

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

58th Legislative Day

June 16, 1989

Speaker Breslin: "Ladies and Gentlemen, the hour of 9:00 having arrived, we would ask Members to be in their seats. We invite our guests in the gallery to rise and join us in the Lord's Prayer. Our Father, Who art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done, on earth as it is in Heaven. Give us this day our daily bread and forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory, forever. Amen. Pledge of Allegiance will be led by Representative Ackerman."

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

Speaker Breslin: "Roll Call for Attendance. Representative Matijevich, do you have any excused absences from the Democratic side?"

Matijevich: "Yes. Madam Speaker, on this side of the aisle, Representative Ralph Capparelli is excused due to his injuries. Representative Jim Keane is an excused absence due to official business."

Speaker Breslin: "What about the Republican side, are there any excused absences, Gentlemen. Representative Cowlshaw?"

Cowlshaw: "Thank you, Madam Speaker. Would the record please reflect excused absences on our side of the aisle today for Representatives Ropp, Ewing and Harris."

Speaker Breslin: "Thank you."

Cowlshaw: "Thank you."

Speaker Breslin: "Ropp, Ewing and Harris, Mr. Clerk. Representative Matijevich."

Matijevich: "Ma...Madam Speaker, I understand Representative

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

58th Legislative Day

June 16, 1989

Granberg and Representative Art Turner are also excused absences due to official business."

Speaker Breslin: "That will be noted. Granberg, Turner and Capparelli then. Mr. Clerk, take the record. One hundred and eleven people answering the Roll Call, a quorum is present. Consent Calendar, Second Reading."

Clerk O'Brien: "Consent Calendar, Second Reading, Second Day. Senate Bill 746, a Bill for an Act to amend the Voluntary Payroll Deduction Act. Second Reading of the Bill. Senate Bill 1428, a Bill for an Act to amend the Wildlife Code, together with Committee Amendments #1, 2 and 3. Second Reading of the Bill."

Speaker Breslin: "Third Reading. Consent Calendar, Third Reading. We'll be reading these Bills, Ladies and Gentlemen. We will not be voting on them immediately, but look them over because we will be voting on them shortly."

Clerk O'Brien: "Consent Calendar, Third Reading, Second Day. Senate Bill 20, a Bill for an Act to amend certain Acts in relation to certain minor children. Second...Third Reading of the Bill. Senate Bill 22, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill. Senate Bill 52, a Bill for an Act to amend the Wildlife Code. Third Reading of the Bill. Senate Bill 113, a Bill for an Act to amend an Act creating the Board of Higher Education. Third Reading of the Bill. Senate Bill 123, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill. Senate Bill 182, a Bill for an Act to amend the Park District Code. Third Reading of the Bill. Senate Bill 287, a Bill for an Act to amend the Public Community College Act. Third Reading of the Bill. Senate Bill 319, a Bill for an Act to amend the Illinois Library...Local Library Act. Third Reading of the Bill. Senate Bill 468, a Bill for an Act to amend certain Acts in relation to the

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

58th Legislative Day

June 16, 1989

merger of certain entities. Third Reading of the Bill. Senate Bill 471, a Bill for an Act to amend an Act to create the Illinois Universities Civil Service System. Third Reading of the Bill. Senate Bill 474, a Bill for an Act to amend the Illinois Highway Code. Third Reading of the Bill. Senate Bill 475, a Bill for an Act to amend the Illinois Highway Code. Third Reading of the Bill. Senate Bill 508, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill. Senate Bill 519, a Bill for an Act to amend an Act to prevent fraudulent and corrupt practices. Third Reading of the Bill. Senate Bill 540, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 673, a Bill for an Act concerning hearing impaired and behavior disordered children. Third Reading of the Bill. Senate Bill 695, a Bill for an Act authorizing the Director of Corrections to convey state property. Third Reading of the Bill. Senate Bill 948, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. Third Reading of the Bill. Senate Bill 954, a Bill for an Act to amend an Act in relation to the rate of interest. Third Reading of the Bill. Senate Bill 1015, a Bill for an Act to amend the Illinois Oil and Gas Act. Third Reading of the Bill. Senate Bill 1079, a Bill for an Act to amend the School Code. Third Reading of the Bill. Senate Bill 1093, a Bill for an Act to create the Small Business Innovation Research State Assistance Act. Third Reading of the Bill. Senate Bill 1099, a Bill for an Act to amend an Act in relation to fire protection services. Third Reading of the Bill. Senate Bill 1115, a Bill for an Act to amend the Illinois Act on the Aging. Third Reading of the Bill. Senate Bill 1348, a Bill for an Act to amend an Act authorizing college savings programs. Third Reading of the Bill. Senate Bill

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

58th Legislative Day

June 16, 1989

1349, a Bill for an Act pertaining to guaranteed student loans. Third Reading of the Bill. Senate Bill 1425, a Bill for an Act to amend an Act relating to an agenda for cost-effective...cost-effectiveness in education. Third Reading of the Bill."

Speaker Breslin: "Ladies and Gentlemen, it is the intention of the Chair to begin on today's Order of Business with all of the Special Orders, beginning at the beginning. First, Second Readings and then Third Readings. The first Special Order is the Order of State and Local Government. I would urge Sponsors of all Bills on this Order to be present and ready to present their Bills. The Sponsors are Leverenz, Novak, Terzich, Hannig, Ewing, Zickus, Stange, Currie, Bugielski. The first Bill is Senate Bill 248, Representative Leverenz, out of the record. Senate Bill 240...Representative Piel, for what reason do you seek recognition?"

Piel: "Question of the Chair, Madam Speaker. Just out of curiosity, I notice everyday this week we've gone back to the beginning of the Order every single day. Yesterday we were half way through Professional Regulation, Third Reading. I've got a question. Why don't we finish where we're at as far as, like the Thursday and Friday call them and then start back at the beginning? I would think that people, who had had Bills on the last page, would be sitting here wondering when they're ever going to get to them?"

Speaker Breslin: "No one else has mentioned that, but we will certainly consider it, Representative Piel."

Piel: "Thank you."

Speaker Breslin: "Representative Leverenz on Senate Bill 248. Out of the record. Senate Bill 249, Representative Novak. Out of the record. Senate Bill 269, Representative

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

58th Legislative Day

June 16, 1989

Terzich. Out of the record. Senate Bill 370, Representative Hannig. Out of the record. Senate Bill 513, Representative Ewing. Out of the record. Senate Bill 677, Representative Zickus. Out of the record. Senate Bill 785, Representative Novak. Out of the record. Senate Bill 852, Representative Leverenz. Out of the record. Senate Bill 965, Representative Cullerton. Out of the record. Senate Bill 1096, Representative Ewing. Out of the record. Senate Bill 1254, Representative Stange. Mr. Stange. Out of the record. Senate Bill 1450, Representative Currie. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1450, a Bill for an Act to amend an Act in relation to scientific and technological developments. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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

Speaker Breslin: "Representative Currie."

Currie: "Thank you, Madam Speaker and Members of the House. This is a proposal to make sure that Illinois businesses have an opportunity to participate in the Advanced Photon Source Technology, presently being developed at Argonne Laboratory. The proposal came from Donald Frye, who is a professor at the Northwestern School of Business, he was the individual who created the Ford Mustang, and this new Advanced Photon Source program at Argonne is one in which many major businesses will participate and so will major academic institutions. The Amendment that I offer now would propose a task force, appointed by the Governor and working through the Department of Energy and Natural Resources to examine ways that that wonderful and new technology could be useful for small and medium sized

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

58th Legislative Day

June 16, 1989

businesses. The task force, as I say would be appointed by the Governor and would include members of the business and scientific community. I would be happy to answer your questions and move for the adoption of Amendment 1 to Senate Bill 1450."

Speaker Breslin: "The Lady moves for the adoption of Amendment 1 to Senate Bill 1450. On the question, is there any discussion? There being none, the question is, 'Shall Senate Bill...shall Amendment #1 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1451, Representative Bugielski. Out of the record. Senate Bill 1456, Representative Capparelli. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1456, a Bill for an Act in relation to governmental units. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Terzich."

Terzich: "Yes, Madam Speaker, I move for adoption of Amendment 1. It's just a technical change. It simply states that the Act takes effect upon becoming law. And I would move for its adoption..."

Speaker Breslin: "The Gentleman moves the adoption of Amendment 1 to Senate Bill 1456. On the question, is there any discussion? Hearing none, the question is, 'Shall Amendment 1 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Are there any further

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

58th Legislative Day

June 16, 1989

Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bills, Third Reading.

The first Bill is Senate...excuse me, Representative Terzich, for what reason do you rise?"

Terzich: "Yeah, I kind of...could I move 269, please?"

Speaker Breslin: "269?"

Terzich: "Yes, Senate Bill 269."

Speaker Breslin: "Surely..."

Terzich: "...I thought it was on Third, I'm sorry."

Speaker Breslin: "Surely. We'll go back to Second Reading, Ladies and Gentlemen, with leave. Hearing no objection, leave is granted on Senate Bills, Second Reading, under the Special Order of State and Local Government appears Senate Bill 269. Representative Terzich's Bill. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 269, a Bill for an Act to amend an Act in relation to Cook County Sheriff's Merit Board. Second Reading of the Bill. Amendment #1 was adopted in committee."

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

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

Speaker Breslin: "Third Reading. Now we'll go to Third Reading on these Bills. Senate Bill 8, Representative Cullerton. Out of the record. Senate Bill 65, Representative Hannig. This is Third Reading on Bills on the Order of State and Local Government. These Bills are ready for final passage. Senate Bill 65, Representative Hannig. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 65, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Breslin: "Representative Hannig."

Hannig: "Yes, thank you, Madam Speaker and Members of the House.

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

58th Legislative Day

June 16, 1989

This Bill authorizes the Secretary of State to issue special plates to retired members of the United States Armed Forces. The plates basically could be used only for their cars or their second division vehicles not weighing more than 8,000 pounds. It's similar to a Bill that we've already passed out of here and it's over to...over in the Senate. And I'm not aware of any opposition by anyone to this proposal and so I would ask for your 'yes' vote and be happy to answer any questions."

Speaker Breslin: "The Gentleman has moved the passage of Senate Bill 65. This Bill is on the Order of Short Debate. Does anyone rise in opposition? The Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Mr. Speaker...Madam Speaker. The Bill is opposed by the Department of Transportation. Will the Sponsor yield?"

Speaker Breslin: "Representative Hannig will yield."

McCracken: "Does the Secretary of State have a position on the Bill?"

Hannig: "Representative, the Bill came out of the committee on an agreed Bill list, so it would be my...my understanding...it was my understanding up to this point that no one was in opposition to the Bill. And in fact, as I said, we passed an identical Bill that Representative Ryder had earlier, a House Bill that flew out of here with unanimous vote almost."

McCracken: "Well, then I must be for it. I must be thinking of a different Bill."

Speaker Breslin: "The question is, 'Shall Senate Bill 65 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question

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

58th Legislative Day

June 16, 1989

there are 108 voting 'yes', none voting 'no' and none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 77, Representative Williamson. Representative Williamson. Out of the record. Senate Bill 240, out of the record. Senate Bill 243, Representative Munizzi. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 243, a Bill for an Act to amend an Act to create sanitary districts. Third Reading of the Bill."

Speaker Breslin: "Representative Munizzi."

Munizzi: "Madam Speaker, we need to take this out of the record right now."

Speaker Breslin: "Out of the record. Senate Bill 247, Representative Munizzi. Do you want this Bill heard? Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 247, a Bill for an Act to amend Sections of an Act to create sanitary districts. Third Reading of the Bill."

Speaker Breslin: "Representative Munizzi."

Munizzi: "Thank you, Madam Speaker and Ladies and Gentlemen. Senate Bill 247 allows the Board of the Metropolitan Water Reclamation District of greater Chicago, formerly the sanitary district, by a two-thirds vote to make transfers of appropriated funds between departments. I urge an affirmative vote. Thank you."

Speaker Breslin: "The Lady has moved the passage of Senate Bill 247. On the question, is there any discussion? The Gentleman from DuPage, Representative McCracken."

McCracken: "Yes, you know, historically, segregated funds have been a favorite tool of Illinois government and one adopted by the courts. Because of the limitation on discretion, it implies or...or requires. And the reason for that is

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

58th Legislative Day

June 16, 1989

obvious. You levy...you publish a proposed levy, you publish a levy ordinance based upon the particular uses of the money you're going to make. It is that ordinance and only that ordinance, which is the ultimate authority for the levying of taxes and it's done pursuant to that levy ordinance. That levy ordinance identifies funds, amounts per fund, amounts for different uses. And for that reason there has been a historic preference for the use of fund and a limitation on the transfer of funds. Representative Parcels proposed an Amendment to this Bill, which would have limited the discretion to spend on an interfund basis to two percent. That Amendment failed. I can presume or I conclude the only reason for that failing is because the Sponsors want to have more discretion than two percent. I don't believe an adequate case's been made to depart from the historical preference for segregated funds and limits on transfers. I am dismayed that the two percent limitation would have failed and can conclude from that only that we are in the offing of substantially greater transfers of funds. A substantially lesser amount of accountability to the taxpayer and even a greater deviation from the levy ordinance, on which the taxpayer has a right to rely. So I rise in opposition to this. I think it's a bad precedent and sets us off on the road to even less accountability by our local governments."

Speaker Breslin: "Is there any further discussion? There being none, Representative Munizzi to close."

Munizzi: "Thank you, Madam Speaker. This Bill requires a two-thirds vote, so consequently it's something that wouldn't be abused because of the total participation that would...would be needed in order to transfer this money between departments. I urge your affirmative vote."

Speaker Breslin: "The question is, 'Shall Senate Bill 247 pass?'

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

58th Legislative Day

June 16, 1989

All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Only vote...only vote your own switches. Have all voted who wish? Representative McCracken is going to request a verification and that will get everybody here. That's correct, everyone should be here. We are voting on final passage on these Bills. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 61 voting 'aye', 45 voting 'no', 2 voting 'present'. Representative McCracken wishes to...requests a verification and Representative Munizzi requests a Poll of the Absentees. Mr. Clerk, poll the absentees."

Clerk O'Brien: "A poll of those not voting. Davis. McAuliffe. And Steczo. No further."

Speaker Breslin: "Poll the Affirmative, Mr. Clerk."

Clerk O'Brien: "Balanoff. Barnes. Bowman. Breslin. Brunsvold. Bugielski. Cullerton. Curran. Currie. DeJaegher. DeLeo. Dunn. Edley. Farley. Flinn. Flowers. Giglio. Giorgi."

Speaker Breslin: "Excuse me, Mr. Clerk. Representative McCracken, Representative Bugielski asks leave, and leave is granted. Proceed, Mr. Clerk."

Clerk O'Brien: "Hannig. Hartke. Hicks. Homer. Lou Jones. Shirley Jones. Krska. Kulas. Lang. Laurino. LeFlore. Leverenz. Levin. Martinez. Matijevich. Mautino. McGann. McPike. Morrow. Mulcahey. Munizzi. Novak. Phelps. Preston. Rice. Richmond. Ronan. Saltsman. Santiago. Satterthwaite. Shaw. Stern. Sutker. Terzich. Trotter. Van Duyn. White. Williams. Wolf. Woolard. Anthony Young. Wyvetter Younge. And Mr. Speaker."

Speaker Breslin: "Representative McCracken, do you have any questions of the Affirmative?"

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

58th Legislative Day

June 16, 1989

McCracken: "I'm going to call the Democratic Roll in alphabetical order and the few of you who are here can stand up and say good morning."

Speaker Breslin: "Representative McCracken, that is inappropriate, but when your name is called please wave to Mr. McCracken. Maybe it'll improve his day."

McCracken: "Representative Davis?"

Speaker Breslin: "No wave. The Lady's not here. Remove her from the Roll Call. Oh, she's not voting..."

McCracken: "...Oh, wait. No, she isn't voting. Representative Preston?"

Speaker Breslin: "Representative Preston. No wave there either. Remove him from the Roll Call."

McCracken: "Representative Dunn?"

Speaker Breslin: "Mr. Dunn. John Dunn. The Gentleman is not in the chamber, remove him from the Roll Call."

McCracken: "Representative Santiago?"

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

McCracken: "Representative..."

Speaker Breslin: "...He was here for the prayer."

McCracken: "Representative Martinez?"

Speaker Breslin: "Representative Martinez. Representative Martinez does not look at all like Shirley Jones. The Gentleman is not in the chamber, remove him from the Roll Call."

McCracken: "Representative Krska?"

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

McCracken: "Representative Saltsman?"

Speaker Breslin: "Representative Saltsman. Don Saltsman. The Gentleman is not in the chamber, remove him from the Roll Call."

McCracken: "Representative DeLeo?"

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

58th Legislative Day

June 16, 1989

Speaker Breslin: "Mr. DeLeo. Representative DeLeo. The Gentleman is not in the chamber, remove him from the Roll Call."

McCracken: "Representative White?"

Speaker Breslin: "Mr. White. Representative Jesse White. The Gentleman is not in the chamber, remove him from the Roll Call."

McCracken: "Representative Levin?"

Speaker Breslin: "Representative Levin. Ellis Levin. The Gentleman is not in the chamber, remove him from the Roll Call."

McCracken: "Representative Currie?"

Speaker Breslin: "Representative Currie. Representative Barbara Currie. The Lady is not in the chamber at the moment. Remove her from the Roll Call."

McCracken: "Representative Cullerton?"

Speaker Breslin: "Representative Cullerton. John Cullerton. The Gentleman is not in the chamber, remove him from the Roll Call."

McCracken: "Representative Flowers?"

Speaker Breslin: "Representative Flowers. Mary Flowers. The Lady is not in the chamber, remove her from the Roll Call."

McCracken: "Representative Curran?"

Speaker Breslin: "Mary Flowers has arrived at the chamber. Welcome, Representative Flowers. Add her to the Roll Call voting 'aye'. Representative Curran. Michael Curran. The Gentleman is not in the chamber, remove him from the Roll Call."

McCracken: "Representative Wolf?"

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

McCracken: "Representative Farley?"

Speaker Breslin: "Representative Farley. Bruce Farley. The Gentleman is not in the chamber, remove him from the Roll

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

58th Legislative Day

June 16, 1989

Call."

McCracken: "Representative Ronan?"

Speaker Breslin: "Representative Ronan. Representative Al Ronan.
Is the Gentleman in the chamber?"

McCracken: "I think I'll stop there, so the Lady can put it on
Postponed Consideration."

Speaker Breslin: "You're kind. Thank you, Representative
McCracken. On the question there are 49 voting 'aye', 45
voting 'no', 2 voting 'present'. Representative Munizzi
asks leave to put this Bill on the Order of Postponed
Consideration. And that will be granted. Senate Bill 341,
Representative Morrow. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 341, a Bill for an Act to amend an
Act in relation to rehabilitation of disabled persons.
Third Reading of the Bill."

Speaker Breslin: "Representative Morrow."

Morrow: "Thank you, Madam Chairman, Ladies and Gentlemen of the
House. Senate Bill 341 basically sets a limit on what a
person...sets a limit on what a person has to pay, no more
than five percent of his total gross income for the
services of a PCA, a personal care attendant,
regardes...regardless of his ability to pay. I ask for a
favorable vote on Senate Bill 341 and if there's any
questions, I'll be glad to answer them."

Speaker Breslin: "The Gentleman has moved the passage of Senate
Bill 341. On the question, the Gentleman from DuPage,
Representative McCracken."

McCracken: "I'm trying to read the fiscal note. I'm not sure how
to make it out. If...if the pay increase assu...or
included in this, were to pass as currently written, 3.68
an hour from 3.50, would the cost be 1.4 million dollars?"

Morrow: "Representative McCracken, right now DORS has already put
in a five percent cost of living increase to the PCAs. If

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

58th Legislative Day

June 16, 1989

you look on the fiscal note where it says, 'option for FY90, it'll be 3.68 million'. They've already worked that into their budget for FY90. If you also note on the fiscal note it says, 'assuming Senate Bill 341 as amended, would have no fiscal impact over...over what is in the agency's budget, assuming no increase in the federal minimum wage requirement'."

Speaker Breslin: "Any further discussion? There being no further discussion, the question is, 'Shall Senate Bill 341 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 108 voting 'aye', none voting 'no' and none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 925, Representative Terzich. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 9..."

Speaker Breslin: "...Out of the record. Senate Bill 1182, Representative Parke. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1182, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Breslin: "Representative Parke."

Parke: "Yes, thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 1182 amends the Illinois Vehicle Code. Authorizes Secretary of State to suspend a person's privilege to operate a motor vehicle upon conviction of certain sex offenses, if any such person was operating a motor vehicle at the time of such offenses are committed. Also provides that a person shall not drive or be at physical...actual physical control of any vehicle if there is any amount of cannabis or controlled substance in his blood or urine. I ask for a positive vote on this Bill."

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

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

58th Legislative Day

June 16, 1989

Senate Bill 1182. This is Bill is on the Order of Short Debate. Does anyone rise in opposition? The Gentleman from Cook, Representative Williams."

Williams: "Sorry. Just in terms of a question, does the...for the violations of this particular Act, does it require that they be related to driving while these offenses occur?"

Parke: "Representative Williams, I must apologize. Someone else was speaking to me. Could you ask that question again?"

Williams: "Does the...is there a requirement that the offenses be related to the person being in some way or another actually driving the automobile?"

Parke: "Yes. This will apply to somebody that may be kidnapping a child off the street using an automobile as a way of committing this crime. The purpose of the Bill is to make sure that offenders committing sex crimes cannot have a vehicle and lose their license to operate a vehicle in committing these types of offenses."

Williams: "But the vehicle would have to have been used in the crime?"

Parke: "That is absolutely correct. It is to clarify Supreme Court ruling, Illinois Supreme Court ruling. Madam Speaker, would you please remove this Bill so we can clarify some..."

Speaker Breslin: "Fine..."

Parke: "...Parts of it. Thank you"

Speaker Breslin: "Out of the record. Senate Bill 1185, Representative White. Jesse White. Out of the record. Senate Bill 1258, Representative Madigan. Out of the record. Senate Bill 1374, Representative Terzich. Mr. Terzich. Out of the record. Senate Bill 1375, Representative Munizzi. Out of the record. Senate Bill 1415, Representative Ronan. Mr. Ronan. Out of the record. We've had several requests, Ladies and Gentlemen, to go

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

58th Legislative Day

June 16, 1989

back to State and Local Government, Second Reading. With leave, we will do that at this time. The first Bill on Second Reading is Senate Bill 248, Representative Leverenz. Out of the record. Senate Bill 249, Representative Novak. Out of the record. Senate Bill 269, Representative Terzich. Out of the record. Senate Bill 370, Representative Hannig. Out of the record. Senate Bill 677, Representative Zickus. Clerk, read the Bill."

Clerk Leone: "Senate Bill 677, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Breslin: "Third Reading. Senate Bill 785, out of the record. Senate Bill 852, out of the record. Senate Bill 965, Representative Cullerton. Out of the record. Senate Bill 1254, Representative Stange. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1254, a Bill for an Act in relationship to commercial drivers' licenses. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Breslin: "There were no Committee Amendments, Mr. Clerk?"

Clerk Leone: "No Committee or Floor Amendments."

Speaker Breslin: "Third Reading. On State and Local Government, Third Reading, there appears Senate Bill 77, Representative Williamson. Clerk, read the Bill."

Clerk Leone: "Senate Bill 77, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Breslin: "Representative Williamson."

Williamson: "Thank you, Madam Speaker. Senate Bill 77 would issue another special license plate. This time we're issuing the plates to gold star recipients. Family members of men that have died in service. The Bill will...the plates would be available to the surviving spouse or to the parents. There is a forty-eight dollar fee and there will also be a fifteen dollar first time initial fee to help

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

58th Legislative Day

June 16, 1989

cover the cost for the Secretary of State's Office. I ask for a favorable adoption."

Speaker Breslin: "The Lady has moved for the passage of Senate Bill 77. This Bill is on the Order of Short Debate. Does anyone rise in opposition? There being none, the question is, 'Shall Senate Bill 77 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Mr. Clerk, take the record. On this question there are 110 voting 'aye', none voting 'no', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 1456, Representative Terzich. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1456...Senate Bill 1456, on page twenty of the Calendar on the Order of Third Reading, a Bill for an Act in relationship to governmental units. Third Reading of the Bill."

Speaker Breslin: "Representative Terzich."

Terzich: "Yes, Madam Speaker, the...this amends the Act authorizing certain governmental units to purchase personal property, supplies and services jointly and I would move for its adoption."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1456. On the question, the Gentleman from DuPage, Representative McCracken. Clerk, read the Bill."

McCracken: "This was on Second Reading this morning."

Speaker Breslin: "It was, but it had been held on Second."

McCracken: "Had it been read previously?"

Speaker Breslin: "It had been read previously."

McCracken: "Alright. Have you already adopted Amendment #1?"

Terzich: "Yes."

McCracken: "Alright. Is...is...is the practical effect of this expanded definition to allow the CTA to jointly purchase funds? Is this done for their... at their request?"

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

58th Legislative Day

June 16, 1989

Terzich: "No, this, I believe, Representative Munizzi has the...
that Bill. That's not this Bill."

McCracken: "I'm sorry. I didn't hear that."

Terzich: "I understand Representative Munizzi has that Bill. I
don't believe that this...this...mentions anything about
the CTA."

McCracken: "Someone turn up his microphone."

Terzich: "No, I didn't...no one turned it off..."

Speaker Breslin: "It won't help."

McCracken: "This is..."

Terzich: " I said, someone...I believe Representative Munizzi has
a Bill with regard to the CTA purchasing and this does not
affect that..."

McCracken: "... Well, then what's the purpose of this Bill?"

Terzich: "From what I understand that maybe with the Illinois
Housing Development Authority. I'm speaking into it. What
can I tell you."

McCracken: "I still can't hear you. Of course, my wife says I'm
going deaf, so maybe it's me. Is this still a vehicle Bill
now?"

Terzich: "Yes."

McCracken: "And, with what would you like to load it up?"

Terzich: "Beats the heck out of me. You'll have to talk to the
guy with the training wheels, not me."

McCracken: "Alright. Okay. Alright, I think we should oppose
another vehicle."

Speaker Breslin: "The...the question...any other discussion?
There being none, the question is, 'Shall Senate Bill 1456
pass?' All those in favor vote 'aye', all those opposed
vote 'no'. Voting is open. Representative Terzich, one
minute to explain his vote."

Terzich: "Well, Madam Speaker, like I mentioned that this is
Representative Capparelli's Bill and certainly that... he

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

58th Legislative Day

June 16, 1989

does really need a vehicle as you can attest from his present condition."

Speaker Breslin: "One for the gimper, right?"

Terzich: "Yes and so, he certainly needs one, and if I'm not...if I'm not mistaken, this one does having training wheels on it, so."

Speaker Breslin: "Have all voted who wish? Sixty votes are required for passage. Have all voted who wish? Only vote your own switches. Have all voted who wish? Representative McCracken. He will ask for a verification. Only vote your own switches. The Clerk will take the record. Representative Saltsman."

Saltsman: "Yes, will you vote me 'aye', please."

Speaker Breslin: "Record Representative Saltsman as voting 'aye'. Poll the Absentees, Mr. Clerk."

Clerk Leone: "Representative Capparelli. Ewing. Granberg. Harris. Keane. Ropp. And Turner."

Speaker Breslin: "There are 59 voting 'aye', 46 voting 'no', 6 voting 'present'. Representative Terzich requests Postponed Consideration. The Bill will be placed on the Order of Postponed Consideration. Ladies and Gentlemen, the next...next Special Order is the Order of Education, Second Reading. The first Bill is Senate Bill 4...148, Representative Giglio. Out of the record. Senate Bill 629, Representative Flinn. Is Mr. Flinn there? Out of the record. Senate Bills, Third Reading, on the Order of Education. Senate Bill 187, Representative Curran. Out of the record. Senate Bill 335, Representative Williams. Clerk, read the Bill. Out of the record. Senate Bill 449, Representative Curran. Out of the record. Senate Bill 659, Representative Hoffman. Clerk, read the Bill."

Clerk Leone: "Senate Bill 659, a Bill for an Act relating to the abatement of asbestos. Third Reading of the Bill."

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

58th Legislative Day

June 16, 1989

Speaker Breslin: "Representative Hoffman."

Hoffman: "Thank you, Madam Speaker. With leave of the House, I'd like to return Senate Bill 659 to Second Reading for the purpose of an Amendment."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Is there any objection? Hearing none, the question is, 'Shall...the Bill is rather on the Order of Second Reading. Are there any Amendments filed, Mr. Clerk?'"

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

Speaker Breslin: "Representative Hoffman."

Hoffman: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. There was some concern whether a school district had to participate in the Response Action Contractors Indemnification Act or if they could choose to go elsewhere. I thought the original language was clear, but according to the Senate Sponsor he was concerned about it. And therefore, I move for the adoption of Amendment #1 to Senate Bill 659, which clarifies the fact that a school district can choose to participate or get their indemnification somewhere else."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment 1 to Senate Bill 659. On the question, is there any discussion? There being none, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Representative Hoffman now asks leave to return this Bill to the Order of Third Reading, Short Debate

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

58th Legislative Day

June 16, 1989

Calendar. Does he have leave? Hearing no objection, leave is granted. Call the Bill on Third...read the Bill on Third, Mr. Clerk."

Clerk Leone: "Senate Bill 659, a Bill for an Act relating to the abatement of asbestos for elementary and secondary schools. Third Reading of the Bill."

Speaker Breslin: "Representative Hoffman asks leave to present this Bill on the same day that it was amended. Does he have leave? Hearing no objection, leave is granted by use of the Attendance Roll Call. Representative Hoffman on Senate Bill 659."

Hoffman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. With the exception of the Amendment that we just put on the Bill, this is exactly the same Bill that passed out of the House under my sponsorship. What it does, there is no money involved, there is no taxes involved. It was true a year ago. All this does is, it's from the Department of Public Health and it says that they're going to use the...Abatement Hazard Emergency Response Act of the federal government guidelines so that they are consistent, so schools aren't placed in from of two of them. It also provides that for the licensure of a...of a...various types of contractors required under the Asbestos Abatement Act...the HERA law, that they will be able to set up a schedule of fees to cover the costs."

Speaker Breslin: "The Gentleman has moved the passage of Senate Bill 659. This Bill is on the Order of Short Debate. Does anyone rise in opposition? There being none, the question is, 'Shall Senate Bill 659 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? The Clerk will take the record. On this question there are 106 voting 'aye', none voting 'no' and 3

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

58th Legislative Day

June 16, 1989

voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 960, Representative Hoffman. Clerk, read the Bill. Out of the record. Senate Bill 1070, Representative Curran. Mr. Curran. Out of the record. Senate Bill 1165, Representative John Dunn. Out of the record. Senate Bill 1333, Representative Pullen. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1333, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Pullen."

Pullen: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 1333 would require each school board to prohibit the use of tobacco on school property, when the property is being used for any school purposes. It does authorize the board to designate as exemptions, outdoor spectator areas of school property during scheduled school interscholastic activities and it authorizes the board to exempt a designated area for use by school personnel, like a teacher's lounge and if the school board so designates, then the board also must provide an equivalent area where the toba...use of tobacco prohibition applies. I...we already passed this Bill from the House in House version. And the Bill you see before you today is the same one that most people on this floor voted for previously and I urge its adoption."

Speaker Breslin: "The Lady has moved the passage of Senate Bill 1333. On the question, is there any discussion? There being none, the question is, 'Shall Senate Bill 1333 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? The Clerk will take the record. On this question there are 106 voting 'aye', 2 voting 'no' and none voting 'present'. This Bill having

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

58th Legislative Day

June 16, 1989

received the Constitutional Majority is hereby declared passed. Senate Bill 1346, Representative Hoffman. Out of the record. The next Order is Insurance, Second Reading. The only Bill is Senate Bill 97, Representative Lang. Clerk, read the Bill."

Clerk Leone: "On page ten of the Calendar, Senate Bill 97, a Bill for an Act to amend the Illinois Insurance Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Lang."

Lang: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #1 is merely a technical Amendment, requested by the Senate Sponsor. I ask for 'green' votes."

Speaker Breslin: "The Gentleman moves the adoption of Amendment 1 to Senate Bill 97. On the question, the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Madam Speaker. Will the Sponsor of this technical Amendment yield for a technical question?"

Speaker Breslin: "He will."

Black: "Thank you. Representative, your technical Amendment does what to a technical Bill?"

Lang: "This technical Amendment changes a technical vehicle Bill by changing a capital letter to a small letter. I can't tell you... your next question's going to be what does the Senate Sponsor want to do. I can't tell you. But he did tell me that he's not planning on using the dreaded IPAC Amendments."

Black: "Well, let me ask you another question. And I do appreciate as an old teacher that you've made this grammatical change. I was very concerned about that lack of a capital letter. Do you have...do you have any plans

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

58th Legislative Day

June 16, 1989

to use Senate Bill 97 as a vehicle for an issue that has literally been beaten to death on this floor, I think it's called the original equipment manufacturing parts Bill?"

Lang: "Well, I surely have no plans for this Bill. I don't know what the Senate Sponsor has in mind."

Black: "Well, I...I just wanted to get Representative Edley's attention on this very important Bill. And we'll certainly take you at your word. Thank you."

Lang: "Thank you."

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

Hultgren: "Thank you, Madam Speaker. I rise in opposition to the Amendment and in fact, to the underlying Bill. I understand the need for vehicle Bills, but I think it's really bad policy to pass these things out of here without some explanation as to what we intend to do with them, the progress of the negotiations and so forth. And to simply say that we don't have any idea what the Senate Sponsor intends to do with this vehicle Bill, really I think is an inadequate explanation. I know the Sponsor of the Amendment and in fact, the Sponsor of the Bill is well-intentioned and but, I think the Senate Sponsor owes the entire House of Representatives more of an explanation and I would suggest we defeat the Amendment."

Speaker Breslin: "The Gentleman from Cook, Representative Parke on the Amendment."

Parke: "Yes, Madam Speaker, I'm going to have to rise in opposition to this technical Amendment, because it's a discriminating against little letters, trying to make them big letters and I guess I'm just going to have to oppose that Amendment, because I don't like to try and discriminate against anybody or anything."

Speaker Breslin: "The question is, 'Shall Amendment #1 be

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

58th Legislative Day

June 16, 1989

adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Black, one minute to explain your vote."

Black: "Thank you very much, Madam Speaker, and perhaps not to explain my vote. I just hope everybody votes their own switch, so I don't have to ask you for a verification."

Speaker Breslin: "Surely, remember this is just the Amendment. We'll get to the Bill shortly. Have all voted who wish? The Clerk will take the record. On this question there are 59 voting 'aye', 47 voting 'no', none voting 'present'. Representative Black, do you wish to verificate... verification? No. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Representative Lang, maybe between today and tomorrow, or Monday or Tuesday, you can figure out what the Senate Sponsor wants to do with this Bill. The Order of Insurance, Third Reading, is Senate Bill 577, Representative Shaw. Out of the record. Senate Bill 1301, Representative Phelps. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1301, on page twenty-four of the Calendar..."

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

Piel: "Question, Madam Speaker. Yesterday, we had quite a lengthy discussion on this Bill. It's on Postponed Consideration. There are other Bills that have not been heard and why can't we go to the other Bills and come back to Postponed Consideration Bills at one specific time?"

Speaker Breslin: "We can, but we are not. Representative Phelps, you're recognized to present your Bill."

Clerk Leone: "Senate Bill 1301, a Bill for an Act to amend an Act in relationship to health care. Third Reading of the

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

58th Legislative Day

June 16, 1989

Bill."

Speaker Breslin: "Representative Phelps."

Phelps: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. It is true, we had discussion on this yesterday afternoon. There was some misunderstandings as to what portion of the out-of-state foreign insurance tax allotment went to what fund. And we have discovered, to enlighten those of you who had questions, that there are five different rate based taxes that insurance companies pay to Illinois for doing business here. One of which, Representative Terzich brought to our attention, was the Fire Marshal's Tax, that one percent was raised to three percent just a few days ago. We sent it to the Senate and that goes into the Fire Marshal's...or the Fire Related Insurance Funds. However, the tax that I want to tap here and to divert to a different source, is the privilege tax on foreign companies, which is two cents of net insurance premium income from policies issued in Illinois. And that...those monies would be diverted to the medically underserved areas. A fund that is set up to the Public Health Department, where we think they would be better utilized than they are now in our state funds. Appreciate your support."

Speaker Breslin: "The Gentleman has moved the passage of Senate Bill 1301. On the question, the Gentleman from Cook, Representative Parke."

Parke: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, I guess the major reason one should not support this legislation, that it simply takes sixty-nine million dollars out of the General Revenue Fund of the State of Illinois that we need for other human services programs, for education and all the other things that must be negotiated through the appropriation process. And I just

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

58th Legislative Day

June 16, 1989

think that it's bad policy to take that big of a chunk of money, no matter how worthwhile the underlying Bill is. It's a bad precedent and I don't think that this Body should support that Motion."

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

Regan: "Thank you, Ladies and Gentlemen of the House. Again, I repeat. This is strictly taking money out of General Revenue Funds, avoiding the appropriation process. It may be a worthy goal to take sixty-five million and shift it into a...into the public aid...or public health department, but if it is a worthy goal, the place to do it is in the appropriation process itself. This triggering tax to go to a specific goal is gonna run us down the ruin of degradation."

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

Pedersen: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'll just repeat what we said the last time we faced this Bill, the foreign insurance companies had filed a suit because they felt this tax was unfair. Earlier this year they had kind of come to some agreement and a settlement on the question. And we understand that if we change the statute any further that they may have to back out of that settlement. So that's just another reason, aside from the fact of all the money that it would divert from the General Revenue Fund away from places like Cook County and Chicago. So we...we oppose this Amendment."

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

Phelps: "Madam Speaker, rather than take the time and go through the verification lag process, quickly, before I make a request to answer Representative Pedersen's question. This is not a new tax he referred to the insurance

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

58th Legislative Day

June 16, 1989

company...disagree with this tax. This tax has been in the books since 1853. And was just changed to be consolidated in the Insurance Code, 1937. We're not talking about a new tax. But to expedite this system until we get our votes around, I will request this be put on Postponed Consideration."

Speaker Breslin: "It's still on Postponed."

Phelps: "Take it out of the record."

Speaker Breslin: "We'll take the Bill out of the record. House Joint Resolution 45, Representative Curran. Mr. Curran, out of the record. The next Special Order is the Order of Civil Law, Second Reading. The first Bill is Senate Bill 10, Representative Mulcahey. Is Representative Mautino in the chamber? What is your pleasure, Representative Mulcahey?"

Mulcahey: "I'll do the Amendment. I'll do the Amendment..."

Speaker Breslin: "...Does the Gen...okay. Read the Bill on Second, Mr. Clerk."

Clerk Leone: "Senate Bill #10, a Bill for an Act to amend an Act relating to the Illinois State Scholarship Commission. It's been read a second time previously. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is being offered by Representatives Mautino and Mulcahey."

Speaker Breslin: "Representative Mulcahey."

Mulcahey: "Thank...thank you, Madam Speaker. Amendment #1 to Senate Bill 10 eliminates scholarship funding going to people who are serving time behind bars in the Illinois prisons. Right now anybody who is doing time, who is...who's been convicted and is in jail, is receiving scholarship money for whatever educational reasons they may be pursuing at that time. This...this Amendment simply

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

58th Legislative Day

June 16, 1989

eliminates that payment to people that are in jail."

Speaker Breslin: "The Gentleman has moved the passage of Amendment #1 to Senate Bill 10. On the question, the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Madam Speaker. I stand in total support. This Amendment came about from our Appropriations Committee when we were informed by the fiscal officer of the Director...of the Department of Corrections that anywhere from 500,000 dollars and upwards was being provided for individuals incarcerated in their facilities. We think it's unfair. We believe that the individuals who are not incarcerated, that our students should have the first opportunity for this money. We've established that it will not be used for those incarcerated, although they will still get the Pell grants, that's federal, but from a state portion, I think it's important that we do this. And I stand in support and also move for adoption."

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

Cowlshaw: "Thank...thank you, Madam Speaker. Because of the fact that I have discussed this at some length with both of the Representatives, who are the previous speakers and understand, I think, what their...their intent is. And I think it's a very creditable kind of thing for them to be proposing and so I stand in support of Floor Amendment #1 to Senate Bill 10."

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

Giglio: "Question of the Sponsors? Is this have anything to do with deleting anything that we're not going to issue the licenses to the lawyers if they don't pay their tuition? Is this part of that Bill?"

Mulcahey: "It's part of the Bill...it's part of the Bill, but not

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

58th Legislative Day

June 16, 1989

the Amendment."

Giglio: "It's part of the Bill. So this... this does have no affect? No, okay, well, we'll talk about that when the Bill comes up on Third Reading. Okay, thank you."

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

Shaw: "Yes, thank you, Madam Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

Speaker Breslin: "He will."

Shaw: "On the...in reference to the people that are receiving the grants...the scholarships that you're talking about, how many of those people have come out of the prison system and wound back up in the...in the prison system?"

Mulcahey: "Representative, I have no idea. I couldn't answer that."

Shaw: "So, you don't really know whether or not that the...whether the scholarships are worthwhile or not? You don't know whether they intur...in other words, you don't know whether or not that this is keeping these people about becoming educated, you don't know whether this is keeping people from committing additional crime?"

Mulcahey: "I can't...I can't document that. No."

Shaw: "To the...to the Amendment. Certainly, I was at the... at the hearings, where the...the director of...of Corrections pointed out that they are getting these scholarships. And certainly I don't think there's anybody in here is anymore harder on criminals than I am, but at the same time, unless we do something to educate these people in these institutions and the director also testified that that... two-thirds of the population were... were at a possibly sixth grade level. And if you just turn those people back on the streets without any formal education, you are sending those people out there to commit more crime. This Amendment should be...it should be looked at and this

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

58th Legislative Day

June 16, 1989

Amendment should be defeated. Those people are entitled to some type of education. I don't know whether this is the right way in terms of the scholarships, but those same individuals will be back out in your neighborhood and my neighborhood committing additional crime unless they are educated. And we should make some effort to educate those...those inmates. The ones that want to be educated. We got enough that don't want to be educated and they're going to be out there anyway burglarizing your house."

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

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

Speaker Breslin: "Representative Mulcahey. Representative Mulcahey, yield to a question to Representative Black, please. He will."

Black: "Thank you very much. Representative, in reference to some of the comments made by the previous speaker, this Amendment does not affect in any way, shape or form the Department of Correction's school system, I believe it's 408, or whatever the number is, that it certainly enables any inmate in the Department of Corrections to get a high school equivalency diploma and learn basic literacy skills. This Amendment doesn't bother that at all, does it?"

Mulcahey: "You're absolutely correct, and the community colleges as well. The Department of Corrections is...right"

Black: "That's...that's what I thought...and this Amendment is in fact supported by the Illinois State Scholarship Commission, is it not?"

Mulcahey: "Absolutely."

Black: "Well, I...thank you very much, Representative. And, Madam Speaker and Ladies and Gentlemen of the House, you know, in a...in a period of time when we don't even fund

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

58th Legislative Day

June 16, 1989

the merit recognitions scholarships, I don't think there are many of you on this floor who realize that inmates, are not only eligible but are receiving, not only Pell grants for higher education courses, but Illinois State Scholarships Commission Grants to pursue higher education courses. I think that shows a little bit of confusion on our priorities. I rise in support of the Gentleman's Amendment and urge a favorable Roll Call."

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

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

Speaker Breslin: "He will."

Williams: "Okay. Now if I'm correct, somewhat missed the last argument there, it is your intention then to prevent institutions of higher learning from receiving some form of assistance if they run programs for inmates of penal institutions?"

Mulcahey: "As far as the Illinois State's Scholarship is concerned, yes. But as far as the Pell grants...federal Pell grants are concerned, no. As far as the Department of Corrections providing schooling... no. We're not touching that at all. We're just touching funds from the Illinois State Scholarship Commission."

Williams: "Okay. To the Bill...to the Amendment. I too, rise in opposition to the Amendment. In Cook County, we've started something or they've tried to institute...and we've even tried to institute here something called probation challenge. You find that the majority of inmates or the majority of criminals do not have even a high school education and those that do get through school and those that do attempt to go on to further themselves in college, should at least be given an opportunity to change the way of their lives. I think that...in all due respect, I

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

58th Legislative Day

June 16, 1989

understand the need to save money, but I also should... would like to point out that what we're trying to do is to make sure that someone who wants to change his ways, actually has an opportunity to change his ways. I think that it's somewhat, you know, unfair or wrong to really...when people turn around and recidivism is very high and the repeat criminals continue to come back on the street, if we just send them back with no training and we...at least reduce their opportunities to get training, all we're doing is really increasing the crime level, increasing the need for more prisons, increasing the money. I don't even know that in the long run this is going to be cost-effective. Think about it. If you save what meager amount we might spend on scholarships to inmates and you, at the same time, possibly increase the number of repeat offenders because of the fact that those who might have had an opportunity to change, weren't given that opportunity, what you end up doing is building more prisons, building...in fact, you end up spending more money for more prisons and more care of people who might have changed, if we had given them the opportunity. I think that this is not a well-founded concept and I would urge a 'no' vote."

Speaker Breslin: "The Gentleman from Effingham, Representative Hartke."

Hartke: "Sponsor yield?"

Speaker Breslin: "He will, I think. Representative Mulcahey will yield to a question."

Hartke: "Representative Mulcahey, how many dollars are we talking about in this Amendment?"

Speaker Breslin: "Representative Mulcahey."

Mulcahey: "It is right around a half a million dollars, about 500,000 dollars."

Hartke: "Thank you very much. Well, I stand in support of this

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

58th Legislative Day

June 16, 1989

Amendment. You know, we're trying to, I know, help these individuals, but we've got a lot of kids who have been good, abiding by the law and so forth and have been doing a good job. And we're penalizing those by giving these grants to those individuals from the institutions. I stand in support of this Amendment."

Speaker Breslin: "Representative Mulcahey is recognized to close."

Mulcahey: "Everybody knows what the Amendment is, Ma'am. I just ask for Affirmative Roll Call."

Speaker Breslin: "The question is, 'Shall Amendment #1 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question...take the record, Mr. Clerk. Representative Mulcahey, for what reason do you seek recognition?"

Mulcahey: "I would ask leave to have this Bill heard on Third Reading..."

Speaker Breslin: "Fine..."

Mulcahey: "...Leave...immediate consideration."

Speaker Breslin: "The...first of all we have to declare that the Amendment has been adopted. The Bill is returned to the Order of Third Reading. The Gentleman now asks leave for immediate consideration of this Bill as amended. Actually, leave is not granted. The Bill...or not necessary, the Bill is on Third Reading. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill #10, a Bill for an Act relating to the Illinois State Scholarship Commission. Third Reading of the Bill."

Speaker Breslin: "Representative Mulcahey."

Mulcahey: "Thank you, Madam Speaker. This now has Amendment #1, which we just discussed. The Bill does that plus, is...as all of you know, the Illinois State Scholarship Commission

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

58th Legislative Day

June 16, 1989

is an agency that's been designated by the federal government to collect guaranteed federal student loans. And in this particular capacity, they have already obtained the ability to stop the issuance or renewal of all professional licenses in this state, with the exception of attorney's licenses. Currently, they can...they can retain the license of doctors, if they do not pay their student loans back, dentists, nurses, funeral home directors, anyone that's currently under professional registration and this simply puts lawyers in the same category."

Speaker Breslin: "The Gentleman has moved the passage of Senate Bill 10. On the question, the Gentleman from Cook, Representative Giglio."

Giglio: "Representative Mulcahey, is anybody against this Bill?"

Mulcahey: "It seemed to me that in committee there were two different organizations that registered in opposition, but I can't recall what they were. I don't think they were very significant."

Giglio: "No, but I think I recall the Illinois State Bar Association was against it and the Supreme Court. And I think it's a shame. And I think every lawyer who's a Member of this Body, who is a member of the Illinois Bar Association should write them a letter or take their... take their membership out of there. To note that the Illinois Bar Association, the Supreme Court came to committee and filled in a witness slip, saying that it's alright for those people who went to school and became lawyers and then they're okay and they don't have to pay their tuition, I think it's a shame. Shame, shame, shame on the Supreme Court and the Illinois Bar Association."

Speaker Breslin: "The Gentle...the Lady from Cook, Representative Davis."

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

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

58th Legislative Day

June 16, 1989

Speaker Breslin: "He will."

Davis: "Representative Mulcahey, is the intent or what is the intent of your Amendment to make certain that those prison inmates who wish to better themselves by going to college and learning something that might enable them to be better people, is the intent to prevent that from occurring?"

Mulcahey: "No, the intent is to give the money to the people who are on the outside trying to do the very same thing, that are being... being denied that opportunity."

Davis: "Do you have any idea as to the amount of money that might be used by prison inmates that could be used by those who are not inmates?"

Mulcahey: "I don't understand your question..."

Davis: "...The question is..."

Mulcahey: "...Is...what is this costing..."

Davis: "... The question is, if you have 500,000 dollars, how much of that is usually spent for prison inmate's scholarships?"

Mulcahey: "That much, all of it."

Davis: "All of it?"

Mulcahey: "Yes."

Davis: "So in other words you're saying, no one in prison could use that scholarship at all?"

Mulcahey: "Absolutely correct."

Davis: "Well, Representative Mulcahey, if you were talking to the relative of a victim of a prison inmate, who had been released on parole, do you think that victim would prefer that you use that money for imprisoning people or that you use that money to help people not to become prison inmates?"

Mulcahey: "The Department of Corrections already has a program set up for the education of inmates. That...that will continue, can continue, as a matter of fact, that can

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

58th Legislative Day

June 16, 1989

be...that can be improved upon. And likewise, there's a...the student guaranteed loans are still available as is our Pell grants, Federal Pell grants. We're not gonna..."

Davis: "...But you see..."

Mulcahey: "...We're not gonna deny the opportunity to anybody to learn how to read and write while they're in prison."

Davis: "We're not talking about reading and writing, Representative."

Mulcahey: "I understand."

Davis: "We're talking about learning things that businesses require, that you have knowledge of before they will hire you. Sometimes you don't know how...you don't have to know how to read and write, you just have to say I have a college diploma. So the intent of your Bill then, is to prevent the furthering of education for people who are incarcerated."

Mulcahey: "That's not true, Representative Davis."

Davis: "Then tell me what it is intended to do?"

Mulcahey: "It is intended to take 500,000 dollars, not the programs that are set up by the Department of Corrections for the education of inmates, not the Pell grants, not the federal grants, not the guaranteed student loans that are available for everybody whether you're on the inside or the outside; it simply is removing the Illinois State Scholarship funding for the inmates that are in prisons right now. And we're going to give it to the kids around the outside, who have parents who are lugging their lunch bucket to work everyday, trying to send their children to school. Kids that can't afford it, that have the ability, that want to go. It's going to go to those kids."

Davis: "Representative, I'll say this and I will cease my questions. I do believe that those families of victims would much prefer that the State of Illinois do everything

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

58th Legislative Day

June 16, 1989

that it can to prevent the incarceration of anyone. And if it means spending a few extra dollars from different pots, then let's spend those few extra dollars from different pots. That is much more beneficial to this society, rather than to continue incarceration."

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

Dunn: "Sponsor yield for a question?"

Speaker Breslin: "He will."

Dunn: "The original content of the legislation is still part of this after the Amendment was ad...part of this Bill after the Amendment was adopted, is it not?"

Mulcahey: "Yes it is, John."

Dunn: "What other licensed professionals in the State of Illinois do we deny a license if they're behind on student loans?"

Mulcahey: "Nobody."

Dunn: "And why should we single out attornies..."

Mulcahey: "Everybody except attornies."

Dunn: "Oh, alright then, fine with me."

Mulcahey: "Everybody except attornies. Attornies are the only ones that do not fall in that category as of right now."

Dunn: "And...this same provision applies to everywhere but to attornies?"

Mulcahey: "That's correct."

Dunn: "Well, it's applied to attornies. Fine with me."

Speaker Breslin: "The question is, 'Shall Senate Bill 10 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? The Clerk will take the record. On this question there are 87 voting 'aye', 9 voting 'no' and 11 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On Second Reading appears Senate Bill 68, Representative Cullerton. Out of the record. Senate Bill

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

58th Legislative Day

June 16, 1989

129, Representative Satterthwaite. Representative
Satterthwaite. Clerk, read the Bill."

Clerk Leone: "Senate Bill 129, a Bill for an Act to amend certain
Acts in relationship to debts incurred by married persons.
It's been read a second time previously. Amendment #1 was
adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "No Motions filed. Floor Amendment #2 is being
offered by Representative Satterthwaite."

Speaker Breslin: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker...Madam Speaker, first, I believe we
need a correction on the Board. The Bill number is Senate
Bill 129. And I wish to withdraw Amendment #2."

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

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

Speaker Breslin: "Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House, Amendment
#3 brings the Bill into conformity with the way it was
discussed in committee and our intention in committee to
make this Amendment so that the Bill covers not only
spouses...but former spouses. And I move for the adoption
of Amendment #3."

Speaker Breslin: "The Lady moves the adoption of Amendment 3 to
Senate Bill 129. On the question, is there any discussion?
The Gentleman from Cook, Representative Piel."

Piel: "Question of the Sponsor, Madam Speaker."

Speaker Breslin: "Proceed."

Piel: "You said it covers former spouses. Now is this
a...let's...let me give you a hypothetical example. Is it
when the debt was incurred with the former spouse? What
happens if the debt was incurred after the former spouse?"

Satterthwaite: "The Bill would read, for instance, on line 13 on

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

58th Legislative Day

June 16, 1989

page 1: 'No creditor who has a claim against a spouse or a former spouse for an expense incurred by that spouse or former spouse which is not a family expense.'

Piel: "Okay, thank you."

Speaker Breslin: "Any further discussion? The question is, 'Shall Amendment 3 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 63 voting 'aye', 40 voting 'no' and 1 voting 'present'. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Representative Satterthwaite, do you wish to have this Bill heard at this time? Out of the record. Senate Bill 238, Representative Cullerton. Out of the record. Out of the record. Senate Bill 603, Representative Countryman. Clerk, read the Bill."

Clerk Leone: "Senate Bill 603, a Bill for an Act to amend the Business Corporation Act. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Breslin: "Third Reading. On the Order of Civil Law - Senate Bills - Third Reading. The Sponsors are Martinez, John Dunn, Flowers, Sutker, Barnes, Cullerton, Steczo, Parke, Kirkland and Peterson. Please be prepared to present your Bills. The first Bill, Senate Bill 93, Representative Martinez. Out of the record. Senate Bill 134, Representative John Dunn. Clerk, read the Bill."

Clerk Leone: "Senate Bill 134, a Bill for an Act to amend the Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

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

58th Legislative Day

June 16, 1989

Speaker Breslin: "Representative Dunn."

Dunn: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Senate Bill 134 is a grandparents visitation Bill which would...the guts of which would provide that the issue of whether a visitation should be allowed or not can be raised by a petition based upon affidavits that there is reason to believe that the child's present environment may endanger seriously that child's physical, mental or emotional health. And that's the thrust of the Bill. And I would ask for your affirmative vote."

Speaker Breslin: "The Gentleman has moved the passage of Senate Bill 134. On the question, is there any discussion? There being none, the question is, 'Shall Senate Bill 134 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? This is final passage. Have all voted who wish? The Clerk will take the record. On this question there are 91 voting 'aye', 11 voting 'no' and 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 737, Representative Flowers. Clerk, read the Bill."

Clerk Leone: "Senate Bill 737, a Bill for an Act to amend the Illinois Human Rights Act. Third Reading of the Bill."

Speaker Breslin: "Representative Flowers."

Flowers: "Madam Speaker, Ladies and Gentlemen of the House, we've heard this Bill before. It's the same as 1824, dealing with the Department of Human Rights. And I would just urge for the adoption...or the passage of Senate Bill 737."

Speaker Breslin: "The Gentleman (sic - Lady) has moved for the passage of Senate Bill 737. On the question, the Gentleman... This Bill is on the Order of Short Debate. Representative McCracken rises in opposition."

McCracken: "Yes, I rise in opposition and I think the Sponsor's

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

58th Legislative Day

June 16, 1989

position is this is consistent with federal law and we have some reason to pass it because of the malicious interference that the Federal Government likes to involve itself in. But let me say this, I think that we are trivializing the concept of civil rights and discrimination. You know, when you assign to a category of behavior the term a civil rights violation forever, you have consigned that issue to our courts. No longer will you be able to make public policy decisions regarding the handicapped, because we have seen fit to treat as unlawful discrimination any treatment of the handicapped different in any respect to our own. And let me give you an example. An Administrative Law Judge, I think of the Human Rights Commission, recently held that the city, state, whatever the responsible government is, discriminating against the handicapped because they do not provide lifts for all of their buses. In fact, the responsible entity had made a conscience decision to treat them differently in the interest of what it found to be better service, and that is a private van system for the handicapped. Now because we have allowed ourselves to go down this trail, down this road of calling every difference in life unlawful discrimination, we have consigned to a single Administrative Law Judge the public policy decision whether to...whether and how to spend money in favor of mass transit for the handicapped. When you allow a court to take that over, you have consigned to an inherently undemocratic forum a decision for public policy. You know, courts are no good because they are anti-democratic. They're autocratic. But more importantly, courts only deal with the facts and the litigants before them. If you have a litigant who is poorly prepared and you find as a result of that an unfavorable holding, that should not serve as a

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

58th Legislative Day

June 16, 1989

statement of public policy. There are only three parties involved, the court and the two litigants. But by doing this, by trivializing civil rights, by calling every difference in the world discrimination, we have consigned to this undemocratic forum the decision-making for this very important area of public policy. In effect, we abrogate to the courts our role of public policy makers. And that is a terrible thing to do. I often stand up in opposition to these types of things and that is the reason. That's the bottom line. The court should not be making this public policy. And this is just another example of that. By characterizing everything as discrimination, we assign to the courts forever the ability to make those decisions, and we take it away from ourselves. I mean, it's just absolutely crazy. That decision to treat people differently within the context of mass transit allocation and spending is not discrimination. It is a public policy decision as to how best to provide services to our people. In effect, a court disagrees. They say we don't like the way you provide services to those people, so we're going to call it discrimination in order to get our way. And this just feeds into that frenzy. You know the Federal Courts have been doing it for years. And if you follow the Federal Courts, you should probably be disgusted at the way they handle these sorts of things, by calling everything a violation of the law. In effect they take over the public policy function, and this just gives them more ammunition to do it. I rise in opposition."

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

Piel: "I know it's on Short Debate, Madam Speaker, but I do have some questions in reference..."

Speaker Breslin: "Proceed with your questions."

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

58th Legislative Day

June 16, 1989

Piel: "Representative Flowers, a couple of areas I'd like...like to talk to you about. One area you're talking about discrimination dealing with the sale, exchange, rental, lease and you're also at the same time talking about, you know, in the area of procuring financing for a specific piece of real estate. Can you tell me how this is changed, how this Bill changes the present law?"

Flowers: "Representative Piel, I'm sorry. I can't hear you because of the noises in the House. Would you mind repeating your question, please?"

Piel: "Madam Speaker. Madam Speaker. Madam Speaker."

Speaker Breslin: "Proceed."

Piel: "The Sponsor's having trouble hearing me because of the noise over there. Could we get some order?"

Speaker Breslin: "Okay, sounds very orderly now."

Piel: "It's getting better. It's getting better. Thank you. You're changing the law dealing with the sale, purchase, lease of real estate property and also in areas of financing for the purchase of real estate property. Could you explain how it's changing the current law?"

Flowers: "Representative Piel, what this Bill is doing is conforming with federal law, number one, and as far as the real estate transaction is just bring into conformity the...so if you were in a wheelchair and if you wanted...you would not be able to be denied a loan in order to...because you're in a wheelchair in order to purchase a piece of property rather than rent a piece of property and in order to bring that property into conformity so that you can feel comfortable living there."

Piel: "Would you give me that last two or three sentences again. If you were in a wheelchair you would have to bring your property into conformity?"

Flowers: "It...what it does...what...the only thing I'm saying,

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

58th Legislative Day

June 16, 1989

Representative Piel, is that if I wanted to rent a piece of property from you and if I want to get a loan in order to redo the property because I am in a wheelchair so that I may get into the property that I'm about to rent or either to be able to use the restroom in the property, I would be able to bring that into conformity so I can use it, because I'm handicapped for whatever reason. Maybe I need a bar across the wall or something like that."

Piel: "No, the basic question, you know, the basic question I was asking was in reference to financing and how it was changing the current law in the State of Illinois."

Flowers: "The biggest change, Representative Piel, is in renting. It does not change..."

Piel: "I'm sorry, I can't hear."

Flowers: "The biggest change comes in renting of the property, not in the financing of the property nor acquiring a to the loan."

Piel: "The reason I'm asking the question, because it reads and I quote, 'It shall also include the making or purchasing of loans or to provide other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling secured by a residential real estate and a selling, brokering and appraising of real estate property.' That was the reason, you know, that area deals specifically with the making of real estate loans."

Flowers: "Representative Piel, that ideal (sic - idea) is already federal law and what I did, because of the concerns of the people in the House, I brought this Bill into complete conformity with federal law. That is already federal language."

Piel: "Okay, one final question. Under the area of, you know, a family status with the proposal states that is made a civil rights violation for any person to discriminate in any

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

58th Legislative Day

June 16, 1989

covered type of transaction against anyone because of a family status. Basically, we're talking about his or her who is under the age of 18. Unless I'm reading this wrong, you've got be able to, as a applicant, you've got to be able to provide for the children. And let's say that you've got four children under the age of 18. That definitely has something to do with your family status and definitely has something to do with your income. And if you turn a person down because their total income, you know, is not enough to support the family and a mortgage...I'm...you're shaking your head like you've got the answer. Do you want me to continue. I was giving you an example but go ahead."

Flowers: "Well, I think you're missing the point. I agree with you, Sir, that that is to provide for the family. And that is to say that if I have four kids and you would deny...you would not deny me assess to this piece of property because of my family, because I have kids and you don't want kids on your property. Remember we're talking about keeping the family in tact."

Piel: "Right. But what I'm saying is can they..."

Flowers: "And this is already..."

Piel: "Can they classify as a discrimination... Can they bring a discrimination suit against a, let's say a borrower, because they are saying, I'm sorry Mrs. Flowers..."

Flowers: "Against the borrower?"

Piel: "...You've got five children. Your income is such with these children, they're figuring a certain percentage is used for the upkeep of these children, for the rearing of these children, that you can't afford this mortgage."

Flowers: "Well, Representative Piel, in that...that's already in current law, and up to age 14 as far as the property is concerned, but as far as somebody going to borrow money, do

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

58th Legislative Day

June 16, 1989

you or do you not have the collateral?"

Piel: "Right."

Flowers: "But regardless of the fact that if you have five kids, if your income is such that you can deal with your five kids, your house note and anything else, long as you have the income to pay if off, it's okay. And I'm sure no one would discriminate..."

Piel: "Excuse me, Mary, I've only got 23 seconds to go. You've got, you said it's under...the current law is 14, right. But the Bill raises it to 18."

Flowers: "Right, because..."

Piel: "Children under 18."

Flowers: "To conform with federal law. Should I have to move out of my house that I've been there for 10 or 15 years, because my child has now turned to be 15? I've not destroyed your property, and what..."

Speaker Breslin: "Bring your remarks to a close, Representative Flowers and Representative Piel. Proceed. Let Representative Flowers finish."

Piel: "Okay, no further questions, Madam Speaker. Thank you."

Speaker Breslin: "Ladies and Gentlemen, this Bill is on the Order of Short Debate. I would suggest you save your remarks until...for an explanation of vote. Representative Flowers is recognized to close."

Flowers: "Madam Speaker, Ladies and Gentlemen of the House, the two previous speaker...speakers, I understand their concern and I would like to take the opportunity to thank them for voting on the same identical Bill, House Bill 1824, and I hope they and other Members of the House could continue to do likewise, supporting this fine piece of legislation that's merely bringing state law into conformity with federal law. And I would truly urge the passage of Senate Bill 737 and also to solve some of our fiscal problems that

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

58th Legislative Day

June 16, 1989

we have in this state. Thank you very much."

Speaker Breslin: "The question is, 'Shall Senate Bill 737 pass?'

All those in favor vote 'aye', all those opposed vote 'no'.

Voting is open. Representative Williams, one minute to explain your vote."

Williams: "I rise in support of this legislation. This is what we would call substantially equivalence legislation. Basically what it does is it puts us in compliance with the federal law in order for us to continue to get the federal dollars used to operate this fund. The Bill, as amended, allows not only for the person who has to pay for the changes up front, but they have to pay, in fact, put a deposit down for the changes so that they can restore it at the end. The Bill does nothing more but put us in compliance with the federal law. And I urge an 'aye' vote."

Speaker Breslin: "Representative Barger, one minute to explain your vote."

Barger: "Thank you, Madam Speaker. As I understood what Representative Flowers said, if you had a three story building and you had an apartment on the third floor and someone in a wheelchair wanted to rent that apartment on the third floor, you would be required to rent them that apartment on the third floor, put in an elevator or a three-story ramp, widen the doors to the bathrooms and make it accessible to handicapped equipment at an ex...a price that would be totally ridiculous, or if they had children and you didn't comply with the federal laws...the federal law right now says that for every...you can't have more than two children in a room. That if that person wants to rent an apartment on the third floor and they have three daughters and a son, you have to provide them with four bedrooms in that apartment. Now this is totally

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

58th Legislative Day

June 16, 1989

ridiculous, something that goes well beyond the needs of handicapped or well beyond any form of discrimination. And this is a Bill that very definitely ought not be passed, because not only is it discriminatory against the handicapped, it's also discriminatory against the people who would build housing, particularly to take care of the handicapped. This definitely needs a 'no' vote. Thank you."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 80 voting 'aye', 27 voting 'no' and 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 741, Representative Sutker. Clerk, read the Bill."

Clerk Leone: "Senate Bill 741, a Bill for an Act to amend an Act concerning the powers of attorney. Third Reading of the Bill."

Speaker Breslin: "Representative Sutker."

Sutker: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. This is an Amendment to the Durable Powers of Attorney Act. It's similar to the Bill which went out of the House and went to the Senate. This is the Senate Bill which by Amendment we've clarified and cleaned up to make the power of attorney agency more effective, more comprehensive and more meaningful. The Bill requires that the agent keep records, maintain his expense accounts for the purposes of the agency and that third parties may rely upon the powers of the agent and that if they fail or unreasonably do so, there's appropriate provision to the agent to act upon such failure. It also provides to make clear that you need not use exclusively the statutory form of power of attorney that we established in the earlier Act, that it is discretionary upon the principal to use

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

58th Legislative Day

June 16, 1989

such other forms as he or his attorney may determine. Additionally, it provides that a physician may act as an agent, provided he is not administering care to the principal. I urge the adoption of or the support of this Bill. I think it will be an important contribution to making the Power of Attorney Act more effective."

Speaker Breslin: "The Gentleman has move the passage of Senate Bill 741. This Bill is on the Order of Short Debate. Does anyone rise in opposition? There being none, the question is, 'Shall Senate Bill 741 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? The Clerk will take the record. On this question there are 104 voting 'aye', none voting 'no' and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 742, Representative Sutker. Clerk, read the Bill. Out of the record. Senate Bill 763, Representative Barnes. Out of the record. Senate Bill 772, Representative Cullerton. Clerk, read the Bill."

Clerk Leone: "Senate Bill 772, a Bill for an Act to amend the Code of Civil Procedure. Third Reading of the Bill."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Yes, thank you, Madam Speaker and Ladies and Gentlemen of the House. First of all, let me make clear that when the Bill came over from the Senate, it contained a number of provisions, some of which were controversial. The Bill now as amended by House Amendment #2 only contains one provision. In other words we only left on one of the Senate Amendments. And that deals with the long arm statute. The United States Supreme Court has established limitations on state courts' jurisdiction over out-of-state defendants. And they have said that a court may exercise

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

58th Legislative Day

June 16, 1989

jurisdiction over defendants only to the extent that the defendant has minimum contacts with the foreign state. Now what this Bill as amended attempts to do is to expand the long arm jurisdiction of Illinois courts over certain causes of action arising from certain occurrences. And those would be the making of a contract or promise substantially connected with this state. Here's a good one, performance of sexual intercourse in this state claimed to have resulted in conception. The failure to support a child, spouse or former spouse in this state. Ownership, possession or control of an asset in this state. Breach of a fiduciary duty in this state. Duties as a director or officer of a corporation organized under the laws of or having his principal office in this state. Interest in a trust administered in this state. And exercise of fiduciary powers granted under Illinois law. Those would be the occurrences where the long arm statute would be expanded. The Bill also authorizes the court to exercise jurisdiction in action arising within or without the state over a person present in Illinois when they're served, a person domiciled in Illinois when the cause of action arose, a corporation organized under our laws or a person or a corporation doing business in Illinois. The Bill includes actions for annulment of a marriage within the provisions of current law, allowing jurisdiction based on maintenance of a matrimonial residence in Illinois. The Bill also provides that Illinois courts have...shall have such jurisdiction to the fullest extent allowed under the US and Illinois Constitution. The Bill is...the Bill is supported by the Illinois State Bar Association. They are the ones that asked that this Amendment be put on the Bill in the Senate, and they prevailed in committee to have this be the only part of the Senate Bill that's left to proceed

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

58th Legislative Day

June 16, 1989

to a final vote. I'll try to answer any questions and move for its passage."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 772. On the question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you. I voted for this in committee to let it get to the floor and have thought about it since then and I tell you, I think that this addresses a non-problem. This is a theoretical exercise. As I understand it, a law school professor sat down in his dusty room one night and thought about all the potential things he could do to enhance his career as a law professor. And he came up with expanding the concept of long arm jurisdiction to coincide with the constitutional limitations on that jurisdiction. It's really a non-problem. And I'll tell you frankly whether it is to the limits of the constitution or whether it is not coextensive, whether there's a little less, there's really not a problem. And I think expanding it beyond what it is now does create a problem. Don't be mistaken about this. The constitution in this case does not act as a floor. The constitution in this case acts as an outer limit. The constitutions apparently allow for the exercise of this jurisdiction in cases where there is a more tenuous relationship with the State of Illinois than is now embodied in our statutory law. So it's not a question of doing better than the constitution, because that represents only a floor under which no one should fall as in the case of Sixth Amendment rights, for example. This is an issue where the constitution does not allow the exercise of jurisdiction except where there are some degree of contacts. Our state long arm statute for years has been held by the courts to be less than coextensive with the constitution. And I don't think that's such a bad thing,

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

58th Legislative Day

June 16, 1989

because I think what's permissible under the constitution goes too far. It allows the contacts with Illinois to be too tenuous, even to be arbitrary in some cases. So it isn't a question of addressing a problem. Nobody around here is claiming that the lawyers of Illinois don't have enough to do. This is an academic exercise. And I don't think one we should undertake."

Speaker Breslin: "Representative Cullerton is recognized to close."

Cullerton: "Well, I doubt, Madam Speaker, that very many people here understood my explanation and if that's the case, they probably don't understand the opposition as expressed by Representative McCracken. It's true that some law professor did, I'm told, write this Bill, because he was present in the committee to testify on behalf of it. I believe he's from Southern Illinois University. All I would say is that it's a...in simple terms for us to obtain...for a lawsuit to occur in Illinois, you have to have jurisdiction over the defendant. This issue deals with out-of-state defendants, and it makes it easier for our citizens who are attempting to obtain redress in the courts, it makes it easier for them to obtain jurisdiction over out-of-state defendants. And the Bill specifically provides that they shall have jurisdiction to the fullest extent allowed under the US and the Illinois Constitution. So what's wrong with that? It...the most critical thing I can think that Repres...the previous speaker has said is that he doesn't think it's necessary. I say that that's not a reason to vote 'no'. I think that this Bill is all about making it more convenient for own citizens to redress their greivances in court, and I would ask for an 'aye' vote."

Speaker Breslin: "The question is, 'Shall Senate Bill 772 pass?'

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

58th Legislative Day

June 16, 1989

All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 89 voting 'aye', 71 (sic-17) voting 'no' and 3 voting 'present'. This Bill, having received the Constitutional Majority is hereby declared passed. Senate Bill 800, Representative Cullerton. Clerk, read the Bill."

Clerk Leone: "Senate Bill 800, a Bill for an Act to amend the Illinois Securities Law. Third Reading of the Bill."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Madam Speaker, I have conferred with my Senate Sponsor and we would both wish that this Bill be placed on Interim Study."

Speaker Breslin: "The Gentleman asks leave to place this Bill on the Order of Interim Study. There being no objection, the Bill is put on Interim Study. Senate Bill 912, Representative Steczo. Out of the record. Senate Bill 918, Representative Parke. Mr. Parke. Clerk, read the Bill."

Clerk Leone: "Senate Bill 918, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Breslin: "Representative Parke."

Parke: "Yes, can I have this Bill brought back to Second for the purposes of removing Amendment #2?"

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second for the purposes of tabling an Amendment. Are there any objections? Hearing none, the question is, 'Shall this Bill be returned...Oh, there being no objections, the Bill is on Second. Is there a Motion filed or do you wish to just do it orally, Representative Parke?'"

Parke: "Orally, please."

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

58th Legislative Day

June 16, 1989

Speaker Breslin: "Proceed, Mr. Parke, on a Motion."

Parke: "Yes, the Amendment is technically flawed. I have Amendment #3 to clarify that Amendment and make it more legal."

Speaker Breslin: "Okay, Representative Parke moves to table Amendment #2. Is there any discussion? There being none, the question is, 'Shall Amendment 2 be tabled?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the Motion... the Amendment is tabled. Are there any other Amendments or Motions, Mr. Clerk?"

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

Speaker Breslin: "Representative Parke."

Parke: "Thank you. Amendment #3 was a agreement that was made in committee to take away punitive damages off the Bill and apply a civil...damages which will be treble damages, and I ask for passage of this Amendment to comply with the request of the committee."

Speaker Breslin: "The Gentleman has moved for the passage...the adoption of Amendment 3 to Senate Bill 918. On that question, is there any discussion? There being none, the question is, 'Shall Amendment 3 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Parke now asks leave for immediate consideration of Senate Bill 918 as amended. Does he have leave? Hearing no objection and by use of the Attendance Roll Call, the Gentleman is given leave. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 918, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

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

58th Legislative Day

June 16, 1989

Speaker Breslin: "Representative Parke."

Parke: "Yes, this Bill creates the unlawful subleasing of a motor vehicle. What we're finding is that people who are leasing automobiles are being approached by unscrupulous people asking these people to, after having at least for a couple of years, to sublease the car to them and that they will assume the responsibility of that car. What we are finding though is that, in fact, when someone takes the car, that sometimes we have trouble locating it. The people that have leased the car have trouble locating that car and sometimes the person that has subleased stops payment and the individual who had the original lease now may have two sublease...two leasing payments to make. And we're going to clarify it. It says that it's against the law in Illinois to sublease a car unless you get approval from the car deal...leasing company. I ask for passage of this Bill."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 918. On the question, is there any discussion? There being none, the question is, 'Shall Senate Bill 918 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? The Clerk will take the record. On this question there are 103 voting 'aye', none voting 'no' and one voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 929, Representative Cullerton. 929. Out of the record. Senate Bill 1219, Representative Kirkland. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1219, a Bill for an Act to amend the Juvenile Court Act. Third Reading of the Bill."

Speaker Breslin: "Representative Kirkland."

Kirkland: "Thank you, Madam Speaker. This Bill simply provides

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

58th Legislative Day

June 16, 1989

that the appearance of a minor's legal guardian or custodian or person named as respondent in a juvenile petition in any proceeding under the Juvenile Court Act shall constitute a waiver of services, summons and submission to the jurisdiction of the court, excepted out of this is a special appearance which would still be effective. Move for passage."

Speaker Breslin: "The Gentleman has moved the passage of Senate Bill 1219. This Bill is on the Order of Short Debate. Does anyone rise in opposition? There being none, the question is, 'Shall Senate Bill 1219 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? The Clerk will take the record. On this question there are 108 voting 'aye'...109 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1466, Representative Bill Peterson. Clerk... Out of the record. The next Order, Ladies and Gentlemen, is the Order of Human Services - Second Reading. The Sponsors are Currie, Bugielski, Kubik, Flowers, McGann. The first Bill is Senate Bill 376, Representative Currie. Out of the record. Senate Bill 472, Representative Bugielski. Out of the record. Senate Bill 489, Representative Kubik. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 489, a Bill for an Act to amend an Act relating to penalties for criminal offenses. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Kubik."

Kubik: "Thank you, Madam Speaker, Ladies and Gentlemen of the

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

58th Legislative Day

June 16, 1989

House. Floor Amendment #1 is a technical Amendment to address a problem that was brought up on the Bill during committee. I would move its adoption."

Speaker Breslin: "The Gentleman moves the adoption of Amendment 1 to Senate Bill 489. On the question, is there any discussion? There being none, the question...Representative Cullerton, on the Amendment."

Cullerton: "Yes, this deals with the penalty provisions of the original Bill. What were the penalties in the original Bill?"

Speaker Breslin: "The question was what were the penalties in the original Bill?"

Kubik: "In the original Bill, the penalties were a... Class 4 felony..."

Cullerton: "What does your Amendment..."

Kubik: "Class 4 felony for a subsequent offense."

Cullerton: "The Amendment says that a second or subsequent offense for filing a false report is a Class 4 felony. What did the Senate Bill as it passed the Senate say the offense was for filing a false report?"

Kubik: "It said the same thing, Representative Cullerton."

Cullerton: "It said the same thing?"

Kubik: "Yes."

Cullerton: "Why do we need the Amendment?"

Kubik: "Apparently, Representative Cullerton, this particular Amendment puts the...puts it into the Criminal Code so that we don't have a problem with due process. Apparently...Representative Cullerton, apparently the provision of a Class 4 felony is under Chapter 23 presently. What this particular Amendment does is puts it into the Criminal Code so to provide notice so that...so that we don't have a due process problem."

Cullerton: "Well, here. Let me see if I can walk you through the

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

58th Legislative Day

June 16, 1989

Amendment. On your Amendment, you, for example, you amend page 5, line 3, after the number 3,000, at the very end of the Bill as it passed the Senate. And that says a violation of Section...subsection (a) (6) of this Section is a business offense and shall be punished by a fine not to exceed \$3,000, and now the Bill will read a second or subsequent violation of (a) (7) of this Section is a Class 4 felony. Section (a) (7) deals with the transmitting a false report to the Department of Children and Family Services under Section 4 of the Abused and Neglected Child Reporting Act."

Kubik: "Correct."

Cullerton: "My question is what is the offense right now for violating (a) (7) and how does the Amendment change that?"

Kubik: "Apparently, Representative Cullerton, the present law, a violation of the present law, would result in...under (a) (7) would result in a misdemeanor, a Class 4 misdemeanor."

Cullerton: "No, Class A."

Kubik: "Class A misdemeanor...Class A misdemeanor...for a subsequent offense. And the Senate Bill changed that to a Class 4 felony."

Cullerton: "And what you're saying is only a second or subsequent offense would be a Class 4 felony?"

Kubik: "Yes."

Cullerton: "Okay and so have you checked with your Senate Sponsor to see if she agrees that you wish to lower the penalty for this Bill that she passed out of the Senate?"

Kubik: "We'll, Representative...We have had a dialogue on this issue and she does agree. As a matter of fact, Representative Preston raised the same question in committee, so this was an attempt to respond to Representative Preston's concerns on the Bill."

Cullerton: "Are there any other plans for this Bill?"

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

58th Legislative Day

June 16, 1989

Kubik: "No."

Cullerton: "Okay, thank you."

Speaker Breslin: "Is there any further discussion? There being none, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Kubik. Representative Kubik. Representative Kubik, do you wish to move this Bill today on Third Reading? The Bill was held on Second."

Kubik: "Might as well."

Speaker Breslin: "The Gentleman wishes the Bill heard today. Read the Bill on Third, Mr. Clerk."

Clerk O'Brien: "Senate Bill 489, a Bill for an Act to amend an Act relating to penalties for criminal offenses. Third Reading of the Bill."

Speaker Breslin: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker (sic - Madam Speaker), Ladies and Gentlemen of the House. Senate Bill 489 would amend the Abused and Neglected Child Reporting Act and the Criminal Code. And it would enhance the penalties for making a false report to the Department of Children and Family Services. The first offense remains a Class A misdemeanor. A subsequent offense would be a Class 4 felony. But...the...both of these are an enhancement under current penalties which are Class B and Class...Class A felony. I would appreciate your support and would be happy to answer any questions."

Speaker Breslin: "The Gentleman has moved the passage of Senate Bill 489. On the question, the Gentleman from Cook, Representative Cullerton."

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

58th Legislative Day

June 16, 1989

Cullerton: "Well, Madam Speaker, I understand that Representative Hultgren issued a new rule requiring that Sponsors know what their Bills do before they pass them. And I think that should apply to this Bill as well, so I would ask Representative Kubik if he honestly knows what this Bill does now that he's amended it. Just be honest. And if you don't, I think you should take it out of the record. Spend the week end with your Senator studying what this Bill does and then decide whether you really want to pass it next week. But if you think you know what it does now, fine."

Kubik: "Well, let me explain to you, Representative Cullerton. I recognize that it enhances the penalty for providing a false report to the Department of Children and Family Services. That I...that is for sure. That's what this Bill does."

Cullerton: "So you know a little about the Bill, is what you're saying. I think what it does is it elevates the penalty from a Class B misdemeanor to a Class 4 felony if it's a second offense with your Amendment."

Kubik: "The...for a subsequent offense."

Cullerton: "Yeah, second or subsequent offense. So it'll go from a Class B to a Class 4 felony?"

Kubik: "Correct."

Cullerton: "Class B misdemeanor... Okay. So now you know what it does. And you still want to pass it."

Kubik: "And I thank you for walking me through it so that I understand it."

Cullerton: "And you still want to pass it?"

Kubik: "I still want to try."

Cullerton: "Okay, fine. Thank you."

Speaker Breslin: "The question is, 'Shall Senate Bill 489 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Curran. The Gentleman does

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

58th Legislative Day

June 16, 1989

not wish to speak. Have all voted who wish? This is final passage. Have all voted who wish? The Clerk will take the record. On this question there are 110 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1047, Representative Flowers. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1047, a Bill for an Act to amend an Act concerning services provided by local health departments. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1200, Representative McGann. Out of the record. Is Representative Leverenz in the chamber? Representative Leverenz. With leave of the Body, Ladies and Gentlemen, I'll go back to Representative Leverenz's Bills on State and Local Government - Second Reading. The first Bill is Senate Bill 248, Representative Leverenz. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 248, a Bill for an Act to amend an Act in relation to stormwater management. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Representative Leverenz, the Bill has to remain on Second for want of a fiscal note. The next Bill is Senate Bill 852. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 852, a Bill for an Act to amend an Act in relation to fire protection districts. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

58th Legislative Day

June 16, 1989

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen, we are now going to the Order of Human Services - Third Reading. Representative Brunsvold, for what reason do you seek recognition?"

Brunsvold: "Thank you, Madam Speaker. I'm the hyphenated Cosponsor of 513. Representative Ewing is not here and could we move that Bill at this time?"

Speaker Breslin: "What Order is it, Sir?"

Brunsvold: "State and Local Government."

Speaker Breslin: "513. Surely. Senate Bill 513, Mr. Clerk, on the Order of Second Reading."

Clerk O'Brien: "Senate Bill 513, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. No Committee Amendment."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. Representative Bugielski is here on Senate Bill 1451. Read the Bill, Mr. Clerk. 1451."

Clerk O'Brien: "Senate Bill 1451, a Bill for an Act in relation to airports. Second Reading of the Bill. No Committee Amendment."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Bugielski."

Bugielski: "Thank you, Madam Speaker, Members of the House. Amendment #1 is a technical Amendment. Just puts in the effective date of January 1st, 1990."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 1 to Senate Bill 1451. On the question, the Gentleman from Warren, Representative Hultgren."

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

58th Legislative Day

June 16, 1989

Hultgren: "The Amendment proposes to change the effective date, makes no other changes. Do you intend to send this Bill then to a Conference Committee?"

Bugielski: "I'm sorry. Do I intend to send it where?"

Hultgren: "To a Conference Committee?"

Bugielski: "Well, I'm...this is...I have no intent...I don't know what the intention of the Senate Sponsor is."

Hultgren: "But do you think he intends to do more with it than appears on the Bill currently?"

Bugielski: "Not at this time, Sir."

Hultgren: "Not at this time, but when it gets to the Conference Committee. What does he intend to do with it in Conference Committee?"

Bugielski: "I haven't the slightest idea, Sir."

Hultgren: "So, you don't know what he intends to do with this Bill."

Bugielski: "No, Sir."

Hultgren: "Thank you."

Speaker Breslin: "Any further discussion? There being none, the question is, 'Shall Amendment 1 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. On the Special Order of Human Services - Third Reading. The Sponsors are Bowman, Levin, Keane, White, Parke, Trotter, Woolard, Phelps and Giorgi. The first Bill is Senate Bill 499, Representative Bowman. Out of the record. Senate Bill 725, Representative Levin. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 725, a Bill for an Act to amend certain Acts in relation to information about certain children. Third Reading of the Bill."

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

58th Legislative Day

June 16, 1989

Speaker Breslin: "Representative Levin."

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 725 was introduced in behalf of the Joint Committee on Administrative Rules. It requires the Department of Children and Family Services to provide to a temporary caretaker of a child any information in the agency's possession concerning communicable diseases that a child has. The caretaker is prohibited from further disclosure of the information that pertains to results of an AIDS virus test except as provided under the AIDS Confidentiality Act. Just urge your support for this legislation."

Speaker Breslin: "The Gentleman has moved the passage of Senate Bill 725. The Bill is on the Order of Short Debate. Does anyone rise in opposition? There being none, the question is, 'Shall Senate Bill 725 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? The Clerk will take the record. On the question there are 107 voting 'aye', none voting 'no', none voting 'present'. The Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 733, Representative Keane. Out of the record. Senate Bill 735, Representative White. Mr. White. Out of the record. Senate Bill 855, Representative Parke. Mr. Parke. Out of the record. Senate Bill 1198, Representative White. Mr. White. Out of the record. Senate Bill 1302, Representative Trotter. Out of the record. Senate Bill 1303, Representative Woolard. Mr. Woolard. Hold? Out of the record. Senate Bill 1306, Representative Phelps. Out of the record. Senate Bill 1354, Representative Giorgi. Out of the record. Ladies and Gentlemen, we'll go back to Senate Bill 735, Representative White. Clerk, read the

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

58th Legislative Day

June 16, 1989

Bill."

Clerk O'Brien: "Senate Bill 735, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Breslin: "Representative White. Out of the record. Representative White, do you want the next Bill called? I thought you wanted these Bills called? Not today. Out of the record. The next Order is House Joint Resolution 37 by Representative Deuchler. Representative Deuchler. Out of the record. The next Order is Criminal Law - Second Reading. The Sponsors are Kirkland, Cullerton, Bugielski, Petka, Steczo, Homer, Novak, Hasara. The first Bill is Senate Bill 131, Representative Kirkland. Out of the record. Senate Bill 302, Representative Cullerton. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 302, a Bill for an Act to amend an Act in relation to criminal identification. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative Cullerton."

Cullerton: "Yes, Madam Speaker, I would like to withdraw Amendments #2 and 3."

Speaker Breslin: "Withdraw 2 and 3. Are there any further Amendments, Mr. Clerk?"

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

Speaker Breslin: "Representative Cullerton."

Cullerton: "Yes, thank you, Madam Speaker. This Amendment #4 was offered after Representative Black pointed out that Amendment #2 or 3, I can't remember which, was out of order, and so we did discuss it earlier. I just briefly indicate that, I believe this first of all is in order. It

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

58th Legislative Day

June 16, 1989

means to simply clarify that the Illinois Criminal Justice Information Authority is the one that's going to make available compilations of crime statistics which will be published by that authority. It also indicates that as per our agreement with the Illinois Criminal Justice Information Authority, the effective date of that Section of the Bill will be January 1st... I'm sorry, July 1st, 1991. So I move for its adoption."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #4 to Senate Bill 302. On the question, is there any discussion? There being none, the question is, 'Shall Amendment 2...Amendment 4 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 399, Representative Bugielski. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 399, a Bill for an Act in relation to murder. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Bugielski."

Bugielski: "Thank you, Madam Speaker, Members of the House. Amendment #1 will include also, the murder was committed in a cold, calculated and premeditated manner pursuant to the preconceived plan. What this is taking in right now, the death penalty is not enforced for anyone that commits a murder such as torture, with the understanding that murder would take place. So, we're just adding this paragraph to the Bill."

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

58th Legislative Day

June 16, 1989

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 1 to Senate Bill 399. On the question, the Gentleman from DeKalb, Representative Countryman. Ladies and Gentlemen, Ladies and Gentlemen. Proceed, Representative Countryman."

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

Speaker Breslin: "He will."

Countryman: "Representative, we have a problem with the Illinois Death Penalty Act at the present time, are you aware of that, that a federal court judge has declared it unconstitutional?"

Bugielski: "Yes."

Countryman: "And now you're adding an Amendment on there, that...this Amendment is something that was sent to the Governor a few years ago, wasn't it?"

Bugielski: "It was sent to the Governor a few years ago and it was vetoed, I understand."

Countryman: "And what was the basis of his Veto?"

Bugielski: "I don't know what the basis of his Veto was, and I mentioned this to the Senate Sponsor, and the Senate Sponsor wanted to put it back in the Bill again this year."

Countryman: "Well, the basis of the Governor's Veto, as a pretty good law and order guy, said that he thought that this would jeopardize the constitutionality of the death penalty in Illinois. Wasn't that it?"

Bugielski: "That I'm not sure of. I know there was someone lobbying the Governor to veto it last time and I don't know the full understanding of that, you know, what happened two years ago. But, I mentioned that to the Senate Sponsor and he still wanted to go through with it again this time."

Countryman: "Well, why would you want to jeopardize the constitutionality of our statute, when it's under scrutiny

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

58th Legislative Day

June 16, 1989

now with the federal courts, and it's going to possibly become subject to...more contest, more litigation?"

Bugielski: "Well, Senator Barkhausen does not believe that it is unconstitutional."

Countryman: "Well, he reads the Constitution his own way, is that it?"

Bugielski: "And neither do I...pardon?"

Countryman: "Does he read the Constitution his own way?"

Bugielski: "I guess so. But, he feels that it is not."

Countryman: "...Can you tell me what you mean by cold, calculated and premeditated?"

Bugielski: "Well, premeditated, knowingly and want only knowing that you are going to commit murder."

Countryman: "Well, don't you think if you're going to impose the death penalty, you ought to define those in the language of the statute in some way?"

Bugielski: "Based on a Florida statute, which has been upheld. Florida has one that has been upheld...recently and that has been upheld by the..."

Countryman: "By the United States Supreme Court?"

Bugielski: "By the Florida courts."

Countryman: "But these things end up in the federal courts on these post conviction things. So, the constitutional test is going to come in the federal courts, isn't it?"

Bugielski: "Well, if it comes to that, then we'll worry about it then."

Countryman: "Well, this is an expensive process, when you're talking about adding millions and millions of dollars to the state budget, just to handle these appeals. Don't you think we ought to define the law right and...write it the way it should be and work on this stuff in committee, rather than bringing these Amendments out on the floor, when we're on Second Reading on Senate Bills?"

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

58th Legislative Day

June 16, 1989

Bugielski: "Well, the process will be upheld anyway. It would be worth the money, if the process is going to be upheld."

Countryman: "Well, to the Amendment, Madam Speaker. I'm not opposed to the death penalty and I voted a record that way. But, I don't think that this is a well defined Amendment. It's one that should not go on his Bill, it's going to defeat the Bill. It's going to hurt the Bill. It's not going to do anything to enhance our current situation with the death penalty in Illinois. We've got a district court in Central Illinois, it's declared the death penalty unconstitutional. I think the death penalty can withstand that challenge. But, there's no use us changing this around while we've got that sort of a challenge that's going to go probably to...well, it's going to the 7th Circuit Court of Appeals, but probably the United States Supreme Court. I don't think we ought to mess around with it at this point in time. I don't know what he means by cold, calculated or premeditated. Those are conclusionary sorts of statements and I think that they ought to have definition in them. I think it's an inadequate definition. I don't think it meets the constitutional test. I think all we're going to do, is we're going to delay the process longer, we're going to need more prisons in the State of Illinois, we're going to need more lawyers for trials, and I think we're going to lose in the long run. I urge the opposition of the Amendment."

Speaker Breslin: "Thank you, Representative Countryman, your...Representative Homer."

Homer: "Thank you, Madam Speaker, Ladies and Gentlemen. I, not withstanding my high regard for the Sponsor of the Amendment, join Representative Countryman in urging that the Amendment be defeated. The...there are few things that we do here, that are a matter of life and death. This is

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

58th Legislative Day

June 16, 1989

one of them. This Bill would expand the provisions of the Illinois Death Penalty. The underlying Bill does that as well, but the underlying Bill was submitted through the normal process, was subjected to committee hearings and public hearings in the House and Senate Judiciary Committee, and after careful deliberation, the committee voted to move the matter to the floor for consideration. The Amendment would add another qualifying factor for the death penalty, without having ever been introduced in committee this year, and so far as I know in either the House or the Senate. Whether you're for or against the death penalty, and I happen to feel that it is justified and necessary in certain limited cases, I would submit to you, that it would not be the responsible action of this or any other General Assembly to simply on Second Reading, without the opportunity for public hearing input, to rubber stamp a broadening of the death penalty. That is not the way we should go about deciding life and death questions. There are proper ways to do it and if the Senator who previously had this Bill felt strongly enough about this proposition, he should have introduced it as a Bill, not waited until his Bill passed over to the House, came out of the House Judiciary Committee and got on to Second Reading in the House, to propose broadening the Illinois Death Penalty Statute. That's wrong. And as the previous speaker said, a district federal court has already ruled that our death penalty statute is unconstitutional. That matter is now pending in the Court of Appeals. I think it would be folly for us to provide further ammunition to the federal courts, to rule our death penalty unconstitutional by adding a provision, which the Governor has already determined in his legal council to be unconstitutional and perhaps would jeopardize our death penalty statute. So,

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

58th Legislative Day

June 16, 1989

whether you are a death penalty advocate, or an opponent, hopefully you'll be one...who believes in the integrity of the legislative process, the committee system, and on a Bill that's as important as this, will reject a notion that this kind of Amendment should be adopted on Second Reading of a Senate Bill in the House of Representatives."

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

Petka: "Thank you very much, Madam Speaker, Members of the House.

Two previous speakers have alluded to the fact that a sitting federal judge has held that in his opinion, that our Illinois Death Penalty is unconstitutional. I might point out to the Members of the House, that after that decision that was made, that the Illinois Supreme Court had an opportunity to review a death penalty case in which it stated in very strong terms that our death penalty was still constitutional. Furthermore, the United States Supreme Court has had a number of opportunities in cases which have been sent to the Supreme Court for review by certain writs which basically, would permit the Supreme Court to review, in specifically, People versus Gacy, where they have chosen not...chosen not to review the case. If the Supreme Court of the United States felt that there was constitutional restrictions or that the death penalty was simply, was not constitutional and had all the opportunity in the world to so hold. Now, in connection with this particular Amendment, I rise in support of the Gentleman's Amendment. This was basically House Bill 1567 from two years ago, which passed out of the House, was vetoed by the Governor, and missed by a mere two votes of becoming law by virtue of an override of the Governor's Veto. Yes, it is true that Governor James Thompson at one time was a federal prosecutor, and a good one I might add, but all people can make mistakes, and I believe that the Governor and his

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

58th Legislative Day

June 16, 1989

council in this case were simply wrong in making a statement they felt the Bill was unconstitutional. It is patterned after a Florida Death Penalty, which has been held constitutional by the Florida Supreme Court and I would urge for the adoption of Amendment #1."

Speaker Breslin: "Representative Bugielski to close on the Amendment."

Bugielski: "Thank you, Madam Speaker. I just feel that the Bill was upheld in other courts and it would be upheld here in Illinois and I ask for a favorable Roll Call."

Speaker Breslin: "The question is, 'Shall Amendment #1 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 66...67 voting 'aye', 29 voting 'no' and 6 voting 'present'. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Bugielski wishes to move this Bill on Third Reading...at this time. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 399, a Bill for an Act in relation to murder. Third Reading of the Bill."

Speaker Breslin: "Representative Bugielski."

Bugielski: "Thank you, Madam Speaker, Members of the House. I think we've heard all of the debate on this issue already, and the other part of the Bill is also adding death penalty for conspiracy in drug related crimes. So, I just ask for your favorable Roll Call."

Speaker Breslin: "The question is...the Gentleman has moved for the passage of Senate Bill 399. On the question, is there any discussion? The Gentleman from DeKalb, Representative Countryman."

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

58th Legislative Day

June 16, 1989

Countryman: "Point of order, Madam Speaker. Has this Bill been read a second time previously?"

Speaker Breslin: "Yes, Sir, it was."

Countryman: "Thank you."

Speaker Breslin: "The question is, 'Shall Senate Bill 399 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? This is final passage. Have all voted who wish? The Clerk will take the record. On this question, there are 78 voting 'aye'...79 voting 'aye', 19 voting 'no', 7 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 559, Representative Petka. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 559, a Bill for an Act to amend the Code of Criminal Procedures. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Representative... Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "The Bill must remain on Second for want of a fiscal note. Senate Bill 694, Representative Steczo. Representative Steczo. Out of the record. Senate Bill 743, Representative Homer. Clerk, read the Bill. Out of the record. Senate Bill 1097, Representative Novak. Mr. Novak. Out of the record. Senate Bill... Representative Novak is in the chamber. Clerk, read the Bill. 1170...excuse me, 1097."

Clerk O'Brien: "Senate Bill 1097, a Bill for an Act to amend the Criminal Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Excuse me, Representative Shaw, for what reason

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

58th Legislative Day

June 16, 1989

are you seeking recognition?"

Shaw: "Yes, Madam Speaker, on the Senate Bill 399 I was...I inadvertently voted 'no' on the Bill. I would like for the record to indicate that I wanted to vote 'yes'."

Speaker Breslin: "I see. The record should indicate on Senate Bill 399 that Representative Shaw inadvertently voted 'no' and wanted to vote 'aye'. On... Where are we, Mr. Clerk, on 1097?"

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

Speaker Breslin: "Representative Novak."

Novak: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 simply tightens up the definition of a criminal fortification of a drug house. In committee I assured the Members in Judiciary II that I would work with the Illinois State Bar Association on tightening up the definition of a fortified drug house. What we've done, we've taken language out of Representative Wennlund's Bill, which is House Bill 581 I believe, and inserted that into Senate Bill 1097. And I move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 1 to Senate Bill 1097. On the question, the Gentleman from Cook, Representative Williams."

Williams: "Yes, Representative Novak, the original Bill if I'm correct, and then tell me how the Amendment changes it, didn't require that a person actually be...drugs actually be found in the premises for a person to be convicted of the fortified drug house. Does this Amendment in any way change that? Or first of all tell me, am I correct, did the underlying Bill...is that true about the underlying Bill, that it did not require that you actually...drugs be found in the house in order to be convicted?"

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

58th Legislative Day

June 16, 1989

Novak: "This Amendment guts the underlying Bill."

Williams: "It guts the Bill."

Novak: "Yes."

Williams: "And explain again what the Amendment does then..."

Novak: "The Amendment simply refines the definition of a criminal fortification of a drug house, whereby if the person who owns or occupies a residence or building prevents lawful entry of law enforcement by means of barring the doors, pit bull dogs, barricades and things like this."

Williams: "Okay, does the Amendment now require that drugs be found in the premises in order to be guilty of the underlying offense?"

Novak: "I don't... I don't believe so."

Williams: "So in other words, you can be convicted of fortifying a drug house even though there are no drugs in the house."

Novak: "Well, no, I take that back, Representative. The law enforcement officers have to have a search warrant to come into the house before they can get to the house, and on the search warrant I would presume they're going to be looking for drugs. So they have to have reasonable cause to get into the house, via the search warrant. They're not just going come and bust down someone's door just because it's barricaded or has bars on the door."

Williams: "I understand that, but I was just saying is, there is no confinement. Part of the offense...there's no requirement that there be anything...say for instance a person may fortify their house and presumedly there may be a warrant, but they may actually go into the house and find no drugs but at the same time the person would be convicted of having a fortified drug house without any drugs. Is that correct?"

Novak: "Section 19.5, Representative, says a person commits the offense of criminal fortification of a residence or

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

58th Legislative Day

June 16, 1989

building when with the intent to prevent the lawful entry of a law enforcement officer or another, he maintains a residence or building in a fortified condition, knowing that such residence or building is used for the manufacture, storage, delivery or trafficking of cannabis or controlled substances. It's pretty well defined."

Williams: "To the Amendment. At this point, I understand what Representative Novak is trying to do. I sympathize highly with it; however, it seems somewhat questionable the fact that someone may...I won't say it's open for abuse, but it is open for broad mistakes. A person, for whatever reason and it may not be related to drugs or what have you, may have fortified his house. And I would think that it would be wrong but...to go in and say we're going to fortify it as a drug house without any finding of any drugs. It's just a questionable sort of policy and so I would just advise the General Assembly to take a close look at this. I'm not saying it's right or wrong, but I do think that it's questionable whether or not you can convict someone for having a certain form of house without actually having proof that they did do the things that are charged in the underlying warrant. I leave it at that."

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

Petka: "Thank you very much, Madam Speaker, Members of the House. I rise in support of this Amendment. This Amendment was drafted by the State's Attorney of Will County in connection with a series of problems that he perceived in connection with the execution of search warrants. When Representative Novak appeared before the Judiciary Committee with his Bill, and incidentally it did enjoy widespread support and bipartisan support in that committee, we asked him if he would entertain Amendment #1,

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

58th Legislative Day

June 16, 1989

because we felt that it was a more carefully crafted Amendment and that the language there would withstand constitutional challenge. The reason for this Amendment and the reason for this type of Bill is very simple. A number of years back when I was a state's attorney, we had a drug house in Joliet, unfortunately very similar to other establishments like this in the metro areas throughout the State of Illinois. And this particular drug dealer was able at various intervals to basically deter police action against a drug storehouse that he maintained there. And it became necessary on one occasion for a...an undercover agent to risk his life by literally using a tow truck to pull off the door and part of the wall collapsed simply to get into this place. We think that...and during that process all the drugs disappear, so there's no criminal offense. And that's what this Bill has been mainly aimed at and that's why I support this Amendment."

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

Rice: "Madam Speaker, will the Sponsor..."

Speaker Breslin: "He will."

Rice: "Representative Novak, does this deal with a landlord or a tenant? For instance, I as a landlord rent an apartment to a tenant where burglar bars had been placed on the apartment. In the city that's common. Who is responsible...and the tenant turns out to be one of these people. Who is responsible for that apartment or that facility?"

Novak: "Well, if you're a landlord and you rent a room or a house out to an individual and you know, and the landlord knows that that individual is using that particular residence to manufacture, distribute or sell drugs, then the landlord is just as culpable as the person that is doing the drug business in the home. Now I realize in certain areas in

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

58th Legislative Day

June 16, 1989

the City of Chicago and all over this state in urban areas and other areas, rural areas for that fact, that bars are put on windows for security reasons. This has no intent to deter people from doing that. What we're trying to do is simply give our law enforcement people some additional tools to go into situations where they...where they have the legal justification to come in and make the arrest. Now, if I'm a law enforcement officer and I know that a building or an apartment is barricaded and we have...we know through the search warrant that's been approved by the judge that articles, contraband and other drug paraphernalia are there, we're going to go into that place and make the arrest. We've had...this whole Bill arose out of a situation in the City of Decatur and as Representative Petka has indicated, the City of Joliet in Will County has had problems. And we even have a problem in my home town in Kankakee, two blocks from our courthouse where our police officers are virtually afraid to go in this apartment building, it looks like Fort Apache. So we're just...what we're trying to do is give law enforcement some additional tools, reasonable tools we believe, to go in and make the arrest."

Rice: "When you were dealing with making your decisions, did you deal with a land...a judge that's in the...possibly in the landlord/tenant courts...they have different rules up home that the landlord has nothing to do with what a tenant does inside his facility. See? And then when we talk about putting burglar bars up or burglar bars were there when he rented the apartment, you're saying that I should know what this man is going to do. And that's impossible."

Novak: "Well, I can see your point, but I think we're just sort of getting off the path. I think the key to this Amendment, Representative, is that it's the knowing intent

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

58th Legislative Day

June 16, 1989

that the landlord or the person who occupies that building, that they know that the drug activities are going on. They're culpable as the person who is conducting the activity inside."

Rice: "Then, Rep...then your Bill...then your Amendment should really denote that separate...make that known...is that that tenant's responsibility and not that landlords, because they might not be the same or the two people might not have any other relationship besides collecting rent. The Bill is too ambiguous like that."

Novak: "Well, we drew this language down to make it tighter and this was at the request of the Illinois State Bar Association, Representative, and they are in agreement to it."

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

Santiago: "Madam Chairman, I briefly rise in support of this legislation and the Amendment. I think that it's a very important Amendment, because it gives our law enforcement agencies another weapon on the war against drug, drug pushing, drug manufacturing. Last year, for example, in the City of Chicago alone we had about 70 death related...drug related murders and that's going to keep increasing unless we here in the Legislature and other local government take action and take measures in trying to help our law enforcement agencies. I could take you in the City of Chicago to many places. I could show you where they're selling drugs. I mean it is obvious. It is obvious and it is our responsibility here in this Legislature to give and work together with our law enforcement agencies. The only way that we're going to try to deter the problem, because we're never going to resolve the problem, but as responsible individuals we could work

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

58th Legislative Day

June 16, 1989

with our law enforcement agencies to deter the problem. And this is...this Bill is a deterrent to these drug pushers and these drug dealers. So I urge everyone here today to support this Bill. It is a very important piece of legislation that will benefit my community in...on the war against drugs. Thank you very much."

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

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1175, Representative Hasara. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1175, a Bill for an Act to amend the Crime Victims Compensation Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1315, Representative Petka. Clerk, read the Bill. Out of the record. On the Special Order of Criminal Law - Third Reading. There are several Bills. The Sponsors are Petka, Homer, Barnes, Davis, Lou Jones, Cullerton, Countryman, Pullen, Hoffman. Representative Kirkland, why are you signalling to me, Sir?"

Kirkland: "Are you, I'm sorry, are you reading the Bills..."

Speaker Breslin: "I'm reading the Sponsors of the Bills on the next Order of Business which is Criminal Law - Third Reading. Your name was not on it."

Kirkland: "Okay. I had a Bill on Second Reading which has been read a second time. I do have an Amendment for it and it can go right to Third, so you might call it in the process

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

58th Legislative Day

June 16, 1989

of calling Third Readings."

Speaker Breslin: "We can go to it right now. On the Order of Second Reading, Mr. Clerk, under Criminal Law, there appears Senate Bill 131, Representative Kirkland. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 131, a Bill for an Act to amend the Code of Criminal Procedure. This Bill's been read a second time previously. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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

Speaker Breslin: "Representative Kirkland."

Kirkland: "Thank you, Madam Speaker. Amendment #1 simply clarifies the language, does not change the original intent of the Bill. So I would ask the Amendment to be added, and then I could describe it on Third Reading."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment #1 to Senate Bill 131. On the question, is there any discussion? There being none, the question is, 'Shall Amendment 1 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Read the Bill on Third, Mr. Clerk."

Clerk O'Brien: "Senate Bill 131, a Bill for an Act to amend Sections of the Code of Criminal Procedure. Third Reading of the Bill."

Speaker Breslin: "Representative Kirkland."

Kirkland: "Thank you, Madam Speaker. This is a proposal of the Illinois Supreme Court, and it's made to bring the language of guilty of the...under the statute on guilty but mentally

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

58th Legislative Day

June 16, 1989

ill in conformance with the insanity defense language. In particular, before 1984, in this...the statutory law was that to present the sanity defense, the defendant had to raise the issue of insanity. And then for the state to overcome it, the state had to prove the person...sane beyond a reasonable doubt. In 1984, this Legislature changed that language so that the burden was put on the defendant to prove his insanity by a preponderance of the evidence. When this Legislature drew up the language for guilty, but mentally ill, a related but in a sense lesser offense...before 1984, it was in compli...it matched the language of the insanity statute in the sense that the state had to prove the lack of mental illness beyond a reasonable doubt. This language would change that burden to the defendant having to prove his mental illness by a preponderance of the evidence and bring it into conformance with a...with the language on insanity and then...Also, the defendant would have to...the defendant, who is presenting an insanity defense, but in a sense in a 'guilty but mentally ill' would fail, would have to fail to meet the burden of proving his insanity by a preponderance of the evidence. So this language brings the two criminal charges into conformity in a sense."

Speaker Breslin: "The Gentleman has moved the passage of Senate Bill.131. This Bill is on the Order of Short Debate. Does anyone rise in opposition? Representative Hasara, in opposition."

Hasara: "Thank you, Madam Speaker. I have a question of the Sponsor if I may."

Speaker Breslin: "Proceed."

Hasara: "Representative, I am correct, am I not, that this Bill does not abolish guilty, but mentally ill?"

Kirkland: "That's correct."

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

58th Legislative Day

June 16, 1989

Hasara: "Okay, I think that's a very important part of this Bill, because many of us had objections in a similar Bill that it would abolish that category. Thank you."

Speaker Breslin: "The question is, 'Shall Senate Bill 131 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? The Clerk will take the record. On this question, there are 103 voting 'aye', none voting 'no' and 1 voting 'present'. This Bill, having received...record Representative Novak as 'aye', Mr. Clerk. There are 104 voting 'aye', none voting 'no' and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative McPike, for what reason do you seek recognition?"

McPike: "Thank you, Madam Speaker. I was off the floor yesterday and was voted 'no' on House...on Senate Bill 687. I would like the record to reflect that I would have voted 'yes' had I been here."

Speaker Breslin: "Very good. Representative Myron Olson."

Olson, M.: "One hour in one eighteen."

Speaker Breslin: "The Republicans have requested a conference at room 118 at one o'clock. It's just in time for lunch. Perfect timing. The Republicans will go to conference in room 118, the Democrats will go to lunch. Thank you. We're at ease until one o'clock. Ladies and Gentlemen, the Republican Caucus is not finished yet. They estimate it'll be another 15 minutes to a half an hour, so if you're in your offices you may as well stay there for a little while longer. The House will come to order. We would ask Members to return to the House floor. The Republican Caucus is finished. And the Chair is prepared to go to the Special Order of Business on Criminal Law, Third Reading.

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

58th Legislative Day

June 16, 1989

The Sponsors are: Petka, Homer, Barnes, Davis, Lou Jones, Cullerton, Countryman, Pullen, Hoffman. Most of those Members are not on the floor yet and in their seats, so please come to the floor to present your Bills. Ladies and Gentlemen, we have a change in the Order of Business. We still have not voted on all the Bills on the Consent Calendar, so we would like to do that and then it is the plan of the Chair to go to those Bills where we left off yesterday, starting with Professional Regulation, so the Sponsors that would be involved there would be: Matijevich, DeLeo, Steczo, Flowers, Williamson, Giorgi, Representative Leitch, Representative Mautino, Representative Barnes, Piel, Steczo, Homer, Mays, Keane and Bob Olson. So please come to the floor and we can get a lot of work done between now and three o'clock if we can get started. The first thing we are going to do is vote on the Consent Calendar, Second Day, Third Reading. Those Bills have already been read. All those in favor of these Bills vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 111 voting 'aye', none voting 'no' and none voting 'present. These Bills having received the Constitutional Majority are hereby declared passed. On the Order of Professional Regulation, Second Reading, there appears one Bill, Senate Bill 1311. Out of the record. On Professional Regulation Third Reading, I have already read off the names of the Sponsors. We are prepared now to begin that Order of Business. Senate Bill 4, Representative Matijevich. Out of the record. Senate Bill 306, Representative DeLeo. Clerk, read the Bill."

Clerk Leone: "Senate Bill 306. A Bill for an Act concerning the regulation of the practice of architecture. Third Reading of the Bill."

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

58th Legislative Day

June 16, 1989

Speaker Breslin: "Representative DeLeo."

DeLeo: "Thank you, Madam Speaker, Members of the House. Senate Bill 306 is the rewrite of the Illinois Architectural Act, which sunsets at the end of this year. The rewrite contains very minor changes proposed by the Department of Professional Regulation and has been agreed by by the American Institute of Architects. I ask for an affirmative Roll Call on Senate Bill 306."

Speaker Breslin: "The Gentleman has moved the passage of Senate Bill 306. This Bill is on the Order of Short Debate. Who rises in opposition? Anyone in opposition? Representative Countryman in opposition."

Countryman: "I have a question of the Sponsor."

Speaker Breslin: "Proceed."

Countryman: "In order to...oh, you don't want to answer a question? I just want to be clear now with the structural engineers. If you're a structural engineer, can you practice architecture under this Act?"

DeLeo: "Good question, Jack."

Countryman: "Well, there's language in there that seems to say that if you're licensed as a structural engineer, that you're...you're not governed by that Act, but it would be the clear intent, and I think there's been some case law to this effect, that the Architecture Act specifically designates architecture and it...just because you held a structural engineer Act...license, you wouldn't be violating the Architectural Act, but wouldn't give you carte blanche to practice architecture as a structural engineer. Would that be your intent?"

DeLeo: "John, the intent is very simple. This sunsets December 31st. This is just the current rewrite of the current Act. There's been no major changes in the Act that's currently in effect in the State of Illinois."

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

58th Legislative Day

June 16, 1989

Countryman: "So if there's some prior Attorney General's opinions or whatever, what's in effect now would be your intent to carry those forward?"

DeLeo: "If there's case law on the book, we'd continue...we'll follow the case law that's been established by the State of Illinois. The Appellate Court, the Supreme Court...we're law abiding citizens in this State."

Countryman: "Well then, it sounds like we ought to pass it. Thanks."

Speaker Breslin: "Any further discussion? There being none, the question is, 'Shall Senate Bill 306 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 110 voting 'aye', one voting 'no' and none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 307, Representative Steczo. Out of the record. Senate Bill 707, Representative Flowers. Out of...Clerk, read the Bill."

Clerk Leone: "Senate Bill 707. A Bill for an Act to amend the Hospital Licensing Act. Third Reading of the Bill."

Speaker Breslin: "Representative Flowers."

Flowers: "Madam Speaker, Ladies and Gentlemen of the House, this Bill deals with caesarean...caesareans. We're asking that a report be made to the Illinois Health Care Cost Containment Council concerning the length of stay, the cost and the ratio of caesarean sections to total the births and I would urge for the passage of Senate Bill 707."

Speaker Breslin: "The Lady has moved the passage of Senate Bill 707. This Bill is on the Order of Short Debate. Does anyone rise in opposition? The Gentleman from McHenry, Representative Klemm."

Klemm: "Just an inquiry of the Sponsor, if she'll yield for a

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

58th Legislative Day

June 16, 1989

question."

Speaker Breslin: "She will."

Klemm: "Was this the one that you were going to put an Amendment on?"

Flowers: "I did say I was going to put an Amendment on and I've been trying to put this Bill off waiting on the Amendment in order to put it in its proper form and I've yet to receive my Amendment."

Klemm: "Is it in proper form?"

Flowers: "Pardon me?"

Klemm: "Is the Bill in proper form?"

Flowers: "Well, you and I have discussed the Bill and we do know that it's not in the right Section."

Klemm: "So what are we planning on doing? If we pass this it's in the wrong Section, isn't that right?"

Flowers: "Pardon me?"

Klemm: "If we pass this, it'll be in the wrong Section, isn't that correct?"

Flowers: "You are absolutely right."

Klemm: "How are we going to resolve it? It won't be going back to the Governor, or I mean.."

Flowers: "Over to the Senate? Yeah."

Klemm: "Why, have we amended it?"

Flowers: "Pardon me?"

Klemm: "Has this Bill been amended?"

Flowers: "No, it has not been amended."

Klemm: "Then why would it be returning to the Senate?"

Flowers: "No, I didn't say it would be."

Klemm: "Oh."

Flowers: "You're absolutely right, Representative."

Klemm: "Well Representative, I have a question and...we talked about it in Committee, it was moved out of Committee, we all agreed it was the wrong Section, it was going to be

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

58th Legislative Day

June 16, 1989

amended. I talked to you several times, so what is...can't we hold this for awhile? We have till next week to get it resolved, won't that be better so we can all get a unanimous vote on this Bill?"

Flowers: "Representative Klemm...Yes. You are absolutely right. You're absolutely right. Thank you."

Klemm: "Thank you."

Speaker Breslin: "Out of the record. Senate Bill 764, Representative Williamson. Clerk, read the Bill."

Clerk Leone: "Senate Bill 764. A Bill for an Act to amend an Act in relationship to fireworks. Third Reading of the Bill."

Speaker Breslin: "Representative Williamson."

Williamson: "Thank you, Madam Speaker. Senate Bill 764 was suggested by the State Fire Marshal's office. This is to strengthen the law and the penalty for selling fireworks at...through the mail. It is prohibited to sell fireworks at retail or explode fireworks unless a special permit for public display is granted by a local unit of government to qualified individuals for special use such as Fourth of July, et cetera, et cetera. Thank you."

Speaker Breslin: "The Lady has moved for the passage of Senate Bill 764. On the question is there any discussion? The Bill is on Short Debate. Is there any opposition? There being none, the question is, 'Shall Senate Bill 7...Representative Shaw rises in opposition. Proceed, Sir."

Shaw: "Thank you, Madam Speaker. I just wanted to ask a couple of questions. Would you explain, Representative Williamson, what this Bill do again?"

Williamson: "Madam Speaker, I really couldn't hear what the Representative said."

Breslin: "Would you repeat your question, Representative Shaw."

Shaw: "Could you explain what the Bill does again?"

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

58th Legislative Day

June 16, 1989

Williamson: "It's suggested by the State Fire Marshal's office.

This is to toughen the penalty for fireworks that are sold throughout the mail. There are several companies out of the State of Illinois that will send brochures to individuals' homes telling them that they can buy large quantities of fireworks. It says in the brochure that these fireworks are only allowed to be sold to...for example, municipalities that would have a special use permit such as a municipality for a Fourth of July type of celebration. However, there is nothing prohibiting anybody from buying the fireworks through the mail and having these fireworks delivered to their homes. And that's what this is attempting to do. To stop the sale of that company from being able to sell to individuals."

Shaw: "Just through the mail?"

Williamson: "Yes."

Shaw: "Okay. But if I wanted to go and buy the fireworks, I wouldn't need a special permit?"

Williamson: "Yes. And if... this Bill does not relate to that at all. This is strictly...this Bill relates strictly mail sales."

Shaw: "Sounds like a good Bill."

Speaker Breslin: "The question is, 'Shall Senate Bill 764 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? The Clerk will take the record. On this question there are 108 voting 'aye', none voting 'no' and none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 794, Representative Giorgi. Clerk, read the Bill."

Clerk Leone: "Senate Bill 794. A Bill for an Act to amend the Clinical Psychiatrists Licensing Act. Third Reading of the

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

58th Legislative Day

June 16, 1989

Bill."

Speaker Breslin: "Representative Giorgi. Out of the record. Senate Bill 816, Representative Leitch. Clerk, read the Bill."

Clerk Leone: "Senate Bill 816. A Bill for an Act to amend the Radiation Protection Act. Third Reading of the Bill."

Speaker Breslin: "Representative Leitch."

Leitch: "Thank you Madam Speaker and Ladies and Gentlemen of the House. This Bill is simply the same Bill as House Bill 1721 which went out of here with a vast majority of votes. It's a Bill that pertains to x-ray machines and their use in some industrial settings and assures that personnel operating them don't have to comply with the same kind of requirements that someone would have to comply with were they operating the more exotic types of x-ray equipment and I would appreciate a favorable vote."

Speaker Breslin: "The Gentleman moves the passage of Senate Bill 816. The Bill is on Short Debate. Does anyone rise in opposition? There being none the question is, 'Shall Senate Bill 816 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On the question there are 107 voting 'aye', none voting 'no' and none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 900, Representative Mautino. Clerk, read the Bill."

Clerk Leone: "Senate Bill 900. A Bill for an Act relating to beer and liquor. Third Reading of the Bill."

Speaker Breslin: "Representative Mautino and Representative Cullerton in the Chair."

Mautino: "Thank you very much, Speaker and Members of the House. Senate Bill 900, as amended...and the Amendment becomes the

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

58th Legislative Day

June 16, 1989

Bill...provides that a manufacturer or wholesaler has the right of first refusal if a product has been deemed salvageable by the Department of Public Health. This arises if there...it arises because of a situation where a truck had been in an accident that was hauling alcoholic beverages. Deemed salvageable. Well, what happens in the normal course under the Salvage Act is that these liquid...insurance liquidators can purchase this product and then sell it through their outlets. We feel that those type of products that have been damaged in some way should be disposed of either properly by being dumped and then crushed rather than be able to be sold at one of these insurance liquidating outfits that don't have a license, et cetera, to do so and that's what the Bill does by Amendment and I move for its passage."

Speaker Cullerton: "The Gentleman has moved for the passage of Senate Bill 900. The Bill is on Short Debate. Does anyone stand in opposition to the Bill? There being no one standing in opposition, the question is, 'Shall Senate Bill 900 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? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 110 voting 'yes', none voting 'no', none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. On the Calendar, Professional Regulation, House Bill 911, Representative Barnes. Representative Barnes in the Chamber? Out of the record. House (sic, Senate) Bill 950, Representative Mautino. Mr. Clerk, please read the Bill."

Clerk Leone: "Senate Bill 950. A Bill for an Act to amend the Liquor Control Act. Third Reading of the Bill."

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

58th Legislative Day

June 16, 1989

Speaker Cullerton: "The Gentleman from Bureau, Representative Mautino on House... on Senate Bill 950."

Mautino: "Thank you Mr. Speaker, Ladies and Gentlemen. Senate Bill 950 is the recommendation of the Illinois Liquor Control Commission who currently and for the past twenty, twenty-five years has been issuing special event permits to entities such as church groups, Jaycees, civic social organizations for their special events, centennial committees, et cetera. What this legislation does is change the dates on which they can be provided for the permit. It was three days. Some of these centennial committees have been asking for that extension to be ten days within any 12 month period. That's exactly what the legislation does, and I move for its adoption."

Speaker Cullerton: "The Gentleman's moved for the passage of Senate Bill 950. On that question, Representative Klemm."

Klemm: "Will the Sponsor yield for a question, Mr. Speaker?"

Speaker Cullerton: "He indicates he will."

Klemm: "Representative, how does this affect, say, a county liquor commissioner, who perhaps would have no knowledge of this? Is this a permit that would be going to the state and all of a sudden the county would be aware of it as second party or something..?"

Mautino: "No. No. The process that has been in effect and is rule/regulation now is the individual group must obtain the authorization and the licensure provisions from the city or the county, wherever it is held. Once those authorizations are given they may apply for the special event permit. This is the last step. They must get the other ones first."

Klemm: "Would the county or municipality still have the control of the length of that permit or would this be mandatory of a certain duration?"

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

58th Legislative Day

June 16, 1989

Mautino: "You would still have the authorization at the local level. The maximum...and it's occurred because of centennial committees who have asked for a seven day special event permit, or a ten day. From weekend to weekend. It's not allowed by our current statute. Our current says three...three days a year. So the Liquor Commission..."

Klemm: "Alright, so all you're doing is expanding that small segment and it still stays within the Code right now?"

Mautino: "Everything is the same. The maximum time a special event can be good for is ten days in any one year."

Klemm: "Alright. Thank you very much. No opposition."

Speaker Cullerton: "Any further discussion? There being none, the question is, 'Shall Senate Bill 950 pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 108 voting 'yes', one voting 'no', none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Representative McCracken. Representative McCracken, we...we're on the Order of Professional Regulation. Representative Barnes...her Bill was called just prior to this. She was in a meeting with Minority Leader Daniels, and I'm wondering if with your permission, Sir, if we can go out of the Order and go back to Representative Barnes? Okay. Representative Piel, I know that you have the next Bill, but...if you would bear with us. Representative Barnes, this would be Senate Bill 911. Or 9-1-1. Mr. Clerk, please read the Bill."

Clerk Leone: "Senate Bill 911. A Bill for an Act to amend the Real Estate Transfer Tax Act. Third Reading of the Bill."

Speaker Cullerton: "The Lady from Cook, Representative Barnes on

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

58th Legislative Day

June 16, 1989

Senate Bill 911."

Barnes: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 911 provides for further educating the public the needs of smoke detectors and what the law presently states and the Fire Marshal's office is also going to produce a pamphlet that will be available at the closing of different real estate pieces of property so that we really tell more people what the law is and how we can help save more lives by forbidding more fires. I would appreciate an 'aye' vote."

Speaker Cullerton: "The Lady has moved for the passage of House (sic, Senate) Bill 911. On that is there any discussion? The Gentleman from Cook, Representative Williams."

Williams: "Yes. Will the Lady yield for a quick question?"

Speaker Cullerton: "She indicates she will."

Williams: "When this came through Committee it was agreed that you were going to make it so this is basically a notice provision and no penalties based upon other individuals. Has that been basically taken care of?"

Barnes: "Yes, Representative."

Williams: "Okay. Thank you very much."

Speaker Cullerton: "There being no further discussion, the question is, 'Shall Senate Bill 911 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? Mr. Clerk, please take the record. On this question there are 110 voting 'yes', none voting 'no', none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Now, Representative Piel on House Bill 10...strike that...Senate Bill 1012. Representative Piel. Mr. Clerk, please read the Bill."

Clerk Leone: "Senate Bill 1012. A Bill for an Act relating to

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

58th Legislative Day

June 16, 1989

credit unions. Third Reading of the Bill."

Speaker Cullerton: "Representative Piel."

Piel: "Thank you, Mr. Speaker. With leave of the House, can I bring this back to Second Reading for the purpose of an Amendment, please?"

Speaker Cullerton: "The Gentleman asks leave to bring Senate Bill 1012 back to Second Reading for the purpose of an Amendment. Does he have leave? He has leave. Mr. Clerk, please read the Bill on Second Reading."

Clerk Leone: "Senate Bill 1012, a Bill for an Act relating to credit unions and currency exchanges. Second Reading of the Bill. Amendment #2 is being offered by Representative Bob Piel."

Speaker Cullerton: "Representative Piel on Amendment #2."

Piel: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. Basically Amendment #2 is put in by the Illinois...at the request of the Illinois Currency Exchange Commission along with the Department of Financial Institutions. The Department...the genesis for it is that as of 1990, the...January first, 1990, this would change the initial investigating fee from 200 to 500 dollars for a new...and if you wanted to purchase a currency exchange in the State of Illinois. It's a one time fee. This is basically so the Department can investigate them as a savings to the state of 300 dollars a year and I would ask for passage of Amendment #2."

Speaker Cullerton: "The Gentleman has moved for the adoption of Amendment #2 to Senate Bill 1012. On that question, the Gentleman from Cook, Representative Anthony Young."

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

Speaker Cullerton: "He indicates he will."

Young: "Representative, I wasn't aware that very many licenses were being granted in this area. Do you have any idea how

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

58th Legislative Day

June 16, 1989

many are granted each year?"

Piel: "Tony, I don't have the slightest idea how many licenses are added each year, but it is a cost of right around the 500 dollar figure to the state to do the initial investigation. So this would be bringing the initial investigating fee that people would pay for this license on a one time basis so that the state wouldn't have to be absorbing that 300 dollars each time. How many, I don't know. I'm sorry."

Young: "And this fee would go straight to the Department of Registration and Regulation?"

Piel: "No. It would...I believe it goes directly to the Department of Financial Institutions."

Young: "They're the ones who conduct the investigation?"

Piel: "Correct. Correct."

Young: "Okay. Thank you."

Speaker Cullerton: "Any further discussion? There being none the question is, 'Shall the House adopt Amendment #2 to Senate Bill 1012?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and Amendment #2 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Cullerton: "Third Reading. Now the Gentleman asks leave, having had the Bill on Third Reading, moved it back to Second and amended it, asks leave to have the Bill considered on Third Reading at this time. Does the Gentleman have leave? Leave being granted, Representative Piel."

Clerk Leone: "Senate Bill 1012. A Bill for an Act relating to credit unions. Third Reading of the Bill."

Speaker Cullerton: "Representative Piel."

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

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

58th Legislative Day

June 16, 1989

House Bill...or, Senate Bill 1012, with the addition of the Amendment we just put on, basically made some changes that... for the Department of Financial Institutions. One would be in the credit union area to where they would have to give a 90 day notice to...in advance of any annual meeting of the credit union and also it would change as far as currency exchanges, two areas. One, it would change their annual reporting year from October first to September 31st and change that to January first through December 31st. And it also changes the...the Director would like to change the exact title of the Act to The Currency Exchange Act, and that's basically all the Bill does."

Speaker Cullerton: "The Gentleman's moved for the passage of Senate Bill 1012. On that is there any discussion? The Gentleman from Macon, Representative Dunn."

Dunn: "Will the Sponsor yield for a question?"

Speaker Cullerton: "He indicates he will."

Dunn: "Are the statewide credit union organizations in support of this legislation in its present form?"

Piel: "All interested parties are in support of the changes, John."

Dunn: "And that includes the state credit union organizations?"

Piel: "Credit unions, currency exchanges and the Department. Correct."

Dunn: "I'm not worried about the currency exchanges, but the credit unions are for this?"

Piel: "Correct."

Dunn: "Thank you."

Speaker Cullerton: "Any further discussion? There being none the question is, 'Shall Senate Bill 1012 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, please take the

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

58th Legislative Day

June 16, 1989

record. On this question there are 107 voting 'yes', none voting 'no, none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Senate Bill 1072, Representative Steczo. Out of the record. Senate Bill 1155, Representative Homer. Mr. Clerk, please read the Bill."

Clerk Leone: "Senate Bill 1155. A Bill for an Act relating to investor owned toll road utilities. Third Reading of the Bill."

Speaker Cullerton: "Representative Homer on Senate Bill 1155."

Homer: "Thank you Mr. Speaker and Ladies and Gentlemen. This Bill is known as the Chicago to Kansas City Tollway Bill. It's a concept that's been alive for some time. It was recently given new impetus by efforts of the Peoria area...Peoria Airport Authority, who suggested that perhaps a way to bring about the realization of that link between Kansas City and Chicago in these days of lack of state and federal resources for federal highway programs, would be to adopt a concept similar to the way in which the railroads were organized and developed and flourished a hundred years ago. And so what we've done is taken the investor owned public utility railroad provisions and adapted them to allow for the construction of a toll road facility, privately owned by investors who would use tolls as well as other financial incentives, create tax increment financing districts and corridors in order to allow them to develop a toll road that would be paid for without state or federal tax dollars. It's an innovative concept, one that is currently being studied by virtue of a 400,000 dollar federal highway demonstration grant. The engineering firms are currently conducting hearings and looking into ways to determine whether such a project is feasible and we hope that by this fall we'll have back their specific findings,

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

58th Legislative Day

June 16, 1989

recommendations and suggestions for specific legislation in the event that such a proposal is deemed to be feasible. The plan for this Bill...it has been amended with a House Amendment, is to move it to the Senate where the Senate Sponsor will nonconcur with the Amendment, send it back here for the purpose of putting it into a Conference Report. The Conference Report, then, would sit until the engineering study has been completed, hopefully this fall, at which time the specific legislative references could be incorporated into this legislation and we could bring it back for final consideration. It's something that is very important to all Illinois, perhaps Missouri residents, who would live on or about the route of this proposed tollway. It would drastically reduce the amount of time that it would take to travel between the cities of Chicago and Kansas City. Would improve commerce in this state. Will allow for economic development of the state, especially along the route. Is of critical importance in the area of job creation for residents who would be positively affected. I would urge your support for the passage of the Bill."

Speaker Cullerton: "The Gentleman has moved the passage of Senate Bill 1155. On that is there any discussion? There being none the question is, 'Shall Senate Bill 1155 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, please take the record. On this question there are 100 people voting 'yes', 3 voting 'no', 2 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Senate Bill 1173, Representative Mays. Mr. Clerk, please read the Bill."

Clerk Leone: "Senate Bill 1173. A Bill for an Act to amend the

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

58th Legislative Day

June 16, 1989

Illinois Clinical Laboratory Act. Third Reading of the Bill."

Speaker Cullerton: "Representative Mays."

Mays: "Thank you very much Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1173 is a pretty simple Bill. It simply defers the licensing requirement for clinical laboratories from July first of '89 to December 31st of '89. Basically, in response to the delay in the federal rules being published and sent out to the various areas, it has to go. It also would say that the federal rules pertaining to these labs would take precedent over state rules should the state rules be in conflict. I'd move its passage."

Speaker Cullerton: "The Gentleman has moved for the passage of Senate Bill 1173. On that is there any discussion? The Gentleman from Cook, Representative Young."

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

Speaker Cullerton: "He indicates he will."

Young: "Are the federal rules out now, Representative?"

Mays: "If they are out, they haven't been sent out to the various labs that need to have them. There's a question. I don't think they are out, but some people said they are, they just haven't been sent out."

Young: "How about the state rules? Are...have they been promulgated or are we going to wait to the federal rules before this?"

Mays: "The state rules were supposed to go in effect around July one, but because the federal rules have been so late coming, I don't know that they're out yet either."

Young: "Okay. Do you know how many labs will this affect? Approximately."

Mays: "I don't know. I have no idea."

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

58th Legislative Day

June 16, 1989

Young: "No idea? So in the interim, any laboratory that wants to set up operations can basically do so without much input from the Department?"

Mays: "No. They have to have filed by July one."

Young: "So what we're deferring is...what exactly are we deferring? The Department's inspection? Or...?"

Mays: "Yeah. We're just...we're simply deferring the actual license going out to these labs until December 31st from July one. I think they still have to have filed by July one for the license."

Young: "Okay. So they file for the license and then they operate on a temporary basis or...?"

Mays: "Yeah. I think...that's what I've been told and that's what the intent is."

Young: "Okay."

Speaker Cullerton: "Any further discussion? There being none, the question is, 'Shall Senate Bill 1173 pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 106 voting 'yes', none voting 'no', none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Representative Keane. Representative Robert Olson. House (sic, Senate) Bill 1323. Mr. Clerk, please read the Bill."

Clerk Leone: "Senate Bill 1323. A Bill for an Act to amend an Act relating to the Historic Preservation Agency. Third Reading of the Bill."

Speaker Cullerton: "Representative Robert Olson on Senate Bill 1323."

Olson: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. Senate Bill 1323 amends the Historic Preservation

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

58th Legislative Day

June 16, 1989

Act. It permits the dispensation (sic, dispensation) of alcoholic liquors at facilities under the jurisdiction of the historic preservation agency. This Bill will bring the buildings under the historic preservation agency jurisdiction up to par...or up to equal...with several buildings under the supervision of other agencies. I'd answer any questions and I ask for a favorable vote."

Speaker Cullerton: "The Gentleman's moved for the passage of Senate Bill 1323. On that is there any discussion? There being none, the question is, 'Shall...the Gentleman from Cook, Representative Young. That would be Anthony Young."

Young: "Will the Sponsor yield?"

Speaker Cullerton: "He indicates he will."

Young: "Will this allow liquor to be sold at the Dana House?"

Olson: "The State House is not under the jurisdiction of the Historic Preservation Agency. The old Capitol is. It allows... it allows it to be dispensed there."

Young: "No. My question was in regards to the Dana House. Dana House."

Olson: "Just a minute. I think that is true. Yes. It will allow liquors to be dispensed at the Dana House."

Young: "Are we...are we putting something in the statute that's already being done? Is that what we're doing?"

Olson: "I think that might be a reasonable assumption."

Young: "Can you tell us why they're dispensing it already if we haven't put it in the statutes yet?"

Olson: "I cannot answer that, Sir."

Young: "Thank you."

Speaker Cullerton: "Any further discussion? Would you care to close...Representative...from Cook, Representative McNamara."

McNamara: "Just one question on this. If I interpret this Bill correctly, it permits the sale by the Historic Preservation

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

58th Legislative Day

June 16, 1989

Agency, isn't that correct?"

Olson: "It's the dispensing under all facilities except those which offer restaurant or lodging facilities and then they are allowed to sell. And that is an Amendment to the Bill that was put on in the Senate."

McNamara: "That's correct. The Senate Amendment adds the provision permitting the sale of alcohol at facilities under the control of the Historic Preservation Agency under certain hours is..."

Olson: "Under certain conditions which are, overnight lodging or restaurant facilities."

McNamara: "Yeah. Well, that isn't the thrust of my...there was a question asked on the House floor that said how come they can dispense it now? You can dispense it, but this...the important change in this legislation is, it allows for the sale. And I just, for your edification, I wanted to clarify that this Amendment offers it for sale. The dispensing of liquors was legal before."

Olson: "It's the dispensing at facilities other than those where there are lodging and restaurant facilities and then it allows for the sale there."

Speaker Cullerton: "Representative McNamara, your microphone is still on, if you wish to continue to address the issue. Now it's turned off. Now it's back on. Now it's off. Is there any further discussion? There being none, the question is, 'Shall Senate Bill 1323 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? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 93 voting 'yes', 9 voting 'no', one voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. House Resolution 180,

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

58th Legislative Day

June 16, 1989

Representative Curran. There's a House Resolution 180. Out of the record. The next Order of Business that we'll go to will be Pensions, Second Reading. Pensions, Second Reading. Mr. Clerk, would you please read Senate Bill 95."

Clerk Leone: "Senate Bill 95. A Bill for an Act to amend the Illinois Pension Code. Second Reading of this Bill. Amendment #1 was adopted in Committee."

Speaker Cullerton: "Any Motions with regard to Amendment #1?"

Clerk Leone: "No Motions filed and no further Amendments."

Speaker Cullerton: "Third Reading. The next Order of Business will be Labor, Second Reading. The Sponsors of Bills on Labor, Second Reading include: Representative Balanoff, Farley, Breslin, Saltsman and McPike. Mr. Clerk, could you please read Senate Bill 32, Representative Balanoff."

Clerk Leone: "Senate Bill 32. A Bill for an Act to amend the Minimum Wage Law. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Cullerton: "Any Motions with regard to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Cullerton: "At the Sponsor's request, we wish to take the Bill out of the record. Representative Farley. Is Representative Farley in the Chamber? Representative Breslin. Mr. Clerk, please read Senate Bill 141."

Clerk Leone: "Senate Bill 141. A Bill for an Act in relationship to employment. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Cullerton: "Any Motions filed with respect to Senate...to Amendment #1?"

Clerk Leone: "No Motions filed and no further Amendments."

Speaker Cullerton: "Representative Breslin."

Breslin: "Hold the Bill on Second, please, Mr. Speaker."

Speaker Cullerton: "Okay. The Bill shall remain on Second Reading at the request of the Sponsor. Representative

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

58th Legislative Day

June 16, 1989

Saltsman. Senate Bill 181. Mr. Clerk, please read the Bill."

Clerk Leone: "Senate Bill 181. A Bill for an Act to amend the Wages of Employees on Public Works Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Cullerton: "Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is offered by Representative Didrickson, Black and Flowers."

Speaker Cullerton: "Representative Didrickson, Black and Flowers on Amendment #1. Representative Didrickson."

Didrickson: "Thank you Mr. Speaker, Members of the House. Amendment #1 merges the Illinois Public Labor Relations Board, the Local and the State Labor Relations Board into one board. It's a recommendation that's been made by the Legislative Audit Commission. Its also supported by the Executive Director Brogan, and I ask for its adoption."

Speaker Cullerton: "The Lady moves for the adoption of Amendment #1 to Senate Bill 181. On that question the Gentleman from Peoria, Representative Saltsman."

Saltsman: "Yes. Will the Sponsor yield?"

Speaker Cullerton: "She indicates she will."

Saltsman: "Did you serve on the Committee at the Governor's request on the agreement between the Collective Bargaining Acts and our Worker's Compensation Acts in trying to come with a complete Bill that would be agreed upon?"

Didrickson: "Yes, I did."

Saltsman: "Was this brought up at that meeting?"

Didrickson: "We're not changing policy here."

Saltsman: "Well, in regards to this Amendment, I'm completely opposed to it. It does not belong on this Bill. It does not belong on this House floor. This Amendment should come on an Agreed Bill list with the labor, management and the programs that have been set up on an Agreed Bill program."

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

58th Legislative Day

June 16, 1989

I'm very amazed that a person who has been attending these meetings did not have this brought up in discussion at that time when the complete Bill can be arrived at. This causes a lot of problems and it should be discussed there, so at this...I'd like to have it defeated. Plus, I'd like to have the Bill taken out of the Order."

Speaker Cullerton: "I'm sorry, Representative, did you indicate you want the Bill taken out of the record? Okay, fine. That would be one way of defeating the Amendment, I guess. So the Bill will be taken out of the record. Representative McPike. Senate Bill 541, Second Reading. Mr. Clerk, would you please read the Bill, Senate Bill 541?"

Clerk Leone: "Senate Bill 541. A Bill for an Act to amend the Illinois Educational Labor Relations Act. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Cullerton: "Third Reading. I'm sorry. Is there a question of the Sponsor? He wishes to leave the Bill on Second Reading? I'm sorry. I was right the first time. Third Reading. How about House (sic, Senate) Bill 571, Representative McPike. House Bill...Senate Bill 571? Mr. Clerk, please read the Bill."

Clerk Leone: "Senate Bill 571. A Bill for an Act in relation to collective bargaining. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Cullerton: "Well, there's no Committee and there's no Floor Amendments, so we could move it to Third Reading. Representative McPike?"

McPike: "Would you just hold this on Second?"

Speaker Cullerton: "Alright. So the Bill has been read a second time and will remain on Second Reading. Mr. Clerk, what's the status of... on this same Order, Senate Bill 32?"

Clerk Leone: "Senate Bill 32. Senate Bill 32 has been read a

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

58th Legislative Day

June 16, 1989

second time on Second Reading."

Speaker Cullerton: "Thank you, Mr. Clerk. The next Order of Business will be Transportation, Second Reading. On that order the first Bill appears as Senate Bill 265. Is Representative Churchill in the Chamber? Representative Churchill? Representative Hartke? Mr. Clerk, please read Senate Bill 830."

Clerk Leone: "Senate Bill 830. A Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Cullerton: "Third Reading. Senate Bill 1426, Representative Phelps. Out of the record. The next Order of Business would be Transportation, Third Reading. Transportation, Third Reading. The first Bill appears as Senate Bill 171, Representative Weaver. Mr. Clerk, please read the Bill."

Clerk Leone: "Senate Bill 171. A Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Cullerton: "Representative Weaver on Senate Bill 171."

Weaver: "Thank you very much Mr. Speaker, Ladies and Gentlemen of the House. This Bill is a similar... very similar Bill to the Bill that we already passed out dealing with truck heights and modification of truck heights. It is unamended version of the Bill that we sent to the Senate. Basically is a stop gap measure in case something does happen to the Bill over in the Senate. I'd be happy to answer any questions, but we've fully debated this Bill in the past and would appreciate your affirmative vote."

Speaker Cullerton: "The Gentleman's moved for the passage of Senate Bill 171. On that question is there any discussion? There being none the question is, 'Shall Senate Bill 171 pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting's open. This is final passage.

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

58th Legislative Day

June 16, 1989

Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 105 voting 'yes', none voting 'no', none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Senate Bill 481, Representative Barger. Mr. Clerk, please read the Bill."

Clerk Leone: "Senate Bill 481. A Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Cullerton: "Representative Barger on Senate..."

Barger: "Thank you, Mr. Speaker."

Speaker Cullerton: "Representative Barger, could you hold off one second, please?"

Clerk Leone: "Correction. Let's correct the record. Senate Bill 481. A Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Cullerton: "Representative Barger on Senate Bill 481."

Representative Barger: "Thank you, Mr. Speaker. Senate Bill 481 is a Bill in regards to the control of truck drivers and it eliminates the necessity that certain equipment violations must be reported to the Secretary of State to take brownie points away from them to remove their license. It still requires that all of the fines be paid and that all of the violations be repaired, but it does allow them to not be charged with moving violation points. That's it."

Speaker Cullerton: "The Gentleman's moved for the passage of Senate Bill 481. On that is there any discussion? There being none the question is, 'Shall Senate Bill 481 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? The Gentleman from... Have all voted who wish? Mr. Clerk, please take the record. On this question there are 107 voting 'yes', none voting 'no', none voting

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

58th Legislative Day

June 16, 1989

'present'. This Bill having received the required Constitutional Majority is hereby declared passed. The Gentleman from Winnebago, Representative Giorgi, for what purpose do you rise?"

Giorgi: "Mr. Speaker, yesterday on House...Senate Bill 1270 I was voted 'aye' and I wanted to vote 'nay'. Would the record please indicate? Senate Bill 1270. I wanted to vote 'no' instead of 'aye'."

Speaker Cullerton: "Let the record...the transcript will so indicate. Senate Bill 1327, Representative Parcells. Mr. Clerk, please read the Bill."

Clerk Leone: "Senate Bill 1327. A Bill for an Act relating to vehicles, highways and crosswalks. Third Reading of the Bill."

Speaker Cullerton: "The Lady from Cook, Representative Parcells on Senate Bill 1327."

Parcells: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. this is a Bill that is an administration Bill drafted and supported by IDOT, also supported by the automotive wholesalers of Illinois. It does eight things primarily, some of it's clean up language. It requires wheelchair ramps at crosswalks to conform to standards adopted by the Capitol Development Board. Requires brakes on all front wheels of trucks and truck tractors manufactured after July 24th, 1980. Requires second division vehicles weighing more than 8,000 pounds pulling trailers to obtain safety certificates. In addition, other areas, it allows IDOT personnel to conduct periodic inspections on owners premises of vehicles owned and operated by licensed independent official testing stations. It clarifies the intent of the law regarding periodic nonscheduled inspections of school buses and religious organization buses and provides for penalties with

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

58th Legislative Day

June 16, 1989

noncompliance. Designates boat transporters as specialized equipment and increases the allowable length to 75 feet. And according...there are some corrections also here and lastly, it will change the Highway Code to make it consistent with other Sections of the Code regarding jurisdiction of a road after the expenditure of motor fuel tax funds. I would ask for your 'aye' vote. I'll be happy to answer to any questions."

Speaker Cullerton: "The Lady has moved for the passage of Senate Bill 1327. On that question is there any discussion? There being none, the question is, 'Shall Senate Bill 1327 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, please take the record. On this question there are 104 voting 'yes', none voting 'no', none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Representative Hicks. House Resolution 336. Out of the record. The next Order of Business is Revenue, Second Reading. Those of you have Bills on the Order of Revenue, Second Reading include: Representative Steczo, Keane, Hartke, Giorgi, Hultgren, Parcels, John Dunn, Andrew McGann, Granberg, Trotter and Currie. Senate Bill 38, Representative Steczo. Out of the record. Senate Bill 237, Representative Keane. Out of the record. Senate Bill 344, Representative Hartke. Representative Hartke. Mr. Clerk, please read the Bill."

Clerk Leone: "Senate Bill 344. A Bill for an Act to amend an Act making lawful the conducting of bingo. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Cullerton: "Third Reading. Senate Bill 494, Representative Giorgi. Representative Giorgi. Out of the record. Senate Bill 500, Representative Hultgren. Mr.

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

58th Legislative Day

June 16, 1989

Clerk, please read the Bill."

Clerk Leone: "Senate Bill 500. A Bill for an Act to amend the Illinois Public Library District Act. Second Reading of the Bill. Amendment #1 was adopted previously...in Committee."

Speaker Cullerton: "Are there any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Cullerton: "Any Floor Amendments?"

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

Speaker Cullerton: "Representative Hultgren on Amendment #2 to Senate Bill 500."

Hultgren: "Thank you, Mr. Speaker. I think we need to first table Amendment #1 and then if we could proceed on Amendment #2, please."

Speaker Cullerton: "The Gentleman has moved to table Amendment #1 to Senate Bill 500. Is there any discussion? On the Gentleman's Motion to table? Amendment #1 to Senate Bill 500? There being none, the question is, 'Shall the House... table Amendment #1 to Senate Bill 500?' All those in favor say 'aye', all opposed 'no'. In the opinion of the Chair the 'ayes' have it, Amendment #1 to Senate Bill 500 is tabled. Now on Amendment #2, Representative Hultgren."

Hultgren: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 accomplishes the same thing as we intended to do with Amendment #1, but it cleans up the wording at the request of the Library Association. I'd ask for a favorable Roll Call."

Speaker Cullerton: "The Gentleman has moved for the adoption of Amendment #2 to Senate Bill 500. On that question is there any discussion? The Gentleman from Cook, Representative Anthony Young."

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

58th Legislative Day

June 16, 1989

Young: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Cullerton: "He indicates he will."

Young: "I have two questions. First of all, Representative, I didn't hear the explanation of the Amendment due to the noise in the House, and second, I'm wondering if Amendment #1 is incorporated in Amendment #2."

Hultgren: "Thank you, Representative. Yes, you obviously didn't hear what I said because that's precisely what I did say. Amendment #2 does the same thing as Amendment #1. However, there are a few wording changes in the #2 which were added at the request of the Library Association. So it does the same thing as Amendment #1 with slightly different wording at the request of the Library Association."

Speaker Cullerton: "Any further discussion? Being none, the question is, 'Shall the House adopt Amendment #2 to Senate Bill 500?'. All those 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: "Third Reading. Mr. Clerk, could you please read...could you please give me the status of Senate Bill 344?"

Clerk O'Brien: "Senate Bill 344 has been moved to Third Reading today."

Speaker Cullerton: "Representative Hartke, for what purpose do you rise?"

Hartke: "I'd like to move that back to Second and just hold it right there."

Speaker Cullerton: "Okay. The Gentleman asks that Senate Bill 344, which has been previously moved to Third Reading, be moved back to Second Reading and that will be done. Senate Bill 686, Representative Parcells. Mr. Clerk, please read the Bill."

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

58th Legislative Day

June 16, 1989

Clerk O'Brien: "Senate Bill 686. A Bill for an Act to amend Sections of the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Cullerton: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Cullerton: "Third Reading. Senate Bill 744, Representative John Dunn. Mr. Clerk, please read the Bill."

Clerk O'Brien: "Senate Bill 744. A Bill for an Act concerning estate and generation skipping. Second Reading of the Bill. No Committee Amendments."

Speaker Cullerton: "Any Floor Amendments?"

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

Speaker Cullerton: "Representative John Dunn on Amendment #1."

Dunn: "I'd like to take this Bill out of the record and I'd like to be recognized for a Motion regarding the time at which we leave this place today. Do you want to hear a Motion?"

Speaker Cullerton: "So, Senate Bill 744 is out of the record? Fine. Senate Bill 945, Representative McGann. Out of the record. Senate Bill 1094, Representative Granberg. Representative Granberg. Out of the record. Senate Bill 1305, Representative Trotter. Representative Trotter. Out of the record. Senate Bill 1424, Representative Currie. Mr. Clerk, please read the Bill."

Clerk O'Brien: "Senate Bill 1424. A Bill for an Act pertaining to taxpayers rights. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Cullerton: "Any Motions filed with respect to Amendment #1?"

Clerk O'Brien: "No Motions filed."

Speaker Cullerton: "Any Floor Amendments?"

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

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

58th Legislative Day

June 16, 1989

Countryman and Currie."

Speaker Cullerton: "Representative Countryman on Amendment #2."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment clarifies a number of the things that are in the Bill and I believe improves the Bill. It sets forth the term of the Omnibus Fund as a six year term, that the salaries shall be set by the Compensation Review Board. It goes through and details the items which the Bill of Rights will be sent to include a protestable notice, a Bill claim denial or reduction regarding any tax and it sets forth that the taxpayer omnibusman's telephone number shall be included on all written communications from the Department and it sets...changes the seizure of property...in the underlying Bill, we change it from 10 to 30 days. However, now the Department may seize within the 10 days but must hold the property for 20 days, in essence in escrow, or in safekeeping so that the person, the taxpayer can correct any department error. However, if it's nonperishable property, that's with regard to nonperishable property. If the property's perishable, then the Department may sell the property, but hold the proceeds so that the perishable property doesn't perish. It also does a lot of other technical things and we think that it is a good Amendment and move for its adoption."

Speaker Cullerton: "The Gentleman has moved for the adoption of Amendment #2 to Senate Bill 1424. On that is there any discussion? There 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, the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Cullerton: "Third Reading. The Chair, then, is prepared

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

58th Legislative Day

June 16, 1989

to go to Third Reading on Revenue. Special Order of Business, Revenue. We're going to be in session until three o'clock today, so we have 21 more minutes of...in session for the Members, so they know. Representative Richmond, Senate Bill 50. Out of the record. Representative Matijevich, Senate Bill 392. Out of the record. Representative Giorgi, Senate Bill 697. Mr. Clerk, please read the Bill."

Clerk O'Brien: "Senate Bill 697...."

Speaker Cullerton: "I'm sorry. Out of the record, Mr. Clerk. Senate Bill 740, Representative Sutker. Mr. Clerk, please read the Bill."

Clerk O'Brien: "Senate Bill 740. A Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Speaker Cullerton: "Representative Sutker on Senate Bill 740."

Sutker: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill, this Amendment to the Revenue Act requires all persons who are redeeming from a tax sale with respect to delinquent real estate property taxes to pay all sums advanced by the municipality from public funds under police and welfare powers. Currently that is not the law and I think it should be the law. I urge your 'aye' vote."

Speaker Cullerton: "The Gentleman has moved for the passage of Senate Bill 740. On that is there any discussion? There being none the question is, 'Shall Senate Bill 740 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, please take the record. On this question there are 102 voting 'yes', one voting 'no', one voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Senate Bill 933, Representative Homer. Mr. Clerk, please read the Bill."

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

58th Legislative Day

June 16, 1989

Clerk O'Brien: "Senate Bill 933. A Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Speaker Cullerton: "The Gentleman from Fulton, Representative Homer on Senate Bill 933."

Homer: "Thank you, Mr. Speaker. This Bill is a Illinois taxpayer federation initiative which provides that in cases of errors in the calculation of tax rate or extension of taxes that the County Clerk shall, in the next succeeding year abate an amount equal to the excess taxes caused by the error. I would be happy to answer questions. Move the adoption."

Speaker Cullerton: "The Gentleman has moved for the passage of Senate Bill 933. On that is there any discussion? There being none, the question is, 'Shall Senate Bill 933 pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open, this is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 103 voting 'yes', none voting 'no', none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Senate Bill 1345, Representative Myron Olson. Mr. Clerk, please read the Bill."

Clerk O'Brien: "Senate Bill 1345. A Bill for an Act to amend an Act concerning grants, loans and other financial assistance. Third Reading of the Bill."

Speaker Cullerton: "Representative...the Gentleman from Lee, Representative Myron Olson on Senate Bill 1345."

Olson: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I would request at this time permission to return the Bill to Second Reading for purposes of an Amendment."

Speaker Cullerton: "The Gentleman asks leave to return Senate Bill 1345 to Second Reading for the purposes of an

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

58th Legislative Day

June 16, 1989

Amendment. Does the Gentleman have leave? Leave being granted, Mr. Clerk, please read the Bill on Second Reading."

Clerk O'Brien: "Senate Bill 1345. A Bill for an Act concerning grants. This Bill's been read a second time previously. Floor Amendment #2, offered by Representative Daniels and Kirkland."

Speaker Cullerton: "Representative Daniels on Amendment #2..."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 is an Amendment which allows the Department of Commerce and Community Affairs to acquire necessary property either through gift or purchase to make any infrastructure improvements needed for the retention of a major industry or business concern. I'd move for the adoption of it."

Speaker Cullerton: "Representative Homer, for what purpose do you rise?"

Homer: "Speaker, we're looking, we can't find this Amendment. Has it been printed and distributed?"

Speaker Cullerton: "Mr. Clerk, could you please tell me if the...the Amendment has not been distributed, so Representative Olson...Representative Olson."

Daniels: "I don't think there's any necessary disagreement on this. It's been cleared on your side of the aisle."

Homer: "May I ask the Minority Leader with whom he has spoken?"

Daniels: "Representative McPike."

Speaker Cullerton: "Representative Homer, the Gentleman asks leave to present the Bill, even though the Bill has not been distributed."

Homer: "Mr. Speaker, I withdraw my inquiry."

Speaker Cullerton: "Fine. The Gentleman's moved for the adoption of Amendment #2 to Senate Bill 1345. All in favor say 'aye', all opposed 'no'. In the opinion of the Chair the

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

58th Legislative Day

June 16, 1989

'ayes' have it, the Amendment's adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Cullerton: "Third Reading. Representative Olson, in order to...since the Bill was on Third, brought back to Second for an Amendment, the Amendment being adopted, you'd need 71 votes to have leave to have the Bill heard on Third Reading right at this time. The Chair is...it's been indicated to the Chair that there are objections to having the Bill heard on Third Reading at this time, so if...fine. Yes, Representative Olson."

Olson: "If it's satisfactory to the Chair, we'd like to hold this Bill on Third Reading till Tuesday."

Speaker Cullerton: "Yes, fine. Get back to it."

Olson: "Thank you very much."

Speaker Cullerton: "Next Order of Business would be Environment, Second Reading. Representative Hannig. Senate Bill 64. Representative Hannig. Out of the record. Representative Kubik, Senate Bill 83. Is Representative Kubik in the Chambers? Representative Kubik, we're on Second Reading, Environment, Senate Bill 83. Out of the record. Senate Bill 231, Representative Novak. Representative Novak. Representative Novak. Could you please clear the aisle? Thank you. This is on Senate Bill 231, Second Reading. Do you wish the Bill called? Mr. Clerk, please read the Bill, 231."

Clerk O'Brien: "Senate Bill 231. A Bill for an Act regarding the propagation and conservation of pheasants in Illinois. Second Reading of the Bill. No Committee Amendments."

Speaker Cullerton: "Any Floor Amendments?"

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

Speaker Cullerton: "Representative Tate on Amendment #1."

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

58th Legislative Day

June 16, 1989

Tate: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 deletes the provisions creating a pheasant stamp and inserts...provisions creating an identical upland game habitat stamp, the proceeds of which would be used to develop habitat for all upland game. Rabbits, squirrels, doves, other birds, et cetera, not just pheasant habitat.

The reason I'm introducing this legislation is there's been several different sportsmen's groups that have already indicated that if we pass the pheasant stamp they'd like a quail stamp, they'd like a rabbit stamp, they'd like a dove stamp, they'd like a squirrel stamp, and they'd like other game. This Amendment would address all those concerns. It would generate the necessary revenue for the Department that... it would put Illinois in a position where we would have a quality upland game habitat program and I move for the adoption of the Amendment."

Speaker Cullerton: "The Gentleman's moved for the adoption of Amendment #1 to Senate Bill 231. On that is there any discussion? The Gentleman from Cook, Representative Anthony Young.

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

Speaker Cullerton: "He indicates he will."

Young: "Okay then. How does this Amendment change the original Bill, Representative?"

Tate: "It deletes the provisions creating a pheasant stamp and just inserts a habitat stamp where those proceeds would be used for the development of a habitat for all upland game. Rabbits, doves, squirrels, et cetera."

Young: "To the Amendment, Mr. Speaker. I think the key provision is, it deletes the Gentleman's Bill. It starts out by deleting everything after the enacting clause. I think a habitat stamp might be an idea worth debate in this General

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

58th Legislative Day

June 16, 1989

Assembly, but I think it should go through the Committee process, as did this Bill. Be discussed in Committee and be sponsored on the Floor. I don't think... I think the Sponsor's Bill provided for the issue of a pheasant stamp and I think that's what should be voted on on Third Reading. So I would urge a 'no' vote on this very novel and innovative idea."

Speaker Cullerton: "Representative Novak."

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I'd just like to say for our side of the aisle that this is a hostile Amendment to my Bill and that right now I'd like to take it out of the record."

Speaker Cullerton: "Okay, the Gentleman takes the Bill out of the record. On the Order of House Resolutions, Mr. Clerk, would you please read...could you please read House Resolution 692, offered by Representative Giglio."

Clerk O'Brien: "House Resolution 692. Whereas the Members of this Body were saddened to hear that one of their colleagues, Representative Raff...Ralph Capparelli of Chicago was injured in a bicycle accident on Saturday, June 10, 1989. And Whereas on this particular day, Representative Capparelli had decided to fill the tires of his son's bike and his own. And whereas Representative Capparelli had successfully attended to his son's bike and was returning to the neighborhood gas station to fill the tires of his bike. And whereas after filling the tires Representative Capparelli got back on his bike and proceeded to ride down the sidewalk when he was thrown off balance by hitting a hole. And whereas willing to do anything to make the papers, Representative Capparelli suffered a broken leg in the area below the hip socket. And whereas subsequent to this accident, Representative Capparelli underwent surgery at Resurrection Hospital in

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

58th Legislative Day

June 16, 1989

Chicago to set his broken leg. Therefore, be it resolved by the House of Representatives of the Eighty-Sixth General Assembly of the State of Illinois that we respectfully submit for consideration by this Body a mandate that men over 50 must have training wheels mounted on their bicycles as a measure to ensure the safe maneuverability of such vehicles and be it further resolved that a suitable copy of this preamble and Resolution be presented respectfully to Representative Ralph Capparelli with our best wishes for a speedy recovery and improved luck in operating his bicycle."

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

Giglio: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. It...it was very unfortunate, what happened to our...our fellow colleague Ralph, but I think it ought to be a lesson, and it is, I know to him, because he can't...he is very immobile. He's in a lot of pain. But he says he's not gonna ride the bikes anymore unless it has training wheels or if he gets a bike that's a three wheeler. So, those of you who are over...those of you that are over 50 ought to take note and seriously consider this Resolution and with that, Mr. Speaker, I would ask that all Members be added on as CoSponsors and all Members be sent a copy of this Resolution so they could hang it up in their offices, especially if they are 50 or older. Thank you."

Speaker Cullerton: "The Gentleman moves for the adoption of House Resolution 692, and on that question, Representative McCracken."

McCracken: "As I understand it, Representative Terzich has already bought Representative Capparelli a pair of training wheels. Representative Capparelli swears he'll never ride a bicycle again without those training wheels on. And we

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

58th Legislative Day

June 16, 1989

all make a lot of jokes about it, but we...we sure missed Ralph at the softball game. We missed his encouragement, his coaching. He's gonna be laid up for a while, I guess. It's a pretty serious injury, and we're wishing him all the best, and I hope he gets a little kick out of the Resolution."

Speaker Cullerton: "Okay, any further discussion? The Gentleman...Representative Giglio has moved that the House...the adoption of House Resolution 692, and he's asked leave that all Members of the House be added as Cosponsors. Leave being granted the question is, 'Shall all...'all in favor of House Resolution 692, say 'aye', all opposed say 'no.' In the opinion of the Chair the 'ayes' have it and the Resolution is adopted. Mr. Clerk, would you please read the Adjournment Resolution?"

Clerk O'Brien: "Senate Joint Resolution 79. RESOLVED, by the Senate of the eighty-sixth General Assembly of the State of Illinois, the House of Representatives concurring herein that when the Senate adjourns on Friday, June 16, 1989, it stands adjourned until Monday, June 19, 1989 at 12 o'clock noon and when the House of Representatives adjourn on Friday, June 16, 1989, it stands adjourned until Tuesday, June 20, 1989 at 12 o'clock noon."

Speaker Cullerton: "Representative...Mr. Clerk, could you please read the Agreed Resolutions? Representative McPike moves that we adopt the Adjournment Resolution. All in favor say 'aye', all opposed 'no'. In the opinion of the Chair the 'ayes' have it, the Adjournment Resolution is adopted. Now, Mr. Clerk, would you please read the Agreed Resolutions?"

Clerk O'Brien: "Senate Joint Resolution 78, offered by Representative Doederlein. House Resolution 666, offered by Representative Shea (sic, Shaw). 691, Doederlein. 693,

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

58th Legislative Day

June 16, 1989

Johnson. 694, Johnson. 695, Johnson. 698, Kirkland.
699, Kubik and 700 Leitch."

Speaker Cullerton: "Representative Matijevich on the Agreed
Resolutions."

Matijevich: "Speaker, I move the adoption of the Agreed
Resolutions."

Speaker Cullerton: "The Gentleman moves for the adoption of the
Agreed Resolutions. All in favor say 'aye', all opposed
'no'. In the opinion of the Chair the 'ayes' have it. the
Resolutions are adopted. Mr. Clerk, General Resolutions."

Clerk O'Brien: "House Joint Resolution 65, offered by
Representative Barger."

Speaker Cullerton: "Committee on Assignment. Death Resolutions,
Mr. Clerk."

Clerk O'Brien: "House Resolution 696, offered by Representative
Morrow with respect to the memory of Savannah Jefferson and
House Resolution 697, offered by Representative LeFlore
with respect to the memory of Mother Augusta Richardson."

Speaker Cullerton: "Representative Matijevich moves the adoption
of the Death Resolutions. All in favor say 'aye', all
opposed 'no'. In the opinion of the Chair the 'ayes' have
it. The Death Resolutions are adopted. Representative
McPike moves that the House stand adjourned until June 20th
at the hour of 12 noon. All in favor say 'aye', all
opposed 'no'. In the opinion of the Chair the 'ayes' have
it. The House stands adjourned until June 20th at 12
noon."

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STATE OF ILLINOIS
86TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

JUNE 16, 1989

SB-0008	OUT OF RECORD	PAGE	7
SB-0010	SECOND READING	PAGE	29
SB-0010	THIRD READING	PAGE	35
SB-0032	SECOND READING	PAGE	106
SB-0032	SECOND READING	PAGE	108
SB-0065	THIRD READING	PAGE	7
SB-0077	THIRD READING	PAGE	17
SB-0095	SECOND READING	PAGE	106
SB-0097	SECOND READING	PAGE	24
SB-0129	SECOND READING	PAGE	40
SB-0131	SECOND READING	PAGE	83
SB-0131	THIRD READING	PAGE	83
SB-0134	THIRD READING	PAGE	41
SB-0171	THIRD READING	PAGE	109
SB-0181	SECOND READING	PAGE	107
SB-0243	THIRD READING	PAGE	9
SB-0247	THIRD READING	PAGE	9
SB-0243	SECOND READING	PAGE	63
SB-0248	OUT OF RECORD	PAGE	4
SB-0248	OUT OF RECORD	PAGE	4
SB-0249	OUT OF RECORD	PAGE	4
SB-0269	SECOND READING	PAGE	7
SB-0269	OUT OF RECORD	PAGE	4
SB-0302	SECOND READING	PAGE	67
SB-0306	THIRD READING	PAGE	86
SB-0341	THIRD READING	PAGE	14
SB-0344	SECOND READING	PAGE	112
SB-0344	RECALLED	PAGE	114
SB-0344	THIRD READING	PAGE	114
SB-0370	OUT OF RECORD	PAGE	5
SB-0399	SECOND READING	PAGE	68
SB-0399	THIRD READING	PAGE	74
SB-0481	SECOND READING	PAGE	110
SB-0489	SECOND READING	PAGE	58
SB-0489	THIRD READING	PAGE	61
SB-0500	SECOND READING	PAGE	113
SB-0513	SECOND READING	PAGE	64
SB-0513	OUT OF RECORD	PAGE	5
SB-0541	SECOND READING	PAGE	108
SB-0559	SECOND READING	PAGE	75
SB-0571	SECOND READING	PAGE	108
SB-0603	SECOND READING	PAGE	41
SB-0659	RECALLED	PAGE	20
SB-0659	THIRD READING	PAGE	20
SB-0659	THIRD READING	PAGE	22
SB-0677	SECOND READING	PAGE	17
SB-0677	OUT OF RECORD	PAGE	5
SB-0686	SECOND READING	PAGE	115
SB-0707	THIRD READING	PAGE	88
SB-0725	THIRD READING	PAGE	65
SB-0735	THIRD READING	PAGE	67
SB-0735	OUT OF RECORD	PAGE	67
SB-0737	THIRD READING	PAGE	42
SB-0741	THIRD READING	PAGE	50
SB-0741	THIRD READING	PAGE	117
SB-0744	SECOND READING	PAGE	115
SB-0764	THIRD READING	PAGE	90
SB-0772	THIRD READING	PAGE	51
SB-0785	OUT OF RECORD	PAGE	5
SB-0794	THIRD READING	PAGE	91
SB-0800	THIRD READING	PAGE	55
SB-0816	THIRD READING	PAGE	92
SB-0830	SECOND READING	PAGE	109
SB-0852	SECOND READING	PAGE	63

STATE OF ILLINOIS
86TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

JUNE 16, 1989

SB-0010	SECOND READING	PAGE	29
SB-0010	THIRD READING	PAGE	35
SB-0032	SECOND READING	PAGE	106
SB-0032	SECOND READING	PAGE	108
SB-0065	THIRD READING	PAGE	7
SB-0077	THIRD READING	PAGE	17
SB-0095	SECOND READING	PAGE	106
SB-0097	SECOND READING	PAGE	24
SB-0129	SECOND READING	PAGE	40
SB-0131	SECOND READING	PAGE	83
SB-0131	THIRD READING	PAGE	83
SB-0134	THIRD READING	PAGE	41
SB-0171	THIRD READING	PAGE	109
SB-0181	SECOND READING	PAGE	107
SB-0243	THIRD READING	PAGE	9
SB-0247	THIRD READING	PAGE	9
SB-0248	SECOND READING	PAGE	63
SB-0269	SECOND READING	PAGE	7
SB-0302	SECOND READING	PAGE	67
SB-0306	THIRD READING	PAGE	86
SB-0341	THIRD READING	PAGE	14
SB-0344	SECOND READING	PAGE	112
SB-0344	RECALLED	PAGE	114
SB-0344	THIRD READING	PAGE	114
SB-0399	SECOND READING	PAGE	68
SB-0399	THIRD READING	PAGE	74
SB-0481	SECOND READING	PAGE	110
SB-0481	THIRD READING	PAGE	110
SB-0489	SECOND READING	PAGE	58
SB-0489	THIRD READING	PAGE	61
SB-0500	SECOND READING	PAGE	113
SB-0513	SECOND READING	PAGE	64
SB-0541	SECOND READING	PAGE	108
SB-0559	SECOND READING	PAGE	75
SB-0571	SECOND READING	PAGE	108
SB-0603	SECOND READING	PAGE	41
SB-0659	RECALLED	PAGE	20
SB-0659	THIRD READING	PAGE	20
SB-0659	THIRD READING	PAGE	22
SB-0677	SECOND READING	PAGE	17
SB-0686	SECOND READING	PAGE	115
SB-0707	THIRD READING	PAGE	88
SB-0725	THIRD READING	PAGE	65
SB-0735	THIRD READING	PAGE	67
SB-0735	OUT OF RECORD	PAGE	67
SB-0737	THIRD READING	PAGE	42
SB-0740	THIRD READING	PAGE	117
SB-0741	THIRD READING	PAGE	50
SB-0744	SECOND READING	PAGE	115
SB-0764	THIRD READING	PAGE	90
SB-0772	THIRD READING	PAGE	51
SB-0785	OUT OF RECORD	PAGE	5
SB-0794	THIRD READING	PAGE	91
SB-0800	THIRD READING	PAGE	55
SB-0316	THIRD READING	PAGE	92
SB-0830	SECOND READING	PAGE	109
SB-0852	SECOND READING	PAGE	63
SB-0852	OUT OF RECORD	PAGE	5
SB-0900	THIRD READING	PAGE	92
SB-0911	THIRD READING	PAGE	95
SB-0918	RECALLED	PAGE	55
SB-0918	THIRD READING	PAGE	55
SB-0918	THIRD READING	PAGE	56
SB-0933	THIRD READING	PAGE	118

STATE OF ILLINOIS
86TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

JUNE 16, 1989

SB-0852 OUT OF RECORD	PAGE	5
SB-0900 THIRD READING	PAGE	92
SB-0911 THIRD READING	PAGE	95
SB-0918 RECALLED	PAGE	55
SB-0918 THIRD READING	PAGE	55
SB-0918 THIRD READING	PAGE	56
SB-0933 THIRD READING	PAGE	118
SB-0950 THIRD READING	PAGE	93
SB-0965 OUT OF RECORD	PAGE	5
SB-1012 RECALLED	PAGE	97
SB-1012 THIRD READING	PAGE	96
SB-1012 THIRD READING	PAGE	98
SB-1047 SECOND READING	PAGE	63
SB-1096 OUT OF RECORD	PAGE	5
SB-1097 SECOND READING	PAGE	75
SB-1155 THIRD READING	PAGE	100
SB-1173 THIRD READING	PAGE	100
SB-1175 SECOND READING	PAGE	82
SB-1182 THIRD READING	PAGE	15
SB-1219 THIRD READING	PAGE	57
SB-1254 SECOND READING	PAGE	17
SB-1254 OUT OF RECORD	PAGE	5
SB-1301 THIRD READING	PAGE	26
SB-1323 THIRD READING	PAGE	103
SB-1327 THIRD READING	PAGE	111
SB-1333 THIRD READING	PAGE	23
SB-1345 RECALLED	PAGE	118
SB-1345 THIRD READING	PAGE	118
SB-1424 SECOND READING	PAGE	115
SB-1450 SECOND READING	PAGE	5
SB-1451 SECOND READING	PAGE	64
SB-1451 OUT OF RECORD	PAGE	6
SB-1456 SECOND READING	PAGE	6
SB-1456 THIRD READING	PAGE	18

SUBJECT MATTER

HOUSE TO ORDER-SPEAKER BRESLIN	PAGE	1
PRAYER-SPEAKER BRESLIN	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
CONSENT CALENDAR-SECOND READING	PAGE	2
CONSENT CALENDAR-THIRD READING	PAGE	2
REPRESENTATIVE CULLERTON IN THE CHAIR	PAGE	92

STATE OF ILLINOIS
86TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

JUNE 16, 1989

SB-0950 THIRD READING	PAGE	93
SB-0965 OUT OF RECORD	PAGE	5
SB-1012 RECALLED	PAGE	97
SB-1012 THIRD READING	PAGE	96
Sb-1012 THIRD READING	PAGE	98
Sb-1047 SECOND READING	PAGE	63
SB-1096 OUT OF RECORD	PAGE	5
SB-1097 SECOND READING	PAGE	75
Sb-1155 THIRD READING	PAGE	100
Sb-1173 THIRD READING	PAGE	100
Sd-1175 SECOND READING	PAGE	82
Sb-1182 THIRD READING	PAGE	15
SB-1219 THIRD READING	PAGE	57
Sb-1254 SECOND READING	PAGE	17
Sb-1254 OUT OF RECORD	PAGE	5
SB-1301 THIRD READING	PAGE	26
Sb-1323 THIRD READING	PAGE	103
Sb-1327 THIRD READING	PAGE	111
Sb-1333 THIRD READING	PAGE	23
SB-1345 RECALLED	PAGE	118
SB-1345 THIRD READING	PAGE	118
SJ-1424 SECOND READING	PAGE	115
SJ-1450 SECOND READING	PAGE	5
Sb-1451 SECOND READING	PAGE	64
SJ-1451 OUT OF RECORD	PAGE	6
Sb-145b SECOND READING	PAGE	6
SB-145b THIRD READING	PAGE	18

SUBJECT MATTER

HOUSE TO ORDER-SPEAKER BRESLIN	PAGE	1
PRAYER-REPRESENTATIVE BRESLIN	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
CONSENT CALENDAR-SECOND READING	PAGE	2
CONSENT CALENDAR-THIRD READING	PAGE	2
REPRESENTATIVE CULLERTON IN THE CHAIR	PAGE	92
AGREED RESOLUTIONS	PAGE	124
DEATH RESOLUTIONS	PAGE	125
ADJOURNMENT	PAGE	125