

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

117th Legislative Day

June 16, 1988

Speaker McPike: "The House will come to order. We will be led in prayer today by Representative Nelson Rice, from his seat. Representative Rice."

Rice: "I first would like to read from Psalms 79:1-5. Make haste Oh God to deliver me, make haste to help me Oh Lord. Let them be ashamed and confronted that seek after my soul, let them be turned backwards and put to confusion that desire my hurt. Let them be turned back for a reward of their shame that say Aha, Aha. Let all those that seek Thee rejoice, be glad in Thee. Let such as love Thy salvation say continually let God be magnified, but I am poor and needy. Make haste unto me Oh God. Thou art my help, my deliverer, Oh Lord, make no tarrying. Let us pray. Oh Lord, during these days, in this Body, we'll be trying. Give us strength in knowing, believing and trusting in Your word of wisdom. Oh Lord let us help one to another. To have faith and respect in the validity of our spoken word to each other, for the beneficiaries ultimately will be the citizens of this great state. We ask this simple prayer in Your holy name. Amen."

Speaker McPike: "Representative Rice, if you would lead us in the Pledge of Allegiance."

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

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

Piel: "Thank you, Mr. Speaker. Would the record show that Representative Penny Pullen is an excused absence today."

Speaker McPike: "Representative Matijevich."

Matijevich: "Yes, Mr. Speaker. On this side of the aisle, Representative Lee Preston is excused due to a death in the

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family. And Representative Bob Bugielski is also excused."

Speaker McPike: "Take the record, Mr. Clerk. 114 Members answering the Roll Call. A quorum is present. Representative Ropp."

Ropp: "Thank you, Mr. Speaker. For the purpose of an introduction, I would like to introduce my former seatmate, former Representative Tim Bell. Tim, we're glad to have you here."

Speaker McPike: "Representative Kulas."

Kulas: "Yes, an inquiry of the Chair."

Speaker McPike: "Yes."

Kulas: "Is Representative Rice giving the invocation? Is that considered to be double dipping?"

Speaker McPike: "Representative Rice, have you applied for the stipend that we give to our visiting ministers?"

Rice: "We're going to give that to the needy, because we don't want to be greedy."

Speaker McPike: "Page 10 of the Calendar, Consent Calendar Second Reading. Mr. Clerk, if you'll read the first Bill."

Clerk O'Brien: "Senate Bill 1167, a Bill for an Act to amend the Illinois Private Activity Bond Allocation Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any floor Amendments?"

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

Speaker McPike: "Representative DeJaegher."

DeJaegher: "Thank you, Mr. Speaker, Members of the General Assembly. For further clarification of the Amendment and basically what this Bill does is that it conforms our laws with the federal laws. And briefly, it amends the Private Activity Bond Allocation Act to update the references and definitions contained within the Act, consistent with the Federal Tax Reform Act of 1986. It makes other stylistic

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changes of a nonsubstantive nature which adds clarity to the Act's legislative intent. I spoke with the Minority Spokesman and he has no objections to this Amendment."

Speaker McPike: "Representative McCracken."

McCracken: "Thank you, Mr. Speaker. Representative DeJaegher has discussed this matter with me. We've reviewed it also. It is technical only. It does not affect allocation of the bond authorization. And for that reason we're agreeable to this, and we would agree to put it back on the Consent Calendar with the Amendment."

Speaker McPike: "Thank you. The Gentleman moves for the adoption of Amendment #1. All in favor say 'aye', opposed 'no'. The 'ayes' have it, the Amendment's adopted. Further Amendments?"

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

Speaker McPike: "Representative DeJaegher. Representative DeJaegher."

DeJaegher: "Mr. Speaker, I'm not knowledgeable of Amendment #2."

Speaker McPike: "Would you like to withdraw Amendment #2?"

DeJaegher: "Withdraw Amendment #2, yes."

Speaker McPike: "Representative Cullerton."

Cullerton: "May we ask the Clerk who the Sponsor was, because I don't believe the Amendment's been printed?"

Speaker McPike: "Representative DeJaegher is the Sponsor. Representative DeJaegher withdraws Amendment #2. Pardon? Representative Cullerton."

Cullerton: "I would ask that Representative DeJaegher to reconsider that request, because I think that it's a technical Amendment that I just received...was just distributed and I don't think that it's..."

Speaker McPike: "Representative DeJaegher, why don't we take this Bill out of the record and let both sides read the

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Amendment, and then we'll get right back to it?"

DeJaegher: "Thank you."

Speaker McPike: "Mr. Clerk, if you will proceed with Consent Calendar, Second Reading."

Clerk O'Brien: "Consent Calendar, Second Reading, Second day. Senate Bill 1633, a Bill for an Act to amend an Act to revise the law in relation to recorders. Second Reading of the Bill. Senate Bill 1706, a Bill for an Act to amend certain Acts in relation to taxation. Second Reading of the Bill. Senate Bill 17...Senate Bill 1780, a Bill for an Act to amend the Illinois Enterprise Zone Act. Second Reading of the Bill. Senate Bill 1889, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill. Senate Bill 1893, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill. Senate Bill 1903, a Bill for an Act to amend an Act in relation to fire protection districts. Second Reading of the Bill. Senate Bill 1959, a Bill for an Act to amend certain Sections of tax laws administrated by the Department of Revenue. Second Reading of the Bill. Senate Bill 1960, a Bill for an Act to amend the Illinois Income Tax Act. Second Reading of the Bill. Senate Bill 1995, a Bill for an Act to amend the Illinois Controlled Substance Act. Second Reading of the Bill. Senate Bill 2043, a Bill for an Act to amend the Code of Civil Procedure. Second Reading of the Bill. Senate Bill 2050, a Bill for an Act to amend an Act in relation to collection and deposit of state monies. Second Reading of the Bill. Senate Bill 2141, a Bill for an Act regarding state regulation and services, together with Committee Amendment #1. Second Reading of the Bill."

Speaker McPike: "Representative McCracken, have you had a chance to look at 1167?"

McCracken: "Yeah, we're still looking at it but it won't take

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long. We'll get right on it."

Speaker McPike: "Alright. Senate Bill 1959, Representative Frederick. Mr. Clerk are there any Amendments filed?"

Clerk O'Brien: "Senate Bill 1959, this Bill has been read a Second time. Floor Amendment #1 offered by Representative Frederick."

Speaker McPike: "Representative Frederick."

Frederick: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 simply is a technical Amendment. Simply replaces a word in the Bill that had been omitted. I move the adoption."

Speaker McPike: "The Lady moves for the adoption of Amendment #1. Is there any discussion? Being none the question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', all opposed 'no', the 'ayes' have it and the Amendment's adopted. The Lady asks leave to return Senate Bill 1959 to the Consent Calendar. Hearing no objections, Attendance Roll Call will be used. Leave is granted. The Lady's Motion carries. Senate Bill 1960, Representative Frederick. Mr. Clerk is there any Amendments filed?"

Clerk O'Brien: "Senate Bill 1960, this Bill's been read a Second time previously. Floor Amendment #1 offered by Representative Frederick."

Speaker McPike: "Representative Frederick."

Frederick: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 to 1960 is a technical Amendment again. It simply changes the effective date from immediate to January 1, 1989. I move adoption of the Amendment."

Speaker McPike: "The Lady moves the adoption of Amendment #1, and on that, Representative Cullerton."

Cullerton: "Would she yield for a question?"

Speaker McPike: "Yes."

Cullerton: "What is the definition in your mind of a technical

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Amendment?"

Frederick: "Actually it's possible I could be wrong about it, but I consider this a simple change in the Bill. Changing the effective date from immediately to January 1, 1989..."

Cullerton: "I just want to get the ground rules down now that we're going to be doing a lot of Second Readings. People get up on the floor and they say this is a technical Amendment, and like it only changes one word for example, but what you're doing here is your making the Bill become...have an immediate effective date? Is that right?"

Frederick: "Actually I think..."

Cullerton: "Or the other way around?"

Frederick: "I think what it does is move the effective date ahead which I think is more acceptable, frankly."

Cullerton: "Let me ask you this...how is the...how is...this Bill amends the Income Tax Act, right?"

Frederick: "It makes some changes in the income tax, right."

Cullerton: "Are you going to use this as a vehicle?"

Frederick: "Pardon me."

Cullerton: "Are you going to...are you planning on using this for a vehicle... a vehicle?"

Frederick: "It's possible."

Cullerton: "I'm sorry."

Frederick: "It's possible."

Cullerton: "Okay, now, the way the Bill's drafted right now, it has an immediate effective date. Is that correct?"

Frederick: "No. Well, right now, yes."

Cullerton: "Yes. And this Amendment says that the effective date of this Bill will be July...January 1, 1989."

Frederick: "Right."

Cullerton: "Now what would the effective date of this Bill be if you just struck the immediate effective date line?"

Frederick: "According to my source it's considered a technical

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change."

Cullerton: "Well first of all it's not technical change, because it changes the effective date of the Act. Instead of it having...let me ask you this, does it have an immediate effective date now? I'll ask that question again."

Frederick: "Right."

Cullerton: "The way it's drafted right now, I'll answer my own question, the Act takes effect upon its becoming a law. So all you have to do with this Amendment would be to strike lines 21 and 22. In other words, strike that sentence, and then the Act would take effect automatically on January 1, 1989, if the Governor wants to sign it. Now what you've done in your Amendment, is to delete lines 21 and 22..."

Frederick: "Right."

Cullerton: "...and then be redundant by saying this Act takes effect January 1, 1989."

Frederick: "Are you asking me to redraft the Amendment, Sir?"

Cullerton: "No, I just wanted to find out if it was just technical and it's not. And I also wanted to find out if it's going to be a vehicle and you said it might be. The...whose the Senate Sponsor?"

Frederick: "I believe Senator Rigney."

Cullerton: "And have you talked to Senator Rigney about the Amendment, as to whether or not he's in favor of it?"

Frederick: "It's been checked out with him."

Cullerton: "Is he going to concur in this Amendment?"

Frederick: "Yes."

Cullerton: "Well then, I guess it couldn't be a vehicle then."

Frederick: "I'm not sure."

Cullerton: "Alright. Okay. Thank you."

Speaker McPike: "Representative DeJaegher. Further discussion? The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed 'no', the 'ayes' have it and the

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Amendment's adopted. The Lady now asks leave to return the Bill to the Consent Calendar. Hearing no objections, the Attendance Roll Call will be used. The Lady's Motion carries. Returning to Senate Bill 1167. Mr. Clerk, Amendment #1 has been adopted. Further Amendments?"

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

Speaker McPike: "Representative DeJaegher."

DeJaegher: "Thank you, Mr. Speaker. Amendment #2 has been cleared on both sides of the aisle and basically all it does is insert unit of local government. And basically that's all the Amendment #2 does."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2. Is there any objections? Hearing none the question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed 'no', the 'ayes' have it and the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "The Gentleman asks leave to return Senate Bill 1167 to the Consent Calendar. Hearing no objections, Attendance Roll Call will be used. Leave is granted. Motion carries. Mr. Clerk, have you read all of the Bills, Consent Calendar, Second Reading?"

Clerk O'Brien: "All of the Bills on Second Reading, Second day, have been read."

Speaker McPike: "Third Reading. On page 11 of the Calendar, Consent Calendar, Third Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1707, a Bill for an Act to amend certain Acts to require various state agencies to promulgate rules in relation to specified matters. Third Reading of the Bill."

Speaker McPike: "Representative Levin asks leave to return the

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Bill to Second Reading. Representative Levin."

Levin: "Mr. Speaker, it was moved back to Second yesterday, and there was leave there was leave...to bring it back...to put it back on the Consent Calendar after it was amended."

Speaker McPike: "Question is... Representative McCracken."

McCracken: "I was just going to say that's my understanding as well."

Speaker McPike: "Alright. Thank you. The question is, 'Shall this Bill pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 110 'ayes' and no 'nays'. Senate Bill 1707 having received a Constitutional Majority is hereby declared passed. On Consent Calendar, Senate Bill 1780. That was just moved to Third Reading. Representative Keane has requested that the Bill be returned to Second Reading for purposes of an Amendment. Any objections? Hearing none, leave is granted. Mr. Clerk, are there any Amendments?"

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

Speaker McPike: "Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker. That Amendment should be Keane-Mautino to 1780. It is a technical change. It just changes the Section from Section 6 to Section 7 in the legislation. I move for it's adoption."

Speaker McPike: "The Gentleman moves for the adoption of the Amendment. And on that, Representative McCracken."

McCracken: "Is this going to result in the Bill having to be sent back to the Senate for concurrence?"

Mautino: "Yes, Sir."

McCracken: "And is the Senate Sponsor intending to concur or is this going... to go into conference?"

Mautino: "He has requested that there's been a request from the

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Bureau of Employment Security Director Sally Ward, that she needs a change for implementation and this is one of the Bills she can use it with. That's my understanding of the need for the Amendment."

McCracken: "Well right now it's a shell Bill. And your changing the Section numbers in Amendment #1, essentially leaves it a shell Bill. So my question to you is, why do we need this Bill, and if we need it why don't we just pass it out the way it is? I don't want any enterprise zone stuff floating around and I don't want this to be used as a vehicle."

Mautino: "That's...well, the point is if in fact we don't do this here it's on the Consent Calendar and then it..."

McCracken: "So let's pass it."

Mautino: "Well, I think it might be well to do this so, that one of the administration departments can get a situation resolved that must be resolved. I'm just trying to accommodate the Senator."

McCracken: "Well, you can put it on but I'm going to object to the Consent Calendar then. Why don't you send someone from the department over to see us. I don't want this Bill floating around."

Mautino: "Well, I have no problem with removing it from the Consent Calendar and leaving it on Second. I have no problem with that. But I'm not sure I want to agree with your analysis of what else has to happen."

McCracken: "Well. Okay."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1. All those in favor say 'aye', opposed 'no', the 'ayes' have it, the Amendment's adopted. Third Reading. The Gentleman now asks leave to return this to the Consent Calendar. Representative McCracken objects. Senate Bill 1780 will be returned to Third Reading, Short

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Debate. Representative Giglio in the Chair."

Speaker Giglio: "On page 10 of the Calendar on Consent Second Reading, appears Senate Bill 1889. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1889, has been moved to Third Reading today."

Speaker Giglio: "The Gentleman asks leave to return the Bill back to the Order of Second Reading for the purpose of an Amendment. Does the Gentleman have leave? Hearing none, leave is granted. Mr. Clerk."

Clerk O'Brien: "Floor Amendment #1 offered by Representative W. Peterson."

Speaker Giglio: "Representative Peterson."

Peterson: "Thank you, Mr. Speaker. Amendment #1 is a technical change, it just changes a misspelled word from filed to filled. I ask for approval of Amendment #1 to Senate Bill 1889."

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

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Does the Gentleman have leave to put this Bill on the Consent Calendar? Hearing none, leave is granted with the Attendance Roll Call. The next order of business will be Senate Bills Third Reading on page 3 of the Calendar. And in that order appears Senate Bill 1285, Representative DeLeo. Representative DeLeo in the chamber? Representative DeLeo in the chamber? Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1285, a Bill for an Act to amend the Illinois Banking Act. Third Reading of the Bill."

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

DeLeo: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1285 amends the Foreign Banking Office Act, to permit foreign banks which have established offices in the central business district of Chicago to establish an office in a new world trade center. The Amendment which was adopted on Second Reading actually becomes the Bill, Senate Bill 1285 which expands the central business district of Chicago one block north of the river, which will include the...it's just in the downtown Chicago between Dearborn and Clark Street, one block north of the river which will become the new world trade center. I ask for an Affirmative Roll Call."

Speaker Giglio: "You heard the Gentleman's Motion. Any discussion? Hearing none, all those in favor. Excuse me, the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Would the Gentleman yield for a quick question?"

Speaker Giglio: "He indicates he will."

Black: "Thank you. Representative, there isn't anything in this Amendment that has to do with ownership of Marine Bank in Chicago, is there?"

DeLeo: "No, Sir."

Black: "Thank you very much."

Speaker Giglio: "All those in favor of Senate Bill 1285 vote 'aye', all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? The Gentleman from Cook, Representative Piel."

Piel: "While they're still on the Roll Call, Mr. Speaker, can you tell me or can the Clerk tell me what the disposition of Amendment #7 was? Did that fail or was it withdrawn? Was it Cullerton's Amendment?"

Clerk O'Brien: "Amendment 1 was adopted, 2 through 5 were

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withdrawn, #6 was adopted. I have no record of Amendment #7."

Piel: "I didn't think we had a record of #7, that was, you know, the question I had, because I've got a copy of it here."

Clerk O'Brien: "Floor Amendment #7 has not been acted on."

Piel: "Fine. Thank you."

Speaker Giglio: "Further discussion? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there are 110 voting 'yes', none voting 'no', 4 voting 'present', and Senate Bill 1285. having received the Constitutional Majority is hereby declared passed. Senate Bills Third Reading appears Senate Bill 1470, Representative Berrios. Representative Berrios in the chamber? Out of the record, Mr. Clerk. On page 4 of the Calendar on Third Reading, Senate Bills, appears Senate Bill 1475. Representative Currie. Representative Currie. Out of the record. Representative Barnes on 1875. Representative Barnes in the chamber? Out of the record. 1914, Representative Dunn. Representative Dunn in the chamber? Out of the record. On page 4 of the Calendar appears Senate Bills 1987. Representative Daley. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1987, a Bill for..."

Speaker Giglio: "Excuse me, Mr. Clerk. Representative Daley."

Daley: "Yes, Mr. Speaker. I would...with leave, I would like to bring this back to Second Reading for the purpose of an Amendment."

Speaker Giglio: "Gentleman asks leave to return this Bill back to the Order of Second Reading. Does he have leave? Hearing none, leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1987, this Bill's been read a Second time previously. Floor Amendment #1 offered by Representative O'Connell and Saltsman."

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Speaker Giglio: "The Gentleman from Cook, Representative O'Connell."

O'Connell: "Thank you, Ladies and Gentlemen, Mr. Speaker. Amendment #1 is the eavesdropping Amendment. I want to let everyone know exactly what this Amendment does and the significance behind it. We deliberately did not call this Amendment during our regular Session for consideration of House Bills, because of the seriousness of the issue and the shortness of time that we had to offer such Amendments. I've told the opponents and the proponents of this issue that what we wanted from this chamber in addition to passing the Bill, was to at least get a hearing on the parameters of what this Amendment would do in the area of law enforcement. First of all this Bill permits non-consensual eavesdropping as it relates to certain enumerated offenses. Those enumerated offenses deal with drugs. They're addressed to drug dealers. I think it's very important for us to be mindful that this is a tool that we are going to incorporate, or hope to incorporate, in this so-called war on drugs. We've all had an opportunity to develop our own campaign literature, our own press releases as to what we in the General Assembly are doing as our part in waging the war on drugs. I would ask you to listen to this debate and actually do something about the war on debate. For those of you who are purists on the issue of eavesdropping I would simply suggest that you, anything that is said here today will not change your mind, as you may simply prepare for your rebuttal. For those of you who have an open mind and for those of you who are truly interested in applying the constitutional tools that we have available to us, to do something about crime I ask you to listen and to give this your serious consideration. First of all let me dispel something that

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occurs that is...seems to pervade this discussion. First of all this Amendment stays within the constitutional limits as set forth under the 1970 Constitution, contrary to what some people have said or probably will say. Secondly, the Bill will also insulate innocent people or other people from overzealous police officers. Thirdly, it provides, as I said before, an effective, pragmatic tool of technology that's available to us. On the constitutional issue many people have said, many organizations have said, that the Illinois Constitution does not permit non-consensual eavesdropping. I beg to disagree. The best...the Illinois Constitution provides a prohibition on the unreasonable interception of conversations. The best evidence as to what the intent of our drafters of the Constitution is is a review of the debates. The following debate occurred during the 1970 Constitution which supports my argument that the statutes that we have today are...the outer limits of what we are constitutionally provided, and certainly not what...we have not reached those outer limits with our restrictive legislation. In fact, the only state that's more restrictive in it's eavesdropping statutes is Massachusetts. But the following debate occurred between a delegate DeBorach and delegate Kenney in trying to ascertain the intent of this Section of the Bill of Right...of the Bill of Rights Sections of the Illinois Constitution. And I'll quote from the interchange of Mrs. Kenney, question 'Mr. DeBorach, we've been over this I guess, but I am...I would like to have it clarified once more if you would. Where no person to the conversation consents if the legislature were to pass a law allowing law enforcement officials to intercept telephone conversations after obtaining a court order, would that legislation be constitutional under this provision?' And Mr. DeBorach

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responds, 'Did you say where no party consents?' Mrs. Kenney responds, 'Yes.' Mr. DeBorach responds, 'If they would pass such a statute, yes.' Mrs. Kenney, 'It would be constitutional?' Mr. DeBorach responds, 'Yes.' So Ladies and Gentlemen if you are concerned about constitutional prohibitions, I would like to ease those concerns by suggesting to you that we have not reached our outer limits as to what we as a General Assembly can do in enacting eavesdropping statutes. Right now our eavesdropping law requires that we either get the consent of all the parties or that one of the parties gives the consent. Now what does this mean? This means that one of the parties has to either be an informant... an informant or a police agent or a police officer who poses as one of the drug dealers. This is a very difficult and a very untenable position that we've put our police enforcement officers in. But threats to their safety is apparent. It needs no further discussion. It is ludicrous for us to think obviously that we'll get the consent of all the parties since no drug dealer in his right mind would allow his conversation to be tapped. There's another question that comes up, there's another question that comes up, it was raised in the debate last year, or several years ago and I think it's a legitimate question. What about the overzealous police officers, the overzealous police agencies. It's not unknown that there would be such agencies that would try to take advantage of the restrictive nature of this eavesdropping law as it pertains to drug dealing and extend it to something that is not otherwise under that prohibition. If a conversation is taped, if a conversation is tapped and a conversation that relates to a crime other than that crime which falls under 108B-3 which is the enumerated...the Section which enumerates the offenses, the

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only way that that non-drug related crime conversation can be admitted, is if the officers or the States Attorney that applies in writing to the chief judge for the eavesdropping warrants had to have probable cause at the time of applying for that warrant, that a crime is committed or has been committed, is about to be committed or has been committed. So the example that was given by Representative Cullerton in our last debate several years ago, where Members of this General Assembly could have their secretary's phones tapped because there is a probable cause to believe that that secretary is dealing in drugs, and you happen to get on the phone and some illegal discussion that places you in an illegal act, also is overheard and then you then become subject of the results of that wiretap simply cannot happen. This, Ladies and Gentlemen, is a Bill that is directed for one purpose and one purpose alone, to do something about the pervasive and malicious and destructive affects of drugs in our society. It is not meant as a scare tactic. It is not meant as a gestapo tactic. It is meant as an effective, practical and state of the art method of dealing with a problem that affects all of us in our communities, in our districts, in our homes, in our schools. I'd be happy to answer any questions related to the substance of this Amendment."

Speaker Giglio: "Further discussion? The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker. Would the Gentleman yield?"

Speaker Giglio: "He indicates he will."

Mautino: "Representative O'Connell, how many times have we seen this proposal before us?"

O'Connell: "Well, I believe the first eavesdropping legislation was in 1957. In 1961 there was Amendments, in 1966 there

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were further Amendments, 1975 there were Amendments, in 1983 there were Amendments, and in 1985 I believe there were some Amendments."

Mautino: "Have any of those Amendments of the legislation ever received the support of the Members of the General Assembly?"

O'Connell: "Oh, yes."

Mautino: "Have they. Have wiretaps in this perspective and mode ever been supported by the General Assembly?"

O'Connell: "Representative, there has not been an Amendment that has gone to the extent that this has gone to, that has ever been debated on this floor of the House."

Mautino: "Have we seen this before us during this Session?"

O'Connell: "No. During this Session?"

Mautino: "Yes."

O'Connell: "It was never brought for a vote or a debate."

Mautino: "Was it heard in committee?"

O'Connell: "Yes it was."

Mautino: "Did it pass?"

O'Connell: "Yes, it did pass."

Mautino: "And it came before the House but it wasn't called, is that correct?"

O'Connell: "That is correct."

Mautino: "And what your proposing to do is broaden the scope as...in the same vein I think, of what was presented to statewide grand juries back in about 1976, 77. The scope is being broadened as it pertains to wiretaps."

O'Connell: "I'm sorry. Did you say the scope is being broadened?"

Mautino: "Yes. The scope of authorization for wiretaps without the other individual..."

O'Connell: "Yes."

Mautino: "Yes. To the legislation, Sir."

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Speaker Giglio: "Proceed."

Mautino: "We have a unique proposal, and in many cases it has been presented under the guise of whatever is considered good government at the time, whether that be child abuse, whether that be drug trafficking, etc. I think that the step that is being presented here, broadens the scope a lot further than what we as free individuals in this State and this nation have prescribed to. It seems to me that if in fact the broadness is as presented by the Sponsor, that it removes some of the aspects that make us a country of free speech, and the ability to converse in a private matter, and provides I think a much more wide scope than is necessary under the correct guise given. I wish everyone would take heed of this legislation, it completely changes the purview of what we know in our statute and in our Constitution, and I think we would be taking a step that is not to the best interest of the majority of people in this State even though the parameters of which it is presented as it pertains to drug cases, etc., is very laudable. But the rights of the individuals certainly have the paramount provision that this General Assembly should be establishing and I do not stand in support of this Amendment that broadens that scope. I recommend that everyone watch this one very closely."

Speaker Giglio: "Further discussion? The Gentleman from Will, Representative Petka."

Petka: "Thank you very much, Mr. Speaker, Members of the House. I would like to commend the Sponsor for this courageous act of putting this Amendment on. Never before in the history of the Republic and especially in the history of the State of Illinois has so much attention been focused on the issue which we have before the House at this point in time. Drugs are killing our children and drug pushers are

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supplying the drugs. As a person with more than passing experience on this particular issue, I would just like to tell the Members of the House what exactly we're doing here. We're not talking about sneaking on private telephone lines, helter-skelter, without probable cause, we are dealing very specifically with a situation where we must make application before a Judge who will decide whether or not there is enough information to go out and permit the consensual overhear... or non-consensual overhear of conversations between drug pushers, drug pushers. And I know that there are many people who probably have not given this a great deal of thought. I will simply say this to you, we have now reached a point in this State where we simply can no longer look the other way and very selfishly talk about perhaps the police will do this, perhaps a judge will do this, perhaps a State's Attorney will do this, while children are dying literally everyday. The reason we cannot get to the top, we can not get to the person, to the big guys, is because we must under present law use the scum of the earth, the street pusher, as a person who applies as an applicant for probable cause for an overhear. To get to the big guys, to get to the people that made the headlines today in the Chicago Sun Times, the fellows who are making millions and millions of dollars at a very early age on poisoning and killing our kids, we simply need a very sophisticated tool. All the procedural safeguards you'll ever need are in this legislation. In my opinion and I think the opinion of a vast majority of the citizens of this State, we simply need this type of legislation to go after those people who are killing our kids. You have nothing to fear from this legislation, and I'll say it again, you have nothing to fear from this legislation unless you are a drug pusher,

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period. I ask you to vote for this Amendment. It is something that we need in the State of Illinois."

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

Young: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, would this Bill also allow under eavesdropping entry into someone's home? Is there any authorized entry provided by this Bill?"

O'Connell: "If there is probable cause to believe that the communication will occur at the place, yes. Just as there is current law to allow a search and seizure."

Young: "Okay. And that entry into the home could be repeated, right, from the same... from the first warrant you could go in more than once. Isn't that correct?"

O'Connell: "There is a limit as to the extent of the wiretap. It's a thirty day limit."

Young: "And what happens if some information is obtained from the tap that...from some individual other than the person for whom the warrant was received?"

O'Connell: "The only way that that information could be used, is that if at the time the original wiretap permission was obtained, that they had probable cause to believe that individual had committed that offense, and that offense had been committed or was about to be committed."

Young: "And information or the fact that someone has been wiretapped and eavesdropped upon and if no criminal indictment results from that eavesdropping, does the person...is the person ever notified that he was the subject of a wiretap or eavesdropping?"

O'Connell: "That is not in... that is in the federal law, I don't believe it is in this law but it is a deficiency that should be rectified."

Young: "Alright. To the Amendment, Ladies and Gentlemen of the

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House."

Speaker Giglio: "Proceed."

Young: "One of the supporters said this is a revolutionary idea and I certainly agree, but it's a horrible idea. It tramples upon the Illinois Bill of Rights. It's in direct violation of the Illinois Constitution, and if you look at the records from the Constitutional Convention in 1970, you'll see that the framers of the Constitution considered this idea and they rejected it. The Illinois Constitution states, and I'll read from it, 'That the people shall have the right to be secured in their persons, houses, papers, and other possessions against unreasonable searches, seizures, invasions of privacy, or interceptions of communication by eavesdropping devices'. This one will allow eavesdropping with nothing but a court order, without the consent of not only both parties, but without the consent of either party. This Bill tries to get around the constitutional requirements by saying in this one instance, Illinois law no longer applies and we'll look at federal law. This is a Bill that effects everyone in this Assembly, and it's...just a trampling on the right of privacy that this Body should not allow. We've defeated this Bill several times in the past and I hope we can defeat this Amendment today."

Speaker Giglio: "The Gentleman from McDonough, Representative Slater."

Slater: "Thank you, Mr. Speaker. One of the prior Representatives said that unless you are a drug dealer you have nothing to fear from this Bill. I'm not a drug dealer and not one person in this House is a drug dealer. But I can tell you each and every one of you have something to fear from this Bill. There is no legislation this year or in the four years I've been in the House that constitutes a

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greater invasion of personal liberties, personal rights and individual privacy, than this Amendment does. I think that the main reason we're hearing this legislation at this point in time, is because over in the Senate, the Senate had this identical Bill in committee and that committee defeated it. So when it came time to pass legislation out of here on May 20th, we didn't call this Bill, because if we didn't call this Bill and it didn't come out of here and it didn't go to the Senate in that form, it didn't go to the committee. So what we're doing is avoiding the Senate and that's the reason that we're hearing it here today. What we're looking forward to if this legislation passes, is 102 State's Attorneys in this State of Illinois making absolute travesty of everybodys individual liberties. We're looking forward to a police state if we pass this kind of legislation. And you can't tell me that there aren't a whole lot of overzealous police officers out there who are terribly excited about the passage of this kind of legislation. Beware, big brother is listening."

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

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

Speaker Giglio: "You heard the Gentleman's Motion all those in favor of moving the previous question say 'aye', those opposed 'nay', in the opinion of the Chair the 'ayes' have it and the previous question's been moved. Representative O'Connell, to close."

O'Connell: "Thank you. Thank you, Mr. Speaker. First of all, let me just address...this was not the Bill that was in the Senate. The Bill that was in the Senate did not contain the language that was suggested to me by the Medical Society and the Illinois Psychiatric Society which we have incorporated into this Bill, which removed their objections

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to the Bill. So I'm stating to you, if you're responding to the Illinois State Medical Society or the Illinois Psychiatric Society, they have no opposition to this Bill. Secondly, people have gotten up, one of our previous speakers, and got up and said that the Constitution of Illinois prohibits this. I'm tired of hearing people say that the Constitution does this and the Constitution does not do this and they don't quote you where it says that. In fact, what I quoted to you was the debate and as clear intent as one could find, that we are not at the outer limits of what this General Assembly can do in the realm of eavesdropping. Thirty other states have non-consensual eavesdropping, thirty other states. One state is more restrictive than Illinois, and that's Massachusetts. What is the scope of this Bill? The scope of this Bill is restricted to certain drug deal...drug related offenses. This is what...this is what you have to fear. If you are the manufacturer or the deliverer of controlled substances, if you are a trafficker of controlled substances, if you manufacture, deliver or sale...or sell controlled substances. What more can I say to you that this is a realm of offense, this is a realm of society that has to be addressed. I'm not opening up the floodgates and I'm tired of hearing the buzz words that we're trampling on individual rights, that we're inviting big brother into our home, that we are creating a police state. Ladies and Gentlemen, you know it as well as I do, we are in a very dire emergency in our civilization. That's not being overly dramatic. The pervasive nature of drug dealing in this country affects all of us to the point where we have to be pragmatic and constitutional, but pragmatic. Let's drop the purest attitude, let's drop the flat out negativism to something as progressive as this in this

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state, simply because it hasn't been done in the past is not evidence of the fact that it's not needed to be done now. Seventy-three percent of the crime in this country, seventy-three percent of the crime in the City of Chicago is drug related. Seventy-three percent. We've never had such a dramatic need to do something as now. Now be pragmatic and be...and recognize that we've got to do something. I submit this Amendment, that is something that you can do."

Speaker Giglio: "All those in favor of the adoption of Amendment #1 to Senate Bill 1987 vote 'aye', those opposed 'nay'. The voting is open. The Gentleman from Cook, Representative Williams, one minute to explain your vote."

Williams: "Thank you, Mr. Speaker and Members of this chamber. The last Gentleman talked about the crime. Well I know the crime, it does exist, but the reality of it all is that it's much easier for us, for the State, to defend itself, than an individual. This Bill allows you to get rid of consensual eavesdropping. This Bill says that any testimony upon which the eavesdropping be based, not be sworn. This Bill says that others can be compelled to inform on the target. This Bill says that it would allow for just practical taping of the particular problem, it doesn't tell you exactly how they're going to record the language that's going to be used against them. It allows for fifteen months delay in reporting of the eavesdropping to the target. This Bill allows for persons other than the target, they don't even have to be informed that their conversations are being taped. It doesn't allow for fair discovery. This Bill changes the way we do things in this country and it does allow for big brother. Soon we'll be seeing giant microscopes looking into our windows and I think we're trying to go after crime but we're going the

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wrong way. I urge a 'no' vote."

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

McAuliffe: "Thank you. I'd like to explain my 'aye' vote. Mr. Speaker, in my heart I was always against eavesdropping. I believe it's an invasion of privacy. But we are in a war and we are losing the war and our children are the victims of this war. If you read the Chicago Tribune last...or the Chicago Tribune or Sun Times last week, two 19 year old boys shot themselves in the head because they were addicted to cocaine, and they were selling the cocaine, and they couldn't come up with the money to pay the pusher back and he threatened them. These boys are gone, they're dead, these were policemen's sons. It doesn't make any difference if you're a policeman, or a Legislator, or a doctor or a lawyer or anybody else. If you don't believe there's drugs in your community go out and talk to your kids. It's an epidemic and we're losing the war. And that's why I'm going to vote for this Bill even though I've always been opposed to eavesdropping in the past. We have to take some drastic measures to save our children and to save the children of our constituents. This is a horrendous problem and it's getting worse at a very fast rate. This is one possible..."

Speaker Giglio: "Bring your remarks to a close."

Williams: "It is one possible way of curing it and I vote 'aye'."

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

Homer: "Thank you, Mr. Speaker. Ladies and Gentlemen in explanation of my 'yes' vote, I think it's important to point out that under current law we have eavesdropping. It's entirely legal under current law to get a court order to allow the police to bug somebody's telephone. All that

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you need in order to do that is the permission of one of the parties to that conversation. Well drug dealers don't discuss their underworld activities to police officers. So inevitably the person that gives consent is also a drug dealer who is dealing with the police in order to save his own hide. And what I hear from my members of the public, is that they don't like to see the police deal with one defendant in order to catch another defendant, which is what the current law requires the police to do. And so this Bill simply says that where you have probable cause, judicial consideration, a court order that the police in very limited circumstances can tap into both defendants and prosecute both of them. And not deal with either of them."

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

Homer: "So... Thank you."

Speaker Giglio: "Further discussion? The Gentleman from Cook, Representative Davis. Monique Davis. I'm sorry, the Lady."

Davis: "We try to be, Sir. I would just like to say Mr. Speaker, and Ladies and Gentlemen of the House, is recognizing that we do have a tremendous drug problem in the State, in the city, and in the country. I don't think denying people their constitutional rights or making it a police state is truly going to solve that problem. I think yesterday in Appropriations II, the other side of the aisle voted against a drug education program that had been in existence. I mean I don't think you can keep fooling the public that you're really opposed to something, but when you have an opportunity to truly change it, you vote against it. I certainly feel that constitutionally we should be able to use our phones without fear of someone tapping into it. I don't believe it would merely be for drug sellers or people who are suspected of selling drugs.

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And I will not vote for anything that takes away a constitutional..."

Speaker Giglio: "Bring your remarks to a close. Further discussion? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On Amendment #1 to Senate Bill 1987 there are 77 'yes' and 33 'nos' and the Amendment's adopted. Are there further Amendments?"

Clerk Leone: "Floor Amendment #2 offered by Representative O'Connell and Saltsman."

Speaker Giglio: "Representative O'Connell on Amendment #2."

O'Connell: "Withdraw Amendment #2."

Speaker Giglio: "Withdraw Amendment #2. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. The Gentleman asks leave by the Attendance Roll Call that this Bill be considered at this time. Does the Gentleman have leave? Hearing...the Gentleman...the Gentleman moves that the appropriate rules be suspended and this Bill be heard at this time. All those in favor vote 'aye', those opposed 'nay'. The voting is open. This will take 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 72 voting 'yes', 31 voting 'no' and none voting 'present' and the question prevails. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1987, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

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

Daley: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1987 expands the offense of home invasion, making it applicable to an additional situation. Under the Bill a person would commit the offense by entering another's residence, and thereafter remaining in the residence until

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he knows or has reason to know that one or more persons is present. I'd be happy to answer any questions."

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

Cullerton: "Yes, is this the Bill we just amended? This is the Bill we just amended, right?"

Daley: "Yes."

Cullerton: "Okay. So it does more than just what you've described?"

Daley: "Yes. Yes. I thought John, you were listening to Representative O'Connell's Amendment #1."

Cullerton: "Okay. So it's everything we just debated plus it kept the original Bill?"

Daley: "It's Amendment #1."

Cullerton: "Well, my question is I think the Amendment #1 that was the eavesdropping Amendment..."

Daley: "John, you are correct, John. Amendment #1 is..."

Cullerton: "Amendment #1 gutted the Bill and did the eavesdropping Amendment, so my question is did it also incorporate the original Bill dealing with home invasion?"

Daley: "Well John... Mr. Speaker I'll take this out of the record for a minute."

Speaker Giglio: "Take the Bill out of the record, Mr. Clerk. Representative Mautino."

Mautino: "Thank you, Mr. Speaker. Since that was a very difficult Amendment and Bill I'd like to take a break in the House activities and invite our colleagues to join with Representative Leverenz who has a cake back here in celebration of his 47th birthday. Happy Birthday, Ted."

Speaker Giglio: "Congratulations, Mr. Chairman. On page 4 of the Calendar appears Senate Bill 1996, Representative Preston. Representative Preston in the chambers? Out of the record. Representative O'Connell. The Gentleman from Cook,

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Representative O'Connell."

O'Connell: "Senate Bill 1996, Mr. Speaker, I believe I'm a hyphenated Sponsor on that. I'd ask leave to handle the Bill for Representative Preston."

Speaker Giglio: "The Gentleman have leave? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1996, a Bill for an Act to amend certain Acts in relation to alcohol and substance abuse treatment. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Cook, Representative O'Connell."

O'Connell: "Mr. Speaker, I'd ask leave to bring this back to Second for an agreed upon Amendment."

Speaker Giglio: "The Gentleman asks leave to bring the Bill back to the Order of Second Reading. Does the Gentleman have leave by Attendance Roll Call? Leave is granted, hearing none. Mr. Clerk, read the Amendment."

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

O'Connell: "Thank you, Mr. Speaker. What Amendment #1 does, it makes clear that the substance abuse treatment facilities would not be available to an individual who was charged with driving under the influence, as appears to be in the current law. This has created a lot of misunderstanding amongst the Judges. This Amendment is from the Department of Alcohol and Substance Abuse, and it is with the agreement of all the parties that were interested in this Bill. I'd ask for it's favorable adoption."

Speaker Giglio: "Any discussion? All those in favor of the Amendment signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

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Speaker Giglio: "Third Reading. The Gentleman asks leave for immediate consideration by the Attendance Roll Call to hear this Bill immediately. The Gentleman have leave? Hearing none leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1996, a Bill for an Act to amend certain Acts in relation to alcohol and substance abuse treatment. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Cook, Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker. This is a product of some work that was done by the State Appellate Defender's office, the Department of Alcohol and Substance Abuse, various Judges throughout the State of Illinois, to try to rectify some of the misunderstandings that existed as it related to drug and alcohol treatment following certain offenses that they were convicted of. I'd ask for its favorable adoption."

Speaker Giglio: "Any discussion? Hearing none, all those in favor signify by voting 'aye', those opposed 'nay'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 109 voting 'yes', none voting 'no', none voting 'present' and Senate Bill 1996 having received the Constitutional Majority...Representative Capparelli 'aye', Representative Breslin 'aye'. On this question there are now 111 voting 'aye', none voting 'no'. Representative Levin 'aye'. On this question there are 112 voting 'yes', none voting 'no' and none voting 'present' and Senate Bill... Martinez vote 'aye'. Are there anybody else in the chamber that hasn't voted that wishes to be recorded on this Bill? The switch is still open. Representative Tuerk, 'aye'. Have all voted? On this question now there are 114 'yes', none

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voting 'no', none voting 'present', and Senate Bill 1996 having received the Constitutional Majority is hereby declared passed. On page 4 of the Calendar appears Senate Bill 2040. Representative McGann, 2040. Are you ready, Sir?"

McGann: "Yes, Mr. Speaker, Members of the Assembly. I'd ask leave to return..."

Speaker Giglio: "Mr. Clerk, excuse me, Representative McGann. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2040, a Bill for an Act to amend an Act in relation to health facilities. Third Reading of the Bill."

Speaker Giglio: "Representative McGann."

McGann: "Thank you, Mr. Speaker and Members of the Assembly. I'd ask leave to return to Second Reading for the purpose of an Amendment."

Speaker Giglio: "The Gentleman asks leave that Senate Bill 2040 be returned to the Order of Second Reading for the purpose of an Amendment. Does the Gentleman have leave? Leave is granted. Mr. Clerk, read the Bill."

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

Speaker Giglio: "The Gentleman from Cook, Representative McGann on Amendment #1 to Senate Bill 2040."

McGann: "Thank you, Mr. Speaker and Members of the Assembly. The Amendment #1 is just an Amendment that's repealing the notation because of the repeal of the Federal Health Planning Act. It's no longer needed into this statute so we're asking... the Department of Public Health has asked to have it repealed out. And I believe it's been consulted with Representative McCracken on the other side of the aisle and there doesn't seem to be any problem."

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

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Representative McCracken."

McCracken: "Speaker, I had looked at it. We don't have a final answer over here, I wonder if we could take it out of the record briefly? And I don't think it's been distributed but I have seen a copy. But if we could take it out for a short time I'll get back to Representative McGann promptly."

Speaker Giglio: "Mr. Clerk, take the Bill out of the record. Representative Cullerton, on Senate Bill 2087. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2087, a Bill for an Act to amend the School Code. Third Reading of the Bill."

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

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The purpose of Senate Bill 2087 is to change the boundaries of two high school districts by detaching what is now Maryville Academy property from one district and annexing it to the other district. This would combine Maryville Academy, the grammar school being in the same district as the high school...the...the number of the High School District that it would be detached from is 207. It would be annexed to High School District 214. This is done at the request of Maryville Academy and I would be happy to answer any questions. I'd appreciate your supporting this Bill which was sponsored by Senator Rock in the Senate, Speaker Madigan in the House."

Speaker Giglio: "Any discussion? The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker and Members of the General Assembly. Maryville certainly is a institution that we all can be proud of and what the people are doing there. And I know that High School District 214 is a very excellent high

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school district. However, I have some questions and if the Sponsor would yield, I'd like to ask them then."

Speaker Giglio: "The Gentleman indicates he will."

Parke: "Thank you. On this issue, recently in the last couple of days we've had some citizens come down here with...saying that they wanted to save Nipper School. Can you elaborate why they feel that...or am I confused...I think this is the same issue, why they're so concerned about losing Nipper School?"

Cullerton: "Well, my understanding is that the students from Maryville currently go to Nipper School and, when the Bill passes, they will go to a different school district. The Nipper School is in Des Plaines which is administered by High School District 207 and this Bill would shift those students to a District 214. I'm not sure why they feel that the school is threatened. I don't believe it will be. In either case, I can't answer your question. I'm sure that if you spoke to them, maybe they could...maybe they told you, but they didn't speak to me."

Parke: "Okay. I know that there's a lot of citizens in that area upset that one school, one territory is going to be moved into another school district. I'm sure that it'll fiscally affect the school district that is losing this institution and...it's also my understanding that there will be high school jobs, teachers that are going to lose their jobs because of this."

Cullerton: "Well, I don't think that's true. We're not...we're shifting the students from one school district to another. We're not eliminating the number of students that are going to school. So, obviously, we're not going to be losing any...any jobs. There will be just as many teachers..."

Parke: "Well, I can appreciate that. Well, you're going to be moving children from one school district to another school

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district and the teachers that are currently teaching these youngsters will not be necessarily employed by this new school district. And, therefore, in fact there will be people, teachers who have families, who have people that count on them, that will lose their jobs, in fact."

Cullerton: "And conversely, there'll be new teachers hired in the new school district and there's nothing...there's nothing...and those families will then have a job, I guess."

Parke: "Well, I guess it's real easy for you to say that, that it's not your families and it's not the people that count on you for employment that you have to worry about. I think it's real easy to say that other people are going to be hired, but it's not your job that's on the line. It's other people's jobs. And I don't think that we should be so reticent of their needs and concerns. I don't think that this is a good Bill. I think that the intent is well taken, but I think we should protect the current school district. There is no real need. The school district that they're in is not a bad school district and I don't think that we should just arbitrarily and capriciously move students from one area to another just because somebody thinks it's a good idea. This is not a good idea and this is not a good Bill."

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

Mulcahey: "Represen...question of the Sponsor..."

Speaker Giglio: "He indicates he will."

Mulcahey: "Representative Cullerton, there's a branch of Maryville Academy in my district and often times we...we receive students from, let's say, from Lyle Township, or Maywood, or something like that, who are...who are transferred into...into that particular School District,

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322. How would this affect those students coming from, let's say, for example, Maywood, into unit District 322 near Durand which is also Maryville Academy, how would this Bill relate to those students...to those students?"

Cullerton: "I really don't know. I didn't know that Maryville had a branch up in Durand. My understanding is that...that what this simply does is to say that the...that the students, the high school students that are now in one district are, at the request of Maryville Academy, are going to be shifted to another district. So, to the extent that they have some program in Durand, I just don't think it'd affect it whatsoever."

Mulcahey: "Well, so if those students were coming from Maywood or wherever the case may be, over to 322...I don't understand what this Amendment does in relation to those kids coming into a different school district."

Cullerton: "Well, your question dealt with the issue of Durand and some..."

Mulcahey: "Which is the same thing..."

Cullerton: "Okay. And that is a Maryville Academy branch you have indicated?"

Mulcahey: "That's correct."

Cullerton: "This Bill, to my knowledge, doesn't affect that at all, Durand branch at all. Currently, the students are attending one high school district. This Bill shifts them, at the request of Maryville Academy administrators, to another high school district so that the...they would be...the grammar school and the high school would be in the same district. That's the purpose of the Bill."

Mulcahey: "Okay."

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

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Cullerton: "Well, Mr. Speaker, I...some questions were raised by Representative Mulcahey concerning a branch of the school in Durand and I was not aware of that. And I would like to take it out of the record so that I can further answer his questions concerning that issue. I'd like to take the Bill out of the record at this time."

Speaker Giglio: "Out of the record. On Senate Bills Third Reading appears House (sic Senate) Bill 2122. The Lady from LaSalle, Representative Breslin. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2122, a Bill for an Act to amend Sections of the Consumer Fraud and Deceptive Business Practice Act. Third Reading of the Bill."

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

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen this Bill is intended as cleanup language to a Bill that we passed last year, House Bill 1937. That Bill imposed certain limitations on lenders selecting title insurance. Since it has gone into effect however, it has been interpreted variously to apply to abstracts, lawyer's title opinions, and related real estate services. This Bill clarifies that the purpose of that Act was to provide limitations on title insurance only and not on abstracts to title or on other title or real estate related services. In addition to that, it provides language that is consistent with the federal regs. on Real Estate Settlement Procedures Act, the Federal Home Loan Bank Board and the Comptroller of the Currency. The Bill is the result of a lot of negotiations and has the support of all those involved in those negotiations. The Illinois Savings and Loan Institute, the Illinois League of Savings Institutions, however, the Illinois Mortgage Bankers Association, the Illinois Land Title Association and the Illinois Association of Realtor's

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and Attorney's Title Guarantee Fund. I'd appreciate a favorable vote."

Speaker Giglio: "Any discussion? Hearing none, all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 100...on this question there are 111 voting 'yes', none voting 'no', 1 voting 'present'. And Senate Bill 2122, having received the Constitutional Majority, is hereby declared passed. On page 4 of the Calendar on Senate Bills, Third Reading, appears Senate Bill 2124, Representative Dunn. Are you ready, Sir? 2124. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2124, a Bill for an Act relating to security interest in crops and to amend Acts named herein. Third reading of the Bill."

Dunn: "Mr. Speaker, I request leave..."

Speaker Giglio: "Do you want to talk from Representative...Representative Preston's desk?"

Dunn: "No, I'll talk from my own..."

Speaker Giglio: "Alright."

Dunn: "I request leave to bring this back for an Amendment if the Amendment has been printed and distributed, if not we'll just pass the Bill over. I really don't..."

Speaker Giglio: "Mr. Clerk, has the Amendment been printed and distributed? Has the Amendment been printed and distributed? Yes, it has."

Dunn: "Alright. Then I request leave to return this Bill to Second Reading for the purpose of an Amendment."

Speaker Giglio: "Gentleman asks leave that Senate Bill 2124 be returned back to the Order of Second Reading for the purpose of the Amendment. Does he have leave? Hearing

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none, leave is granted. Mr. Clerk, read the Amendment."

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

Speaker Giglio: "The Gentleman from Decatur, Mr. Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 is a cleanup language suggested by...a cleanup Amendment suggested by the Illinois Bar Association to make corrective...make corrections and improvements in the Bill as it stands. So I would just ask for adoption of Amendment #1."

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

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Gentleman ask leave now that the Senate Bill 2124 be heard immediately by the Attendance Roll Call. Does Gentleman have leave? Hearing none, leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2124, a Bill for an Act relating to security interest in crops. Third Reading of the Bill."

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

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I don't think this Bill has any controversy about it. The purpose of this legislation is to provide for a security interest in growing crops, and it has been debated around this General Assembly for about a year or so. And I would answer questions if there are any but I would ask for a green vote on Senate Bill 2124."

Speaker Giglio: "Gentleman asks that House..Senate Bill 2124 be adopted. On that question, the Gentleman from Jefferson, Representative Hicks."

Hicks: "Thank you, Mr. Speaker. Will the Gentleman yield for a

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question?"

Speaker Giglio: "Indicates he will."

Hicks: "John, how's this change the current way in which there are liens on crops. What's the changes this is actually going to do?"

Dunn: "What this does is it puts a lien on growing crops ahead of a mortgage lien. The theory of the legislation is that those who provide the financing to buy the seed, buy the fertilizer to get the crop in the ground, ought to have some security for repayment of their loan, and if they don't come ahead of the mortgage then they're out of luck. So this is a...been negotiated for quite some time and I really don't think there's any opposition to it."

Hicks: "Okay. John, so if I understand then if I'm a...I sell seed for a living and I provide you seed on credit, but yet you're borrowing money from a bank, who would have first lien on that crop?"

Dunn: "The...if the...if there's compliance with the Uniform Commercial Code, the person who sold the seed and provided the fertilizer."

Hicks: "Okay, so..."

Dunn: "First lien and then of course the lender would come in for the net proceeds of the crop which is what they expect anyway."

Hicks: "So, the first person to get paid would be the person who provided the fertilizer or provided the...if he...if he did everything properly."

Dunn: "That's correct. They have to jump through some hoops, however, to protect their lien, but if they do that, they would come first."

Hicks: "Okay, and that's what your Bill actually changes, is that correct?"

Dunn: "Yes. That's correct."

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Hicks: "Thank you very much."

Speaker Giglio: "Further discussion? All those in favor on Senate Bill 2124 signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 114 voting 'yes', none voting 'no' and none voting 'present'. And Senate Bill 2124 having received the Constitutional Majority, is hereby declared passed. We're going to return to the same order on the Bills that were taken out of the record. Representative Daley, are you ready on Senate Bill 1987? Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1987, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

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

Daley: "Thank you, Mr. Speaker, and Members of the House. Amendment 1 that was offered a short time ago by Representative O'Connell in reference to eavesdropping, in essence, becomes the Bill. And at this time I would defer to Representative O'Connell if there are any questions."

Speaker Giglio: "Any discussion? Hearing none, all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank...thank you, Mr. Speaker. Representative Daley, the provisions that were originally in that Bill on home invasion are good provisions. They're gone now. Are they going somewhere else? That's what I was going to ask. Okay, thank you. It's still not a good Bill."

Speaker Giglio: "Further discussion. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 79 voting 'yes', 28 voting 'no', 4 voting 'present'. And

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Senate Bill 1987 having received a Constitutional Majority, is hereby declared passed. Representative Barnes. Representative Barnes, on Senate Bill 1875. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1875, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill."

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

Barnes: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1875 permits public utilities to file updated, revised estimated tax returns with the Illinois Commerce Commission. Authorized as penalties be levied for late payment in the amount of \$25 or one percent of the cost. And the reason for this is the larger utilities always pay their taxes on time, but it is the very small utilities such as a local, privately owned water company which are repeatedly delinquent in their payments. An audit finding disclosed that the current one percent late fee does not adequately cover the administrative cost of late pay...payment. Also, it requires the Illinois Commerce Commission to study the need for providing adequate fire protection and an emergency notification system, a telephone company service facilities and directs the scope of the study. Authorizes the ICC to promulgate rules at the completion of the study, and this is in response to the fire at the Bell Telephone Company Switching Center in Hinsdale, which is in my district, which disrupted the telephone services to 35,000 customers. I would ask for an 'aye' vote."

Speaker Giglio: "Any discussion? Hearing none. All those in favor signify by voting 'aye', those opposed 'nay'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 111 voting 'yes', 2

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voting 'no', 1 voting 'present'. And Senate Bill 1875 having received the Constitutional Majority, is hereby declared passed. Senate Bill 2040, Representative McGann. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2040, a Bill for an Act to amend an Act in relation to health facilities. This Bill was returned to Second Reading and held. Floor Amendment #1, offered by Representative McGann."

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

McGann: "Thank you, Mr. Speaker and Members of the Assembly. We discussed Amendment #1 just recently and I believe the concerns of Representative McCracken have been addressed. I understand from their staff it's okay, and I would ask for adoption of Amendment #1 to Senate Bill.."

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

McCracken: "Thank you, Mr. Speaker. We did have an opportunity to check this and are not in opposition to the Amendment. However, I am advised that... it is the Sponsor's intent not to allow this Bill to become a Conference Committee Report. That in fact Senator Savickas intends to concur in this Amendment and pass it out in this form. Is that correct, Sir?"

McGann: "That is correct. You see, this was, as you know, the Bill, the body of the Bill was on the Consent Calendar."

McCracken: "Right."

McGann: "And I'm going to ask hopefully that we can address it in moments from now in order to have it passed out of here with this Amendment on."

McCracken: "Okay, thank you."

Speaker Giglio: "Any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Has this Amendment

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been printed and distributed? We don't seem to have a copy over this way."

Speaker Giglio: "Has the Amendment, Mr. Clerk, been printed and distributed? Mr. Lee. Mr. Lee. Has this Amendment been printed and distributed? Representative McGann, the Amendment has not been printed or distributed. Do you want to take this Bill out?"

McGann: "Leave to come back when it has been distributed. I thought it was distributed. I'm sorry."

Speaker Giglio: "Out of the record, Mr. Clerk. Representative Breslin, in the Chair."

Speaker Breslin: "Senate Bills, Third Reading. Page 4 on your Calendar appears Senate Bill 2087, Representative Cullerton. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2087, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. This Bill had been debated earlier and at the request of Representative Mulcahey, I took the Bill out of the record. He had some concerns about a branch of the Maryville Academy which is up in Durran, and he was concerned about the reimbursement formula for students that attend that facility, and I've talked to Representative Mulcahey about this. And this Bill has absolutely nothing to do with that issue. What this Bill does, is to refresh your memory, is to send all of the Maryville students from the same elementary district to the same high school district. The grammar school age students attend District 26 and the Northwest Suburban Special Education Organization, however, the high school students attend District 207 and the Nipper School. Now, the purpose of the Bill is to enhance...first of all, the comprehensive

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vocational education programs offered to these students which are provided at the Northwest Suburban Special Education Organization at High School District 214, they're leaders in the field of vocational and technical education for special need students. It also provides a more consistent curriculum for especially in the special education area, between the elementary and the high school district. The continuity of the program and the tracking of student progress would be enhanced when the program is administered by one rather than two special ed cooperatives. I would also point out that the...the Bill was amended in the Senate as a result of meetings with the two school districts that would be affected, and the result of that meeting was that the effective date of the Bill was changed to July 1st, 1989, so as to allow ample time for the Nipper School to adequately address the issue of loss of employment of teachers. This was raised by Representative Parke previously when we debated this, but I think the most important thing to note is that there will be no loss of assessed valuation for the main township, District 207, where the Nipper School is located. So, there doesn't necessarily have to be any loss in jobs. There certainly would be no loss in the assessed valuation upon which most of the income for the school is derived. So I would be happy to once again answer any questions, but I would appreciate your support for this Bill."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 2087 and on the question the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you...thank you, Madam Speaker, Ladies and Gentlemen of the House. When this Bill came up earlier there was some confusion on the part of some of the Members on this side, I think, in terms of what we were trying to

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accomplish here. And what we are accomplishing is...is educationally sound. We have a continuum of a program. There is no assessed valuation change here because it's non-taxable property, and a lot of time and effort was put in by Father Smith. I have testimony here from Dr. Tom Richards, the superintendent of the elementary district, supporting the legislation. And he indicates, you know, not only is it educationally sound but the logistics are much improved, it makes a great deal of sense, and there's a historical relationship between District 26 and Maryville that goes back over a century. A former Representative, Gene Schlickman, a Member of this House for many of years and a friend of many of us, brought this legislation to my attention. I discussed it with him and I'm convinced that it is sound legislation."

Speaker Breslin: "The Lady from...any further discussion? Any further discussion? Hearing none. The question is, 'Shall Senate Bill 2087 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 99 voting 'aye', 3 voting 'no', 11 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Representative Bowman, are you ready to proceed on 1470 on this order of business? No. Ladies and Gentlemen, we will now go to the Order of Senate Bills, Second Reading, Short Debate Calendar. It starts on page 4 on your Calendar. The first Bill is Senate Bill 1701, Representative Brunsvold. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1701, a Bill for an Act to amend the Wildlife Code. Second Reading of the Bill. No Committee Amendments."

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Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Mautino."

Mautino: "Thank you very much, Madam Speaker. Amendment #1 to 1701 addresses the situation which I may have to ask for acceptance of an Amendment on the face by the inclusion of one word to correct this Amendment."

Speaker Breslin: "Representative Mautino."

Mautino: "In my Motion on this Amendment, I must seek assistance from the Chair since a word was left out of the Amendment that is presented, and I would like to amend it on its face on line 3...page 3, line 6, after the word 'hunting'...after the term 'is permitted', add the word 'controlled'. Is permitted and controlled. The essence of that change in this Amendment says that this Amendment addresses only those controlled hunting areas which are private hunting clubs not open space. What this Amendment does, is allow for an individual who is a guest at these hunting clubs, but has a valid hunting license and no FOID card, they are able to hunt in this controlled, permitted area and not be in violation of our, our statute. What occurs is salesmen and company presidents invite some of their clients to these controlled hunting areas. They all have hunting licenses. In some cases, they do not have a FOID card. This Amendment provides that the individual who is a member of the club is responsible as long as he or she has a valid hunting license. They can hunt there and the person who invites them down as their guest has a FOID card, it would cover those individuals. That's what the Amendment does. That's the intent. It is not open to all areas of the State where hunting is permitted and I explained the intent in total. It has the support of the

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Department of Conservation. I addressed it with Mr. Finley, the Legislative Liaison for Law Enforcement who I believe has no objections now and have informed JCAR that the Amendment would be up. It has not been up, that's why I ask for the change on the face in accordance with the recommendation of Rep...Representative Olson."

Speaker Breslin: "Ladies and Gentlemen, this is the Gentleman's motion. He asks leave to amend his Amendment on its face, to add on line six after the word permitted, two words, 'and controlled', and have those two words underlined. This motion requires unanimous consent. On that question of leave, the Gentleman from Lee, Representative Olson."

Olson: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. This Bill is of JCAR initiative. We do not accept this motion in its present form, because the Amendment has not been drafted. We oppose changing the Amendment on its face, and we suggest that the Representative having the Amendment in an updated address get back to us at JCAR and we would be very happy to consider it. But we oppose this motion. And not because of any lack of respect, but it is not in good form."

Speaker Breslin: "The Gentleman opposes the Motion, Representative Mautino. Unanimous leave is therefore not granted. How do you wish to proceed on Amendment #1?"

Mautino: "I will be happy to accommodate the Gentleman. I have asked for the Amendment to be draft, but it's not here. I therefore ask allegiance and assistance by the Sponsor and both Sponsors, that they maintain this Bill in this posture or move it to Third and allow me to provide this Amendment when it does get up here to me. Is that fair enough?"

Speaker Breslin: "Representative Brunsvold, what is your pleasure?"

Brunsvold: "Thank you, Madam Speaker. I would...would agree with

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Representative Olson that this JCAR Bill remain in this posture. However, if Representative Mautino has an Amendment that is agreeable to Representative Olson, then I'll be glad to hold the Bill, or let's move it to Third and then we'll bring it back if there's an agreement."

Speaker Breslin: "Representative Mautino."

Mautino: "For the record and the edification of Representative Olson, the Amendment is going to come back up with exactly the language that I have asked for on the face. So why don't you write that in to your little Amendment now, and you'll know exactly what that Amendment does. Save maybe 7 or 800 bucks, I think that's what it costs to draft that Amendment."

Speaker Breslin: "Okay. The Gentleman withdraws Amendment #1. Are there any further Amendments, Mr. Clerk?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1714, Representative DeJaegher. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1714, a Bill for an Act in relation of the abuse and neglect of elderly persons. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Representative DeJaegher."

DeJaegher: "I beg to..."

Speaker Breslin: "Representative DeJaegher."

DeJaegher: "I beg to differ with you, John. There is an Amendment on this Bill."

Speaker Breslin: "Mr. Clerk, would you search the files for an Amendment on this Bill."

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

Speaker Breslin: "Amendment #1, Representative DeJaegher."

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DeJaegher: "Thank you, Madam Speaker and Members of the General Assembly. This Amendment has been cleared by both sides of the aisle. I spoke to Minority Spokesman, Tom McCracken on it and basically as it's language clarification. The Amendment clarifies that persons who take photographs or x-rays of elderly persons pursuant to a report of abuse are neglect or immune from liability from submitting or otherwise disposing such photographs or x-rays to any agency designated to receive reports of abuse or neglect. And that's the intent of the Amendment. And as I said before, this has been approved by both sides of the aisle."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 1 to Senate Bill 1714. And on that question is there any discussion? Hearing none, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative DeJaegher."

DeJaegher: "Madam Speaker, hopefully consideration will be given that this Bill gets immediate consideration. This Bill was on Consent Calendar yesterday and because of this Amendment it was not passed yesterday. And I would like to have this Bill called at this time."

Speaker Breslin: "Mr. Clerk, was it read a Third time yesterday?"

DeJaegher: "It had to have been."

Speaker Breslin: "Representative DeJaegher, we're checking to see whether or not it has met the constitutional requirement of having been read a Third time on a separate day. The computer will show us that answer. Just a moment, please."

DeJaegher: "Yesterday, Peg."

Speaker Breslin: "It was taken out of the record however,

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yesterday."

DeJaegher: "But it was read in."

Speaker Breslin: "We'll have to check it on the computer. Good. The Gentleman's Motion is in order. His Motion is that since the Bill has been read a Second time previously, it can be considered on Third Reading today. Is there leave? Is there any objection? Hearing no objection, the Gentleman has leave for immediate consideration to hear this Bill as amended. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1714, a Bill for an Act in relation to the abuse and neglect of elderly persons. Third Reading of the Bill."

Speaker Breslin: "Representative DeJaegher."

DeJaegher: "Thank you, Madam Speaker and Members of the General Assembly. I don't believe that it's necessary to basically go into the substance of the Bill. This Bill has tremendous bipartisan support and I think that all of you that asked to become Cosponsor's of this Bill are completely knowledgeable of the Bill. All I ask for is a green Bill. Of course, this is the elder abuse Bill. People from the State of Illinois, all in senior citizen groups, etc., are looking forward to passage of this Bill and hoping that all of us would vote green. Thank you."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1714, and on that question is there any discussion? Hearing none, the question is, 'Shall Senate Bill 1714 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 113 voting 'aye'. This Bill having received the Constitutional Majority is hereby declared passed. Representative Giglio, for what reason do you seek recognition?"

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Giglio: "Madam Speaker, a personal privilege. I'd like to introduce Sister Rosemarie from 'Misery Courtage'. She was here a little while ago and she was up in the gallery, and she had to leave. Right now, she's downstairs in my office, in Room 109 of the Capitol Building, and she would be happy to say hello to some of our fellow Reps. So if anybody would like to see Sister Rosemarie from Misery Courtage, she's in Room 109 in the Capitol Building."

Speaker Breslin: "The Lady from St. Clair, Representative Younger, for what reason do you seek recognition? Representative Younger indicates that she wishes to have been recorded as voting 'aye' on Senate Bill 1714. The record will reflect that although the Roll Call will not. The next Bill on page 4 on your Calendar, is Senate Bill, Second Reading, Short Debate. Is Senate Bill 1719, Representative Levin. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1719, a Bill for an Act in relationship to property taxes on condominiums. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative Levin."

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. First of all, as is my custom, I would like the record to reflect that I am associated with a law firm that represents condominium associations. Amendment #2 to Senate Bill 1719 is a technical Amendment which does two things. First of all, it responds to a problem raised by Representative O'Connell in committee in terms of a wording clarification. And secondly, it makes the second wording classification that was requested by the Chicago Bar Association subcommittee on condominium."

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Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 2 to Senate Bill 1719. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Are there further any Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1761, Representative Brunsvold. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1761, a Bill for an Act providing for consolidation of municipalities and counties. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "No Motions filed. No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1806, Representative Capparelli. Representative Capparelli. Out of the record. Senate Bill 1871, Representative Slater. Representative Slater. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1871, a Bill for an Act concerning liens on prop...personal property. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions?"

Clerk Leone: "No Motions filed."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "No Floor Amendments."

Speaker Breslin: "Third Reading. On page 5 appears Senate Bill 1913. Representative O'Connell. Mr. O'Connell. Out of the record. Senate Bill 1954. Out of the record. Senate Bill 1978, Representative Hallock. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1978, a Bill for an Act to release easements and restore access rights to certain described

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lands. Second Reading of the Bill. Amendment #1 and 2 were adopted in committee.

Speaker Breslin: "Any Motions?"

Clerk Leone: "No Motions filed."

Speaker Breslin: "Any Amendments?"

Clerk Leone: "Floor Amendment #3 is being offered by Representatives Ewing and Stephens."

Speaker Breslin: "Representative Ewing or Representative Stephens. On the Amendment. Representative Cullerton, for what reason do you seek recognition?"

Cullerton: "Yes, I'm going to be asking questions about this Amendment and I think, perhaps, Representative Ewing... it deals with the...some land in Pontiac. I...so it might be a better idea if we just wait until Representative Ewing is available, if the Sponsor wouldn't mind."

Speaker Breslin: "Is that alright, Representative Hallock? Very good. Out of the record. Representative O'Connell is now available, so with leave we will go back to his Bill, Senate Bill 1913. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1913, a Bill for an Act to amend an Act in relationship to corporate criminal liability. Second Reading of the Bill. Amendments #1 and 2 were adopted in committee."

Speaker Breslin: "Any Motions?"

Clerk Leone: "No Motions filed."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "No Floor Amendments."

Speaker Breslin: "Third Reading. Senate Bill, the next Bill on the order is Senate Bill...ah, Representative Ewing is in the chamber, so with leave we'll go back to his...his Amendment to Senate Bill 1978. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1978, a Bill for an Act to release easements and restore access rights to certain described

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land. Second Reading of the Bill. Amendments #1 and 2 were adopted in committee. Next Amendment is Floor Amendment #3 offered by Representative Ewing."

Speaker Breslin: "Representative Ewing."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House. We have already approved this Amendment on a House Bill which went to the Senate, but unfortunately the Senate took it off. What this does, it deeds flood plain ground that belongs to the Department of Corrections to the American Legion Post in Pontiac. I think the appraised value of this ground was \$600. The property is completely cut off from the State of Illinois' farm by the Vermillion River. There's no access to it. Except through the American Legion grounds, this property has for years grown up in weeds and been a mosquito haven and brush. And the American Legion has been repairing and expanding their facility and they wanted to clean up this piece of ground that was between their ground and the Vermillion River, so that they'd have a nice access to the river. It's an improvement for the community, it's an improvement for the American Legion. And it's really no value to the State of Illinois."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 3 to Senate Bill 1978. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, thank you. Representative Ewing, with...is this transfer of property done with the approval of the Department of Corrections?"

Ewing: "It is."

Cullerton: "And is there also another Section to your Amendment that deals with transfer of land to the village of Maryville?"

Ewing: "That is correct. Representative Stephens I think could

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answer any questions you might have on that."

Cullerton: "Okay, my question there would be, how much is the land worth. Was there an appraisal? I see the transfer is for \$1. I'm just wondering..."

Ewing: "Are you talking about the Pontiac land or the..."

Cullerton: "No, Maryville. Maybe I could ask Representative Stephens if he could answer. Madam Speaker, if I could ask Representative Stephens to answer the next question, he's a Cosponsor of that Amendment."

Speaker Breslin: "Representative Stephens."

Cullerton: "The question is with regard to the second portion of the Amendment dealing with the Director of Central Management Services being authorized to convey by quick claim deed, certain land held by the State of Illinois to the village of Maryville for \$1. My question is, 'Is there a...an appraisal for the land. How much is it worth? And why are we doing it?'"

Stephens: "When the...when the land was originally transferred, this land is in the hands of Maryville now, it was state property and two years ago it was deeded over to the City of Maryville. It's about, and forgive me, but I think it's seven to ten acres on the site of the entire parcel. I might be wrong on that. What they want to do with the front portion of that, the front portion being that that runs along Illinois 159 in Maryville, is to develop that as a business development area. The City of Maryville has in a letter form confirmed their intentions, which is to allow that development not for their financial gain, and should there be any monetary gain in the development of that property as far as the property is concerned, they would deposit that to the State of Illinois General Revenue Fund. The whole purpose is, they've got the land now and there's...it's just sitting there, it's just open space and

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they'd like an alternative so they could develop a portion of that and let the remaining portion remain as a park area I guess is what..."

Cullerton: "Okay, so there's fifteen and a half acres involved and the state now owns it..."

Stephens: "No. The State does not own it."

Cullerton: "Okay. Well then, why are we authorizing the Director of Central Management Services to convey the State of Illinois' interest in the land to Maryville?"

Stephens: "I guess what this is doing is eliminating the reverter clause in there."

Cullerton: "Oh, it eliminates the reverter clause. So Maryville owns it now...now, I understand. Maryville owns it now it just said if they don't do a certain thing with the land, then it comes back to the State of Illinois."

Stephens: "My understanding, Representative Cullerton, is that if they...if they do do anything with it, they're preventing...it just has to...to sit dormant now. If they do any development or allow any development, my understanding is that they would...they could...they'd be prevented from doing that or it would revert back to ownership by the State of Illinois. They want to take a front portion of this again...I would suppose 2 or 3 acres, let's say, and since this is right...what should be the center of their business district, they'd like to be able to develop that. And again, not to the expense of the state."

Cullerton: "If they...if they develop it now without this Bill, since they own it now, what are the consequences?"

Stephens: "Because the land used to be owned by the State of Illinois...if they start to develop it, it will revert back to ownership by the State of Illinois."

Cullerton: "Because when it was transferred from the State of

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Illinois to the City of Maryville, there was a reversionary clause put in that transfer."

Stephens: "That's my understanding, yes."

Cullerton: "What was that...what did that reversionary clause say?"

Stephens: "I'm not sure exactly what it said, but my understanding is that it would...it would prevent them from further development."

Cullerton: "Probably that it had to be a public purpose. It had to be used for a public purpose."

Stephens: "I'm sure. Yes."

Cullerton: "So, now they want to use it for a private purpose and the State would lose its right to reclaim the land..."

Stephens: "The bottom line is that on that parcel, what I call the front of the land, yes, the state would lose its rights with the exception that if they...let's say they sold, if Maryville sold the land to a private developer, Maryville has an understanding in writing that they would not benefit the city at all. That they would...give that money to the State of Illinois. They are not trying to get anything for nothing."

Cullerton: "That is...that document is not in part of the Bill. It's not..."

Stephens: "That...that's right. It's not."

Cullerton: "It's just a intergovernmental agreement that..."

Stephens: "They have written a letter...it's a matter of their public record."

Cullerton: "Do you know why then we're eliminating the reversionary clause for the whole 15.577 acres, if they're only planning on developing a smaller portion?"

Stephens: "When we made this request to see them, that's the way it came over and it...if that's a problem maybe we can correct that, but that's the way it came over. I might add

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that this and...land ends at Vadalabene Drive."

Cullerton: "Is this in your district?"

Stephens: "It's in Maryville, which is the 110th District."

Cullerton: "Who's the State Rep. from there?"

Stephens: "I'm the State Representative...from that district."

Cullerton: "Oh, you are. Okay. Well, thank you for answering my questions."

Speaker Breslin: "Any further discussion? Hearing none, the question is, 'Shall Amendment 3 be adopted?' All those in favor say 'aye', all those opposed 'no'. Representative Cullerton, do you wish a Roll Call?"

Cullerton: "Well, yes, just because I want to clarify something. Representative Ewing indicated that the land was worth \$600 and the Bill is on Second Reading. I wondered if he had filed an appraisal with the Clerk with regard to the portion of the Amendment dealing with the American Legion land."

Speaker Breslin: "Mr. Clerk, can you answer that question, please? We will have to call for the committee records for that."

Cullerton: "Speaker."

Speaker Breslin: "Yes."

Cullerton: "This is a Floor Amendment. I don't know why the co..."

Speaker Breslin: "Except I think appraisals have to be filed in the committee if it's adopted in the committee. Just a second. Representative Cullerton. The appraisal you requested is now on file and it indicates the value of \$600."

Cullerton: "Fine. Thank you."

Speaker Breslin: "Is there any further discussion? Hearing none, the question is, 'Shall Amendment 3 to Senate Bill 1978 be adopted?' All those in favor say 'aye', opposed 'nay'. In

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the opinion of the Chair the 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 2003, Representative Kubik. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2003, a Bill for an Act to amend the Civil Administrative Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Kubik."

Kubik: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 is a technical Amendment and what it does is it clarifies that the authority granted to...to the Department of Transportation for its railroad program be carried out through the Department of Central Management Services. I...it's offered by CMS. My understanding, it's a technical Amendment. I move for it's adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 1 to Senate Bill 2003. On that question is there any discussion? Hearing none, the question is, 'Shall Amendment 1 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 2012, Representative Mays. Representative Mays. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2012, a Bill for an Act to amend the Fish Code. Second Reading of the Bill. There are no Committee Amendments."

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Speaker Breslin: "Any Floor Amendments?"

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

Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. In 1987 the Indiana House and Senate voted to ban the use of gill nets in Lake Michigan, and this was phased in so that as of January 1st, 1989, there will be a total ban on gill nets in Lake Michigan in the State of Indiana. A gill net is a large, flat net suspended vertically in the water with meshes to allow the head of a fish to come in but entangle it as it seeks to withdraw. The net is used in Lake Michigan by commercial fishermen. Illinois law now allows the use of gill nets by commercial fishermen and the size of the net is specified in the law. The problem with gill nets is that they catch untargeted fish if they are used improperly or if the mesh is too small. Fish caught in the gill net often dies because its gills become damaged as it tries to escape. Especially if the nets are left unattended. The Illinois law specifically says that only yellow perch, smelts, floaters, and chubs may be taken with gill nets in Lake Michigan. Game fish such as trout, salmon, and whitefish caught in the gill net must be released. The purpose of this Amendment would be to ban the use of gill nets so that trout, salmon, whitefish would not be caught in the net. I think that everyone is aware of the fact that the...that the fishing on Lake Michigan over the past few years has been of tremendous value economically to the State of Illinois. Not the commercial fishing, I'm talking about, rather the people that hire charters to go out and fish. In addition, the problem that we had a number of years ago with alewives, of course, has been dramatically reduced as a result of the introduction of salmon and trout to Lake

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Michigan. As a result, I think this would be a very beneficial Amendment to pass, to become law, so that the gill nets would not continue to take untargeted fish. This Amendment has the full support of all of the fishing organizations, of course, from throughout the State, and I'm sure you may have heard from them. So I'd be happy to answer any questions and would appreciate your favorable support."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 1 to Senate Bill 2012. And on that question...question, the Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. This Bill is pretty important to the Department of Conservation. And when we had the discussions on the merits of this Bill in committee, the Chairman of the committee, Representative Kulas, requested that I commit that I opposed Amendments on the Floor. I acceded to his wishes and he passed the Bill out. And therefore, arising in opposition to the Bill, I would ask the Members on this side of the aisle, oppose the Amendment and...we don't even have to get into the substance of the issue because it's not that kind of an issue from my perspective. I don't have the luxury of discussing substance. I made a commitment to the Chairman of the committee that I would not go along with any Amendments on the Floor. So I would ask the Members of this side of the aisle to at least go along with me on those grounds if not substance."

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

Kulas: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. The Sponsor of this Amendment had a Bill. He never had the Bill called in committee. And now he's trying to

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put it on another Member's Bill. I'm not going to go into the merits of the Bill. The Bill has been in the House before and there are pros and cons. I think that the Sponsor should go through the committee system, get the Bill in his own fashion, and not try to attach the Bill to another Member's Bill. And therefore I would ask the Members on my side of the aisle to oppose this Amendment and let Representative Mays pass his Bill out as it was meant to be."

Speaker Madigan: "Speaker Madigan in the Chair. I understand that the Bill is sponsored by Representative Mays. Is that correct? Mr. Mays has consented to take this matter out of the record just for a few minutes. We do have a special guest and I would ask the staff to retire to the rear of the chamber and for the Members to be in their chairs. Mr. Christensen, would you take your seat please. Mr. Kulas, would you be seated please. Mr. Daniels we'll permit you to remain in the chamber. We are very privileged to have with us today the newly appointed Counsel General to Chicago in the midwest from the Country of Israel. We are even more privileged to have with us a Member of the Senate who will introduce the new Counsel General and I presume that we do have the permission to permit Senator Carroll to do the introductions. So at this time, Senator Carroll."

Senator Carroll: "I heard the request for the Roll Call thank you and it's probably the last time I'll be allowed in this chamber for the rest of this Session, if this Session is like any others. But Mr. Speaker, I really appreciate the honor of being allowed to appear before the House. Something I have tried not to do since the 16 years that I have left this chamber. I'm here on a very distinguished honor, however, as all of you know of my activities at

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home, one of them has been to welcome a brand new Counsel General from the State of Israel. Like all other foreign countries these are postings for a period of years and new ones come and old ones go. This Gentleman has been with us only some 5 or 6 weeks now and had indicated to me quite early in those 5 or 6 weeks and quite extensively since his strong desire to come down here and meet the General Assembly of the State of Illinois, the Senate and the House, the Democrats and the Republicans, the Leadership thereof and the Membership thereof, to develop the type of working relationship that he feels from his vantage point is so necessary for understanding an access, now and into the future. And I found it very rewarding and refreshing that this was truly such a compelling desire. He had really been on me to set this date so that he could appear, talk to you, address you for a few minutes, but more importantly be available to you now and in the future to answer any questions you may have. Let me spend a moment or two just to give you a little bit about the background so you'll know a little bit about the man you're about to hear and where he comes from having been born in Israel in Haifa in 1935, he, of course, did his army service there then studied at Hebrew University in Jerusalem receiving a bachelor's in history and international relations and taking some courses in international law. In 1960 he first came to the United States on behalf of the Jewish Agency working with people in New York and Atlanta and then went on to get a master's degree in political science from Emory University. In 1963 he joined the foreign ministry in Israel and has been posted in many places in the world as part of that activity including Bombay, Copenhagen, Washington, and New York, and headed the office in Jerusalem in a variety of departments of informational

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nature including their Department on Asia, North America, international cooperation in the Middle East. He took a two year leave of absence in 1983 and kind of continued it last year as well in a new mode. Heading up for Israel a new medical concept of creating medical facilities in Israel for a medical center, a surgical center, and a research center that would be open without passport to anyone in the Middle East. A very unique and novel approach to the peace process wherein a person in medical need regardless be they Jew, Arab, Moslem, Christian, whatever, would not have to present passport to cross into the borders of Israel if they needed medical care. The care would be there and be provided without any questions asked. In that interim two years, 1985 to 1987, he served as Director of the Information Division of the Ministry of Foreign Affairs. That's like Steve Brown is here, the Spokesman for the government. And with that, I present to you the new Counsel General of the State of Israel, Mr. Iri Barnere. General."

Counsel General Iri Barnere: "Mr. President, my good friend the Senator, distinguished Representatives, Ladies and Gentlemen. I would like to thank you very much for allowing me to be here with you and to address you and to take a few moments from your very busy and responsible schedule. As representing the State of Israel, I feel that this is really a very strong demonstration of recognition and support and for which I would like to thank you a great deal. We've just celebrated our 40th anniversary. For those of us who are born and raised in Israel and when through all of our 40 years history in Israel, like myself, it's something, it's very difficult to believe that we are already 40 years. We are very young, unfortunately we went through a lot. On the last Independence Day only 6 weeks

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ago, we signed in Washington and in Jerusalem a very comprehensive memorandum of agreements between the United States and the Government of Israel embodying all of our previous agreements since 1948 in the field of economic, political and strategic cooperation. We feel that our relationships are based on unshakeable, fundamental principles. We are both democracies. Two out of thirty-two left in the world. There are only thirty-two democracies in the world. We are the only one in the Middle East between the Atlantic Ocean to India. The only democracy. We believe it's very important to make sure that all democracies in the world are strong. Like the United States, we've absorbed people from 101 countries in the world making of our nation a melting pot and a mosaic at the same time. Trying to be together but maintain the different cultures at the same time. Like the United States, we are a pluralistic society embodying all walks of life, all thoughts and minorities within the democratic system. We share values of the very old and follow fundamental Christian, Judea heritage, of loving human beings, equality and social justice. We share the heritage of loving the Bible. Traveling around the United States I've found many, many names of cities similar to Israel: Jericho, Jerusalem, Ekron, and so on, Bethlehem, and so on and so forth. The names of many individuals in America are like ours in Israel: Jacob, Joseph, Sarah, and so on and so forth. We share a lot where and above the strategic cooperation between Israel and the United States which is very important, but without these values that we share, it could never work. Unfortunately, in the last 40 years, one thing we have not achieved yet is peace. We made the desert bloom, we absorbed 3 million people in our country, we developed high technology, we have many universities,

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and so on and so forth, but we have not reached peace yet. Yes, we do have one peace treaty with Egypt, thank God. It's our common goal of the United States and Israel to make sure that this peace treaty will remain there and will stay there forever. And we are all doing all together what we can that it will stay this way. Both countries with other parties involved are now involved in a very delicate and intricate peace process with the Secretary of State of the United States. We believe contrary to the perception that is being projected sometimes, that this peace process will bear fruit. We believe that through cooperation between the United States and Israel, maintaining a strong Israel, the balance of power will be maintained in the Middle East. Stability will be maintained in the Middle East. And this way, peace will be reached in the near future so that we can continue to pray and say what you pray daily that God gave us courage and God will give us peace as well. If we work together I'm sure we'll reach it in the near future. Thank you very much."

Senator Carroll: "Thank you, Mr. Speaker, and thank you to the Members of the House for the honor you have bestowed on the State of Israel by allowing its Representative in the 11 midwestern states a few moments to speak to you. And as I said he will try to be available for the next little while as you have personal questions or the desire to meet him. I also thank you for the respect you've shown the upper chamber by allowing me the use of the podium. Thank you, Mr. Speaker."

Speaker Madigan: "Representative Breslin in the Chair."

Speaker Breslin: "Ladies and Gentlemen, we will go back to Senate Bills, Second Reading, Short Debate Calendar, where we left off on page 5 on the Calendar. We were on Senate Bill 2012. It's Representative Mays' Bill. We were on

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Amendment #1. Representative Cullerton was the Sponsor of that Amendment. Is that Gentleman in the chamber? Representative Cullerton. The Gentleman is in the chamber. We...Representative Cullerton, as you will recall had already presented Amendment #1. Representative Mays had spoken in opposition to the Amendment. Does anyone seek further discussion of Amendment #1 to Senate Bill 2012? Representative McNamara, on the question."

McNamara: "Yes, I have some questions on the substance of Amendment #1."

Speaker Breslin: "The Gentleman will yield to a question."

McNamara: "Thank you, I...I have heard that this is a...probably shouldn't be put onto the Bill because first of all, it was lost in committee, etc, but it seems that's the general process that goes on around here all the time. What I'm interested in, Representative, is...is gill nets. Why would you want to outlaw gill nets in the lake? Is there some reason for that?"

Cullerton: "Yes, the reason for outlawing gill nets is that they are limited to taking of specific fish that are harvested by commercial fishermen. Unfortunately, they also have the affect of catching and trapping trout, salmon and whitefish and which causes the...us to lose those fish, and which are essential to the health of Lake Michigan. So the purpose of the Bill, is to ban gill nets so that these trout, salmon and whitefish are not captured."

McNamara: "Okay. So...so what we're saying is, is that private fishermen that would go out to the lake would not necessarily use the gill net. There are other ways of fishing. And that the..."

Cullerton: "I'm sorry, I didn't hear you."

McNamara: "...that private people that go out to the lake to do some fishing would not normally use a gill net. It is

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mostly the big fisheries that use the gill nets."

Cullerton: "It's the commercial fishermen, and I think Lake Michigan has two commercial fishermen that are licensed."

McNamara: "Second point is, is...isn't it true that gill net kills every fish that's in that net, and there's no way of releasing that fish afterwards. And that's the reason the Department of Conservation is in favor of your Amendment?"

Cullerton: "It's a good leading question and I'll just answer yes."

McNamara: "Okay. Thank you. I...I think it is important that we shall take a look at the issue and not just the fluff that's going around this area. We must conserve Lake Michigan as a fishing support, as a place that develops all of our communities around and gives us a place on the map for fishing. I think it's necessary to follow the lead of the other states around the lake that have already taken this action. And I believe it's a good Amendment, John. I'd be happy to support it."

Speaker Breslin: "Representative Kulas, do you wish to speak again on this Amendment?"

Kulas: "Yes, Madam Speaker. I wasn't going to address the merits of the Amendment, but since there are questions brought up and I understand some of the answers were not correct. The Department of Conservation is not in favor of this Amendment but..."

Speaker Breslin: "Representative Kulas, I really think it's inappropriate that you speak twice on the same issue. Even though a debate was broken up. Would it be possible that you could give your comments to someone else that could make them. Thank you. The Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Well, Madam Speaker, and Members of the Assembly, I hesitate to get up and talk against my roommate and my

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fellow traveler when we come down here. But let me explain something about these gill nets. The gill nets are put out for the purposes of catching perch. However, they catch every fish that swims through it. When the fish gets caught in the gill net you can't release them. And these young trout and young salmon that the Department of Conservation is stocking, get caught in these gill nets and they consequently die. So it's a big loss and a big waste of fish in the... One of the other Representatives asked to...do individual fishermen use gill nets? Well, no they don't. The only people who use gill nets are commercial fishermen. The State of Indiana, in it's wisdom, banned the gill nets last year. We are spending a lot of money stocking young trout and salmon into the lake and they end up in these gill nets and end up rotting away, because the fishermen that catch them can't legally keep them. So they have to throw these dead fish back into the lake where they sink to the bottom and rot, and it's really a shame. So if you're interested in helping the sportsmen and helping the fishermen, and if you have people in your district who fish in Lake Michigan, this is a good Amendment. It'll stop the waste of the resources."

Speaker Breslin: "The Gentleman from Lake, Representative Peterson."

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

Speaker Breslin: "He will."

Peterson: "Representative Cullerton, there seems to be a dispute as to the Department of Conservation...Conservation supporting or not supporting this Amendment. Is it correct that they do not support this Amendment?"

Cullerton: "No. I think a more accurate description is that they are neutral on the merits of the Bill. That's what Director Frech told me unless I misinterpreted. Now they

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may have been...I wasn't present in the committee when any commitments were made to keep this Bill clean or whatever. I'm just talking about the merits of the Bill. I believe that they are neutral on the merits."

Peterson: "Okay, Representative, I believe they oppose it, but I still have another question."

Cullerton: "Do you know whether or not they oppose the merits or whether they oppose it because of some procedural agreement to keep the original Bill clean?"

Peterson: "Procedural agreement."

Cullerton: "Okay. So that they are neutral on...I want to make that clear, they're neutral on the merits of the Bill. I think that's accurate."

Peterson: "Question on a reply you made, I believe, to Representative McNamara, and that is that there's only two licensed commercial fishing ventures now? How many boats does that constitute? I mean we're talking about three boats and that's going to hurt the fishing...sportsman's fishing rights or something, with two or three boats?"

Cullerton: "I don't know how many boats. I know that there's very few licenses. Now maybe somebody else could help me out on how many. How many."

Peterson: "No, you said two. That's..."

Cullerton: "I was wrong. There's five. In the entire State of Illinois there's five commercial..."

Peterson: "Alright. How many boats does that constitute? Are we talking about 20 boats, 10 boats, 5 boats?"

Cullerton: "I don't...I don't know the answer but..."

Peterson: "My resources just informed me there's approximately five licenses that are in effect but only three are being used and that constitutes only three boats, so we're talking about three boats."

Cullerton: "Right."

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Peterson: "And I can't see how three boats with these types of nets are going to curtail sportsmen in trying to get game fish out of Lake Michigan."

Cullerton "Okay. I...I take it that was not a question, but..."

Peterson: "I received the information while you were working with your staff there."

Cullerton: "Right."

Peterson: "Madam Speaker, to the Amendment, I..."

Speaker Breslin: "Proceed."

Peterson: "Once again I...I think we've debated this Amendment quite extensively. It only affects three boats and I think anybody with any logical sense of deduction would come to the conclusion that this is not going to have any effect on sportsmen and their type of fishing. And I move that we vote against Amendment 1 to Senate Bill 2012. Thank you."

Speaker Breslin: "The Gentleman from Franklin, Representative Rea."

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

Speaker Breslin: "Representative Cullerton will yield to a question."

Rea: "Representative Cullerton, on the commercial fishing downstate, do they use gill nets for any of this at lakes like Shelbyville, or Carlyle, or Rend Lake, any of those lakes?"

Cullerton: "Your question is, 'Does it affect those areas'. I don't know if gill nets are used anywhere other than in Lake Michigan."

Rea: "But this would apply statewide. Is that correct, your Amendment would?"

Cullerton: "Yes." Now do you happen to know whether or not gill nets are used in Lake Shelbyville?"

Rea: "I really don't. But I do know that we have a tremendous amount, this is increased in many of the lakes downstate

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to...to remove the rough fish from those lakes. And I...I really don't know that's the reason I'm asking the question."

Cullerton: "I'm sorry. I...I think I have an answer. In those areas they use trap nets not gill nets. And there's apparently, there's a difference. This is aimed at, as was accurately described by other Representatives, commercial fishermen. Now, I doubt that you have commercial fishermen on Lake Shelbyville."

Rea: "We do...we do have commercial fishermen not only on Shelbyville but on Rend Lake and Carlyle and so on."

Cullerton: "I'm told that they are...they use different types of nets by Representative McAuliffe, and if this Bill is aimed at helping the sports fishermen who, because it would not be allowed to capture these untargeted fish that the commercial fishermen are not allowed to catch anyway. The commercial fishermen are with these gill nets capturing fish which are not...they're not allowed to catch, but they're inadvertently catching them, because that's the nature of the net. So the areas where you're talking about they use trap nets."

Rea: "Okay. Thank you."

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

Parke: "Thank you, Madam Speaker, Members of the General Assembly. I would like to know if the Sponsor will answer one question for me."

Speaker Breslin: "Representative Cullerton."

Parke: "Was this Bill brought to you by the...the sports and fishing groups that have asked you to carry this Amendment?"

Cullerton: "They are in support of it, yes."

Parke: "Well, who's the genesis of it...of the Bill then? Other than them supporting it?"

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Cullerton: "Well, this Bill has been around for a number of years. I became aware of it when, I think, Representative Panayotovich may have sponsored it a couple of years ago, and I think it's...I think it's a very good concept and it's good for sport fishing in the State of Illinois. So that's really where the idea came from."

Parke: "Thank you. To the Bill, I know some people that do recreational fishing on Lake Michigan and they have talked to me about this concept and they have stated that if it's only three boats, they are doing an outstanding job of killing off major comm...I mean major recreational fishing in the trout area. They are catching literally tens of thousands of these fish that taxpayers are paying for through the Department of Conservation to be supplemented into the lake. And quite frankly, we will receive a whole lot more money for economic development and for recreational dollars and tourism dollars with the vibrant and vital recreational fishing that can be provided by a healthy trout population in Lake Michigan. In deference to my colleague who has made a commitment on principle not to allow this Bill to be amended, I commend him. However, I believe this Amendment is worthy of a 'yes' vote, because I think it's extremely important that we maintain a strong viable recreational fishing base for Illinois fishermen and people who will be coming from all over the midwest and probably all over the United States for this kind of fishing. So I rise in support of this Amendment."

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

Panayotovich: "Thank you, Madam Speaker. Representative Cullerton, will the Sponsor yield for some questions?"

Speaker Breslin: "He will."

Panayotovich: "Alright. Representative Cullerton, did I...did I

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understand you to say that I sponsored this Bill previously?"

Cullerton: "I...I might be wrong. Maybe you opposed the Bill previously."

Panayotovich: "I...I believe you're correct. I did oppose it previously."

Cullerton: "I just got that...I got that confused."

Panayotovich: "Can I...can I ask a question. Do you know...can you tell me what rules and regulations the commercial fishermen have now as far as what they can catch, what they can't catch, and poundage that the commercial fisherman can catch?"

Cullerton: "Well, I...I'm looking through the Bill that...and the Act that we're amending. I do know that there are limitations. For example, the commercial fishermen, Chapter 56, Section 4.6, specifies that only yellow perch, smelt, floaters and chubs may be taken with gill nets. So I understand that the gill nets are...are allowed to be used, but only to catch certain fish."

Panayotovich: "Any...is there a limit, do you know?"

Cullerton: "I...I'm..."

Panayotovich: "Well, I'll tell you, there is a limit..."

Cullerton: "I'm not sure. You, maybe you know. I'm not sure."

Panayotovich: "Oh yeah. There is a limit to the commercial fishermen. And I think as Representative Peterson said, there is a limit that each boat, each fishing license can catch. Now the concern of this piece of legislation which the sports...fisherman are in favor of, is a definite concern. From what I understand through the department and again if this would have been done in committee, we could have gotten a little more reaction from the department is how are we actually killing that many of the sports fish such as the salmon. Do you have any numbers as to what is

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being supposedly killed and left there to die?"

Cullerton: "No, I do not know."

Panayotovich: "I just am...in reference to...Representative Mays said and Representative Kulas, both of them said this Bill was agreed upon to come out of committee clean and on the floor clean. I think we could deal with this again come next spring. And I would be more than willing to sit with the..."

Cullerton: "Representative..."

Panayotovich: "Yes Sir."

Cullerton: "I may be willing to answer that question."

Panayotovich: "Which question?"

Cullerton: "The number of fish that are killed inadvertently. In 1985, the Indiana Department of Natural Resources did a survey to study the damage of the killer gill nets, as they were called, and what they were doing to the salmon and trout in the Indiana water of Lake Michigan. The tests showed that from August 15th to October 31st, over 75,000 of their young Shanook Salmon, that is seven to twelve inches long, were slaughtered, pardon the expression slaughtered, in the killer gill nets. So that was only three months...that was three months in the Indiana waters of Lake Michigan. Now, of course, you know Illinois has more water than Indiana does..."

Panayotovich: "Where do you have that line for Illinois and Indiana water and do we know if it's Michigan water? I mean it's kind of hard to say."

Cullerton: "It's right down...it's on the other side of your district."

Panayotovich: "Exactly right. I don't know if those numbers...if we can trust the State of Indiana either."

Cullerton: "That's a good point."

Panayotovich: "I agree with both Representative Kulas and

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Representative Mays. This Bill must remain clean. And I would personally sit down with the Sponsor of this Amendment and work with him on this at the proper time to make it fair, both for the commercial fishermen and the sports fishermen. And I think the proper time would be after we're all here next fall...next spring."

Cullerton: "Well, I would be happy to sit down and talk to you next fall about this even if you're not here."

Speaker Breslin: "Representative Mays, you have already spoken in debate. For what reason do you seek recognition?"

Mays: "Well, Madam Speaker, I just, we did have an interruption and I agreed to take the Bill out of the record. And there's been a lot of water under the dam or fish through the nets, so to speak since, but you know, Myron did wish to speak to the merits of the issue and I would simply hope that you could accede to his wishes rather than just in the explanation of the vote. I have the luxury of simply saying it's not a merit issue from my standpoint. I would appreciate the people on this side of the aisle to understand that. As a Sponsor of a Bill that's important to the Department of Conservation, they made the commitment and I made the commitment to the Chairman of that committee that we would oppose Amendments to this Bill."

Speaker Breslin: "Very good. Representative Mays. I'll...I'll ask the Assembly, is there any objection to allowing Representative Kulas to speak twice to the issue? Any objection? Hearing no objection, Representative Kulas is recognized on the Amendment."

Kulas: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I really...really was going to speak on the merits of the Amendment because I think that the Amendment should go through the committee process. It was assigned to committee, it was never heard in committee, so I really

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didn't...didn't want to discuss the merits. But since the merits are brought up, I would like to bring out some of the little white lies that have been floating around about the gill nets killing the salmon and the trout and so on. Gill nets are used by commercial fishermen for catching perch. They only go so deep into the water, three to six feet deep into the water, the salmon...the salmon, the trout, and everything else are a lot...go a lot deeper. So they've...very little sports fishing, as such, is harmed by the gill nets. But by passing an Amendment like this, you're putting five commercial fishermen in the State of Illinois out of business. If you want to do that, then vote for this Amendment."

Speaker Breslin: "Representative Cullerton to close."

Cullerton: "Yes. Thank you, Madam Speaker and Ladies and Gentlemen of the House. This Amendment was the subject matter of a House Bill. I did go to committee...the Bill was assigned to committee and I did go to committee to have the Bill called. Unfortunately, the committee did not have many Bills to hear that day. By the time I got there they had adjourned. So I apologize for that, but I would indicate that I then found that there are very surprisingly, very few Amendments to the Fish Code that one can use for vehicles. I was unaware of the fact that there was a request by Representative Kulas, the Chairman of the committee, who was opposed to this Amendment of Representative Mays, to not entertain any Amendments. And I think Representative Mays has done a very good job of indicating to...and fulfilling his commitment to Representative Kulas. He got up here twice, as a matter of fact, and said that he is opposed to this Amendment. I think we all know that Representative Mays is opposed to the Amendment as well as Representative Panayotovich. We

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also know that Representative McAuliffe and Representative Parke and others have spoken in behalf of it. And I think that for that reason it certainly is fair game to offer an Amendment on a Fish Code Bill. I think that we've explained that the State of Illinois has already banned these nets. I'm sorry, the State of Indiana, has already banned these nets because they have an inadvertent effect of killing fish which are very vital to the health of Lake Michigan. For that reason I would ask for an 'aye' vote on the Amendment."

Speaker Breslin: "The question is, 'Shall Amendment #1 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Panayotovitch, for what reason do you seek recognition?"

Panayotovitch: "Point of personal...personal privilege because I...my name was used in the closing. If I may make a statement. That Representative Cullerton said that I was opposed. I am opposed to what is happening here him trying to put this on the Bill. As I said before, I would be more than willing to sit down with Representative Cullerton and look at this in the future. I did not oppose on the merits. I opposed to what's going on on an Amendment and I think that should be rectified. Thank you."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 23 voting...24 voting 'aye', 76 voting 'no' and the Amendment fails. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 2052, Representative White. Out of the record. House Bill 2079, Representative Goforth. Clerk, read the Bill."

Clerk Leone: "House Bill 2079, a Bill for an Act to create the Hambletonian Commission. Second Reading of the Bill.

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Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "No Motions filed. No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 2174, Representative Madigan. Representative Cullerton. Out of the record. With leave of the Body, I'll go back to Senate Bill 1954. Representative Mays, will you handle this Bill? You will. Mr. Clerk, read the Bill, 1954."

Clerk Leone: "Senate Bill 1954, a Bill for an Act to amend the Civil Administrative Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative Phelps. Representative Dave Phelps. Recognized on Amendment #2, Mr. Phelps."

Phelps: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Amendment 2 to Senate Bill 1954 creates...establishes within the Conservation Department a office of resource marketing. This is necessary for marketing and promoting the use of conservation resources within tourism and recreational facilities. Such office shall coordinate its tourism promotion efforts with the local community events. Many of us experience local festivals through our communities throughout this state which could really include a field staff with work with the Department of Commerce Community Affairs, the local officials and coordinate the expending tourism and local county activities. This is very valuable to expand this program. We appreciate your support."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 2 to Senate Bill 1954 and on that question, the Gentleman from Adams, Representative Mays."

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Mays: "Will the Gentleman yield?"

Speaker Breslin: "He will."

Mays: "Is this a concept that we have seen before?"

Phelps: "Yes it is, Representative."

Mays: "In what shape?"

Phelps: "Last year this Bill passed out of the House with a pretty good margin, if I remember right, as House Bill 428 and passed through the Senate, it was laid on the Governor's desk. I think he vetoed it and we failed to override by a few votes."

Mays: "Why...why did the Governor veto the Bill last year?"

Phelps: "Well, he said in his message that it would cost too much. But Jeff, you and I know that the very thing that we talked about yesterday and debated, the use of the Amendatory Veto has been quite abused and this was one Bill that probably would stand out as an extreme example of that abuse."

Mays: "What happened? He deleted the whole Bill, right?"

Phelps: "No. He rewrote the message to leave...part of the Bill that Representative Breslin is sponsoring now, the buying and selling of advertisement, was still left in. So I'm incorporating this back to the original Bill if we can be successful."

Mays: "To the Amendment, and I am not speaking on behalf of the Chief Sponsor by any stretch of the imagination. I would...I would suggest that this might hurt the chances of this Bill's passage, or being signed into law, and I would ask that we oppose the Amendment. But, in any case, I understand Senator Weaver's the Sponsor, and perhaps if this Amendment does get on he can table it over in the Senate. Whatever, I would appreciate a 'no' vote on the Amendment."

Speaker Breslin: "Any further discussion? Hearing none,

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Representative Phelps to close. Representative Phelps."

Phelps: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, this Amendment is really no big deal. Its...its authorization for us to recognize how this promotion marketing resource office could really help tourism and if and when we at such time, that this...the budget can withstand an increase in staff that would really enhance a program, then we can worry about the money. This just authorizes what...and recognizes, identifies what's lacking now in the promotion within that office. So we would appreciate your support."

Speaker Breslin: "The question is, 'Shall Amendment #2 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Vote Representative Panayotovich 'aye'. Have all voted who wish? The Clerk will take the record. On this question there are 60 voting 'aye'...Have all voted who wish? There are 61 voting 'aye', 45 voting 'no' and 1 voting 'present'. This Bill having received the Constitutional Majority is here...excuse me. This Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #3, offered by Representative Breslin and Piel."

Speaker Breslin: "Representative Piel. Is the Gentleman in the chamber? Representative Mays."

Mays: "With leave of the House, it's a bipartisan Amendment, with leave of the House, I'll try to handle the Amendment."

Speaker Breslin: "Does the Gentleman have leave to handle this Amendment on behalf of Representative Piel? Hearing no objections, he has leave. Proceed, Representative Mays."

Mays: "Thank you very much, Madam Chairman. Amendment #3 simply creates within the Department of Commerce and Community Affairs an advisory committee on tourism for the tourism

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promotion fund. I would move its adoption."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 3 to Senate Bill 1954. On that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #3...Representative Phelps, for what reason do you seek recognition?'"

Phelps: "A question to the Sponsor, please."

Speaker Breslin: "Representative Mays will yield to a question."

Phelps: "Representative Mays, does this address the item that I just got...supported...Amendment 2?"

Mays: "This doesn't impact the Amendment that was just adopted at all. I don't believe."

Phelps: "Thank you."

Speaker Breslin: "The question is, 'Shall Amendment 3 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the Amendment's adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #4, offered by Representative Wait."

Speaker Breslin: "Representative Wait."

Wait: "Thank you, Madam Chairman and Ladies and Gentlemen of the House. Amendment #4, here, would simply allow us to pay our utility bills out of either June or July rather than having to allocate and apportion these bills. There's been a lot of complication for our secretaries. So I'd ask for this...support of this Bill."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 4 to Senate Bill 1954. On that question, is there any discussion? Hearing none, the question is, 'Shall Amendment 4 be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the Amendment's adopted. Any further Amendments?"

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Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen we are now going to go to the Special Orders of Business. These Orders are printed on a separate supplemental Calendar for you. These Bills are on Second Reading. We will do those Bills that are on Second Reading in an attempt to move them to Third Reading so that we can take action on them during the appropriate time schedule printed on the Calendar. The first one we will go to is State and Local Initiatives dealing with state...this is a special call on State and Local Initiatives for Second Reading Bills only. The first one is Senate Bill 1592, Representative DeLeo. Out of the record. Senate Bill 1599, Representative Novak. Representative Klemm, for what reason do you seek recognition?"

Klemm: "Parliamentary inquiry, Madam Speaker."

Speaker Breslin: "Pardon me?"

Klemm: "Parliamentary inquiry."

Speaker Breslin: "State your inquiry."

Klemm: "I noticed on the Special Order of Business you called, you have the date of Friday, June 17th so the Calendar is for Friday and not today, and yet you're calling it out of order."

Speaker Breslin: "That's true. But this is a special call and we are doing it so that we can prepare these Bills so that they will be ready to be acted on as Special Orders of Business."

Klemm: "I have no objection, obviously, of the Special Order and what you're doing, but when you present us with a Calendar with a Special Call and then don't call it on the day that you say you will, that's certainly not giving the Membership very much notice and I think it's almost inappropriate."

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Speaker Breslin: "But it...you see, we intend to call them on the date specified, but they have to be moved from Second to Third in order to be ready for action."

Klemm: "Thank you."

Speaker Breslin: "Okay? Is Representative Novak in the chamber? Representative Novak. Out of the record. Senate Bill 1672, Representative Currie. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1672, a Bill for an Act to amend the Freedom of Information Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative McCracken."

McCracken: "What are we doing?"

Speaker Breslin: "We're doing Amendment #1 to Senate Bill 1672. You are the Sponsor of the Amendment."

McCracken: "Well, I'm...I guess I'm going to have to stand up and object, then. I understand the Chair's desire to move expeditiously. I think a better way to spend our time today is to do the regular Calendar and then take up these...this Special Order when, in fact, we...we...it is scheduled for. And I would ask the Chair not to abuse the spirit of the rules by seeking to call this a Special Call. The fact of the matter is, the Calendar has been set for some time. As a matter of fact, Madam Speaker, there's a three day requirement for Special Order Calendars so that this Order is not in order. Not only because it is scheduled for tomorrow, Friday the 17th, but because it was only put on the Calendar on Tuesday so that the third day will not come until tomorrow. Again, I understand the Chair's concerns. We would like to try to accommodate you, but given the Calendar requirements, we must insist they be

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followed in this case. So, I'm awaiting your ruling."

Speaker Breslin: "Okay. I won't...we won't make a ruling, but we will consider your position and that position that has been expressed by other Members. And during that time, while it's being considered, we'll go...we'll take this Bill out of the record and we'll go to Senate Bills, Second Reading, on page five on the Calendar. The first Bill is Senate Bill 145, Representative Matijevich. Ladies and Gentlemen, we're going to Senate Bills, Second Reading on the regular Order of Call for the time being because of objections by Members. On page five of the Calendar, the first Bill is Senate Bill 145. Representative Matijevich, do you want this Bill called? Out of the record. Senate Bill 591, Representative Steczo. Do you want this Bill called? Out of the record. That's why we went to the Special Call. Senate Bill 959, Representative Capparelli. Do you want this Bill called? No. Out of the record. Senate Bill 1532, Representative Steczo. Do you want this Bill called? Clerk, read the Bill."

Clerk Leone: "Senate Bill 1532, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of the Bill. Amendments #1 and 2 were adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "There are no Motions filed or...nor...nor are there further Amendments."

Speaker Breslin: "Third Reading. On page six on your Calendar appears Senate Bill 1534, Representative Keane. Representative Keane. Out of the record. Senate Bill 1558, Representative Young, Anthony Young. Do you want this Bill called? Out of the record. Senate Bill 1562, Representative Keane. Is the Gentleman in the chamber? He is not. Out of the record. Senate Bill 1563, Representative Phelps. Do you want this Bill called?"

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Clerk, read the Bill."

Clerk Leone: "Senate Bill 1563, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative McNamara."

McNamara: "Thank you, Madam Speaker, Members of the House. Amendment #1 was the subject of a Bill which, due to the lack of the amount of people that were here at the end of the Session, happened to fail by just one or two votes. What it requires is, is a minimum funding level for education. This is a minimum funding level for education, primary and secondary education, that is based only upon the budget. It sets up a formula where approximately 26.5 percent of the budget each year must be dedicated for primary and secondary education. This is regardless as to whether or not there are tax increases. It is a two-pronged process. The first prong is, is that it allows schools to know ahead of time how many dollars they're going to be getting from this General Assembly which is the biggest complaint that we get from school administrators, that they never know how many dollars they're going to get. The second thing it does is it says to people, 'If you believe that educational funding is the number one priority in this state, then that educational funding should be put into the budget, number one as an educational funding provision. For example, in 1987...1988, if this were in effect, it would amount to approximately a 250 million dollar increase in educational funding for primary and secondary education. What it does is it allows that formula, based on a level, not of 1988, but of 1987. If we

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take a look at the ten year average over which this funding was brought across, we will find that many of those times in 1979 and on, we were up near 30 percent of our total budget was for education. We can say today that education funding is just as important today as it was ten years ago or we can reject this and say education really isn't our priority. I urge for its approval."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 1 to Senate Bill 1563. On that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker. I understand the desire to lend some stability to the raising of monies for schools and that they have some inherent instability, both on the local level with the property taxes because the assessed values and tax rates are extended after the budgets are passed, and also here because, you know, the locals don't know what exactly what we're going to do from year to year. But, even though that is a good idea to try to lend some stability to the system, this is not the right way to do it. This Bill seeks to bind the General Assembly either to an unrealistic standard in which case it does more harm than good, or a standard which will never come into play because we will always exceed those amounts. And if in fact that's the case, it also has no relationship or...I shouldn't say relationship...any benefit to the budget and appropriation process our local schools go through. And I raise this point for all of us to consider carefully, what, if any effect does this Bill have upon subsequent General Assemblies. I submit to you that it seeks to bind, in the future, those various General Assemblies. If, in fact, it does seek to bind future General Assemblies, it would be in the nature of...a continuing appropriation such as we hear the 'SACS' demanding. It may in fact, if that's the case,

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require an extraordinary majority to pass the Bill if the Amendment gets on. Although I will...I will wait to address that...to the Chair at a later time. But this is fraught with problems. I understand the desire of the Sponsor. I understand the problem the schools face, but this is absolutely not the answer. We should respectfully be opposing this Amendment. It just is not going to help. It's going to do a lot more harm."

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

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

Speaker Breslin: "He will."

Ropp: "Representative, as I understand this Amendment, it deals primarily with elementary/secondary education. Is that correct?"

McNamara: "Yes, that's correct."

Ropp: "Well, what...we also have somewhat of an unwritten policy, although it may not be clearly identified anywhere, we usually spend about half, fifty percent for higher education. Is that a part of your consideration, though not in the Amendment, that higher ed. would include maybe another 12 1/2 percent so, in fact, about 38 to 40 percent of all of the money would actually go into education in total?"

McNamara: "All this Amendment is addressing right now is primary and secondary education. It does not enter into the higher education."

Ropp: "Well, are you...do you support kind of that 50 percent allocation to higher ed. as we have been doing over the years, or is that something that we do not include in this particular Amendment?"

McNamara: "We do not include it in this particular Amendment and I do not...I 'm not versed as far as that's concerned."

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Ropp: "I didn't hear the last part."

McNamara: "I am not versed in how much we give to higher education at this time. I...I just targeted this towards primary and secondary education because I believe it's a...it's a way of starting."

Ropp: "And what is the percentage that is proposed for this year's funding of elementary/secondary education?"

McNamara: "I believe that the proposal amount is the same as last year which was a reduction over the year before which is approximately 25.9 percent. Next year, under this Bill, it will be 26.5 percent which is the same as the 1987 funding level. And it...even the 1987 funding level, as I said, is significantly below the 1979 funding levels when we were funding at a much higher percentage of budget."

Ropp: "Okay. Is this Amendment dealing just with minimum amounts or is the maximum amount that can go into education?"

McNamara: "This is only a minimum amount. We may fund as much as we desire towards education. But what it does is it provides a minimum floor so that we will be able to always tell the schools, 'This is the amount we...you will get for primary and secondary education.'"

Ropp: "Okay, but really, that doesn't answer their particular question. It does in total, but for a particular school district, under whatever school aid formula we might have, they still would not necessarily be assured that they were going to get a particular specific amount other than in generalities. Isn't that true?"

McNamara: "No. It...it really isn't because on the school aid formula, the one problem that they have in cranking out their figures of it is, is to know how much the General Assembly will appropriate, even as a minimum value, to the state aid formula. That happens to be a key compo...component of the state aid formula. In that

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regard, almost every...every school district knows out front what they're equalized assessed evaluation or they can get that from their assessor and crank it in. I know that in my office, before the General Assembly ever meets down here, they have told me how much they have lost on the school aid formula but...entirely dependent upon what the General Assembly does."

Ropp: "Thank you."

Speaker Breslin: "Any further discussion? The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Amendment for a number of reasons. One, I don't think we want to put any more mandatory language into the statute which at some point in time, we will not be able to appropriate to the level and just put our hands up in the air like we've done on so many programs, the most recent of which is CHIPS. This...this Amendment, obviously, is well intentioned. But the fact of the matter is that it will box the General Assembly into a funding level that they may very well not be able to...be able to meet. And, therefore, it's in my judgement, the better part of...wisdom to do as we've done in the past and that is to defeat Amendments of this type."

Speaker Breslin: "The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House, I rise in support of this Amendment. Any of you who have heard from your school districts realize that they all feel that we have not lived up to a commitment that we keep talking about where education is called a priority, but where in fact the money does not follow that commitment to make it a priority. This Gentleman has come up with a method that

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would help us to keep that priority in mind as we make our appropriations. As all of you know, nothing is carved in granite in these chambers and obviously, if at some point we look at this and find that it's absolutely impossible, we can repeal this Section. But if this becomes law, it will in fact be a guideline for us in the appropriations process to try to fulfill this commitment before we look at other budget items. I feel that it is something that we owe to our local school districts so that they can begin to have some confidence that we are providing a substantial priority for education spending. Without this, there is no guarantee. Without this, we can find that exactly what happened for the current fiscal year can happen repeatedly, where our school districts will end up with cuts because we have not appropriated, we have not set our priority in the funding process for the money going to our local schools. This will simply be a way of keeping us on target so that we can try to give some stability to our educational programs and I would urge support of the Gentleman's Amendment."

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

Parke: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, I do not want this to be a partisan issue. Everyone of us, obviously, has School Districts in our area. For the last three years that I am aware of, we have raised expectations of our schools and our school district leaders to a point where they have been disappointed time and time again. This does not need to be partisan. This is not good precedent. We, again, now are going to raise expectations that we will not, maybe, meet. And maybe not meet now, but maybe in the future. You know, if you're going to be committing to this Amendment, you're going to

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have to commit to a tax increase to pay for this. And, again, I am saying that we are falsely raising the hopes of our schools like we have done time and time again. I think everybody in this General Assembly should not vote for this Amendment. It is not good for schools and it's not good for your schools."

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

McNamara: "Thank you, Madam Speaker. There was an interesting discussion when we take a look and it says that some of the opposition is because it's...there's a mandatory language in this Bill that says we have to live up to our commitment for education and we have to make that a number one priority. Gee, that's really a terrible thing for this General Assembly to do is live up to their word. Other things, it may box the General Assembly in to a level that they may not wish to meet. A minimum funding level, you may not wish to meet it so you can lower education again? This is a commitment? This, another argument, this is a commitment that is an obligation on us. What are we here for? What are we here for? We are here to fulfill our obligations that education is important. It's number one. It is realistic and we must do something about it. And if we can't fund education first and leave all of those fluff projects off to the last and support your tax increases on that, then we're not doing our job and I'm saying today, we must be here to do our job. We say, also, in the last comment, that we will raise expectations to schools, to schools, that we cannot meet. This Bill says precisely that we fund education first. Let's announce that this State of Illinois, that we are willing to meet our obligations as elected Representatives of our people. We will come down here as those elected Representatives and we

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will say and put our money where our mouth is and say, 'Fund education first.' Let's not listen to the sham, the hypocrisy that says we cannot fund first. Let's vote for our kids. Let's give an 'aye' vote for this Amendment. It's a good Amendment. It should be there. Put your money where your mouth is and support your kids. I urge an 'aye' vote."

Speaker Breslin: "The question is, 'Shall Amendment #1 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 80 voting 'aye', 30 voting 'no', and 2 voting 'present'. This Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1581, Representative Novak. Representative Novak. Out of the record. Senate Bill 1584, Representative Flowers. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1584, a Bill for an Act to amend an Act relating to school meal programs. Second Reading of the Bill."

Speaker Breslin: "Any Amendments?"

Clerk Leone: "Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions?"

Clerk Leone: "No Motions filed."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "No Floor Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1592, Representative DeLeo or Bugielski. Out of the record. Senate Bill 1599, Representative Novak. Clerk, read the Bill."

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

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Environmental Protection Act. Second Reading of the Bill.

There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is being offered by Representatives Churchill and Wennlund."

Speaker Breslin: "Out of the record. Senate Bill 1612, Representative Homer. Representative Homer. Out of the record. Excuse me. Representative Homer is back. With leave of the Body, we'll go back to Senate Bill 1612. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1612, a Bill for an Act to amend an Act to provide for trial in a circuit court. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. Representative Matijevich in the Chair."

Speaker Matijevich: "Senate Bill 1615. The Clerk will read the Bill."

Clerk Leone: "Senate Bill 1615, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Matijevich: "Are there any Motions?"

Clerk Leone: "No Motions filed."

Speaker Matijevich: "Floor Amendments?"

Clerk Leone: "The next Floor Amendment is Floor Amendment #2, offered by Representatives Goforth and Rea."

Speaker Matijevich: "Representative Cullerton, for what purpose do you rise?"

Cullerton: "Yeah, I want to take this out of the record for..."

Speaker Matijevich: "Take the Bill out of the record. The next Bill is Senate Bill 1616. The Clerk will read the Bill."

Clerk Leone: "Senate Bill 1616, a Bill for an Act to amend the

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Illinois Solid Waste Management Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Matijevich: "Amendments from the floor?"

Clerk Leone: "Floor Amendment #1 is being offered by Representatives Breslin and Wennlund."

Speaker Matijevich: "The Lady from LaSalle, Representative Breslin on Amendment #1."

Breslin: "Thank you, Mr. Speaker. Amendment #1 incorporates the agreement that we had on the County Planning Solid Waste Management Planning Bill and Mandatory Recycling Bill which was House Bill 3878. It passed this House with 114 votes. It did not get out of the Senate Rules Committee. The only Amendment to the ...to this Amendment, is that we have taken out any reference or any restrictions on the introduction of the plastic can in Illinois. So, this is a bipartisan Amendment and I would ask that it be adopted on Senate Bill 1616."

Speaker Matijevich: "Representative Breslin has moved for the adoption of Amendment #1 to Senate Bill 1615. Is there any discussion? Hearing none...1616, I'm sorry. Hearing none, all in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk Leone: "Floor Amendment #2, offered by Representative Levin."

Speaker Matijevich: "The Gentleman from Cook, Representative Levin on Amendment #2."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A series of investigations has been running in Chicago on Channel 5, NBC, on the substance chlordane which is...in the past, was used to spray houses for termites. And, within the last month and a half has been banned by the Federal Government as being very highly dangerous. The problem that exists with respect to this chemical and

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others is that this chemical is stored in many houses throughout the State as well as farms and businesses and so on. And people have no way of disposing of the chemical. They should not be throwing it down the drain because it would poison the water supply. They should not be putting it in their garbage because it would pollute the ground water. The only reasonable way of disposing of this kind of chemical and others is through a coordinated disposal program which a number of other states have undertaken. The Environmental Protection Agency of Illinois has been conducting some pilot programs with respect to collection and disposal of hazardous chemicals. Last summer they did one throughout the State with respect to hazardous chemicals stored in schools, a lot of which were collected over a thirty year period. What Amendment #2 does, and this was drafted by the Environmental Protection Agency, is...would request them to come back to the General Assembly next January with a feasibility study for a collection program for these program...for these chemicals."

Speaker Matijevich: "Representative Levin has moved for the adoption of Amendment #1. On that, the Gentleman from Fulton, Rep...Representative Homer."

Homer: "Thank you, Mr. Speaker. Parliamentary inquiry. Is Amendment #2 in order?"

Speaker Matijevich: "Is it in order? Be at ease for a moment. I think that's the same...same question Representative Cullerton had. Rep...Representative Homer, would you...Representative Homer or Cullerton, would you address the Chair and tell us what's wrong with the Amendment. Representative Homer, the Gentleman from Fulton."

Homer: "Thank you, Mr. Speaker. Our staff indicates that with the adoption of Amendment #1, that Amendment #2 would be

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out of order. Amendment #1 was adopted and so, it would appear that Amendment #2 is not in proper order."

Speaker Matijevich: "You're...you're correct. The point is well taken. The Amendment is withdrawn. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Matijevich: "Third Reading. Senate Bill 1626, do you wish that to be called? Out of the record. Representative Breslin in the Chair. We understand that Representative Breslin is also handling 1634, the Clerk will read the Bill. 1634."

Clerk Leone: "Senate Bill 1634, a Bill for an Act to amend Sections of the Illinois Vehicle Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Matijevich: "Are there any Motions?"

Clerk Leone: "No Motions filed."

Speaker Matijevich: "Amendments from the Floor?"

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

Speaker Matijevich: "The Gentleman from Cook, Representative Daley on Amendment #2."

Daley: "Thank you, Mr. Speaker and Members of the House. Amendment #2 to Senate Bill 1634 provides that no person shall drive a motor vehicle with tinted film or nonreflected material upon the front windshield side...side windows immediate adjacent to the driver. I'd be happy to answer any questions. This Bill is being offered at the suggestion of the Illinois Department of Transportation, the Department of State Police, Secret...the Cook County State's Attorney, DuPage State's Attorney, and a number of other law enforcement agencies. And...I'd be happy to answer any questions."

Speaker Matijevich: "The Gentleman has offered the adoption of

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Amendment #2 and on that the Gentleman from Peoria, Representative Saltsman."

Saltsman: "Thank you, Mr. Speaker. For you people that are worried about small business, this is a very bad Amendment. There's probably not one person in this chamber that doesn't have one of these small businesses in their district that's going to be put completely out of business if this Amendment goes through. There are 30 states that have a limitation on the percentage of viewing that can come through this tinted glass program. There are very good projects that we have tried to amend and tried to work with the Senate Speaker and they have all been rejected. When something usually happens with police work within this area, it's always been that they have come to me to take consideration of being for this program. At this time, I don't know of one policeman in the State of Illinois that's for this Bill. In a parking lot in Peoria, where their cars are at, half of them have got tinted glass windows. Now, if you have any of these businesses, for instance, in my area, I have one wholesaler who supplies 129 retailers between Springfield, Peoria, and probably up to Streator, Illinois. That's his territory, 129 retailers. These are small business people. Now, these people are going to be out of business, because if you take this film, if you take this off of the front windows, nobody is going to have it put on their rear windows. You're putting these people directly out of business. Now, this...this man's business borders mine and Senator Hawkinson's, who he tried to amend over in the Senate, to come with the 30 percent vision which you can see anybody in this part of the room. Now, if I'm going to be driving home and the sun's out, I don't care about the sun being blocked in the back seat, I don't want it on me when I'm driving back to Peoria tonight. I

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had a call from a nurse who's got a 15 percent vision which is really dark. She gets off work at one o'clock in the morning and she says, 'I don't want nobody seeing in my car. This is safety for me.' Now you might have heard where this has been hazardous to police officers, but let me tell you something. The corporations and the business people in my area who are fighting this Bill cannot find one police officer that's been killed through the tinted glass in the United States. This Bill was hung up in Rules Committee and that's where it should have stayed. It hasn't had a committee hearing. This is a Bill. This is a Senate Bill. This is just not an Amendment from John Daley. This is a Senate Bill that...that got hung up in rules committee and deserves a fair hearing so these merchants can come down here and not be put out of business and let them explain to you why that this Bill should not carry. They're willing to compromise. And the people in the Senate would not even listen to this compromise to keep them in business. We didn't know that this Amendment was coming until two or three days ago. They thought this Bill was dead and they haven't had time to contact many of you that have this type of business in your district. But looking at the Legislators from my area, I'm sure if this Amendment would go onto this Bill and this Bill passes, everyone of you are going to be asked to come back here in November to keep these shops, to keep their workers and to keep these businesses open. There's a big safety factor in this tinted glass. This film, if a rock will hit that glass. The size of the rock will go through. That whole window will not shatter. I went to the company and I watched them throw objects at this glass. They will not shatter. There's a big safety part of this film being on your glass. What I'm asking you now is that we could come

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back with a good Bill, with a decent Bill, and keep these people in business. Now, I'm talking 129 retailers in about a 30...in about a 50 square mile radius of Peoria. I don't know how many are in Chicago. I don't know how many are in Southern Illinois or the Rock Island western area. But, it's probably up in the thousands of retailers doing this and many of them don't even know this legislation's in here. Now, if you're against small business, you can go ahead and you can vote for this Amendment. But, I warn you. It's a very, very bad Amendment and I think everyone knows here as much police legislation as I've sponsored, that if this was going to harm a policeman, I'd be the first guy to get up here and I'd be the first guy to tell you we need this. But I'm going to tell you we don't. It's better for business. They used an example of Riverside, Illinois and the information I got from these companies that did the investigation is that the officer was shot, the man had tinted glass in his car, but he was seven feet from the automobile. He was not in the automobile upon this. Now this is the information that they gave me. So all I'm asking you now is I have a good Bill, a good Bill that they don't...that they will encourage. They're discouraging real dark. They're discouraging the 15 percent vision. This 30 percent vision isn't bad if you want to look at my car and see how far you can see away. You got to keep these people in vision. Already I've had calls from these companies since this came out two weeks ago in our...in our papers. People have already cancelled their appointments to have this done to their cars thinking that this law's going to be coming into effect. They have already been hurt by this Amendment which was a Bill in the Senate. They have already been hurt because of the threat of it. So if we pass it, it

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just runs them completely out of business. And put yourself in a person's position who wants tinted glass. Would you not put it on your front windows? Would you put it in your back windows? This is a terrible piece of legislation. It's very antibusiness. And let me tell you something, none of these police groups have contacted me and I've talked to the lobbyists for policemen out here and I haven't found one that's for it. So, I'd like for this to be held up and I'll promise you a good piece of legislation and I...that we can work with in the time coming. I urge your 'no' vote on this Amendment."

Speaker Matijevich: "The Gentleman from McHenry, Representative Klemm."

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

Speaker Matijevich: "Yes, proceed."

Klemm: "Representative Daley, does this also affect factory installed tinted glass?"

Daley: "No."

Klemm: "What would be the difference if it's a percentage of tinted glass on factory installed versus a percentage of tinted glass that would be done locally. I mean why would we oppose that type of approach where there'd be a compromise? If you allow a factory to do it, and I know most of us have tinted glass in our cars for energy saving and comfort in our car, why won't you allow, then, a 15, 20, or 30 percent tinted shield to be put on as Representative Saltsman is suggesting? I don't see why there's a conflict there."

Daley: "The state police have indicated the percent is...very hard to enforce."

Klemm: "So the...so the amount of tinting a factory can put on is okay? That can be even 50 percent tinted and that would

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be...permissible under your Bill, but you couldn't go to a local person and have it done?"

Daley: "It's my understanding, Representative, that the factories do not put that amount of tinted glass in."

Klemm: "Is that by law, the percent that they can do it?"

Daley: "I don't know. It's my understanding that that amount is not in...in the cars."

Klemm: "Alright, but it just seemed like there was a conflict and I would think Representative Saltsman has...has, I think a good point and we could use some compromise. Thank you very much."

Speaker Matijeich: "The Gentleman from Macon, the chairman of the Transportation Committee, Representative Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I respect Representative Ronan, the former chairman of the Transportation..."

Speaker Matijeich: "I'm sorry, judiciary. I didn't know I said that."

Dunn: "And I rise in support of...of the Amendment. Those of you who encounter four way stops as you drive along think about what you do. You know the rule. The rule is if you approach a four way stop at the same time, the car on the right has the right of way. But what you do is you search to make eye contact with the other cars and then inch out a little bit at a time to avoid a collision because you may know the rule, but the other driver may not. You may both know the rule and interpret it wrong in a situation, so you depend upon eye contact. With tinted windows you can't do that. If you're a pedestrian at a street corner and the...the light turns green and it says, the sign says 'walk', before you step off the curb, you take a look at the car that you're going to walk in front of and, very quickly, probably subconsciously, once again, you'll try to

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make eye contact with the driver to put yourself in a position of assuring yourself that there will not be trouble or difficulty if you step across the street. With tinted windows you can't do that. It's my understanding that the state police are in favor of this Amendment and I understand the Secretary of State is in favor of this Amendment, both because of a safety feature for law enforcement officers. With all due respect to my colleague who spoke earlier, and who I know as a firm and staunch supporter of law enforcement issues on behalf of law enforcement officers, I would disagree with him about this issue. I think tinted windows certainly do obstruct the investigative facilities of law enforcement officials both as they are driving along and as they approach a car. If you can imagine yourself in a position of a law enforcement officer, you pull a car over to give a ticket, you've made the radio check, but, you get out of your car and you approach. If you approach your car or mine and you can see in the window, you can see what the driver is doing, how many people are inside the car and whether there are passengers or not, what the passengers are doing. But if you step out of your car as a law enforcement official and you can't see in the windows, you don't know how many people are inside, you don't know what they're doing, you instantly become very, very vulnerable and needlessly. If there are medical reasons to require tinted glass, I think we can take care of that. But we should support this Amendment. We should move away from the practice that does exist, and I think those businesses that were nimble enough to get into this business are nimble enough to find other employment. So I would ask, respectfully, for an 'aye' vote on this Amendment. It's a good Amendment and should be adopted."

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

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House, I would rise in support of Representative Daley's Amendment. When you get out of a squad car in the daylight you can't see in these cars. If you stop somebody at midnight in some dark alley, you have no idea how many people are in the car. As you approach the car, a guy could have a cannon in the front seat and you couldn't tell. So this is a very good Amendment, and it would certainly help the law enforcement officers when they're stopping cars or when they're observing cars. You can see people drinking in a car if you're driving next to them on the highway. And you certainly can't see if the windows are tinted. So I would say this is a very good Amendment from the law enforcement officer's viewpoint."

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

Leverenz: "Will the Sponsor yield?"

Speaker Matijevich: "He indicates he will."

Leverenz: "Where in the Amendment does it say factory installed tinted windows are okay? You've said that that is okay and I don't see that any place."

Daley: "That is legislative intent, Sir."

Leverenz: "Intent."

Daley: "Legislative intent."

Leverenz: "Well, okay. Let me talk about my intent. I may have a conflict, here, but I will do what my conscience dictates. The little factory at the corner of Lake Street and 25th Avenue tinted my glass. Is that an approved factory?"

Daley: "No."

Leverenz: "Why?"

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Daley: "You're talking about a dealer. You're talking about a dealer."

Leverenz: "No, he's not into drugs. He just installs tint."

Daley: "That is a manu...he is a manufacturer that it...installs film."

Leverenz: "Right. On page two, lines twenty-five, six, seven, and eight, would the legislative intent of that amount to me selling my car to you and then you selling my car back to me? That would, then allow me to have what I have. Is that correct? Because you exempt me from the law if I buy a car that is already tinted. Would I have to go through that and pay used car sales tax to circumvent the law?"

Daley: "That...no. That...that would exempt the dealer that sells the car."

Leverenz: "Do I have to then get a dealer license plate? Is...I'm trying to understand how to get around it."

Daley: "You can't get around it."

Leverenz: "Then we got to kill it."

Daley: "Now, I know you do. You want to, I should say."

Leverenz: "Can you explain lines 33 and 34 and on page 3, lines one and two? What is the intent there?"

Daley: "If you have tinted in the back of the car, you are supposed to have side mirrors."

Leverenz: "Where would those...I don't understand the side mirror. That's...I got to have side mirrors, let's say it's a four door car..."

Daley: "On each side. On each side."

Leverenz: "Then on the...if it's a four door car..."

Daley: "Just two. On each side."

Leverenz: "I got to have rear view mirrors on the rear doors?"

Daley: "No."

Leverenz: "Okay."

Daley: "If you have tinting in the rear win...in the rear, you

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have to have..."

Leverenz: "Could you briefly explain the genesis, or the motivation for this?"

Daley: "Basically, to protect la...policemen. I don't want..."

Leverenz: "And how many..."

Daley: "I...a num...I don't know if a policeman has been killed, but I don't want to come back here and try to enact this Bill after a policeman has been killed."

Leverenz: "Well, there have been no police officers known in the State of Illinois, is that not correct..."

Daley: "Killed, but they have..."

Leverenz: "That have been shot at, even."

Daley: "I believe that one has been shot at out in Representative Kubik's district."

Leverenz: "Okay. Are you familiar with the crimes in the major metropolitan areas of Cook County called smash and grab?"

Daley: "Smash and what?"

Leverenz: "Smash and grab. That is where they will come up to you or especially a woman, your wife perhaps, at a stop light, they break the passenger's side, or the driver's side, startle the individual driving the car, reach in, grab the purse, and run off. I would think that under those conditions, it would frustrate the criminal element that we have, being able to see into the car to see what to grab. Would you consider that might be a motivation?"

Daley: "No, I think if someone's ready to get in your car, they'll get in no matter what, if they have that motivation to smash your window."

Leverenz: "You know it makes it about ten degrees cooler in the car?"

Daley: "Turn on your air conditioner."

Leverenz: "Do you know that it protects the fabric from being damaged by the rays."

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Daley: "Use dark cover on your...in the car."

Leverenz: "Terrible Amendment. But, it's an emergency, I'm sure."

Speaker Matijevich: "The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Amendment and...as Representative Daley has indicated, this Bill has been around for awhile, but I take a particular interest in this legislation because a police officer in my district was hit by a blast...by a shotgun at about one in the morning. The reason he was seven feet from the car was that he had gotten out of the car and started walking toward it. The guy jumped out of the car with a shotgun and hit him. Thank God he was wearing a bullet proof vest or we would have had a fatality in the State of Illinois. This is a good Amendment and...and I'd like to address some of the points that have been made in the prior two...speakers. First of all, one of the speakers pointed out that no policemen support this legislation. State police support this legislation, the Fraternal Order of Police support this legislation. I've had a number of my police chiefs write to me in support of this legislation. The Department of Transportation supports this legislation. It...It has universal support among police groups. With respect to the...the argument regarding the tint and the degree of tint, the reason that we haven't compromised on this Bill, is because if we put degrees of tint in the Bill, it would become unenforceable. In Arizona, for example, they had a...a piece of legislation which established the degree of tint. That...that particular legislation was knocked down in the courts because it was unenforceable. This particular Bill is patterned after a law in California

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which is enforceable. How do you tell the difference between a 35 percent tint or a 33 percent tint or a 40 percent tint? You can't. And that's why it's unenforceable. The other thing is when you...we've talked about some of the police officers and...walking up to the car, one of the reasons for outlawing this particular kind of legislation is not only that you can't see what's going on in the car and...I recognize one of the other speakers said that this will...this will be a...a boon to the criminal element in our society, I would argue that's a rather contorted sense of reasoning. The police officer can't even make eye contact with tinted windows, not only during the daytime, but at night. So, you can't even tell what's going on in the car. It's a good Amendment. It's a public safety Amendment. Folks, with all due respect to the idea that we ought to protect business and that we ought to make sure that somebody's fabric in their car doesn't get a little bit lighter because of the sunlight going through, if you care about cops, you ought to be for this Amendment. It's a good Amendment and you ought to vote for it. I appreciate an 'aye' vote."

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

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

Speaker Matijevec: "He indicates he will. Proceed."

Black: "Thank...thank you. Representative, if I read your Amendment correctly, it appears that it's very similar to Senate Bill 1622. Is that correct?"

Daley: "That is the Bill."

Black: "And did Senate Bill 1622 pass the Senate by a margin of 43 to 10?"

Daley: "Yes, it did."

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Black: "I...I see. It's very, very similar indeed. I thought so. Let me ask you a question or two. When we talk about the tint on the front windshield and factory installed, are we not really talking about original equipment that we're all familiar with, that tint which is no lower than six inches down from the front windshield?"

Daley: "That is correct."

Black: "Original equipment, not factory installed, whatever definition 'factory' might be?"

Daley: "That's correct."

Black: "And it does allow for the passenger side windows and the rear window to be tinted to any degree, correct?"

Daley: "That is correct."

Black: "Does it also outlaw the gold film reflective tint that I believe, I may be wrong, but I thought the Chicago Motor Club had said at one time that that gold tinted reflective covering was dangerous because in certain conditions it reflected the sun into oncoming drivers?"

Daley: "No, you cannot have that."

Black: "Thank you very much. Ladies and Gentlemen, to the Amendment. I talked with my chief of police about this Bill some three months ago when I sat in on a meeting with representatives of the industry and representatives of the state police. I can assure you that my chief of police in my home town is in favor of this Bill. I think a previous speaker alluded to, with the tint, perhaps a snatch and grab individual would not do so because he could not see in the car. Well, a police officer has some concerns about stopping such a vehicle for the very same reason. And I don't know that we want to debate whether a police officer has or has not been killed or has or has not been harmed as a result of these windows. But put yourself in that police officer's position, if you would. It's very difficult to

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do the job we ask them to do, come upon a car that he cannot see into because they don't have side mirrors, and even if they do, all of the windows in the car are blacked out. He has no idea whether there's five people in the car, one person in the car, whether one person in the back seat has a shotgun or whatever. With...with this Amendment and the mirrors on the side of the car, that police officer can see inside the car as he approaches and would be in a much safer position. I think it's a relatively reasonable Amendment. I think the Gentleman from Peoria had some outstanding and very excellent comments that we do have to consider. None of us want to put that small businessman or woman out of business. That's a tough part of this Bill and I'm sure, maybe this will be worked out somewhere along the line. But I also talked to the person in my home town who is the biggest single installer of these tinted windshields and tinted windows. He agrees with this Bill. He has some concerns about the very business that he's in, that it might endanger a pedestrian as you've heard, another driver as you've heard, or a police officer as you've heard. Ladies and Gentlemen, when all is said and done, and the Representative from Peoria made some very cogent remarks, this is a good Amendment. It's an Amendment that will help keep our state police and our local police officers a little safer while doing the job we ask them to do. I would ask your favorable consideration of Amendment #2."

Speaker Matijevich: "Representative Daley to close."

Daley: "Thank you, Mr. Speaker. In conclusion, I would just ask for a favorable vote on this Amendment. I view it, simply, as a safety Amendment for the police depart...policemen throughout this State and the residents of this State. Thank you very much."

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Speaker Matijevich: "Representative Daley has moved for the adoption of Amendment #2 to Senate Bill 1634. Those in favor vote 'aye', those opposed vote 'no'. Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 102 voting 'aye', 10 voting 'nay', and this Bill...this Amendment is adopted. Are there further Amendments?"

Clerk Leone: "Floor Amendment #3 is offered by Representative Parcels and Mays."

Speaker Matijevich: "Representative Parcels on Amendment #3."

Parcels: "Thank you, Mr. Chairman...Mr. Speaker. The...my Amendment...deletes the part of the Bill that authorized any first division vehicle, passenger car, to pull a trailer with a load when displaying a master dealer or dealer A license plate. The reason for this is that those plates are meant for dealers when they are letting people drive cars to take a sample run on a car, they are sold much more cheaply, \$36 for the first set and only \$10 after that when the rest of us are paying \$48, and for those people to be allowed to pull trailers with these plates on is absolutely ripping off the state and the rest of the taxpayers. It isn't meant for use; it's meant to have people take trial runs in cars. And I think it's wrong for us to do this and I move for the acceptance of Amendment #3 to Senate Bill 1634."

Speaker Matijevich: "Representative...Representative Parcels has moved for the adoption of Amendment #3. On that, the Gentleman from Franklin, Representative Rea."

Rea: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Actually, the Amendment...I rise in opposition to the...to Amendment 3 that would delete the Amendment 1, because actually what this does is that it only makes a provision for the master plate and the A plate. It does not open up

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all the dealer plates. There is no loss of money whatsoever. What has happened is that dealers throughout the State of Illinois, they have been able, over the years, they have pulled like a golf cart behind their car, with...with a dealer plate, even though the law did not provide for it, it was overlooked, but now, more recently, have been enforced by the state police. The state police, even on the road that I've talked to, have said that this should be changed and that they should be allowed and that this should not be discriminatory...as it has been in the past. And we're not talking about a difference here when you say 36 versus 48 because actually you're not selling more plates, how many dealers do you know that actually will have regular plates over and above their dealer plates. When they go to the grocery store and buy their groceries, they drive their dealer plate. And I'm only talking about being able to tow a fishing boat or a golf cart or something of that nature the same as you and I with our house plates have the privilege of doing. This would bring it in line by...by changing this because we're not opening it up to all the dealer plates, only the master plate which is usually the dealer himself and the A plate which may be a son or the wife...car and if we were doing it for all the plates, then I would be opposed to it. But, I think this is needed legislation, and so I would ask each and every one of you to vote 'no' on this Amendment."

Speaker Matijevich: "The Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Mr. Speaker. I simply rise in support of the Lady's Amendment. Now this saw a previous life as a House Bill, I think it was 4010 or something like that, and wasn't called on Third Reading by the Sponsor. There's a real problem, I believe, in this state with abuse

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of the dealer plates at this time. There are those, in my mind, there's a purpose for them. You're supposed to have those on cars that are going to be test driven by clients or people that want to...that are thinking about buying a given model or something like that. But I think really we all know that people use them far in ex...you know, in excess of just that limited purpose. Now, the fact that they only paid \$36 and everybody else in this room pays \$48 for our plates, I guess, you know, that might have a bearing on some of you. And the fact that you only got to pay \$10 for the other plates that are dealer plates once you've had your master, that might have some bearing, too. But I just think that if we got the program as it is, it's a hard one to swallow, but we can do that, but we sure as heck shouldn't be extending it further, even this little way. And I think that's what the Amendment tries to...tries to keep the status quo, as messed up as it is, and I don't think we should be screwing it up anymore and so I rise in support of the Lady's Amendment."

Speaker Matijevid: "Representative Parcels to close."

Parcels: "Thank you, Mr. Speaker. There's absolutely no reason, no reason, to use these dealer plates to haul a truck behind you. There was one reason that they were allowed to have dealer plates. When the dealer was having many cars being tried out at one time, he didn't want to have to buy set after set of \$48 plates. It was an accommodation that we allowed dealer plates to be used at all. Clearly, they were meant for private cars and not...I mean, private cars are to have \$48 plates and the dealer plates were never meant to be used on private cars. It's very abused and this will just be one more abuse. We will now be hauling trailers with these cheaper plates and it's a rip off to the taxpayer and I ask for your 'aye' vote on Amendment #3

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to Senate Bill 1634."

Speaker Matijevich: "Representative Parcels has moved for the adoption of Amendment 3 to Senate Bill 1634. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. And the Amendment is adopted. Further Amendments."

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

Speaker Matijevich: "The Gentleman from Cook, Representative Giglio on Amendment #4."

Giglio: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #4 to Senate Bill 1634 is a Amendment which redrafts current law with regards to the auxiliary driving lamps commonly known as fog lamps. What it is, is language that was suggested by the Department of the State Police in order to address the concerns of the Illinois Vehicle Manufacturing Association of the United States. The concern was that the amber fog lights were allowed on the vehicles despite the fact that they were white lamps of the same intensity. The new language is from the 87 Uniform Code which will allow the use of any colored fog lamps provided that the lamps are properly adjusted so the aim and the glaring rays are not projected in the eyes of the oncoming vehicles. So what it is, it's a cleanup Amendment to passify the laws of the state police and the Illinois Manufacturing Association and I would ask for your favorable support."

Speaker Matijevich: "Representative Giglio has moved for the Adoption of Amendment #4. Is there any discussion? Hearing none, all in favor say 'aye', opposed 'no'. And the 'ayes' have it and the Amendment is adopted. Further Amendments?"

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

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Speaker Matijevich: "The Gentleman from Peoria, Representative Saltsman on Amendment #5."

Saltsman: "I'll withdraw the Amendment and bring it back in November."

Speaker Matijevich: "The Gentleman withdraws Amendment #5. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #6, offered by Mrs. Hasara."

Speaker Matijevich: "Representative Hasara, on Amendment #6."

Hasara: "Thank you, Mr. Speaker. If you remember, the House Bill 3354 which passed the House is similar to this Senate Bill and provisions in that Bill dealt with the fact that there were federal regulations prohibiting people with impaired vision from operating a motor carrier if they were working before the Regs took effect which was July 29 of 86. Amendment #6 is drafted to help an individual in my district who was working for a utility company at that time. He was in an accident in November of 86, has continued to work for that company since that time and the company is now, because of these Regs, being forced to fire this individual. He has been an excellent employee. He now has one and a half years of service as a visually impaired employee. The company wants very much to keep him and so I am drafting this Amendment to grandfather anyone injured prior to January 1, 1987, rather than July 29, 86. So I urge the adoption of this Amendment."

Speaker Matijevich: "Representative Hasara has moved for the adoption of Amendment #6. The Gentleman from Macon, Representative Dunn."

Dunn: "Thank you, Mr...Gentlemen of the House. Will the Lady yield for a question?"

Speaker Matijevich: "She indicates she will. Proceed."

Dunn: "I didn't hear all of the debate, but I do recall in Transportation Committee that we tried our best to

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accommodate those people who are in jeopardy now who had a proper license, but some change in the federal regulations made life difficult for them. But do I understand that...that you've gone beyond that and are now asking for something in addition for people who...who have incurred some difficulty...subsequent to the enactment of the federal rules?"

Hasara: "I am extending the date from July to January 1, of 87, six months."

Dunn: "And what is the significance of that?"

Hasara: "The significance is, as I mentioned, there's a very dedicated employee who lives in my district who is working for a utility company. He was injured just a couple of months after these Regs took effect. He's been working for them ever since, he is now visually impaired. He has one and half years work record as a visually impaired employee. The company wants to keep him. He's a wonderful employee and he'd like to keep his job and I'm trying to help him out."

Dunn: "And what are his remedies if this...under current law if this does not pass?"

Hasara: "He's going to be laid off very soon if this does not pass."

Dunn: "And...and can he not qualify for the right to drive if...we make accommodation for people who have a handicap."

Hasara: "He might be able to drive, but he cannot operate his truck and keep his job. He...he may be able to drive a car. This is only...this only deals with commercial trucks."

Dunn: "And...and why can't he qualify for a truck license?"

Hasara: "Because of the new federal regulations. They prohibit anyone who is impaired from dri...operating a motor carrier and these Regs took effect July 29, of 86. The original

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Bill, John, was designed to grandfather in..."

Dunn: "I understand that."

Hasara: "And I'm just trying to extend that grandfather by six months."

Dunn: "Okay. I don't want to extend the discussion and it is a difficult issue because we all feel...genuine sympathy for those who suffer impairment for any reason of any kind or nature. However, we do have an obligation to set policy which promotes the public safety and welfare for those who travel upon our highways. And if there has been a decision that someone is not a safe driver and may injure himself or herself or others, unfortunate as it is, I think we have a responsibility to...to rise up and set forth that policy, even though it may be a difficult task to do. It is my understanding that the Illinois Department of Transportation is in opposition to this Amendment and probably for those reasons. So, reluctantly, Mr. Speaker, I would request that we defeat this Amendment because...not because it's pleasant, not because we want to prevent anyone from driving, but because we do have a very serious responsibility to promote the public safety of those...for those who drive upon and cross our streets and highways and we should continue that policy and be consistent. And to do that, I'm afraid we have to defeat this Amendment."

Speaker Matijevich: "There's been a request for a Roll Call Vote on this. The Chair's position is that I always call for a voice vote unless somebody asks for a Roll Call. I want to make that clear, because somebody came up here on a past Amendment and said, 'Why didn't you call for a Roll Call Vote?' Representative Hasara to close."

Hasara: "Thank you, Mr. Speaker. Representative Dunn raises some excellent points in that obviously all of us in this chamber want safe drivers on our highways. However, if we

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did not feel exceptions were warranted, we would not have passed House Bill 3354 which did exempt those who were injured before the Regs and Senate Bill 1634 probably would not have passed out of the Senate. All I am asking is that an individual, just because he was visually impaired three months after the Regs took place, be entitled to keep his place of employment. I understand the big question is, 'Does he have a long enough driving history to warrant extending the deadline for him?' But, he does have a year and a half of work experience and certainly the fact that his employer has gone to bat for him and asked us to help him keep his job as an excellent employee, I think is certainly a good recommendation that he does have a history of good driving as a visually impaired employee. I ask for the adoption of this Amendment."

Speaker Matijevich: "Representative Hasara has moved for the adoption of Amendment #6. Those in favor vote 'aye', those opposed vote 'no'. The Gentleman from Cook, Representative Ronan, I believe would like to explain his vote."

Ronan: "No...well now that there's enough 'no' votes, I'm not going to have to explain. This could cost us federal money and with the shortage we've got right now, in the state funds..."

Speaker Matijevich: "Have all voted? Have all voted who wish? The Clerk will take the record. This question there are 39 'ayes', 70 'nos', 1 answering 'present' and the Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #7, offered by Representative Levin on Amendment #7."

Speaker Matijevich: "The Gentleman from Cook, Representative Levin."

Levin: "Yeah, yeah, Mr. Speaker I understand Amendment #7 is out of order and so I would like to withdraw...you understand

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that the Bill will be held and there will be subsequent Amendments that will be filed."

Speaker Matijevich: "Number seven is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #8, offered by Representative Levin."

Speaker Matijevich: "Representative Levin on Amendment #8."

Levin: "That also is flawed. We're going to withdraw that."

Speaker Matijevich: "You got a lot of flawed Amendments, Ellis. Further Amendments?"

Clerk O'Brien: "Floor Amendment #9, offered by Representative Levin."

Speaker Matijevich: "It's got to be flawed, but I'll get it from the horse's mouth. Representative Levin, has that got a flaw in it?"

Levin: "No."

Speaker Matijevich: "Well, we'll be the judge of that. Representative Levin on Amendment #9."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A few weeks ago, we passed House Bill 1634 which is the Handicapped Parking Bill which unfortunately got caught up in the Senate. That's what this Amendment would do, would be to add the Handicapped Parking Bill to Senate Bill 1634, this is legislation supported by the handicap groups, supported by the City of Chicago, supported by the Secretary of State's Office and basically does two things. One, it increases the maximum fine amount that can be fined for violation of handicapped parking."

Speaker Matijevich: "One moment. Representative McCracken, the Gentlemen from Dupage for what purpose do you rise?"

McCracken: "Point of Order, Mr. Speaker. I don't believe the Amendment's been printed and distributed, I object the consideration of the Amendment."

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Speaker Matijevich: "Is it, it has been? The Clerk tells me it has been printed and distributed. Didn't work Tom. The Gentleman from Cook, Representative Levin to proceed."

Levin: "Okay. Thank you, Mr. Speaker. As I was saying this legislation was supported by the handicap groups, the City of Chicago, the Secretary of State's Office, and does two things. One, it increases the maximum amount that a municipality may fine for violation of handicapped parking regulations and secondly it provides for reciprocity with the handicapped of other states. It flew out of this House when it was in House Bill 1634, and I just urge your adoption of Amendment #9."

Speaker Matijevich: "Representative Levin has moved for the adoption of Amendment #9. The Gentlemen from Dupage, Representative McCracken."

McCracken: "Thank you, Mr. Speaker. I rise in opposition to the Amendment and not because I'm hostile to the concept of preferred parking for handicapped persons. This Amendment was a Bill which has been held in the Senate Transportation Committee on a do not pass Motion. Ten to nothing. It also gives discretion to the court, to levy not less than fifty dollar fine up to one hundred dollars. Currently, the signs that are in place and these parking permits require a fifty dollar permit. And I might add that in most parking offenses of course they want to be handled other than going through the court system and for that reason historically parking tickets have carried set fines and costs. This requires a court to apply its discretion in determining what fine to impose. So it really is counter productive, I think it is going to end up discouraging enforcement of these preferred parking spots, certainly not the intent of the Sponsor, but clearly this has some serious problems with it and I think it should not

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be adopted."

Speaker Matijeich: "The Gentlemen from Cook, Representative Shaw.

Shaw: "I move the previous question."

Speaker Matijeich: "It's not necessary. Representative Levin to close."

Levin: "Mr. Speaker, possibly Representative McCracken is in haste in getting this Amendment, has confused the wording. The intent and this is the way this is exactly the same language as was in House Bill 1634, is to mack... is to raise the maximum that a municipality is authorized to levy as a fine. Currently the maximum is fifty dollars, this raises it to a maximum of a hundred dollars. It requires specific action by the municipality in order to set the maximum, this is not something done by a court, this is something that is done by the municipality. One of the problems we had in Chicago is the City of Chicago for example was above the fifty dollar level, other municipalities are above the fifty dollar level, this would legalize that, this is up to...it leaves it up to the municipality, it does put a cap of how high a municipality can go. This is a good Bill for the handicapped groups, this is a Bill they came down to testify on, it was negotiated out with the Secretary of State's Office. Secretary of State's Office supports this Amendment, so if you want to give a vote to the handicapped in terms of the handicapped parking, this is the legislation to do it with."

Speaker Matijeich: "Representative Levin has moved for the adoption of Amendment #7, those in favor say 'aye' better say 'aye' loudly if you want it. Those in favor say 'aye', those opposed say 'no'. The 'nos' have it and the Amendment is lost. Further Amendments?"

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Clerk O'Brien: "No further Amendments."

Speaker Matijeich: "Third Reading. Representative Breslin in the Chair."

Speaker Breslin: "Representative Breslin in the Chair. Representative Giglio for what reason do you seek recognition?"

Giglio: "Madam Speaker, I had a notice on my desk that we are suppose to have a caucus and I was wondering, if anything has been changed."

Speaker Breslin: "Not now."

Giglio: "Not now."

Speaker Breslin: "Not now. Ladies and Gentlemen we are going to the Order of Senate Bills, Third Reading. Page 4 on your calendar. House Bill 2040, Representative McGann. Clerk, read the Bill. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2040, a Bill for an Act to amend an Act in relation to health facilities. Third Reading of the Bill."

McGann: "Thank you, Madam Speaker and Members of the Assembly. I...we have had this Amendment before, it was not distributed. Now, it has been distributed, the other side of the aisle, Representative McCracken and his group have said it is no problem. And I would move for adoption of the Amendment #1 to Senate Bill 2040. This Amendment has just been presented by the Department of Public Health to correct a misstatement."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 2040, and on that question, Representative McGann. Representative McGann."

McGann: "Amendment first."

Speaker Breslin: "Okay, the Gentleman asks leave to bring this Bill back to the Order of Second Reading for the purposes of an Amendment. I am advised that it was held on Second

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so the Bill is on Second and the Amendment is which number,
Mr. Clerk."

McGann: "Amendment #1."

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

Speaker Breslin: "Representative McGann."

McGann: "And I've just explained Madam Speaker, and I ask for the
adoption of the Amendment. I would ask for adoption of the
Amendment, Madam Speaker."

Speaker Breslin: "The Gentleman has moved the adoption of
Amendment 1, and on that question, the Gentleman from
Dupage, Representative McCracken."

McCracken: "Representative McGann, I see now that there is
another Amendment filed to this Bill under the Sponsorship
of Representative O'Connell. Are you gonna resist that
Amendment? Or table the Amendment? Our understanding was
we would agree to take it off of consent and work with you,
so that you could put Amendment #1 on. We don't want
Amendment #2, on."

McGann: "That is correct. I have not, I have never seen
Amendment #2 or anything, I was gonna move to have
consideration of this on Third Reading right away."

McCracken: "Is Representative O'Connell here?"

McGann: "I don't see him."

McCracken: "Well, on the assumption that one doesn't get on, I'm
all for you but we don't you know. We had an understanding
as to what would be done with this Bill."

McGann: "And I live to my understandings."

McCracken: "Thank you."

Speaker Breslin: "The question is 'Shall Amendment #1 be
adopted?' All those in favor say 'aye', opposed 'nay'. In
the opinion of the Chair the 'ayes' have it, Amendment is
adopted. Any further Amendments?"

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

Speaker Breslin: "Representative O'Connell. The Gentleman is not in the chamber. Mr. McGann, what is your pleasure?"

McGann: "I'd move to table Amendment #2."

Speaker Breslin: "The Gentleman moves to table Amendment #2. Is there any discussion? Hearing none. The question is 'Shall Amendment 2 be tabled?' All those in favor say 'aye' opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment's tabled. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative McGann, now asks leave for immediate consideration of Senate Bill 2040, as amended. Are there any objections? Hearing none, he has leave. Read the Bill on Third, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2040, a Bill for an Act in relation to health facilities. Third Reading of the Bill."

Speaker Breslin: "Representative McGann."

McGann: "Thank you, Madam Speaker. And as we have stated before Amendment #1 is just repealing a statement in the statute in order to comply with the repeal of the Federal Health Planning Act. And I would ask for its green votes in passage."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 2040, on that question is there any discussion. Hearing none, the question is, 'Shall Senate Bill 2040, pass?' All those in favor vote 'aye', all those opposed 'nay'. In the opinion...this is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 114 voting 'aye', none voting 'no' and none voting 'present'. This Bill having received the Constitutional Majority is hereby

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declared passed. Representative Ropp is recognized for an announcement."

Ropp: "Thank you, Madam Speaker. The House softball Members will practice immediately after we adjourn, this evening."

Speaker Breslin: "No, your going to practice after caucus, at a specified time. Is that time five o'clock, six o'clock."

Ropp: "That sounds like a good time."

Speaker Breslin: "About five thirty."

Ropp: "That sounds even better. Five thirty."

Speaker Breslin: "We have one more order of business. It appears on page 11 on your calendar. Constitutional Amendments, Second Reading. H.J.R.C.A. #23, Representative Parcels. Clerk, read the Constitutional Amendment."

Clerk O'Brien: "House Joint Resolution Constitutional Amendment #23, this Constitutional Amendment has been read a Second time in full previously."

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

Clerk O'Brien: "No Committee Amendments. No Floor Amendments."

Speaker Breslin: "Third Reading. Agreed Resolutions."

Clerk O'Brien: "House Joint Resolution 205, offered by Representative Stange. House Resolution 1601, by Speaker Madigan. 1602, by Representative Terzich."

Speaker Breslin: "Representative Homer has moved for the acceptance of the Agreed Resolutions. All those in favor say 'aye', all those opposed 'no'. In the opinion of the Chair the 'ayes' have it and the Agreed Resolutions are adopted. Any further business, Mr. Clerk? Representative Brunsvold, for what reason do you seek recognition?"

Brunsvold: "For an announcement, Madam Speaker."

Speaker Breslin: "Proceed."

Brunsvold: "Just like everyone to know that the John Deere and Company is having a reception at Baur's this evening in the Archives Room, and everyone is invited to stop by

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there. It will be from 6:30 till 8:30, and I'd wish to invite anybody that would like to stop over there for a few refreshments."

Speaker Breslin: "Representative Leverenz is recognized for an announcement."

Leverenz: "The Appropriations I Committee has a subcommittee meeting tonight at five o'clock, or as soon as that room opens up after five o'clock."

Speaker Breslin: "Very good."

Leverenz: "For the five of us, thank you."

Speaker Breslin: "Representative Giglio."

Giglio: "Madam Speaker, the House Democrats would like permission to have a Caucus in room 114 immediately."

Speaker Breslin: "Very good. Ladies and Gentlemen, there will be a Democratic conference in room 114 immediately after the adjournment of the House. Representative Homer now moves that the House stands adjourned until 9:00 a.m. tomorrow morning, 9:00 a.m. tomorrow morning allowing perfunctory time for the Clerk. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the House stands adjourned until 9:00 a.m. tomorrow morning. There is a Democratic Caucus immediately in room 114. Democratic Caucus immediately in room 114. Thereafter there is a meeting of the Judiciary...Approp. subcommittee and baseball practice."

Clerk O'Brien: "Committee Reports. Representative Bowman, Chairman of the Committee on Appropriations II to which the following Bills were referred, action taken June 15, 1988, reported the same back with the following recommendations: 'Do pass' Senate Bills 1756 and 1758. 'Do pass as amended', Senate Bills 1689, 1690, 1692, 1693, 1694, 1695, 1696, 1751, 1752, 1754, 1755, 1759, 1897, 2112 and 2115. Corrected Committee Reports. Senate Bill 1981 was reported

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out of the committee on Elementary and Secondary Education, on June 9, as 'do pass'. The Bill should have been reported as 'do pass Consent Calendar'. House Joint Resolution Constitutional Amendment #23. WHEREAS, The First Congress of the United States of America, at its first session begun and held March 4, 1789, sitting in New York, New York, in both houses, by a Constitutional Majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit: "RESOLVED, by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following [Article] be proposed to the Legislature of the several States of which [Article], when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution. An Article in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution. "Article the second ... No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."; and WHEREAS, Article V of the Constitution of the United States allows the ratification of the proposed Amendment to the United States Constitution by the General Assembly of the State of Illinois; and WHEREAS, Article V of the Constitution of the United States does not dictate a time limit or ratification of an amendment submitted by Congress, and the First Congress specifically did not provide any time constraint for ratification of the above-quoted Amendment; and WHEREAS, The Supreme Court of

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the United States in 1939 ruled in the landmark case of Coleman v. Miller that Congress is the final arbiter of the question of whether too much time has elapsed between Congress' submission of a particular amendment and the most recent state legislature's ratification of same if Congress did not specify a deadline on the proposal's consideration; and WHEREAS, Section 11 of Article IV of the Constitution of the State of Illinois provides that "Changes in the salary of a member (of the Illinois General Assembly) shall not take effect during the term for which he has been elected."; and WHEREAS, The General Assembly of the State of Illinois finds that the proposed Amendment is still meaningful and necessary as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was submitted for its adoption; therefore, be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the foregoing proposed amendment to the Constitution of the United States is ratified by the General Assembly of the State of Illinois; and be it further RESOLVED, That the Secretary of State of Illinois shall transmit certified copies of this resolution to the Archivist of the United States, to the Vice-President of the United States and to the Speaker of the United States House of Representatives with a request that it be printed in full in the Congressional Record. Third Reading of the Constitutional Amendment. This Constitutional Amendment will be held on Third Reading. No further business the House now stands adjourned."

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