

STATE OF ILLINOIS
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Speaker Breslin: "Ladies and Gentlemen. The hour of 4:30 having arrived the House will come to order. I would ask Members to be in their seats. Our Chaplain for today is Reverend Jerry Comstock of the Unity Church of Practical Christianity in Springfield. Reverend Comstock is the guest of Representative Hasara. I invite our guests in the gallery to rise and join us for the invocation."

Reverend Jerry Comstock: "I'm delighted to be here today, to share this special time with you and to share part of what I do with what you do. So let's take a moment and just become still. In the stillness of our own selves, let us seek out the quiet place where we meet and know the Lord of our own being. That individualized part of God, let us open ourselves to the inflow of wisdom, balanced with understanding. That all that we do, may reflect the integrity of thought. Our loving God, we ask a blessing this day on each of us here. That we may be open and receptive and responsive to the Spirit of wisdom, of love, direction for all the choices and all the decisions that are made here today. May each one be guided by your Spirit which lives and moves and has it being and expresses through us. For these things we are grateful and we give thanks and we rest easily and assuredly in Your presence. Thank You, God. Amen and Amen."

Speaker Breslin: "Representative Younge, will led us in the Pledge. Wyvetter Younge."

Younge, W.: "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 Capparelli, would you care to make your announcement at

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this time?"

Capparelli: "Yeah, Madam Speaker. For those who know Roman Pucinski, I thought as a matter of information, you would like to know that his wife passed away today, after having a dreadful fall Sunday hitting her head. She was unconscious for the last two days, and she died at 2:00 o'clock today. For those who know the Alderman, they may want to send a letter of condolences. Thank you."

Speaker Breslin: "Thank you. Representative Matijevich, are there any excused absences?"

Matijevich: "...Madam Speaker, let the record reflect the excused absence of Representative LeFlore."

Speaker Breslin: "Representative LeFlore has an excused absence. Representative Kubik, are there any excused absences?"

Kubik: "Yes,...Madam Speaker. Let the record reflect that Representative Hensel, Pullen and Bill Peterson are excused today."

Speaker Breslin: "Thank you. Mr. Clerk, take the record. 113 people answering the Roll Call. A quorum is present. Ladies and Gentlemen, the House is prepared to go to the Order of Concurrences and we intend to take all of those Bills in which Members wish to nonconcur. So that we can move those Bills as quickly as possible if further action is necessary. If you have a Bill on the Order of Concurrences in which you wish to nonconcur with the Senate Amendment, come to the well and give the number and your name to the Clerk. And we will proceed to that order very quickly. Come to the well if you have a Bill on the Order of Concurrences in which you wish to nonconcur on Senate Amendments. Thank you. Ladies and Gentlemen...Ladies and Gentlemen, we have a special introduction. I would ask all staff members to move to the rear of the Chamber. And we will continue taking those Bills on the Order of

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Concurrences in just a moment. Ladies and Gentlemen, if you would take your seats for a moment please. Representative Kubik is recognized to make a special introduction."

Kubik: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. It is my pleasure today to introduce to you a Member of the Indian Parliament who is joining us for the day many of you may have met him at the reception earlier. Before I do that, I would like to acknowledge that the Counsel General for the Country of India in Chicago, Mr. P. L. Sentoche is here with us as well Mr. Sentoche...And I would like to introduce to you Mr. Montical Matthew Jacob, who is a Member of Parliament from the Congress Party of India Mr. Jacob was the minister for parliamentary affairs up until December of 1989 and he would like to share a few words with you. So if you would please give a warm welcome to the Member of Parliament from India, Mr. Jacob. Mr. Jacob"

Jacob: "Thank you, Representative Kubik. Honorable Members, I'm extremely happy to be here this evening. It gives me immense pleasure, that I'm able to visit this House and exchange a few words. We have many things in common between this country and my country. Here's two democracies of the world. Large democracies, you are an ancient democracies, we are the largest democracy in the world. And I represent the opposition party in the Indian Parliament, I happen to be the Chief VIP of the upper house of Indian Parliament now. So whatever I say may not reflect the government of the country, but I wish to request you to understand and appreciate my country by more and more visits from your side. Because only through visits and exchanges we can understand and appreciate each other. India, we have a large number of languages even in

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the parliament we can speak fourteen different languages other than English, and simultaneous translation has to be provided. All the literature has to be translated in all the languages where...whenever necessary. But we do it with a definite intention of maintaining the unity and integrity of the nation. As Members of the House of Representatives from the State of Illinois, where Abraham Lincoln played a crucial role when he assumed the president ship fought for the unity of this nation, you can understand and appreciate the anxiety and anguish we in India express, for the unity and integrity of India. We have problems, problems of unemployment, problems of poverty, problems of lack of development, problems of education, all these problems were there, and I'm glad to say that today India is one of them one of the most successful nations of the Third World of the developing countries in the field of agriculture, where we have trebled production of agriculture last year. When we got independence we had only fifty million tons of food grain productions in India. Last year record is one hundred and seventy five million tons of food grains. We have got a place in the world for trained manpower in science and technology, but we have enormous problems also to solve, problems of language, problems of religion, problems of unemployment and poverty. Only with mutual cooperation and collaboration, we can succeed in the attempts of solving the problems in my country. Now today, in our country we are in a peculiar situation, during the last six months...during the recent last six months we are in a new central government where a minority government is running administration. The government, the ruling government that party having one hundred and forty three members in the House of the People, the opposition party, my party having

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one ninety six Members in the House of the People. But the closer the coalition arrangement the minority government is in power. But at the same time, we offer constructive cooperation to that government for all the legislative matters that are brought. In the upper House where I am member, the national government at the moment is having 64 members from their party and one hundred and eight members from my party which is India National Congress led by Rajiv Ghandi. But we have never brought to the legislation at the moment we find that is useful to the country and the people, when we find that this is able to irradiate and wipe out the poverty of the people, or increase the strength of the nation or increase the international understanding we work for the administration. So what I mean to say is democracy has come to stay in India. We have different states of State of Illinois, but different states are having are running with different political systems. Different political parties are in power in different states. But in spite of all these variations and varieties, we are able to continue as a nation, we are able to go forward and march forward. Today the world needs more understanding and cooperation. I request our Members in this House of Representatives, whenever you are free, please come and see us. Please visit us, and understand of our problems. Because when you understand our problems, I value it much more because the problems that you face in a multiracial, multilingual, multireligious society is there in India. And we believe in a democratic process of dialogue, and negotiation for all the complicated and complex problems. We know what it's like to go to war on any situation. We always want peace and the father of our nation, Mahatama Ghandi taught us, the doctrine of nonviolence. From Ghandi our

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Constitution got the inspiration embodied in Article 51 in the India Constitution to bring about international peace. Well, Honorable Members, now in the world scenario, the world trade in the developing countries, the share of the world trade for developing countries are coming lower and lower every year. From thirty percent it comes to twenty percent, now we have to think very seriously in what way the developing countries could be helped, by the developed countries to increase the volume of trade, so I think the State of Illinois has a tremendous possibility of offering several cooperative ventures to India. India has opened up during the time of Rajiv Gandhi for international trade and commerce and industrial locations. There are a lot of cities of joint sector projects and enterprises in India now with American collaboration with American participation. With this atmosphere of a new open society, with a new liberalized industrial policy, with a new liberalized economic policy, and with democratic background. I wish the State of Illinois will come more friendlier and closer to us. I'm sure last year the Secretary of State, Mr. Jim Edgar visited India and we started a process of understanding and negotiation in the field of trade and commerce. I hope this will be strengthened much more strengthened and a new society, where we have a new monetary order if possible and a new course a new international order in the new course is possible. We must establish that is possible only when the United States of America, and also the land of Abraham Lincoln, the State of Illinois, willfully takes the position that we have to be friendly, have to understand more and appreciate more the problems of developing countries and more so the most complicated society of India by your own perception and your own understanding. I thank

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you for giving me this opportunity to come to you for a brief period, and express a few words for expressing my interest in you. Sir, one more point which I would like to say. In United States, Indians, Asian Indians, or the Indian Americans are almost over a million at the moment. They're all actively participating in various cities and other places in the democratic process in this country. There are doctors, some of them are outstanding, there are engineers, there are nurses, there are teachers, there are even people who are running some of the other establishments. So we will never be a burden to the State of America, the Indians can be, you can always be proud of the Indian community who are living in the United States. This ethnic minority...it always try to strengthen the United States and strengthen cooperation between India and America. So I wish well for the State of Illinois, and I take back from you the greetings and friendship which you offer to me to my countryman in India, back in India. At the moment I send my greetings, our greetings of Indian people to the people of America and the State of Illinois through this august Body of the State of Representatives. Thank you very much for giving me the opportunity, and once again I thank you."

Speaker Breslin: "Ladies and Gentlemen, I repeat, we are going to go the Order of Motions to nonconcur. On those Bills that appear on the Order of Concurrences. Please, bring those Bills to our attention by contacting the Clerk. Representative Olson, for what reason do you seek recognition?"

Olson, B.: "Question of the Chair, Madam Speaker. You're referring only to those Bills on concurrence or nonconcurrence, rather that are listed on the Special Order of Business?"

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Speaker Breslin: "No, on the Calendar."

Olson, B.: "On all of them?"

Speaker Breslin: "Correct, it begins on page three."

Olson, B.: "Are we going to get to matters today that are not on the special order?"

Speaker Breslin: "We are only going to do Motions to nonconcur...only Motions to nonconcur...period. If you have any that are on the Order of Concurrences, starting on page three of the Calendar, bring that Bill to our attention. Ladies and Gentlemen, we have a number of Bills to proceed with. Remember we are only entertaining Motions to nonconcur on Bills that appear on the Order of Concurrences. The First Bill is House Bill 3024, Representative McNamara, you're recognized for a Motion."

McNamara: "Thank you, Madam Speaker. I move to nonconcur with House Bill 3024, and request a Conference Committee be appointed."

Speaker Breslin: "Okay, Representative McNamara, your Motion is only to nonconcur. You see the Conference Committee is to be appointed by the Senate, if they refuse to receive from their Amendment. Okay."

McNamara: "That's precisely what I said. I move to nonconcur in that would request a Conference Committee be appointed."

Speaker Breslin: "No, you don't request the Conference Committee, the Senate requests the Conference Committee."

McNamara: "Oh, sorry."

Speaker Breslin: "Okay. So the question is, 'Shall the House nonconcur in Senate Amendments to House Bill 3024?' Is there any discussion? There being none the question is, 'Shall the House nonconcur in Senate Amendment 1 to House Bill 3024?' All those in favor say 'aye', oppose say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does nonconcur in Senate Amendment #1 to House Bill

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3024. The next Bill is House Bill 3050, Representative Saltsman. Mr. Saltsman, you're recognized on a Motion. Representative Saltsman is recognized. Proceed, Sir."

Saltsman: "Yes, Madam Chairman. I move to nonconcur with Senate Amendment...Senate Amendment #1 to House Bill 3050."

Speaker Breslin: "You have heard the Gentleman's Motion. Is there any discussion? There being none, the question is, 'Shall the House concur, nonconcur in Senate Amendment #1 to House Bill 3050?' All those in favor say 'aye', oppose say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does nonconcur in Senate Amendment #1 to House Bill 3050. The next Bill is House Bill 3722, Representative Doederlein. Representative Doederlein. Representative Deuchler."

Deuchler: "Madam Speaker, I move that the House nonconcur in Senate Amendment 1 to House Bill 3722."

Speaker Breslin: "You have heard the Lady's Motion. Is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 3722?' All those in favor say 'aye', oppose say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment #1 to House Bill 3722. House Bill 3228, Representative Wolf. You're recognized for a Motion."

Wolf: "Thank you, Madam Speaker. I move to nonconcur in Senate Amendment #1 to House Bill 3228."

Speaker Breslin: "You've heard the Gentleman's Motion. Is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 3228?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment #1 to House Bill 3228. Representative Trotter has the next Bill. Is the Gentleman

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in the Chamber? Mr. Trotter. The House Bill number is 3675, Mr. Clerk. Representative Trotter, you're recognized for a Motion."

Trotter: "Thank you very much, Madam Chairman...Madam Speaker. I move to nonconcur on Amendment #1."

Speaker Breslin: "The Gentleman's Motion is to nonconcur in Senate Amendment #1 to House Bill 3675. Is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment 1 to House Bill 3675?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment 1 to House Bill 3675. Representative McPike has the next Bill. It's House Bill 2388. Representative Cullerton, were you going to handle that for him or should we wait?"

Cullerton: "Yeah, this is the U.I. vehicle Bill the I Motion to nonconcur in order to put the Bill on a Conference Committee, for an agreed Bill."

Speaker Breslin: "You've heard the Gentleman's Motion. Is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment 1 to House Bill 2388?' All those in favor say 'aye', oppose say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment #1 to House Bill 2388. House Bill 2181, Representative Steczko. Proceed, Sir."

Steczko: "Thank you, Madam Speaker. I move to nonconcur in Senate Amendment #1 to House Bill 2181...the purpose is to take the Bill to conference to address other local government issues."

Speaker Breslin: "You've heard the Gentleman's Motion. Is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 2181?' All those in favor say 'aye', oppose say 'no'. In

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the opinion of Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment #1 to House Bill 2181. House Bill 3090, Representative Steczko."

Steczko: "Thank you, Madam Speaker. I move to nonconcur with Senate Amendments #1, 2, 3 and 4 to House Bill 3090. Again the Bill needs to go to Conference to correct some issues here. And to address some other local governmental issues."

Speaker Breslin: "You've heard the Gentleman's Motion. On the question is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendments 1, 2, 3 and 4 to House Bill 3090?' All those in favor say 'aye', oppose say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment 1, 2, 3 and 4 to House Bill 3090. House Bill 3310, Representative Steczko."

Steczko: "Thank you, Madam Speaker. I move to nonconcur with Senate Amendment numbers 1, 2 and 3 to House Bill 3310, for the same reasons as the last two Bills."

Speaker Breslin: "You have heard the Gentleman's Motion. Is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment 1, 2 and 3 to House Bill 3310?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendments 1, 2 and 3 to House Bill 3310. House Bill 3131, Representative Hasara. Representative Hasara is not in the Chamber, remove the Bill from the...Call, Mr. Clerk. House Bill 4178, Representative Bugielski. You are recognized for your Motion, Sir."

Bugielski: "Thank you, Madam Speaker, Members of the House. I wish to nonconcur on Senate Amendment #1 to House Bill 4178."

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Speaker Breslin: "You've heard the Gentleman's Motion. On that question, is there any discussion? There being none, the question is, 'Shall the House nonconcur, Senate Amendment #1 to House Bill 4178?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur Senate Amendment #1 to House Bill 4178. House Bill 3161, Representative McCracken."

McCracken: "Thank you, Madam Speaker. I move to nonconcur in the Senate Amendments. The Senate Sponsor made a commitment to the other side of the aisle to send this to a Conference Committee for discussion. I move to nonconcur."

Speaker Breslin: "You've heard the Gentleman's Motion. On the question, is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendments 1 and 2 to House Bill 3161?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur Senate Amendments 1 and 2 to House Bill 3161. Ladies and Gentlemen, I'd like your attention please. Now even Representative Cullerton can hear, even though he's on the telephone. Representative Ropp is recognized for a special presentation."

Ropp: "Thank you, Madam Speaker and Members of the House. As you may well know this past weekend there was a...somewhat of a baseball game played in Chicago. Normally when a team wins three out of three, you call that a sweep. But this time the St. Louis Cardinals moved out of the basement soundly trouncing the Chicago Cubs two out of three times, and therefore is worthy of a mini-sweep which I would like to present to Representative Cullerton, a mini-sweep."

Speaker Breslin: "Representative Cullerton for a response."

Cullerton: "Well, thank you, Representative Ropp. I wanted you

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to know that I wasn't even aware that the Cubs and the Cardinals were playing for the weekend. As you all know I'm a very strong White Sox fan, and we were winning three in a row over Oakland. So, thanks for letting me know about the...Cardinals, I imagine you are very sorry you had to split this up though, cause I'm sure that you were counting on that last win yesterday, weren't you?"

Speaker Breslin: "Representative Parke."

Parke: "Yes, I just want to reiterate how quickly everybody is joining on to the White Sox fan but I would like to remind everybody that we did, in fact sweep three from the world champion of last year, and that we can expect that your, beginning to see the beginning of a World Champion White Sox at the end of this year."

Speaker Breslin: "Going back to the Order of Nonconcurrences. The next Bill is House Bill 3337, Representative Homer. Is Mr. Homer in the Chamber? Proceed, Sir."

Homer: "Thank you, Madam Speaker. I move the House nonconcur in Senate Amendments 1, 2, 3 and 4."

Speaker Breslin: "You've heard the Gentleman's Motion. On that question, is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendments 1, 2, 3 and 4 to House Bill 3337?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendments 1, 2, 3 and 4 to House Bill 3337. House Bill 4124, Representative Homer. Mr. Homer."

Homer: "Thank you, Madam Speaker. I would move that the House nonconcur in Senate Amendments 1, 2, 3, 4 and 6."

Speaker Breslin: "You've heard the Gentleman's Motion. On that question, is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendments 1, 2, 3, 4 and 6 to House Bill 4124?' All those

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in favor say 'aye', oppose say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendments 1, 2, 3, 4 and 6. House Bill 1220, Representative Curran."

Curran: "Thank you, Madam Speaker. I move to nonconcur in Senate Amendment #1 to House Bill 1220."

Speaker Breslin: "You've heard the Gentleman's Motion. On that question, is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 1220?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment 1 to House Bill 1220. House Bill 954, Representative McGann."

McGann: "Thank you. Madam Speaker. I wish to nonconcur in Amendments 1 and #2 to House Bill 954, I request a conference."

Speaker Breslin: "You've heard the Gentleman's Motion. Is there any discussion? There being none, the question is, 'Shall the House nonconcurrance in Senate Amendments 1 and 2 to House Bill 954?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur Senate Amendments 1 and 2 to House Bill 954. House Bill 1550, Representative Levin."

Levin: "Madam Speaker, I would move that we nonconcur Senate Amendment #1."

Speaker Breslin: "You've heard the Gentleman's Motion. Is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment 1 to House Bill 1550?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment #1 to House Bill 1550. Ladies and Gentlemen, the Chair would again ask you to scan the Motion of Concurrences. If you wish to nonconcur in

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any of the Senate Amendments on this Order, please come to the well, and give your Bill number to the Clerk. The next Bill is House Bill 3716, Representative McGann. Mr. McGann."

McGann: "Yes, Madam Speaker and Members of the Assembly. I wish to nonconcur with Senate Amendment #1 to House Bill 3716."

Speaker Breslin: "You have heard the Gentleman's Motion. On that question, is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment 1 to House Bill 3716?' All those in favor say 'aye', oppose say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment 1 to House Bill 3716. House Bill 3632, Representative Bugielski. Mr. Bugielski."

Bugielski: "Thank you, Madam Speaker. I wish to nonconcur on House Bill...on Amendment #1 of House Bill 3632."

Speaker Breslin: "You've heard the Gentleman's Motion. On that question, is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment 1 to House Bill 3632?' All those in favor say 'aye'. All those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment #1 to House Bill 3632. House Bill 951, Representative McGann."

McGann: "Thank you, Madam Speaker, Members of the Assembly, I wish that we nonconcur in Senate Amendment #1 to House Bill 951."

Speaker Breslin: "You have heard the Gentleman's Motion. On that question, is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 951?' All those in favor say 'aye', oppose say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment 1 to

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House Bill 951. House Bill 3580, Representative Preston.
You're recognized for your Motion."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of
the House. I move that the House nonconcur in Senate
Amendments 1 and 2 to House Bill 3580."

Speaker Breslin: "You have heard the Gentleman's Motion. Is
there any discussion on it? There being none, the question
is, 'Shall the House nonconcur in Senate Amendment 1 and 2
to House Bill 3580?' All those in favor say 'aye', opposed
say 'no'. In the opinion of the Chair, the 'ayes' have it.
And the House nonconcur in Senate Amendments 1 and 2 to
House Bill 3580. Next Bill is House Bill 3302,
Representative Levin."

Levin: "Madam Speaker, I would to move that the House nonconcur
in Senate Amendment #1. I think there's only one
Amendment, there're two? Oh, then we'll nonconcur in both
Amendments."

Speaker Breslin: "The Calendar indicates that there are two,
Representative Levin."

Levin: "Okay."

Speaker Breslin: "You have heard the Gentleman's Motion. The
Motion is that the House nonconcur in Senate Amendments 1
and 2 to House Bill 3302. Is there any discussion? There
being none, the question is, 'Shall the House nonconcur in
Senate Amendments 1 and 2 to House Bill 3302?' All those
in favor say 'aye', opposed say 'no'. In the opinion of
the Chair, the 'ayes' have it. And the House nonconcur in
Senate Amendment 1...Senate Amendments 1 and 2 to House
Bill 3302. House Bill 4190, Representative McPike."

McPike: "Thank you, Madam Speaker. I move the House nonconcur
Senate Amendment #1 to House Bill 4190."

Speaker Breslin: "You have heard the Gentleman's Motion. On that
question, is there any discussion? There being none, the

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question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 4190?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment 1 to House Bill 4190. House Bill 3793, Representative McPike."

McPike: "Thank you, Madam Speaker. I move the House nonconcur in Senate Amendment #1 and Senate Amendment #2 to House Bill 3793."

Speaker Breslin: "You've heard the Gentleman's Motion. On that question, is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendments 1 and 2 to House Bill 3793?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendments 1 and 2 to House Bill 3793. Representative Trotter is recognized on House Bill 3164."

Trotter: "Thank you very much, Madam Speaker. I move to nonconcur on House Bill 3164."

Speaker Breslin: "You have heard the Gentleman's Motion. The motion is to nonconcur in Senate Amendment #1 to House Bill 3164. On the question, is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 3164?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment #1 to House Bill 3164. Ladies and Gentlemen, I want to remind you that if you have Bills that you need to get into a Conference Committee, you had better do it tonight. So, you need to move to nonconcur, on those Bills that you wish to get through the process of a Conference Committee, because time is short. So, I would ask you to make your decisions and to advise the Chair, if you are going to move to nonconcur on any of the Bills on

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the Order of Concurrence. House Bill 4149, Representative Santiago."

Santiago: "Madam Speaker, I move to nonconcur with Senate Amendment 1 on House Bill 4149."

Speaker Breslin: "You have heard the Gentleman's Motion. Is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 4149?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment #1 to House Bill 4149. Messages from the Senate."

Clerk O'Brien: "A message from the Senate, by Ms. Hawker, Secretary. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has refused to concur with the House in adoption of their Amendments of the following Bills to wit; Senate Bills number 1518, 1523, 1532, 1556, 1569, 1589, 1700, 1702, 1767, 1802, 1803, and 1810. Action taken by the Senate June 25, 1990. Linda Hawker, Secretary."

Speaker Breslin: "House Bill 3510, Representative Morrow."

Morrow: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I wish to nonconcur with Senate Amendment #1 to House Bill 3510."

Speaker Breslin: "You have heard the Gentleman's Motion. Is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 3510?' All those in favor say 'aye', oppose say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment #1 to House Bill 3510. House Bill 3859, Representative Cullerton. Out of the record. House Bill...Representative Homer is recognized on House Bill 3610."

Homer: "Thank you, Madam Speaker. I move to nonconcur in Senate

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Amendments 1, 2 and 3 to House Bill 3610."

Speaker Breslin: "You've heard the Gentleman's Motion. Is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendments 1, 2 and 3 to House Bill 3610?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendments 1, 2 and 3 to House Bill 3610. House Bill 3261, Representative Hicks."

Hicks: "Thank you very much, Madam Speaker. I would move to nonconcur with House Bill 3261, and ask for an Conference Committee."

Speaker Breslin: "You've heard the Gentleman's Motion. On the question is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment 1 to House Bill 3261?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment 1 to House Bill 3161...House Bill 3261, that was, Mr. Clerk. Representative Stern is recognized on House Bill 3824. Representative Stern."

Stern: "Madam Speaker, I would like to nonconcur in Senate Amendments...wait a second...3, 4, 6 and 7 and I would like to concur on Amendments 1 and 5."

Speaker Breslin: "The Lady's Motion is to concur in Senate Amendment #1, 2 and 5."

Stern: "No, no. Not 2, not 2."

Speaker Breslin: "Excuse me Senate Amendment 2 and 5."

Stern: "No, Senate Amendments 1 and 5 concur."

Speaker Breslin: "Very good, and 2 is not on the Bill. These will be handled in two separate Motions. On the question, of whether or not the House should concur in Senate Amendment 1 and 5. The Gentleman from Dupage,

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Representative McCracken."

McCracken: "Well, my question is does she expect the Senate to recede from your nonconcurrency Amendments? And if you don't expect them to recede, why not do it all in one Motion to nonconcur? So what, so what if it narrows the scope of the differences?"

Stern: "I will proceed the most judicious way, Sir. I assume this is the way to go."

McCracken: "I don't know, I mean you ought to ask the Parliamentarian. What is..."

Stern: "Since we are agreed on two Amendments. I thought it would reduce the number of areas of disagreement."

McCracken: "I know we have this problem every year. It isn't you, this happens every year. We all wonder how we should proceed with Amendments. Should we do it this way, Mr. Parliamentarian or Madam Speaker? In the absence of a agreement to recede. I mean I don't."

Speaker Breslin: "It's within the Lady's prerogative. If she wishes to try to get the Senate to recede from the other Amendments, then her action is required in this manner. So she has to make that decision."

McCracken: "Well, the action is final as to Amendments 1 and 5. It is not final on the other Amendments."

Speaker Breslin: "Correct...That's correct. But there may..."

McCracken: "Well, so what is, so, what is the point of the concurrence vote at this time?"

Speaker Breslin: "Because, it might be final action on the Bill. If the Senate recedes on the others and accepts 1 and 5, the Bill goes to the Governor. Is there any further discussion? Any further discussion? The question is, 'Shall the House concur in Senate Amendment #1 and 5 to House Bill 3824?' All those in favor vote 'aye'. All those opposed vote 'no'. Sixty votes are required. Have

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all voted who wish? This is final action. Have all voted who wish? The Clerk will take the record. On this question there are 108 voting 'aye', none voting 'no' and 1 voting 'present'. The House does concur in Senate Amendments 1 and 5 to House Bill 3824. And as to how...now the Lady moves to nonconcur in Senate Amendments 3, 4, 6 and 7. Is there any discussion on that Motion? There being none the question is, 'Shall the House nonconcur in Senate Amendment 3, 4, 6 and 7...3, 4, 6 and 7? All those in favor say 'aye', oppose say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment 3, 4, 6 and 7 to House Bill 3824. Representative Ronan is recognized for an announcement."

Ronan: "Thank you, Madam Speaker. Members of the House. I just want to take a moment, tonight we've got a former colleague...a former president of the Senate, Cecil Partee...a group of us are hosting a reception for him over at the Petroleum Marketer's...over at 112 W. Cook. So for all of our Members on both sides of the aisle, I'd like to make a little donation to Cecil Partee...upon adjournment over at the Petroleum Marketer's. Frank Giglio is the cook so the food's good."

Speaker Breslin: "Representative Cullerton is recognized on House Bill 3859. House Bill 3859, Mr. Clerk."

Cullerton: "Yes, I move to nonconcur in Senate Amendments #1 and 2, they apparently inadvertently...omitted the original Bill. When they passed their Amendments...or maybe not so inadvertently, I don't know, but I wish to nonconcur. And put the original Bill back in the...Conference Committee."

Speaker Breslin: "You have heard the Gentleman's Motion. On that motion is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendments 1 and 2 to House Bill 3859?' All those in favor

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say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment 1 and 2 to House Bill 3859. Is Representative Hasara in the Chamber? Representative Hasara, we have found that the Amendment has been printed and distributed to your Bill. The Bill is House Bill 3131. You're recognized for a Motion."

Hasara: "Thank you, Madam Speaker. I move to nonconcur in Senate Amendment #1 to House Bill 3131."

Speaker Breslin: "You have heard the Lady's Motion. Is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment 1 to House Bill 3131?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment #1 to House Bill 3131. Ladies and Gentlemen, I would urge you again, those of you who have Bills that need to be put into an Conference Committee, you are well advised to start that process now. And move to nonconcur, so if you have Bills on the Order of Concurrence, in which you need to nonconcur. Please advise the Clerk well. We will go to that Bill immediately. House Bill 3891, Representative Curran."

Curran: "Thank you, Madam Speaker. I move to nonconcur in Senate Amendment #1 to House Bill 3891."

Speaker Breslin: "You have heard the Gentleman's Motion. On that Motion is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 3891?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House nonconcur in Senate Amendment #1 to House Bill 3891. Ladies and Gentlemen, we are at ease, awaiting Motions to nonconcur. We won't wait forever. So please, if you have Motions to present, please advise the

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Clerk, as quickly as possible. On the Order of Concurrences...on the Special Order of State and Local Government appears House Bill 318, Representative Cowlshaw. Mrs. Cowlshaw. Out of the record. House Bill 493, Representative Weller. Representative Weller, you're recognized for a Motion."

Weller: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendments #2, 3 and 4 to House Bill 493. Senate Amendment #2, 3 and 4 makes...insures that the legislation applies to all Illinois citizens, regardless of age, puts an effective date on there and fine tunes language to meet constitutional concerns. This legislation passed the Senate of 53 'aye' votes."

Speaker Breslin: "Would you tell us what the original Bill did since this is final action?"

Weller: "The original Bill canceled the drivers licenses for one year, for those convicted of alcohol or drug related offenses."

Speaker Breslin: "I haven't finished. The Gentleman has move to concur in Senate Amendments 2, 3 and 4 to House Bill 493. On that question the Gentleman from Macon, Representative Dunn."

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

Speaker Breslin: "He indicates he will."

Dunn: "Alright, what does Senate Amendment #2 do?"

Weller: "Senate Amendment #2 was designed to...make sure that the legislation was attune with the Supreme Court ruling of a few years ago dealing with removal of drivers license for certain criminal violations."

Dunn: "Well, what specifically...what...what criminal violations?"

Weller: "The...well the violation of the Cannabis Act, Liquor

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Control Act or the Narcotics Control Act."

Dunn: "So, Senate Amendment #2 says that for any violation of the Liquor Control Act, while in the possession of a motor vehicle...if convicted you lose your drivers license?"

Weller: "The...according to the language for a conviction the...drivers license would be canceled for one year. According to...Senator's Dudycz's Amendment. If they're in actual physical control of a motor vehicle at time of violation."

Dunn: "What happens if...if you have an...so much as a broken six pack in the trunk of your car. I really don't know, is that a violation of the...and you've had nothing to drink, but you have five cans of beer in a car, or let's say your going some where to bring your own party. And you have...broken open bottle of whiskey locked in the trunk of the car, and you've done no drinking. Is that a violation of the Liquor Control Act, if your in possession of a moving vehicle?"

Weller: "If your under age, I believe it is, yes, Sir."

Dunn: "If you're what?"

Weller: "If you're under age, I believe it will be legal possession."

Dunn: "What if you're a legal adult, is that a violation?"

Weller: "No."

Speaker Breslin: "Any further questions, Mr. Dunn?"

Dunn: "Well, they haven't answered the one I just...the last one I asked."

Weller: "I said, no."

Speaker Breslin: "The answer to your question is 'no'."

Dunn: "So, if your an adult...what if you have a hatchback car, something that doesn't have a trunk and you have...something open in the backseat that you've packed away in a picnic basket for the bring your own party. And

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again you have had nothing to drink."

Weller: "My understanding is no."

Dunn: "And what if, on the way home you've had...one drink, your totally not intoxicated within the meaning of the law, and you have the picnic basket in the back of the hatchback car, or the floor of the backseat...is that a violation of the Liquor Control Act?"

Weller: "My understanding is no."

Dunn: "And...but if your under age now, you mean eighteen years or under? Is that what that means or 21?"

Weller: "Well, the drinking age in Illinois is twenty-one, Representative."

Dunn: "So, if your under 21 years of age. And...you violate any of these things were talking about...I think that we just made it clear that...Amendment #2 only applies to people under 21 years of age. Is that correct?"

Weller: "Amendment #2 provides that they must be in actual physical control of the motor vehicle at time of the violation."

Dunn: "I can't hear you. Physical control of what?"

Weller: "Says Amendment #2 provides that, they must be in actual physical control of the motor vehicle at the time of the violation, Representative."

Dunn: "Well, we're confused. We have an Amendment analysis that refers to age eighteen. We think that somewhere this Amendment applies to all people. And I can't hear you very well, but I think you're saying that it applies to only those who are 21 years of age and under. Which is it, what's the answer?"

Weller: "Representative, Amendment 2 as I stated earlier, says it you must be in actual physical control of a motor vehicle. Amendment #3 makes the Bill applicable to all persons regardless of age and adds an effective date of July 1,

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1990. That was Senator's Daley's Amendment, and then Amendment #3 makes technical corrections to...in Senate Amendment #3."

Dunn: "So, the...I realize I was asking about Amendment's 2, but we're asked to concur in Amendments 2,3 and 4. So 2, 3 and 4 taken together state the examples I was setting out, you're going to the party and you have a open...bottle in the car, and you're stopped...again is...is that illegal transportation under this provision and will you lose your drivers license?"

Weller: "My understanding is if someone was under age and the had alcohol in the vehicle that would be illegal possession however, if there was part of a bottle of wine or six pack in the picnic basket in the back of the car. My understanding is no."

Dunn: "Well not to prolong this, I think the Members should know that what we're talking about now is we've had on the statue books for a long time, if you violate the laws and provisions about transporting alcoholic beverages, you could be fined, you could be convicted of a misdemeanor, certain penalties could be applied to you but we did not consider you to be a drunken driver. And take away your license and as you say cancel your license, I don't know what that means. We talk about suspension and revocation, I don't know what a cancellation means, but we did not take away someone's drivers license and if I understand your Bill correctly, this Bill could take away someone's drivers license who has not had one breath, one hit of alcohol consumed or on their breath they have it in violation some how of the Liquor Control Act in the car. And if you do if you're in violation of the Liquor Control Act we have penalties now and if you're intoxicated we have penalties. But this combines the two and says that if you happen to

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violate the technicalities of the Liquor Control Act you lose your license for a year. And I would hope Members would take into account the harshness of the provision of this legislation and not vote for it. It tough to vote against Bills like this, but you're called here in the General Assembly...to do what's right on behalf of your constituents. Some decisions are easy, some are not. This may be a tough decision for some people. But a correct decision on this Bill is to vote against the concurrence of these Amendments, and I would ask everyone here to vote 'no'."

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

Black: "Thank you very much, Madam Speaker. Could we have some order in here, I could hardly hear the...report between Representatives Dunn and Representative Weller. I think as..."

Speaker Breslin: "Excuse me, just one moment, Representative Black. Just a moment. Ladies and Gentlemen, we are on the Motions of Concurrences which is final action. Please give your attention to the Speakers, Representative Black."

Black: "Thank you very much, Madam Speaker. I think there's an important point we need to make on Senate Amendment #3, if the Sponsor would yield. Thank you, Representative, according to the analysis the effect of Senate Amendment #3 makes this Bill applicable to all persons regardless of age. Is that your understanding?"

Weller: "That is correct."

Black: "And, it says for any conviction that...who violates the Liquor Control Act, is that your understanding?"

Weller: "The Liquor Control Act, the Cannabis Control Act and the Narcotics Control...excuse me, the Control Substances Act."

Black: "Would not the transportation of alcoholic beverages in a

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motor vehicle particularly if the seal was broken be a violation of that Act, even though the driver could give a affirmative defense that he had not consumed any of that alcohol?"

Weller: "Representative I believe the answer would be no. It's my understanding the D.U.I. offense would not be affected by this, so that you understand that. That's a violation of the Illinois Vehicle Code."

Black: "Correct, right. Alright, you're rising to accept the Senate Amendments then, correct?"

Weller: "That is correct. This legislation passed the Senate with 53 'aye' votes."

Black: "Okay, well, thank you. Thank you, Madam Speaker."

Speaker Breslin: "The Gentleman from Clinton, Representative Granberg."

Granberg: " Thank you, Madam Speaker. Just a few questions, Representative Weller, just so I make sure I understand completely, in line with Representative Dunn's questioning...questions. So if you are a passenger in this vehicle, can you be charged with illegal transportation...legal possession? And would that be a violation of the Liquor Control Act?"

Weller: "As I understand under this Bill, no."

Granberg: "So you could be a passenger in a car, and be charged with illegal possession, and not be...not be charged under this Act. Don't lose your license."

Weller: "The individual must be in actual physical control of the motor vehicle."

Granberg: "Come on, hypothetically, Representative, if you're the driver of that car, and a passenger in the backseat of that automobile, if they have a broken six pack. Will the driver of that car, lose his or her license?"

Weller: "Was that a question?"

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Granberg: "Yes."

Weller: " Would you restate it, please?"

Granberg: "If you are hypothetically the driver of an automobile, and you have two passengers in the rear seat of that automobile, and they are in possession of a can of beer that you're not aware of, can you be charged with this and lose your license?"

Weller: "My understanding is no."

Granberg: "Is what?"

Weller: "Is no."

Granberg: "Why wouldn't that person driving the automobile be charged with that then? Because, he or her is in control of the vehicle, and they...why would they not be charged?"

Weller: "My understanding is that would be a violation of the Vehicle Code, not the Liquor Control Act, Representative."

Granberg: "What's the difference then, Representative? How does this apply to a driver? So if he or she is driving a car, and there is a broken six pack in the car, as Representative Dunn said, can't they be charged with this?"

Weller: "My understanding, Representative is that the driver would actually have the alcohol and the container or whatever, while they're operating or in control of the vehicle...be consuming it or holding on to it or whatever, Representative."

Granberg: "So, so if the driver of the vehicle has a broken six pack and it is on the passenger side of the front seat of that car. Can he or she be charged?"

Weller: "If there was a violation of Liquor Control Act, he could be. If it was a violation of Vehicle Code it would not."

Granberg: "What are the violation of the Liquor Control Act? How do we determine which would be appropriate in those circumstances?"

Weller: "Legal transfer to a minor, legal sale to a minor. Legal

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possession for a minor."

Granberg: "A legal possession, legal transportation, right? Isn't that what you said, legal transportation would apply?"

Weller: "Transportation, I believe is in the Vehicle Code, Representative."

Granberg: "So when does this apply to the driver of an automobile? Give me an example."

Weller: "This legislation would apply to a...the person in control, physical control of the vehicle when they would have perhaps some possession of cannabis, or narcotic controlled substances, or the person in control would be in possession of legal or consumed alcohol."

Granberg: "What is the term 'by possession'? What if that beer can, is on the right front seat of that automobile and there's a passenger there. Is it deemed that the driver has possession, can he or she be charged?"

Weller: "That would be...my understanding is, should the officer that would be on the scene that would be a question of the court, upon that officer's charges that he or she would recommend."

Granberg: "Would it also be a question of the officer if that broken beer six pack was in the backseat?"

Weller: "My understanding is if there's open liquor within the passenger compartment of the vehicle, that it would be a violation of the Liquor Control Act."

Granberg: "Representative, five minutes ago, you said that if, they were in the backseat they cannot be charged, now which is it?"

Weller: "I misunderstood the question, Representative. Our understanding is that if there's open liquor in the passenger of the vehicle, that it would be a violation of the Illinois Liquor Control Act."

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Granberg: "So, hypothetically, the question you said, they couldn't be charged five minutes ago. You're saying the person in the backseat, the broken six pack is in the backseat. The person the driver of the vehicle could be charged? Earlier you said no."

Weller: "Mrs...Madam Speaker. I would like to take the Bill out of this record and I'll have a discussion directly with Representative Granberg."

Speaker Breslin: "Out of the record. The next Bill is House Bill...excuse me. Representative Van Duyne, do you still seek recognition?"

Van Duyne: "Yes yes, Madam Speaker. Representative Weller, the thing wrong..."

Speaker Breslin: "Excuse me, Representative Van Duyne. The Bill has been taken out of the record at this time."

Van Duyne: "Oh, I'm sorry. I was paying attention to Representative Shaw, he's my leader."

Speaker Breslin: "Okay, thank you. Representative Johnson is recognized. For what reason do you rise, Sir?"

Johnson: "I think for these closing days here, that we ought to pay particular rule attention to rule 63(a), subsection various subsections with respect to access the House Floor. I think it makes it a little easier for us to work if were just allowed to work as Legislators without various factors entering into it."

Speaker Breslin: "Okay, Mr. Doorkeeper, what is the issue that has been raised is the issue is access to the House Floor. The doormen and all the legislative assistants in particular to state agencies ought to be aware, that rule 63 provides that you are not allowed to be present unless your Bill for your agency is being presented to the Body. And your presence is requested by a Member, so you do not have access to the House Floor for any other purpose unless

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requested by a Member and unless your Bill is being presented. That is the rule of this House and has been the rules...in the rules for sometime. It would be helpful, if the...doorkeeper would help us in the enforcement of that rule at this time. Since Representative Johnson has brought it to our attention. The next Bill is House Bill 950, Representative McGann."

McGann: "Thank you, Madam Speaker and Members of the Assembly. I wish to concur with Senate Amendments 1, 2, 3 and 4 to House Bill 950. They deal with the revision of the Mental Health Code in part two, part three, and part five and also...incorporates in the...provisions of Senate Bill 1623, Senator's Geo-Karis and...I wish to concur, and I'll answer any questions."

Speaker Breslin: "Representative McGann, did you tell the Body, what the original Bill did?"

McGann: "Well, the original Bills as they were sent over to the Senate were shell Bills...working with the revision of the Mental Health Code, as I stated in my opening remark."

Speaker Breslin: "Very good. You have heard the Gentleman's Motion. He intends to concur in the Senate Amendments. On that question is there any discussion? There being none, the question is, 'Shall the House concur in Senate Amendments 1, 2, 3 and 4 to House Bill 950?' All those is favor vote 'aye', oppose vote 'no'. Voting is open. Sixty votes are required. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 110 voting 'aye'. This Bill having received the...and the House does concur in Senate Amendment 1, 2, 3 and 4 to House Bill 950. And this Bill having received the Constitutional Majority is here by declared passed. With leave of the Body, I'll go back to House Bill 318 for Representative Cowlshaw.

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You're recognized for a Motion."

Cowlishaw: "Thank you, Madam Speaker. I move to concur in Senate Amendment #1 to House Bill 318. Let me explain what the Bill did, and what the Amendment does. The Bill which was approved in this chamber by 113 to nothing provides that if a teacher is applying for a position in more than one school district, so that's a part-time teacher. That person's criminal background check investigation can be handled by the regional superintendent rather than each of the school districts having to pay for that, that background check. And there being more than one of them undertaken. Which is just wasteful and doesn't really accomplish anything. The Senate Amendment includes support personnel who fall under that same circumstance, so that they also would have only one criminal background check run, rather than two or three, depending on how many school districts they had applied for employment in. That's all the Amendment does I think it makes a good Bill better. And I move to concur in Senate Amendment #1 to House Bill 318."

Speaker Breslin: "You have heard the Lady's Motion. On the question, is there any discussion? There being none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 318? All those in favor vote 'aye'. All those opposed vote 'no'. Voting is open. Representative Parke, do you wish to explain your vote?"

Parke: "Thank you, Madam Speaker. Could the electrician please come and see me, at his convenience?"

Speaker Breslin: "Certainly. 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'. The House does concur in Senate Amendment 1 to House Bill 318. And this Bill having received the Constitutional

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Majority is hereby declared passed. House Bill 953, Representative McGann."

McGann: "Thank you, Madam Chairman...Madam Speaker and Members of the Assembly. I wish to concur to Senate Amendment #1 and Senate Amendment #2 to House Bill 953. It addresses the revision of the Governor's Commission on Mental Health, the recommendations there...they left the House both this Bill and other Bills...shell Bills to the Senate to work these problems out. Specifically, what we are doing is clarifying the Department of Corrections relative to their programing rules to handle the mental health treatment of inmates that are there because of their mental health problems. It address and changes different chapters and sections and it wish that we concur and I will answer any questions."

Speaker Breslin: "The Gentleman has moved that the House concur in Senate Amendments 1 and 2 to House Bill 953. On that question, is there any discussion? There being none, the question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill...excuse me, the Gentleman from Warren, Representative Hultgren"

Hultgren: "Thank you, Madam Speaker. I was listening to the explanation of the Bill, and I'm wondering whether what I have here is consistent with what the Sponsor just explained. The synopsis that I have and admittedly it's only a synopsis, talks about possession of firearms. Was that the explanation I just heard? And..."

McGann: "Representative, that is just one of the many recommendations...in both Amendments. But that address Amendment #1 to the...the Governor's commission recommended that they be confiscating patient's firearms upon entering such a facility, or at the time of discovery, if they're in that facility."

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Hultgren: "Okay, so long as were on the same Bill. That's what I was trying to figure out. Thank you."

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

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

Speaker Breslin: "Yes."

Shaw: "On...Amendment 2, what do you...in terms of the confiscation, Representative McGann, why would we...why should the firearm...why we transferring the firearm to...some other law enforcement agency or something? What are we doing here?"

McGann: "Pardon me."

Shaw: "What are we doing with the firearm here? You say on the confiscation of it."

McGann: "Yes, you're saying it's be transferred to an appropriate enforcement agency. I would be saying that it would be the State Police would be the agency or the local police in that area where that facility rests."

Shaw: "I was outside when you probably explained this, but under what conditions are we doing this?"

McGann: "Well, if mental patient is being brought into a facility, and he's found to have a firearm. That firearm is to be confiscated immediately and then Amendment #2 addresses that it will be transferred to an appropriate enforcement agency. The Department of Mental Health will not be handling it'll go to a law enforcement agency."

Shaw: "Okay, and there's no provision in here give it to the family, or anything like that?"

McGann: "No, to my..."

Shaw: "If someone...say that someone had collectors item, belong to a member of the family. And they just wanted to keep the weapon in the family. Under what procedure would they have to go to get this weapon back..."

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McGann: "To get this firearm?"

Shaw: "To get the firearm back."

McGann: "I image they would have to go through that law enforcement agency, after the law enforcement agency checked out that firearm."

Shaw: "Does it..."

McGann: "See, a lot of times under the Confidentially Act, the patient has been brought into the facility may not want to let his next to kin know what he has or what he's been doing, or why he is even in there."

Shaw: "To the..."

McGann: "Or if he's in the facility and he has the firearm within the facility. He may or may not want to let his next to kin know about it."

Shaw: "To the Amendment, certainly I think it's...it's well intended. And I understand what you're doing. But I just, okay."

McGann: "These are recommendations of the Governor's commission, on the revision of the Mental Health Code. They've had hearings for over a year, and the a report came in, and now we are addressing these provisions to try to put them into a proper context. And in this case here, put it into the Act. And address the code."

Shaw: "To the Amendment I understand what the intent of the Amendment, but certainly I think the Amendment goes a little far in terms of just confiscating the weapon. Certainly I think the weapon should be confiscated, but I just don't believe that it should be just given to a law enforcement agency. And I don't see any provision in this Amendment, that would...where that the family could later come in and claim the weapon. And I think that's what's wrong with this Amendment...Notwithstanding who recommended it. I think it's a bad Amendment, and I think the

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Amendment should be defeated."

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

Black: "Well, thank you very much, Madam Speaker. Will the Sponsor yield? Thank you. Representative, as I understand your Bill and your Amendment, I don't think we have a problem here. As I recall from discussion in Committee, the impatient is subjected to the rights of due process. I don't think were going to be able to take the firearm or the collectors item away from him and summarily...destroy it or give it away. I think that in-patient has the...the access, as I recall from our discussion to due process. And if it's a valuable piece, the family would have some wherewithal to claim it. Isn't that what we talked about?"

McGann: "That is correct, Representative Black. There is due process in anything that's happening in a mental health facility. And that due process has to take place."

Black: "Thank you very much, Representative. Madam Speaker and Ladies and Gentlemen of the House. To the Bill, the Gentleman's worked very hard on this Bill. The Amendment I think certainly doesn't diminish the underlying Bill, it's a good one. And it's deserving of your support, and I rise in support of the Gentleman's Motion to concur."

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

Cullerton: "Yes, will the Sponsor yield? Representative McGann, have you been contacted at all from the National Rifle Association about this Bill?"

McGann: "No, I have not."

Cullerton: "Do you know if the National Rifle Association says that it's okay for us to pass this?"

McGann: "I have not consulted with them, and neither have they consulted with me. It has never been brought up in

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committee, and I don't believe it was brought up in the Senate hearing either."

Cullerton: "Well this does... Well, I'm... I don't...I'm going to certainly support your Motion. But I just don't I'm afraid of doing something that the National Rifle Association might be against and this does involve confiscating firearms. Do you think this could every be construed as being the first step on that slippery slope of gun control?"

McGann: "I think in this area, the National Rifle Association isn't really that interested."

Cullerton: "Because, we're taking the firearm away from?"

McGann: "Because where dealing with Mental Health patients."

Cullerton: "Well, I wouldn't be so quick to jump to that conclusion."

McGann: "Maybe, I shouldn't...maybe I shouldn't, Representative, I shouldn't jump to that conclusion, that's correct. I am prejudging what the National Rifle Association would want to do."

Cullerton: "Maybe we should hurry up and get this out of here before they discover it."

McGann: "I think so."

Cullerton: "Okay. Thank you. I agree then, Madam Speaker, with the Gentleman's Motion."

Speaker Breslin: "There being no further discussion? The question is, 'Shall the House concur in Senate Amendment 1 and 2 to House Bill 953?' All those in favor vote 'aye', oppose vote 'no'. Voting is open. Sixty votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 103 voting 'aye'. The House does concur in Senate Amendment 1 and 2 to House Bill 953. This Bill having received the Constitutional Majority is hereby

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declared passed. House Bill 1190, Representative Steczo, out of the Record. House Bill 1268, Representative Currie. Out of the Record. House Bill 1504, Representative Countryman. Proceed, Sir."

Countryman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move that the House concur in Senate Amendments 1, 2, 3, 4 and 5 to House Bill 1504. The underlying Bill provided that a court may award additional 120 days to the state on its Motion to continue if the state shows it's used due diligence to come to trail and the delay is caused from the fact that material for D and A test has not been received from the...lab. That would be under what we commonly refer to as the 120 Days Rule, or the speedy trial rule. The Senate...Senate Senate Amendment #1 put in...made a Class A misdemeanor, rather than a business offense, for the offense of...ticket scalping, it also provides a ticket sold or offered for sale by a person firm or corporation in violation of the Act may be confiscated by a court on the Motion of the Attorney or Sponsor of the event, or the operator of the facility...the Attorney General, or the State's Attorney. And that the tickets sold...confiscated will be...donated by the court order to an appropriate organization under the Charitable Games Act. And it further provides that the Attorney General, State's Attorney, the Sponsor or the operator of the facility may seek injunction restraining any person, firm or corporation from an offering to sell tickets in violation, the provisions of the Act. Commonly referred to as ticket scalping, it's a stronger ticket scalping provision and Amendment #2 provides that the state appellate defender shall be required to represent indigent persons only on appeal if it's a felony criminal case, there was an appellate court decision some years ago,

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that...required them to represent misdemeanors and criminal appeals. And they just don't have the staff or the ability to handle those misdemeanors, so this would clarify that. Amendment #3 was an Amendment was a provision was a...House Bill, presented by Representative Petka, that changes from ten years to three years. The amount of time that somebody who's seeking to a post conviction relief, would have to file his petition for post conviction relief. And that Bill, I think passed over...with a fairly good margin. Amendment #4 changes the effective date of the Act, and it says that all provisions of the Act shall take effect upon becoming law, except for the Amendment 3, which I just said would become effective January, 1992. Amendment #5 is a...an Amendment that was a Bill that Representative Anthony Young had...dealing with the recording of images sounds whether they be audio visual in the sale of the use of those images and sounds in essence, it's kind of bringing it up to date with where things would be, but in essence you couldn't record a concert, for instance and sale it. You couldn't record information or musical events or video tapes and sell them without coming under the provisions of this Act. It provides for a much stiffer fines and larger quantities and is designed to get at pirateers of those sort of things. I believe that these Amendments are good Amendments and if you believe as I do particularly in the ticket scalping issues, that...the average person ought to be able to have an opportunity to get a fair and good seat...at every event. And if the ticket scalpers brokers are not the ones who should control these sort of things, then I think you ought to vote for these Amendments. And I would ask for your favorable vote, and be happy to answer any questions."

Speaker Breslin: "You have heard the Gentleman's Motion. On the

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Motion the Gentleman from Cook, Representative Terzich."

Terzich: "Yeah, Madam Speaker. I'd like to Motion to define the question on this and particularly Senate Amendment #1?"

Speaker Breslin: "The Gentleman is within his rights. The Motion will be, 'Shall the House concur in Senate Amendment #1?', first. And then we will go on to 2, 3, 4 and 5. Do you wish to speak, Representative Terzich, to the Motion 'to concur in Senate Amendment #1.'"

Terzich: "Yes, I would like to ask the Sponsor...what Senate Amendment #1 does."

Speaker Breslin: "Representative Countryman."

Countryman: "Well, it's too bad you weren't listening, cause I just explained it. But I'll explain it again."

Terzich: "I was listening...but I just didn't understand you, Representative."

Countryman: "Okay. It makes...takes from a business offense to a Class A misdemeanor, the offense of ticket scalping. It allows for confiscation of tickets, being sold by a ticket scalper in violation of the Act. And that those tickets made by court order be donated to an appropriate organization, authorized under the Charitable Games Act, if the court so orders. It further provides that an injunction may be issued, restraining any person, firm or corporation from selling or offering for sale tickets in violation of the Act. Which is the existing law for ticket scalping."

Terzich: "Well what does that mean? What is a...you mentioned ticket scalping, could you give me a description of what ticket scalping is?"

Countryman: "Ticket scalping is somebody who goes out and buys tickets in one way or another, At the price that they are issued, and turns around and sells them to somebody for price higher than what they were sold to him."

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Terzich: "You mean to say that if someone gets a ticket and he sells the ticket for more than its value, that that is scalping?"

Countryman: "That is correct."

Terzich: "You mean, also that if...let's say the White Sox or a good example is JAM Productions, they charge an excess in the price of the ticket, that they're distributing, is that scalping?"

Countryman: "I'm sorry who?"

Terzich: "Any promoter or someone that charges additional money. I understand in the Bill that, supposedly someone can charge up to fifty percent over the value of a ticket, that...is that scalping?"

Countryman: "My understanding is that you can be a disbursement agent, and charge a service charge if your an authorize disbursement agent which would be."

Terzich: "Oh, that's not called a scalper, its called an disbursement agent, but that's not called a scalper."

Countryman: "I don't have that language in front of me, but that's my understanding. I don't want you to get hung up on disbursement agent, but there is the ability for people to distribute tickets and charge a service charge such as Ticketron or people like that might do."

Terzich: "Those are...so well who is this Bill against? Who is this Bill against, is it against scalpers, or ticket brokers or ticket agents or what? In other words you're saying that if Ticketron are somebody wants to charge 20 or 30 percent more than the price of the ticket, it's alright for them, but another ticket broker couldn't, is this about what it amounts to?"

Countryman: "If they're authorized, they can charge up to 20 percent of the price of the ticket, as a service fee."

Terzich: "Who would authorize them to do that?"

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Countryman: "The person...the people putting on the show. The sponsor or the owner of the facility."

Terzich: "Well, how would a ticket broker, if he didn't get the tickets from the promoter or whoever putting on the show, be able to charge, or even have the tickets?"

Countryman: "Well, he puts people in line. Buys the tickets in line, and then takes them back and takes them back to his facility and again charges a higher price for them."

Terzich: "Well, what do the ticket agent do that charge an extra 50 percent? What do they do? How do they get their tickets?"

Countryman: "They generally operate a computer terminals and are in shopping centers or other variable places across the metropolitan area or across the state for that matter, and they can issue tickets by computer operation, collect the money for them and remit to the..."

Terzich: "If that's the case, how could they charge any more than what the price of the ticket is?"

Countryman: "Well, because they are performing a service for the customer, by making that ticket available for the person at a different location."

Terzich: "Oh, but it's not alright for a ticket broker to do that, is that basically what you're saying. Only unless you get certain permission from somebody?"

Countryman: "Well, a ticket scalper is a speculator, he's buying the ticket and could very well have to eat that ticket, or he could sell it for a price much higher. A ticket disbursement agent doesn't buy the ticket, he collects for it and remits, he's only an remittance agent, just as somebody would be for the lottery...gets his service charge for handling lotto tickets."

Terzich: "Well, if that's the case what is this legislation suppose to be doing? I mean I don't understand."

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Countryman: "Well, what I just told you is the law. That's been the law for a long time, all this legislation does is Amend that law, to make it a Class A misdemeanor rather than a business offense, and to provide for the injunctive things which I told you just a few minutes ago."

Terzich: "Well...what is the law now, you mean if someone actually goes in and confiscates some tickets or throw someone in jail, or has this ever happened? I mean, I don't understand this."

Countryman: "I'm in the legislative branch, I'm not in the enforcement branch, but certainly it could happen, people are committing a crime if they're doing it and they're subjected to...the possible punishment under of the current law. Were just making it tougher."

Terzich: "Well, why are we making it tougher? I mean, what are we doing with it now?"

Countryman: "Because the average guy who wants to buy a ticket to go to the White Sox game, goes in line and finds out all of a sudden they're sold out. He expected he could get them, and now he can't get the tickets because all the brokers and scalpers picked up the tickets."

Terzich: "No, that's the White Sox don't make them available. But besides that, I mean why do we have, I have never heard, since this Bill or supposedly this law has been in effect, that the someone was arrested or their tickets were confiscated, they were thrown in jail that the all of a sudden the tickets are going to be made available to who? And at what price, and who distributes them?"

Countryman: "I don't have those statistics, I could only tell you that adultery is still illegal in the State of Illinois, and so is ticket scalping."

Terzich: "Well, as the law or anybody been saying that this is so, you're basically trying to put ticket brokers out of

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business. And this is all this legislation is, but you're telling only certain people can sell the tickets at excess price, but someone else who may obtain the tickets can't."

Countryman: "Well, what we're saying is that the people can charge a reasonable service fee for processing the tickets. But what we're saying is they can't go into the business for more than 20 percent of buying the tickets to the best concert, Bruce Springsteins and..."

Speaker Breslin: "Representative Terzich, your five minutes are up, if you would like to speak to the issue briefly, proceed."

Terzich: "Yes. Madam Speaker, this particular Amendment is really a ridiculous Amendment, in effect that they're all of a sudden saying that some tickets are not available for people but then all of a sudden they're going to get tickets to the Bulls game, and to the White Sox and all these other games. I happen to know something about scalping, because as a youngster I use to sell them out in front of Sox park myself and I didn't make too much, but that's besides the point. Those tickets were given to me by people who couldn't attend the game anyhow. And I made a few bucks, but that's certainly is not a problem, it hasn't been a problem in the city of Chicago. Whether you scalp a ticket or not, the fact of the matter is that all of these promoters have kept tickets, you want go to a Bulls game, you couldn't buy a ticket to a Bulls games because they're all sold out to all of these here corporate people that got all the big bucks. You want go to the hockey game, you can't get a ticket to the hockey game, they're all sold out. You want go to the Cubs game, try to get a ticket to the Cubs game you have to see Billy Marovitz or John Cullerton to get a ticket to the Cubs game."

Speaker Breslin: "Not anymore."

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Terzich: "This...this is not going to happen with this legislation, all it is, is against them some guys, some business that are trying to do a good service. They do have the concierge everywhere else. This is a ridiculous Amendment, I would urge an 'no' vote."

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

McAuliffe: "Thank you, Madam Speaker. Ladies and Gentlemen of the House. Let me tell you what the ticket brokers do. If Representative Stephens or Representative Monroe Flinn wanted to come to Chicago and see a play. They made up their mind at the last minute they wanted to come. They go see a concierge in their hotel, they talk to the concierge and say I'm here with my wife she wants to see Phantom of the Opera, or she wants to go to a Cub game. We just made up our mind to come up in the last couple of weeks and we don't have any tickets. Can you arrange to get tickets for us, concierge will say, yes I can, he'll call up a ticket broker he'll get the tickets and you will pay a premium price for those tickets. Possibly also they'll give you limosine over ride to the play or to the ball game. That's part of the service, that's part of the business. If you want to make sure that people that come to visit Chicago from out of town can't tickets to any of these shows, do this. We don't have enough room in our jails now. We're going to put people in jail for a year and fine them \$5000 for selling tickets. It's is absolutely ridiculous. They're trying to build an extension at the county jail now, because there's no room in it now. And we're going to make people subject to a \$5000 fine and one year in the county jail for selling tickets. This is a Bill for tourist. This is a Bill for people who come at the last moment want to get tickets to a good show, or a good play,

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or a good baseball game, or a good football game. And if we pass this, we'll put those people out of business. People won't come there. They'll go to New York instead. Vote 'no'."

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

Steczko: "Thank you, Madam Speaker. Members of the House. I rise in support of this Amendment. The reason the people who come in from out of town, can't get tickets to Phantom of the Opera, or can't get tickets to the Cub games or Sox games, is because the brokers brought them all up. There's no question about that. This Amendment is a good Amendment. We have to keep in mind that one of the things...that hasn't been said yet is that ticket scalping today in Illinois is against the law. Unfortunately, the law has no teeth, so it's not enforced very much. This will...this Amendment will allow us to be able to enforce that. To give you an idea of what the ticket brokers and ticket scalper do will try to portray themselves as a friend of the average fan. They say that they're the people, that where the average fan can go and get a ticket to a Cub game or concert or something like that, but in the Sun Times last March, one of the ticket brokers says, in the ticket business that he has one hundred or more companies that call and say look, we're not going to stand in line for some dumb wristband, and then go back at 8:00 the next morning. You get the tickets any way you can, and he says that a lot of companies look at what I do as a great service. Well, that's not the average fan, those are the companies, and the people that have money, that that person is taking care of. What do you tell the woman, who I received a letter from, who stood in line for four hours, was the first one in line at 10:00 o'clock paid \$114dollars

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for four tickets, and the closest that she could get to the stage was the balcony? And the reason was that the brokers and the scalpers had the rest of the tickets. It's not fair to the average fan who can't afford to pay five hundred dollars or six hundred dollars a ticket to see Bruce Springstein or any...Paul McCartney or anybody else. By having the...by having this law passed, by having this law signed, we allow the average fan to be able to get in line and get those tickets, and be able to have a good shot at getting a good seat at a concert. This law deserves...Amendment deserves to be passed. And I would encourage your support."

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

Countryman: "Well, thank you, Madam Speaker. I think you've heard the arguments, this doesn't create a new law. This is already illegal. It only raises the penalty to a Class A misdemeanor, which we haven't done in a long time. Raise something to a Class A misdemeanor, and I'm frankly aghast that it isn't already a Class A misdemeanor. It provides that the tickets that are contraband go to charity. I think that will help a lot of those things in our district. This will provide that the blue collar worker that you and I can call up when the Cubs go on the 800 number, we call up and we can get through and we can get the tickets. This is only what's fair, right and equitable for the people who attend these events. And it's the right thing to do, and I'd ask for you to vote green."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1504?' All those in favor vote 'aye'. All those opposed vote 'no'. Voting is open. This is final action. Sixty votes are required. Sixty votes are required. Have all voted who wish? Have

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all voted who wish? The Clerk will take the record. On this question, there are 69 voting 'aye' and 22 voting 'no', and 12 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1504. Representative Countryman has now made a Motion, that the House concur in Senate Amendments 2, 3, and 4, I believe, wasn't it, Representative Countryman? 2, 3, 4 and 5, Representative Mautino on that Motion."

Mautino: "Thank you very much, Madam Speaker. Amendment #5 is a very interesting Amendment. I would like to pose a question or two to the Sponsor since he read what the Amendment did, but I think there's one area that he did not clarify."

Speaker Breslin: "Proceed, Sir."

Mautino: "Representative Countryman, you make this provision in Amendment #5, you address the question of pirated images. Let me ask you a question. If an individual rents a video machine and that individual tapes from that video machine. Does that come under your category of pirated images?"

Countryman: "Give me just a minute, I wasn't the Sponsor of the original Bill. In the opinion of our counsel, let me read you what, why were coming to this opinion...that it would not. The action has to be taken intentionally, knowingly or recklessly transfers or causes to be transferred without the consent of the owner, for the purpose of selling or causing to be sold, or using or causing to be used for profit the article. So you'd have to make some profit, and not just for your own personnel use."

Mautino: "Well, not being an attorney, John, that last statement you made for enjoyment or use. I think is what you termed it. Let me explain to you what I think that portion of..."

Countryman: "Let me clarify that. Using or causing to be used for profit. Was the last statement I made."

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Mautino: "No, the one before that, please read it."

Countryman: "Recording with the purpose of selling or causing to be sold, or using or causing to be used for a profit."

Mautino: "Well, that position, using or causing to be used for profit. Does for profit include the fact that the individual would tape a movie and then the profit picture would come in because he didn't rent that movie from a movie store? Now I'm not an attorney and I'm not going to get into that, but I think your treading on some very unique water here. And I'm not certain we want to fine people \$10,000 if in fact they happen to have two videos and they'll tape from one to the other. If you will give me your assurance that is not the intention, and that is not a portion of this Bill, then I might reconsider, or else I'd ask for an separation as well."

Countryman: "Well, let me responded to you by saying that, there were some case in the federal courts and I'm reciting these from memory, that said that you could record material for your own private use without violating the copyright. Now this is different than what were doing here, but at the moment you went to sell them to cause a profit to be made to yourself as a result of that, then you violated or infringed that copyright. This wasn't my Bill, this was Representative Anthony Young's Bill and he, I believe brought it through the Judiciary II Committee and I questioned him when he brought it up on the House Floor. But I looked at it and came to the conclusion that anybody who wants to do this, has to do this for a profit motive, that is there's some sort of pirateer whose going to take a production video that has a copyright or something like that and...make copies and try to sell them for a profit."

Mautino: "The other question that I have, Madam Speaker and Representative, is this: there are individuals that tape

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from radio shows and programs and use that in their places of business, Doctor's office, Dentist's office, Lawyer's office, some supermarkets. Does that fall into the audio portion of your Bill?"

Countryman: "In my judgment 'no' as long as they don't make a profit from it. What you're saying is, if you wanted to tape a radio show of soft music today, and play it tomorrow because you happen to like the selections that were on today, under this Bill in my judgment 'no', but it may violate copyrights. If you notice when you watch a major league ball game of any nature, they put their copyright disclaimer somewhere in the middle of it, that all rights are reserved. You may violate the federal copyright law, but as long as you don't turn around and sell the tape, or that which you produced you're alright. If you use it where you've made the tape then you, have that...that you'd be okay under this Bill. There are groups however, and I need to caution you this, that have licenses to that which they may broadcast, that is they broadcast under certain categories so if you or I are in our place of business are running those and those groups may come in and hear them over the speaker and then they can come in and say you don't have a license to run this, and for that reason you're violating the law. Now I can tell you that there's an exception to that, but it isn't under this law it's under the federal law, that you can run one radio, you can have radio on live and you don't have a problem. Now that's an exception to the federal licensing law."

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

Young: "Thank you, Madam Speaker. I have a question. Which Amendments are we concurring on at this time?"

Speaker Breslin: "We have concurred in only one Amendment. The Amendments we are working on now are 2, 3, 4 and 5."

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Young: "Madam Speaker, I'd like to move that we divide the question as in regards to Floor Amendment #3."

Speaker Breslin: "Very good, the Gentleman has move to divide the question as to Amendment 3. We have just debated Amendment 5. The Motion we will hear at this time is that the House concur in Senate Amendments 2, 3, excuse me, 2, 4 and 5. 2, 4 and 5. Does anyone wish to discuss those Amendments any further? There being none, the question is, 'Shall...yes the question is, 'Shall the House concur in Senate Amendments 2, and 5? All those in favor vote 'aye', oppose vote 'no'. Voting is open. Sixty votes are required. Sixty votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 98 voting 'aye', 4 voting 'no', and 2 voting 'present'. And the House does concur in Senate Amendment 2, 4 and 5 to House Bill 1504. Now Representative Countryman has moved to concur in Senate Amendment 3 to House Bill 1504. On that question the Gentleman from Cook, Representative Young."

Young: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Amendment. This Amendment would shorten the amount of time a defendant has to appeal a conviction on Constitutional grounds. And I think it's a bad Amendment. We discussed this when it was here in the House. I think you'll be shorting...those defendants who have most need of the ten year provision, those defendants who have been charged and are found guilty in a capitol case that are sent to the death penalty. What we'll be doing is, well be giving death penalty defendants less time to exercise their Constitutional rights, than we would an average burglar, or robber, or drug dealer. For those reasons I stand in opposition to the Amendment."

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

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Petka: "Thank you very much, Madam Speaker. Members of the House. Amendment #3 is a restatement of House Bill 3752, which passed out of this House I sponsored that legislation, the need for that legislation is...more apparent today than even it was last month. What this Amendment #3 does is to reduce the time that a convicted killer who is sentenced to death can spend in terms of filing a challenge to his conviction based upon so called violation of constitutional rights. I stated it last month, I'll state it again. The death penalty process in the State of Illinois is being abused, it is being abused by very small select cadre of individuals who are bound and determined to see that the will of the people of this State will be frustrated. What we are seeing happening in this State is very simple. Convicted killers run their cases as they should on appeal to the Supreme Court, and have that reviewed in the federal courts. Then they come back and file for a post conviction review and are able to delay the cases. That's precisely, precisely what is being done by John Wayne Gacy right now. That is precisely what is being done by most of the other people on death row. This Amendment is something, which will bring equity to the system, which will permit the State to truly go forward with the mandate that this Legislature has placed upon the responsibility and on the shoulders of responsibility of the people in this State, who have asked for the death penalty to be implemented Madam Speaker and Members of the House, a vote for this Amendment #3, is a vote truly to restore some semblance of balance to the State, to implement the will of the people, and to insure...to insure that victims of crimes would shortly have what is justly due to them, and that is the execution of people who have taken loved ones from them. I urge your 'aye' on this."

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

Cullerton: "Yes, will the Sponsor yield?"

Speaker Breslin: "He indicates he will."

Cullerton: "Representative Countryman, I have one problem with this, I understand you want to speed up the process for the death penalty cases, but what if you have a situation where a person files a post-conviction appeal, because of newly discovered evidence, and this evidence comes into possession of the defendant after the three year period?"

Countryman: "He can use what is called a writ of habeas corpus."

Cullerton: "In a state court?"

Countryman: "In a state court, yes."

Cullerton: "And is it the same as a post conviction petition, same..."

Countryman: "No, no common law remedy. The post conviction is a statutory remedy, that we created."

Cullerton: "Well, why...could a judge rule that he does not recognize that post-conviction or that habeas corpus petition?"

Countryman: "Well a judge has the option of not recognizing it because, it's just merely on its face. Is that what you're asking? I mean I'm subject to a Motion..."

Cullerton: "I mean...if we have habeas corpus, then...what good does it do to eliminate the...statue of limitations on post convictions, if they can always file a habeas corpus?"

Countryman: "Well, because they do, and were delaying out the process even longer. That is, they go through the appeal process, then they come back with the post conviction process, then they can come back with the habeas corpus. By doing this we're saying, you have to proceed on the post conviction process within three years."

Cullerton: "Alright, there's a practical matter of the appeals

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themselves, take longer than three years in...death penalty cases, right?"

Countryman: "In many of them they do. We've did some things here, last year I was a Sponsor of a couple of projects to start moving them along. So we have more staffing on both sides on the side of the state and on the defense."

Cullerton: "So, your feeling is that most post convictions petitions in death penalty cases are frivolous and they just add to the delay of the...the ultimate execution?"

Countryman: "You know in the death penalty case, it is an direct appeal in the Illinois Supreme Court. And the court reviews it and seriously looks at it, matter of fact lawyers have undertaken those on a pro bono basis or even some sort of parcel compensation have indicated to me they spent a good part of their lives just doing those appeals, they're very complexed, very involved appeals looking at all issues. If a post conviction is to be brought, what new issues will it raise? Or why couldn't it be done within the three year period of time?"

Cullerton: "So, we don't have any thing to worry about, because they can always bring this writ of habeas corpus, if somebody else comes forward and say I saw someone else shoot the victim, not the defendant, he can always just bring this writ of habeas corpus, if it's good strong evidence there won't be any problem the judge should be able to grant either a new trail or reverse the conviction. Writ of habeas corpus."

Countryman: "Yeah, writ of habeas corpus. There was another old writ that's name escapes me, I can't remember something quorum. You probably remember that quorum no..um or something like that, one of the latin..."

Petka: "Quorum Nobious."

Countryman: "Representative Petka just...yeah, there's another

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old fashion writ, too, but none of those have been eliminated with the Code of Criminal Procedure. They're all available for the instance where you're talking about, what we're talking about here is the routine post conviction appeal. And I should be clear to you that this post-conviction would apply not only in capitol cases, but in all cases."

Cullerton: "Okay, thank you."

Speaker Breslin: "Representative Kubik is recognized. Representative Kubik."

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

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

Countryman: "Well, thank you Madam Speaker. I won't belabor this. I'm not generally one that brings up these sorts of issues, but I've come to believe that speeding up this process is in the interest of all parties, and that this Amendment to the post conviction law would be good, by changing it from ten to three years. I think any issue that can be raised within three years it could also be amended after its brought, even if it's just brought within the three years. So I recommend that this Body concur in this Amendment."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendment 3 to House Bill 1504?' All those in favor vote 'aye', All those opposed vote 'no'. Voting is open. Representative Davis, one minute to explain your vote."

Davis: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just find it rather peculiar in a democracy that we want to limit the period of time in which a person has

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to question a violation of his or her constitutional rights. I would think there would be no time limit, rather than even the ten year or three year limitation on that. It appears to me that if a criminal, a person who is convicted has an attorney who is either a very poor attorney or a very lazy attorney, or a very negligent attorney could even fail to advise that client that his or her constitutional rights had been violated. And it could be past the three year limit, and I'm surprised that so many of you would vote for this, because many people have been found innocent."

Speaker Breslin: "Your time is up, Representative Davis. Bring your remarks to a close."

Davis: "I think it's a very bad precedent to set in a democracy."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 82 voting 'aye', 27 voting 'no'. And the House does concur in Senate Amendment #3 to House Bill 1504. And this Bill having received the Constitutional Majority is hereby declared passed. Representative Cullerton in the Chair."

Speaker Cullerton: "Representative Weller, a Motion to nonconcur on House Bill 493. Representative Weller."

Weller: "Thank you, Mr. Speaker. I move to nonconcur on Senate Amendments 2, 3 and 4 to House Bill 493."

Speaker Cullerton: "Question is, 'Shall the House...on that is there any discussion? There being none, the question is, 'Shall the House nonconcur in Senate Amendment 2, 3 and 4 to House Bill 493?' All in favor say 'aye'. All opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does nonconcur Senate Amendments 2, 3 and 4. Representative Breslin, on a Motion to nonconcur on House Bill 3562."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, I move

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to nonconcur in Senate...to concur in Senate Amendment #1
and nonconcur in Senate Amendment #2 on House Bill 3562."

Speaker Cullerton: "Your Motion is to nonconcur in Senate
Amendment #1 and 2?"

Breslin: "No. The Motion is to concur in Senate Amendment #1,
nonconcur in Senate Amendment #2."

Speaker Cullerton: "And what about 3?"

Breslin: "Are you sure there are three Amendments?"

Speaker Cullerton: "No, I'm not sure. We'll check it out."

Breslin: "I think there's only two."

Speaker Cullerton: "There are three Amendments."

Breslin: "Yes, we want to concur in Amendments 1 and 3.
Nonconcur in Senate Amendment #2."

Speaker Cullerton: "The Lady's move to concur in Senate
Amendments #1 and 3 to House Bill 3562. On that is there
any discussion? The Gentleman from Cook, Representative
McNamara."

McNamara: "Yes, I would request the Lady to explain the
Amendments, #1 and 3 in which she is concurring."

Breslin: "1 and 3 deals with the main Bill, which allows
hospitals to run onsite daycare facilities. It is an
agreed Bill with no problems. Amendment #2 deals with
hospital emergency services and we disagree with that
Amendment on to the Bill."

Speaker Cullerton: "Further discussion? There being none, the
question is, 'Shall the House concur in Senate Amendment #1
and 3 in House Bill 3562?' All in favor vote 'aye', all
opposed vote 'no'. This could be 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', none voting 'no' and one voting 'present'.
The House does concur in Senate Amendments #1 and 3 in
House Bill 3562. Now, the Lady's second Motion is to

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nonconcur in Senate Amendment #2 to House Bill 3562, on that is there any discussion? Being none, the question is, 'Shall the House nonconcur in Senate Amendment #2 in House Bill 3562?' All in favor say 'aye', all opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does nonconcur in Senate Amendment #2 to House Bill 3562. Representative Anthony Young on House Bill 2899."

Young: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. I move that the House nonconcur on Senate Amendments 1, 2, 3 and 4. And that a conference be appointed."

Speaker Cullerton: "You can't ask for a conference, but we can none concur in Senate Amendments #1, 2, 3 and 4. Nonconcur 1, 2, 3 and 4."

Young: "Well, Mr. McCracken, there's one thing I disagree with is you saying what Representative LeFlore wants to do, because he does not want to concur."

Speaker Cullerton: "Representative Young, takes the Bill out of the record. Representative McCracken is a very close friend with Representative LeFlore. We can check this out and find out tomorrow what he wants to do. Representative Young."

Young: "Under our rules can anyone make a Motion to nonconcur, Mr. Speaker?"

Speaker Cullerton: "No. The Sponsor has control, and especially at 7:00 at night when we're about to do the Agreed Resolutions. Agreed Resolutions."

Clerk Leone: "Senate Joint Resolution 204, offered by Representative Doederlein. House Resolution 1995, offered by Representative Hultgren. 1996, offered by Representative Laurino. 1997, offered by Representative Matijevich-et al. 1998, offered by Representative Ryder. House Resolution 2001, offered by Representative Madigan

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and McPike. House Resolution 2002, offered by Representative Bowman. 2003, offered by Representative Harris. 2004, offered by Representative Zickus. 2006, offered by Representative Weaver. And 2007, offered by Representative Ewing."

Speaker Cullerton: "Representative Matijevich moves the adoption of the Agreed Resolutions. All in favor say 'aye', all oppose say 'no'. In the opinion of the Chair, the 'ayes' have it. The Agreed Resolutions are adopted. General Resolutions."

Clerk Leone: "Senate Joint Resolution 116, offered by Representative Mautino. House Resolutions 2000, offered by Representative Matijevich. And 2005, offered by Representative Sieben."

Speaker Cullerton: "Closed Resolution Committee on Assignment, Senate Joint Resolution, Rules Committee, 116 goes to the Rules Committee. Death Resolutions."

Clerk Leone: "Senate Joint Resolution 203, offered by Representative Munizzi."

Speaker Cullerton: "Representative Munizzi moves the adoption of Death Resolution. All in favor say 'aye', all opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Resolution is adopted. Allowing perfunctory time for messages from the Senate, Representative Matijevich moves that the House stand adjourn until tomorrow at the hour of 11:00 a.m. 11:00 a.m. All those in favor say 'aye', all opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Does stand adjourn until tomorrow at the hour of 11:00 a.m."

Clerk Leone: "A message from the Senate, by Ms. Hawker. Secretary. 'Mr. Speaker, I'm direct to inform the House of Representatives, the Senate has refused to concur with the House in adoption of their Amendments to the following

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Bills: Senate Bills 1827, 1829, 1838, 1842, 1884, 1929, 1933, 1949, 1951, 2075, 2084, 2127, 2171, 2190, 2217, 2267, 2277, 2306, 2309, and 2239, action taken by the Senate June 25th, 1990. Linda Hawker, Secretary of the Senate.' Introduction and First Reading of House Bills. House Bill 4232, offered by Representative Weller, et al, A Bill for an Act to amend the Unified Code of Corrections. First Reading of the Bill. Being no further business, the House will now stand adjourned until Tuesday, June 26th, at the hour of 11:00 a.m."

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