of any given municipality, you put your own life in your own hands, and you have no right to protect yourself. This is an Amendment that's meant to causing trouble for one particular municipality based upon the actions of one chief executive. If you don't like the chief executive, that's your problem, but it shouldn't be the problem of the State of Illinois, and we should not even be addressing this question here today. We should never, never stand in the way of protecting an individual who may find themselves in a situation where they need bodyguards and where their town needs help. This is a bad precedent. It's aimed at one person. One person does not make good law, and we should defeat this Amendment here, this afternoon."

Speaker Young: "Further discussion? The Gentleman from Lake, Representative Matijevich."

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Matijevich: "Would the Gentleman yield?"

Speaker Young: "Indicates he'll yield for a question."

Matijevich: "Representative Stephens, think for a moment, if you are a mayor now, let's forget that you're a Legislator, and we try to forget that everyday. I'm kidding about that. But...I'm really kidding about that. But, think for a moment if you were a mayor, and let's say you were a mayor of a large city, and you did something that wasn't popular. It was so unpopular that you enraged many people. And after doing that act, which was an act of courage, you had some death threats that were serious death threats, serious to the extent that your police chief reported them to the FBI and your life was in danger. And your police chief even recommended to you, that for a period of time, that you have bodyguards for your own protection. Would you follow that recommendation?"

Stephens: "Not at the expense of the people that I was elected to protect. No. And I don't think any reasonable man would."

Matijevich: "You don't think any reasonable man would?"

Stephens: "Not if it put another man in danger."

Matijevich: "Well, let me follow that with another..."

Stephens: "Not if it put you in danger, no."

Matijevich: "No, alright you answered. Let me follow with another question. Do you think Governor Thompson is a reasonable man?"

Stephens: "Which party..."

Matijevich: "That's a yes or no question. I didn't hear your answer."

Stephens: "Did you say Mayor Thompson?"

Matijevich: "No, I said Governor Thompson."

Stephens: "Oh, well this Bill only deals with mayors."

Matijevich: "I just asked you do you think Governor Thompson is a

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reasonable man."

Stephens: "I'd be glad to discuss that with you, socially, anytime you want to Representative, but if it's not pertinent to the legislation."

Matijevich: "It is pertinent, because you and I know that Governor Thompson has had bodyguards."

Stephens: "No, it's not. That has nothing to do with the issue."

Matijevich: "It does have something to do with the issue."

Stephens: "Well, then you then you don't understand the issue."

Matijevich: "Because if the Governor is a reasonable man if he feels that he may at times, need a bodyguard."

Speaker Young: "Representative Tate for what purpose are seeking recognition?"

Tate: "Come on John's being dilitor over there. Why don't you have him. Why don't you have him speak to the Amendment."

Speaker Young: "Representative Tate, you're out of order, the Gentleman has the floor. For what purpose do you seek recognition, Mr. Hallock?"

Hallock: "Well, thank you, Mr. Speaker, the Amendment deals with Mayors it doesn't deal with Govenors or Presidents or Ambassadors. It deals with Mayors...Matijevich...should confine his questions to Mayors and the Amendment itself."

Matijevich: "Mr. Speaker, it deals with the issue of bodyguards and I think they can translate the matter of bodyguards of Mayors to Governors and other public officials. I think my line of questioning is in order."

Stephens: "Mr. Speaker, I believe the Gentleman is being dilitory. I wish you'd call him out of order."

Matijevich: "Well, I'm sorry, Mr. Speaker, I am not being dilitory and I'm being serious about it because I've said once before on the floor, that often what we do is, we write into the laws something that is really personal vindictiveness against one person. But, that

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vindictiveness may affect many people at different times and the fact of the matter is as I said, that Governor Thompson has had an entourage in and out of this country. Part of that entourage are bodyguards and that to me doesn't mean that somebody just because they may employ bodyguards doesn't mean that they have a handle on the administration of the affairs of that government. I'm not saying that what is happening in East Saint Louis ought to be a part of this debate because it affects many others beside the Mayor of East Saint Louis. So, I think...I voted for that other Bill you had Ron, but I don't think we can justifiably vote for this Amendment because it affects much more than the Mayor of East Saint Louis and I would recommend a 'no' vote."

Speaker Young: "The Lady from St. Clair, Representative Younge."

Younge, W.: "Thank you, I'm opposed to this Amendment because it makes light and it tends to ridicule a very very serious Bill in a very serious situation. We have large...several municipalities in this state who need the local bonds and their debt and their local revenues restructured. This is a financialy distressed restructuring Bill for those municipalities that are in serious problems and in serious trouble financially, and I think that it is an abuse of this process to introduce an Amendment like this that would ridicule and mock the seriousness of this subject matter in this Bill and for that reason, I move, 'do not pass', Mr. Speaker. 'Do not adopt'."

Speaker Young: "The Gentleman from Cook, Representative Lang on the Motion."

Lang: "Move the previous question, Mr. Speaker."

Speaker Young: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor say, 'aye' those opposed say, 'no'. In the

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opinion of the Chair, the 'ayes' have it and the main question is put. Representative Stephens, to close."

Stephens: "Thank you, Mr. Speaker, the...obviously the emotions are running high on this issue. I want to reiterate that a message needs to be sent to those municipalities that finds themselves in financial distress. This is one of the ways that we can send that message. The message we're sending is quite simple. It says that if you're going to come to the State of Illinois for financial assistance, that to the best of your ability, you should have your house in order, and you might still find yourself in distress. One of the most outstanding examples of financial distress in the State of Illinois today, is unfortunately, the City of East Saint Louis, some through it's on fault some through the effect of the economy in the Southwestern Illinois area and historic problems that the city has had. Many of the citizens of East Saint Louis are extremely offended that the unit that was put on the streets to protect the lives of the children, the drug fighting unit, the gang crime unit was taken off the streets for the single purpose of providing bodyguards for one man. Now whether that man is the Mayor in the most important citizen of the city is not in question here. What is in question is, if it's appropriate to take the protectors of the children of the City of East Saint Louis off of the street to provide for the protection of a man...who might not be in a position to say to the citizens that he is indeed, the most important citizen of the city. So, I think we ought to send that message on behalf of those good people of East Saint Louis that have told me that they are offended by the actions of their Mayor in this and other matters, and I move do adopt."

Speaker Young: "The Gentleman has moved for the adoption of Floor

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Amendment #1 to House Bill 559 and on that question, all those in favor vote 'aye', all those opposed vote, 'no'. Voting is now open. Have all voted who wish? Representative Tate, one minute to explain your vote."

Tate: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just...I just encourage everyone to think about this Amendment, for a second. You know, if you're from the Quad Cities or Springfield or Waukegan, Centralia, Kankakee, Decatur, any of those municipalities you don't see five, six, seven bodyguards walking around. East Saint Louis has one of the highest crime rates in the State of Illinois. Now, if you're gonna protect children in this state, if your gonna protect neighborhoods, you can't very well protect those people when every cop in the city is protecting the Mayor. The Speaker himself, has said to resolve the financial problems of East Saint Louis, they need to get rid of the Mayor of East Saint Louis and this is a good Amendment and it should go on."

Speaker Young: "The Gentleman from Cook, Representative Preston, one minute to explain your vote."

Preston: "Well, Mr. Speaker, I would ask that the Chair give Members more than a minute to explain their votes because I think some of those green votes would take a lot more than one minute to explain."

Speaker Young: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 46 voting 'yes', 66 voting 'no', 2 voting 'present', and the Amendment fails. Further Amendment?"

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

Speaker McPike: "Representative McPike in the Chair. Representative Young."

Young: "Thank you, Mr. Speaker, Members of the House, Amendment

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#2 creates the Financially Distressed Municipalities Act. As the Bill was originally written, it would place the responsibility in DCCA the Department of Commerce and Community Affairs to conduct a survey of all municipalities each year to determine their financial condition and upon receipt of the survey if DCCA found that the municipality was in distress, it would notify all the heads of the various agencies and then DCCA would appoint a coordinator who would then come up with a plan as to how to resolve the distress of the municipality. Amendment #2 changes the Bill to place the whole procedure under the Illinois Finance Development Authority. It does this because we feel that basically, what we want to do is to build sound, local economies and the agency that can help a distressed community move from that condition of distress to economic stability is the Illinois Finance Development Authority. The Amendment would permit I.F.A. the Illinois Finance Development Authority to flow bonds to restructure the debt and I move for the adoption of the Amendment."

Speaker McPike: "Any discussion? On the Amendment, Representative McCracken."

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

Speaker McPike: "Yes."

McCracken: "Is there an anticipated cost to this? Or how is it funded if there is a cost?"

Younge, W.: "I think that there ought to be some small amount made available for emergency loans with basically the financing under the Bill as amended would be to have a finance authority type bond sale in I.F.A. that would be available to finance the restructuring of the municipal debt."

McCracken: "Alright, and is it anticipated how much debt would be issued? Or, is there a...proposed dollar amount of funding

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or grant issuing?"

Younger, W.: "I am not able at this point to say. After the survey is completed, then I.F.A. can make some determination of that. There has to be a...that is one reason why I believe that there needs to be a structured legislative solution to this situation because the situation is so complicated and there are so many cities who are beginning to evidence trouble that we need a legislative solution."

McCracken: "It is contemplated that grants would be made pursuant to this Bill, if it became law. Is that right?"

Younger, W.: "There are emergency situations which, I believe, that the state ought to respond to by a small grant fund in I.F.A. There are municipalities that have their accounts tied up as a result of attachments, therefore, policeman are not being paid and firemen are not being paid and trash is not being picked up. There are emergency situations in which people, who are being retired and not getting their pension monies and so therefore, I think that we have a fiscal emergency which would require the establishment of some small revolving fund initially, until we can get to the bonds being sold to restructure more long term debt."

McCracken: "Alright. Have you seen the fiscal note filed with respect to this Bill?"

Younger, W.: "I saw the fiscal note and I believe it to be a gestimation by DCCA, a guess. There is no...There aren't the facts, I believe, because the survey's have not been..."

McCracken: "Alright, to the Amendment. The fiscal note filed by DCCA estimates the first year cost of almost 16 million dollars. I don't know if that's been changed by the Amendment or not. I understand the Lady quarrels with that estimate but, in fact that is the estimate. I stand in

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opposition to the Amendment."

Speaker McPike: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. Will the Sponsor of the Amendment yield for a question, please?"

Speaker McPike: "Yes, she indicates she will yield for a question."

Cowlshaw: "Representative, I mentioned a little earlier that there are 50 Bills on this order. Are you aware of how many of them of which you are the Sponsor?"

Speaker McPike: "Representative Cowlshaw would you confine your remarks to the Amendment. I don't think it's relevant how many Amendments Representative Youngue has filed."

Cowlshaw: "Thank you, Mr. Speaker."

Speaker McPike: "Your welcome."

Cowlshaw: "To the Amendment. This is an Amendment to one of the 17 Bills Sponsored by Representative Youngue, among the 50 all Sponsored by Republican's, all Sponsored by Democrats and all of which call for new programs. There are no Bills on this Order sponsored by Republicans, Representative Youngue has 34 percent of the Bills on this Order. What a record."

Speaker McPike: "Representative Flowers, on the Amendment."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the Ladies Amendment. Yesterday, it was Ford Heights and Robbins, and tomorrow, it might be one of our districts. We are here as state Legislators not municipalities Lagislators and it's our responsibilty as a State Legislators to be responsible for the entire state and again, I urge the adoption of the Lady's Amendment."

Speaker McPike: "Representative Youngue to close."

Youngue, W.: "Thank you, Mr. Speaker, municipalities serve a very vital function to our state. They provide local services of fire, police and trash pickup and it is very important

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to the state that these municipalities function fiscally. this Amendment would help to restructure the debt in those municipalities that are bordering on insolvency. We do not want our municipalities going into bankruptcy. We do not want them to have to choose federal bankruptcy. This Amendment would mean that we would be able to keep those municipalities from doing so by helping them to restructure their debt just as individuals federally, could restructure their debt. And therefore, Mr. Speaker, I move for the adoption of this Amendment."

Speaker McPike: "Lady moves for the adoption, Amendment #2. All in favor say, 'aye' opposed, 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

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

Speaker McPike: "Representative Younge."

Younge, W.: "Thank you, Mr. Speaker, Amendment #3 would give the municipality the right to go to the court and ask for increased taxation. Amendment #3 deletes that provision."

Speaker McPike: "Representative McCracken, on the Amendment."

McCracken: "I'm in opposition to it. Please give us a Roll Call."

Speaker McPike: "Question is, 'Shall Amendment #3 be adpted?' All in favor vote, 'aye' opposed vote, 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Amendment, there are 66 'ayes', 46 'nos', and the Amendment's adopted. There's been a request for a fiscal note, as amended, the Bill will remain on Second Reading. Representative Matijevich moves that the House stand adjourned until tomorrow at the hour of 9 a.m. All in favor say, 'aye' opposed 'no'. The 'ayes' have it and the House stands adjourned."

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