

STATE OF ILLINOIS
82ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

40th Legislative Day

May 13, 1981

Speaker Ryan: "The House will come to order and the Members will be in their seats. The Chaplain for today is Pastor Paul Flesner from the Grace Lutheran Church in Springfield."

Pastor Flesner: "Let us bow our heads in prayer. Oh God our Heavenly Father, we give thanks to you for this day. We give thanks to you that we are citizens of the land in which we live. We give thanks to you for men and women past and present, who have dedicated themselves to the service of our country. Bless all our leaders. Give to them wisdom, integrity, humility. Grant them grace to follow your will and the courage to walk in your way. Bless our country oh God, that it may enjoy peace, that all people may live with hope and may live with honor. Help us to walk responsibly as a nation so that we might remain worthy of our great heritage. Thank you oh God, for the privilege of coming to you in prayer as we begin our day together. As we become absorbed in our meeting, let your spirit continue to guide us, that we might find your creativity in the solution to those concerns which come before us. This and whatever else you see that we need, grant us oh God from your gracious hand. Amen."

Speaker Ryan: "Representative Ropp, will lead the pledge today."

Ropp: "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 Ryan: "Roll Call for attendance. Take the record, Mr. Clerk. 172 Members answering the Roll, a quorum of the House is present. On page 6 of the Calendar, under the order of House Bills Second Reading, appears House Bill 1221, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1221. A Bill for an Act to amend the

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Illinois Pension Code, Second Reading of the Bill. No
Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Leverenz. Amends House Bill
1221, on page 1..."

Speaker Ryan: "Representative Leverenz, on Amendment 1."

Leverenz: "Thank you, Mr. Speaker. Amendment #1 would simply
eliminate the one year retroactive capability in the
current law for an annuitant to receive benefits. I would
ask for the adoption of Amendment #1."

Speaker Ryan: "Is there any discussion? The
Gentleman....Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker, I'm sorry I didn't hear. Would you
please repeat what the Amendment does."

Leverenz: "Yes. It removes the one year retroactive that a
annuitant can go back on his pension. It would provide
that he would receive full benefit in what has been paid in
and his contribution and the State's."

Ebbesen: "What system is that?"

Leverenz: "The State Employees'."

Ebbesen: "Is there any fiscal impact to this, whatsoever?"

Leverenz: "I have the sheet that came from Sander Goldstein, the
consulting actuary, dated April 27, 1981. Essentially this
is House Bill 1653 and it shows here the Bill would have a
minor cost impact."

Ebbesen: "Thank you."

Speaker Ryan: "Is there any further discussion? Representative
Piel."

Piel: "Yes, Representative, now you're sort of mumbling and
you're always accusing other people of mumbling, Ted.
Would you do us a favor and explain your Amendment, because
it's...what your mumbling through, I'm trying to read along
with the Amendment and I can't catch what you're saying at

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all?"

Leverenz: "Oh, certainly. I just explained the same thing for Representative Ebbesen."

Piel: "Yeah, but you're mumbling."

Leverenz: "If we can turn up the trouble control, I think we'd be alright. It would remove the one year retroactivity, if you'll read House Bill 1673, it is fully described there. It would allow an annuitant full capability to receive what he and the State have paid into the fund."

Piel: "Now, is basically what you're saying, is that a person can go retroactive and pay back what they have not paid back into the fund for one year?"

Leverenz: "No, sir. Just the reverse is true. For example, if a person chooses to finally apply at the age of 62, they would be able to go back to the full period that they have paid in for, both the individual and the State. And it starts at age 60."

Piel: "And, you're trying to tell us that that's going to have a minor fiscal impact to the State. Is that your words, a minor fiscal impact to the State?"

Leverenz: "I read directly from the sheet produced by Sander Goldstein."

Piel: "I'm asking you, I'm not asking the sheet. I asking you, Ted."

Leverenz: "Well, you have to have a pension impact statement, if you're familiar with it and here it is."

Speaker Ryan: "Any further discussion? Representative Fawell."

Fawell: "Could you...Mr. Speaker, will the Gentleman yield for a question?"

Speaker Ryan: "He indicates he will."

Fawell: "Will you please tell me what state employees' are you talking about? Are you talking about the elected officials, are you talking about generally across the board

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or what...who are you talking about?"

Leverenz: "State employees'."

Fawell: "Could you please define it for me?"

Leverenz: "Those individuals that work for the State and have retired."

Fawell: "Are you speaking about, for instance, Members of the Assembly or the judicial members or...."

Leverenz: "No, those are state officials and judiciary people not state employees . This is just for state employees."

Fawell: "Thank you."

Speaker Ryan: "Is there any further discussion? The Gentleman moves for the adoption of Amendment #1. All in favor will signify by saying 'aye', all opposed 'no'. All in favor signify by voting 'aye', all opposed by voting 'no'. Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker. This, to a few apparently on the other side and a couple on this side, allows a person to fully access what was paid in for them by the State and what they paid in to the fund themselves, to have it fully funded. And this merely provides for them to have full access to what they were lead to believe. I would certainly appreciate your green vote."

Speaker Ryan: "Have all voted who wish? Representative Beatty, to explain his vote."

Beatty: "Well, Mr. Speaker, the Sponsor of this Amendment has indicated that this cost is very minimal. I don't know why we shouldn't extend this benefit to the state employees. If they retired and then they want to go back to work for a while, I think that's good for the system. They contribute when they come back. They should be able to get the full benefit when they go back. I would think we should pass this."

Speaker Ryan: "Representative Van Dwyne, do you seek recognition?"

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Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 65 voting 'aye', 72 voting 'no' and none voting 'present'. Representative Leverenz."

Leverenz: "I would appreciate a poll of the absentees."

Speaker Ryan: "Poll the absentees, Mr. Clerk. I might add, that we're certainly going to be here over the weekend. We've got lots of Bills to go through and we're not proceeding too well here this morning. But, it's entirely up to you if you want to be here Saturday and Sunday or not have your Bill called, so..."

Leverenz: "Mr. Speaker, too, if we have to we'll verify the..."

Speaker Ryan: "You seek recognition, Representative Madigan?"

Madigan: "I'm talking to you."

Speaker Ryan: "I'm not listening to you. Read the list will you, Mr. Clerk?"

Clerk Leone: "Poll of the absentees. Alexander, Alstat, Barkhausen, Bartulis, Bluthardt, Braun, Catania, Collins, Findley, Garmisa, Greiman, Griffin, Hoffman, Huff, Kane, Kucharski, Laurino, Margalus, Martire, Mays, McAuliffe, McBroom, McMaster, Ted Meyer, Miller, Oblinger, O'Brien, Preston, Redmond, Sandquist, Stanley, Stearney, Topinka, Tuerk, Winchester, J.J. Wolf, Younge, Zito and Zwick."

Speaker Ryan: "Are there any changes? Representative Terzich."

Terzich: "Mr. Speaker, that this Bill was put before the Pension Laws Commission..."

Speaker Ryan: "We're on the Amendment, Representative."

Terzich: "Alright, well there's no problem with it."

Speaker Ryan: "Are there any changes? On this question, there's 65 voting 'aye', 72 voting 'no' and none voting 'present' and the Gentleman's motion fails. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Terzich. Amends House Bill 1221 on page 1, lines 1 and so forth."

Speaker Ryan: "Representative Terzich, on Amendment #2."

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Terzich: "Yes, Mr. Speaker. Amendment #2, amends the Chicago Municipal and Chicago Laborers Article of the Pension Code to adjust the automatic post-retirement benefit to three percent, for only those employee's who retired prior to January 1, 1982. This was at the recommendation of the Pension Laws Commission. The Bill also provides for a adjustment to pay for the cost in the multiplier and also a disclaimer under the state mandate program and I would move for its adoption."

Speaker Ryan: "Is there any discussion? Representative Ebbesen."

Ebbesen: "What is the fiscal impact of this, Representative Terzich?"

Terzich: "The fiscal impact? At the present time, the systems are presently funded at 7...68.3 percent on the Chicago Laborer's System and 50.3 percent on the Municipal Employee's. The cost...the annual cost is two hundred and fifty-seven thousand dollars on the laborer's. On the municipal employee's, it's three hundred and fifty thousand first year payout and the laborer's sixty-four thousand."

Ebbesen: "What is the increase in the unfunded accrued liability?"

Terzich: "The increase in the unfunded accrued liability under the municipal employee's that...at sixty-eight percent is three million three hundred thousand and the laborer's at six hundred and ten thousand."

Ebbesen: "So, if I understand you correctly, that the annual cost for both...there's two systems involved here?"

Terzich: "That's correct."

Ebbesen: "And it's something like annual cost of about six hundred thousand dollars total?"

Terzich: "That's correct."

Ebbesen: "And then, the unfunded accrued liability is what, in total?"

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Terzich: "Roughly four million dollars."

Ebbesen: "Four million dollars. And then you say that there's an increase in the multiplier to cover the cost of this. What do you mean by the increase in the multiplier. Is that on the property taxes?"

Terzich: "No that's simply for the City of Chicago."

Ebbesen: "I realize that, but does it involve in order to cover the cost...where does that money...how is the revenue generated?"

Terzich: "The revenue is generated through taxes."

Ebbesen: "Through taxes. So, if you vote for this then you're voting for a tax increase for the people in the City of Chicago."

Terzich: "No sir."

Ebbesen: "What's that?"

Terzich: "Not necessarily."

Ebbesen: "Not necessarily?"

Terzich: "That's correct."

Ebbesen: "Well, you said that they were going to cover the cost by an increase in the multiplier."

Terzich: "That doesn't necessarily mean that they're going to collect the money to put into the Pension System. The Pension System is sufficient at the present time to pay for these additional costs, on an ad hoc basis."

Ebbesen: "Well, what you are saying is, is that the system is funded at 68 percent, which is fine relative to other systems and that I'll buy."

Terzich: "It's one of the best funded systems in the State."

Ebbesen: "Yes, but it will be less of a percentage if this Bill...Amendment is approved. Well, Mr. Speaker and Ladies and Gentlemen of the House, I for one...this is one of the first pension Bills we've heard out here and we're moving the...it to Third Reading and I think that every Member of

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this House ought to start paying attention, not only to Amendments, but as these Bills appear on Third Reading as to what the annual cost is going to be to each system and also what we're asking in the increase in the unfunded accrued liability, the fiscal impact for the future and take that into consideration in casting your vote. I intend to vote 'no' on this particular Amendment. I'm not about to raise the possibility of increase taxes for the people of the City of Chicago or anywhere else in this State to cover the costs."

Speaker Ryan: "Representative Beatty."

Beatty: "Mr. Speaker...."

Speaker Ryan: "Representative Peters will be in the Chair."

Beatty: "With regard to this Amendment, if you think of the persons under Social Security, last July they received an increase of about 14 percent. We have people that are in the two systems here where the trustees would like to help them, in a very small way to give them that supplemental increase of 3 percent, after they've been in the system and retired for some time. This money is not going to come from the State of Illinois. If there's any need outside the Pension System, it will come from the City of Chicago. If you will recall, the Members of the General Assembly Fund were quite generous in giving this benefit to themselves last year and I don't know why they cannot extend it to a system who wants to pay for it. I think we owe it to these people. They need this one percent increase. Almost every other system in the State of Illinois has got it."

Speaker Peters: "Representative Wolf."

Wolf, J.J.: "Yes, Bob, Representative Terzich."

Terzich: "Yes."

Wolf, J.J.: "Do you know how many other systems in the State have

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a three percent post-retirement increment."

Terzich: "Every system in the State of Illinois outside the City of Chicago, except for the Chicago Park District and the school teachers have the three percent post-retirement benefit, which will apply to all employees. This one's only limited to those retiring prior to 1982. And they haven't had a change in their benefit in over ten years that I know of."

Wolf, J.J.: "So the downstate teachers have it, the Chicago teachers have it, the General Assembly has it, everybody has it, right?"

Terzich: "That's correct."

Wolf, J.J.: "Alright. What is the funding level of these systems? Are they among the better funded, or on the low end?"

Terzich: "They are basically at the low end. These systems are one of the best funded systems in the entire State of Illinois."

Wolf, J.J.: "The systems that you're seeking to get this benefit for are very well funded, am I correct?"

Terzich: "That's correct."

Wolf, J.J.: "I think they are two of the best in the State, as I recall."

Terzich: "That's correct."

Wolf, J.J.: "And, you have put an Amendment on here that the State's Mandates Act shall not apply, so the State of Illinois will not be responsible for the payment, or endanger them constitutionally. Is that correct?"

Terzich: "That's also correct."

Wolf, J.J.: "Thank you. Mr. Speaker and Members of the House, I'm going to support this. I think the Sponsor has made every effort to answer the questions honestly and fairly. These systems that he's speaking about are among the better

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funded ones. They are the best funded, I think, in the whole State of Illinois. I don't think it's too much to ask for and I would ask for an 'aye' vote."

Speaker Peters: "Any further discussion? There being none, Representative Terzich to close."

Terzich: "Well yes, Mr. Speaker, this is a very worthy Bill. I've taken a recommendation from the Pension Laws Commission. I've put in the disclaimer. These people are being deprived of this benefit that all the other state employees, the police, the teachers, the General Assembly. They need the benefit, they're in desperate need. They haven't had a change in ten years that I know of and I would appreciate your support for the Amendment."

Speaker Peters: "You've heard the motion. All those in favor of the adoption of Amendment #2 will signify by saying 'aye'. The Gentleman asks for a Roll Call. All those in favor. Representative Ebbesen, asks for a Roll Call. All those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 58 voting 'aye', 46 voting 'nay' and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. The Chair asks leave to go to House Bill 1440, to call Representative Dwight Friedrich, who is going to the funeral of Representative Brummet. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1440. A Bill for an Act to amend the Illinois Banking Act. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Dwight Friedrich. Amends House

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Bill..."

Speaker Peters: "Representative Friedrich, Amendment #1."

Friedrich: "Mr. Speaker, I'd like to withdraw this Amendment and offer Amendment #2, which has also been..."

Clerk Leone: "Amendment #1 is withdrawn. Amendment #2, Representative Friedrich."

Clerk Leone: "Floor Amendment #2, Dwight Friedrich. Amends House Bill 1440."

Friedrich: "This is an Amendment worked out with the Illinois Association of Insurance Agents and the AMBI bankers and the Illinois bankers. I don't think it's controversial. It puts the Bill in conformity with the federal act."

Speaker Peters: "Any discussion? Representative Bowman."

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

Friedrich: "Yes."

Bowman: "I notice at the bottom of Amendment #2, you say that this Section does not create a private cause of action for civil damages. What then, if there is a violation of the provisions of this Bill, what would be the proper remedy for an aggrieved party?"

Friedrich: "The...well the Commissioner of Banks, in the first place, has what we're attempting to do here, is to give the Commissioner of Banks the same authority as the federal authorities do in regard to this matter. The State's Attorney would have...but you can't bring a civil action. What we're trying to do and I see no problem with that, is to keep every guy that gets ticked off at a bank from going in and saying well, they twisted my arm on some insurance or something."

Bowman: "Well the Bill, if I'm not mistaken, adds the new Section 48.2, prohibition against certain activities and it states that any bank, subsidiary, affiliate, officer or employee

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of the bank shall not and then it lists a whole bunch of things that they can't do, for example."

Friedrich: "It makes it a business offense, which the State's Attorney can handle."

Bowman: "In other words, the violation of this would be a criminal offense?"

Friedrich: "That's right, the same as it is at the federal level."

Bowman: "Okay. So, there's no civil cause of action, but there is a criminal penalty."

Friedrich: "Right. And, there's also jurisdiction of the Commissioner of Banks."

Bowman: "Okay. Does...okay thank you very much, Mr. Speaker."

Speaker Peters: "Representative Levin."

Levin: "Would the Gentleman yield for a question?"

Friedrich: "Yes."

Speaker Peters: "For a brief question."

Levin: "What are the types of actions that are prohibited, that you seek to insulate from civil liability?"

Friedrich: "Well, what this....the Bill intends to do in the first place, is stop coercion by a bank and requiring that the borrower buy insurance from him or any certain person and so on. It's the same provisions that are in the federal act, but the Commissioner of Banks tells me he has no authority to act, because it's not in the state law."

Levin: "If I may ask a further question and that is what is the rationale for insulating from civil liability? If you do something wrong and it causes somebody a financial injury, should not they be able to go to court and recoup their liability?"

Friedrich: "Well, they'd have to...in the first place they'd have to prove damage, in the second place, this is to stop harassment of banks by anyone who gets unhappy and runs in

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and says well, they twisted my arm and I had to do this and do that. They can take the action to the Commissioner of Banks or the State's Attorney and follow it up....I don't think there would be any probability of any civil damage anyway, but it keeps the client from doing it. I didn't think this was controversial, but you're making it that."

Levin: "I'm just wondering what...why banks are any different from anybody else in terms of being insulated from civil liability."

Speaker Peters: "Will the Gentleman bring his questions to a close, please?"

Friedrich: "Well my answer to that is, there's nothing in the law now. What I'm adding is strengthening the law. Now, if you want to put in a Bill next time to make it another thing, that's something else. I'm just trying to stop coercion, that's all."

Speaker Peters: "Representative Schuneman."

Schuneman: "Well Mr. Speaker, this is a very reasonable Amendment. It's one that needs to be attached to the Bill in order that the Bill can be passed and I urge the Members to support..."

Speaker Peters: "Representative Friedrich, to close."

Friedrich: "I'd appreciate your vote."

Speaker Peters: "The Gentleman moves the adoption of Amendment #2. All those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. Amendment 2 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. The Chair will go back now to House Bill 1221, for the purposes of a motion. Representative Madigan, who's making the motion? Representative Terzich requests that House Bill 1221 be back to the Order of Second Reading. Is there leave? No

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objection, leave is granted. 1221 is now on Second Reading. Representative Lechowicz."

Lechowicz: "Mr. Speaker, Ladies and Gentlemen of the House. Having voted on the prevailing side, I move to reconsider the vote by which Amendment #1 was defeated."

Speaker Peters: "The Gentleman moves reconsideration of the vote by which Amendment #1 was defeated. You've heard the motion, all those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Ebbesen."

Ebbesen: "I know we've got a lot of work ahead of us, but the rapidity with which you're going through this, is quite obvious to me what you're trying to do. Give everybody a chance..."

Speaker Peters: "Representative Ebbesen, it is quite obvious that the Chair is attempting to accommodate everyone. We have asked people to bring their requests to the Chair. The Gentleman brought his request, he asked to be moved back to Second Reading, we moved it back to Second Reading. Representative Lechowicz made a motion. That is where we are at. If you wish to speak to the motion to reconsider, that is your privilege. It's a motion to reconsider. Have all voted who wish? Representative Ebbesen, on the motion."

Ebbesen: "If this passes, I'd like to verify the Roll Call."

Speaker Peters: "You're within your rights. Have all voted who wish? Representative Huskey."

Huskey: "How many votes does this take, Mr. Speaker?"

Speaker Peters: "Simple majority of those voting."

Huskey: "I certainly hope that we defeat this motion."

Speaker Peters: "Take the record. On this question there are 78 voting 'aye', 60 voting 'nay' and the motion to reconsider

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is adopted. On Amendment #1, Representative Lechowicz."

Lechowicz: "I move the adoption of Amendment #1."

Speaker Peters: "I'm sorry. I'm sorry. Representative Ebbesen asked for a verification of the tabling motion. The Gentleman is within his rights to ask. Representative McGrew, for what purpose do you arise?"

McGrew: "Thank you very much, Mr. Speaker. I would just like to point out to the Gentleman that he could have the same Roll Call on the next one and save some time, if he would be willing to do that. Joe, did you hear me?"

Speaker Peters: "The Clerk will read the Roll...the record."

Clerk Leone: "Poll of the affirmative."

Speaker Peters: "Excuse me. Representative Satterthwaite, for what purpose do you rise?"

Satterthwaite: "May I please be verified?"

Speaker Peters: "The Lady asks leave to be verified, Representative Ebbesen. Leave is granted. Proceed, Mr. Clerk."

Clerk Leone: "Poll of the affirmative. Abramson, Balanoff, Beatty, Bradley, Braun, Breslin, Brummer, Bullock, Capparelli, Carey, Catania, Chapman, Christensen, Cullerton, Currie, Darrow, DiPrima, Domico, Donovan, Doyle, Epton, Ewell, Farley, Flinn, Getty, Giglio, Giorgi, Greiman, Hanahan, Hannig, Henry, Jaffe, Jones, Kane, Katz, Keane, Dick Kelly, Kornowicz, Kosinski, Krska, Kulas, Laurino, Lechowicz, Leon, Leverenz, Levin, Madigan, Matijevich, Mautino, McClain, McGrew, McPike, R.J. Meyer, Mulcahey, Murphy, O'Connell, Pechous, Pierce, Pouncey, Rhem, Richmond, Ronan, Saltsman, Satterthwaite, Schneider, Margaret Smith, Steczko, Stewart, Stuffle, Terzich, Topinka, Turner, Van Dyne, Vitek, White, Sam Wolf, Yourell and Zito."

Speaker Peters: "Representative Lechowicz, for what purpose do

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you rise?"

Lechowicz: "Mr. Speaker, in all fairness I want a poll of the absentees before we ...on an affirmative vote."

Speaker Peters: "Representative Zwick."

Zwick: "Thank you. I'd like to be recorded as a 'no' vote, please."

Speaker Peters: "Record Representative Zwick as 'no'. Poll the absentees."

Clerk Leone: "Poll of the absentees. Alexander, Bartulis."

Speaker Peters: "Bartulis votes 'no'."

Clerk Leone: "Bianco, Bluthardt, Bowman, Deuchler, Deuster, John Dunn, Garmisa, Hoxsey, Huff, Jackson, Kucharski, Kustra, Margalus, Martire, McAuliffe, McBroom, Miller, Oblinger."

Speaker Peters: "Oblinger votes 'no'."

Clerk Leone: "O'Brien, Ozella, Peters."

Speaker Peters: "Ozella. Mr. Ozella."

Ozella: "Would you record me as voting 'aye'?"

Speaker Peters: "Representative Ozella votes 'aye'."

Clerk Leone: "Peters, Preston, Rea, Redmond, Reilly, Rigney, Sandquist."

Speaker Peters: "Sandquist votes 'no'. Jackson votes 'no'."

Clerk Leone: "Schraeder, Slape, Stanley, Stearney, Swanstrom, J.J. Wolf, Younge and Mr. Speaker."

Speaker Peters: "Representative Rea votes 'aye'. What's the count? The count is 80 voting 'aye', 65 voting 'no'. Representative Ebbesen for the verification."

Ebbesen: "Yes. Representative Yourell."

Speaker Peters: "Yourell. The Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ebbesen: "Representative Ewell."

Speaker Peters: "Representative Ewell. How's the Gentleman recorded?"

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

Speaker Peters: "Take him from the Roll."

Ebbesen: "Representative Catania."

Speaker Peters: "Representative Catania. How's the Lady recorded?"

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

Speaker Peters: "Take her from the Roll. She's in the rear."

Ebbesen: "Representative Katz."

Speaker Peters: "Representative Katz. How's the Gentleman recorded?"

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

Speaker Peters: "Take him from the Roll."

Ebbesen: "Representative Keane."

Speaker Peters: "Representative (Kane). How's the Gentleman recorded?"

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

Speaker Peters: "Take him from the Roll."

Ebbesen: "Representative Jaffe."

Speaker Peters: "Representative Jaffe. How's the Gentleman recorded?"

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

Speaker Peters: "Take him from Roll."

Ebbesen: "Representative Laurino."

Speaker Peters: "Pardon."

Ebbesen: "Laurino."

Speaker Peters: "Representative Laurino. How's the Gentleman recorded?"

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

Speaker Peters: "Take him from the Roll."

Ebbesen: "Representative Leon."

Speaker Peters: "Representative Leon is in his seat."

Ebbesen: "Representative McClain."

Speaker Peters: "Representative McClain is in his seat."

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Ebbesen: "Representative Abramson."

Speaker Peters: "Representative Abramson. How's the Gentleman recorded?"

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

Speaker Peters: "Where's Abramson? Take him from the Roll."

Ebbesen: "Representative Balanoff."

Speaker Peters: "He had a quick meeting. Representative Balanoff. She's in her seat."

Ebbesen: "Representative Hanahan."

Speaker Peters: "Representative Hanahan. How's the Gentleman recorded?"

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

Speaker Peters: "Take him from the Roll."

Ebbesen: "Representative Farley."

Speaker Peters: "Representative Farley. How's the Gentleman recorded?"

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

Speaker Peters: "Take him from the Roll."

Ebbesen: "Representative Pechous."

Speaker Peters: "Representative Pechous. How's the Gentleman recorded?"

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

Ebbesen: "Representative..."

Speaker Peters: "No. Excuse me. Mr. Clerk return Representative Katz to the Roll. And, Representative John Dunn and Representative O'Brien wish to be recorded as voting 'aye'. Representative Chapman you've not been verified off. Representative Deuster wishes to be recorded as voting 'no'. Representative Jake Wolf."

Wolf, J.J.: "'Aye'."

Speaker Peters: "Wishes to recorded as voting 'aye'. Representative Schraeder wishes to be recorded as voting 'aye'. Are we caught up, Mr. Clerk?"

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Clerk Leone: "Yes."

Speaker Peters: "Remove Representative Pechous from the Roll.
Proceed, Representative Ebbesen."

Ebbesen: "Representative Stuffle."

Speaker Peters: "Representative Stuffle. Is the Gentleman in the
chamber? He's in the rear."

Ebbesen: "Representative Braun."

Speaker Peters: "Representative Braun. The Lady in the chamber?
How's she recorded?"

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

Speaker Peters: "Take her from the Roll."

Ebbesen: "Did we verify Representative Domico?"

Speaker Peters: "Domico?"

Ebbesen: "Domico."

Speaker Peters: "No."

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

Speaker Peters: "Take him from the Roll."

Ebbesen: "Representative Redmond."

Speaker Peters: "Representative Redmond. Is the Gentleman in the
chamber? Remove him from the Roll."

Clerk Leone: "Gentleman is not recorded as voting."

Speaker Peters: "Mr. Clerk, one second. Restore Representative
Braun and Representative Ebbesen, Representative Madigan
requests leave to be verified. Leave is granted. Proceed,
Mr. Clerk."

Ebbesen: "Representative Kelly."

Speaker Peters: "Dick Kelly? Is the Gentleman in the chamber?
How's he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ebbesen: "Representative Greiman."

Speaker Peters: "Representative Greiman is in his seat."

Ebbesen: "Representative Getty."

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Speaker Peters: "Representative Getty. Is the Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ebbesen: "Representative Satterthwaite."

Speaker Peters: "Representative Satterthwaite was verified."

Ebbesen: "Representative Henry."

Speaker Peters: "Representative Henry. Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ebbesen: "Representative Preston."

Speaker Peters: "Representative Preston. The Gentleman in the chamber?"

Clerk Leone: "The Gentleman is not recorded as voting."

Ebbesen: "Representative Alexander."

Clerk Leone: "Lady is not recorded as voting."

Ebbesen: "Representative Zito."

Speaker Peters: "Representative Zito is in his seat."

Ebbesen: "Representative Mulcahey."

Speaker Peters: "Representative Mulcahey. The Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Take him from the Roll."

Ebbesen: "Representative White."

Speaker Peters: "Representative White. Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Take him from the Roll."

Ebbesen: "Did we verify Representative Stuffle?"

Speaker Peters: "Yes, he's here."

Ebbesen: "Okay. Representative Murphy."

Speaker Peters: "I'm sorry."

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Ebbesen: "Murphy."

Speaker Peters: "Representative Murphy. Representative Murphy. Is the Gentleman in the chamber? Take him from the Roll. Mr. Clerk before we proceed, restore Representative Mulcahey and Representative Roland Meyer wishes to be recorded as voting 'no'. Representative Ebbesen."

Ebbesen: "Representative Ronan, I can't see back there."

Speaker Peters: "Representative Ronan. Is the Gentleman in the chamber? He's here. Excuse me, Mr. Clerk, did we restore Representative Katz?"

Clerk Leone: "Representative Katz has been restored."

Speaker Peters: "Okay. Any further questions, Mr. Ebbesen?"

Ebbesen: "No further questions."

Speaker Peters: "No further questions. What's the count, Mr. Clerk? Restore Representative Getty. Before the Chair makes the announcement, are there any additions, changes, subtractions, additions? On this question, there are 69 voting 'aye', 67 voting 'no' and the motion is adopted. On Amendment #1, Representative Leverenz. We wasted a half an hour on this Representative, let's go."

Leverenz: "Thank you. I would move for adoption of Amendment #1 to House Bill 1221."

Speaker Peters: "Is there further discussion? Representative Leverenz moves the adoption of Amendment #1. Representative Ebbesen asks for a Roll Call vote. All those in favor will signify..."

Leverenz: "Leave for the last Roll Call."

Speaker Peters: "Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. Please vote your own switches. We're not going to go through verifications of people who haven't been here all week. Now that gets ridiculous. You are also putting them on the spot. Someone change Representative Hanahan to present."

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I've already got an objection. Where's he at? Representative Lechowicz we have been more than considerate on this. Let's not... Have all voted who wish? I think you ought to. There's been a request for a verification. On this question there are 75 voting...take the record, Mr. Clerk. There are 77 voting 'yes', 63 voting 'no'. The Gentleman requests a verification of the affirmative vote. Representative Collins."

Collins: "Mr. Speaker, I'm not going to take the time of the House asking for a verification, but there are people voting over there who have not been on the floor all week. You've already mentioned one individual, I'm sure there are others. Now I suggest that they take Mr. Hanahan off the Roll Call."

Speaker Peters: "Representative Matijevich."

Matijevich: "Now if you're referring to Hanahan, he has been here all week and he's here this morning. Now quit tossing names around here. You've done it over there, too. But Hanahan has been here all week and he's here today."

Speaker Peters: "Gentlemen. Wait a second, just a second. It's Wednesday morning, God is good, God is great, it's a nice day. Let's not start all this early on it. We've gotten through one Bill in forty-five minutes. At this rate we will have to be here like ninety some hours. Representative Collins."

Collins: "Alright, Mr. Speaker, if that's the attitude let's have the verification."

Speaker Peters: "Gentleman has the right to a verification. Proceed. Representative Ebbesen. I'm sorry, Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. This morning in the leadership meeting on this side of the aisle, we were discussing the Members and the number of

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Bills that we have and it's the concern of the Speaker that each and every Member have the opportunity to present his or her Bill. With a little pencil work, we figured out that if we started at eight o'clock this morning and called every single piece of legislation, giving every Member an opportunity to hear his or her Bill, giving each Member ten minutes, it would take one hundred and ten hours to hear the legislation. Now we're here and the Speaker is here to serve you and to have your legislation called. And, you already know we're going to be in over the weekend. But, if this is the way we are going to run, there's going to be a lot of Bills, a lot of Bills that are going to fall midnight Monday night. So, I think the Speaker made a good comment. Let's get on with the business, let's get this over with and move forward with the legislation."

Speaker Peters: "Representative Wolf, for what purpose do you request...rise?"

Wolf, J.J.: "I would like to have leave to be verified..."

Speaker Peters: "Does the Gentleman have leave? He has leave. Proceed, Mr. Clerk. Representative Collins withdraws his request for a verification. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. On this question there are 77 voting 'aye', 63 voting 'nay', and Amendment #1 is adopted. Further Amendments? No further Amendments. Third Reading on House Bill 1221. Representative Stanley. 1232, Representative Bradley. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1232. A Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Bradley. Amends House Bill 1232 on page 1, line 1 and so forth."

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Speaker Peters: "Representative Bradley on Amendment #1."

Bradley: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. What we're attempting to do with this Bill, is to provide that those people who are volunteers in driving...providing transportation in connection with non-profit or religious or charitable organizations shall meet some certain specific requirements, the same requirements as pertaining to a religious bus driver. The first Bill, was not drawn properly. I talked with the Chairman of the Committee, Mr. Huskey. We drafted this Amendment and it asks...the significant part is, that it asks that those people driving those vans or whatever they might be, would take a driving test of that particular vehicle. And, that's what the Amendment does and I offer...request the adoption of Amendment #1."

Speaker Peters: "Any further discussion? Gentleman moves the adoption of Amendment #1. All those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Bradley."

Bradley: "Just like to point out to the House, that only took about thirty seconds. I've got nine minutes and thirty seconds coming."

Speaker Peters: "On page 3, House Bill 128, Representative McGrew. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 128. A Bill for an Act to amend the State Employees' Group Insurance Act. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, McGrew. Amends House Bill 128 on page 1, by deleting lines 11 and 12 and so forth."

Speaker Peters: "Representative McGrew, Amendment #1."

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McGrew: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 128 amends the employment insurance for all state employees. Amendment #1 deletes the word ordinary from the dental plan and that was because there was some confusion as to precisely what that would mean. The second part of the Amendment deletes all inactive employees and says that to be eligible for benefits under this Bill, you have to be an active employee of the State of Illinois. And, I'd move for its adoption."

Speaker Peters: "Any further discussion? The Gentleman moves the adoption of Amendment #1, to House Bill 128. All those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, McGrew. Amends House Bill 128 on page..."

Speaker Peters: "Representative McGrew, Amendment #2."

McGrew: "Thank you, Mr. Speaker. Amendment #2 is a further attempt to reduce the cost of the Bill and to provide for 80 percent of the state benefit and 20 percent for employee contribution. And, I'd move for the adoption of Amendment #2."

Speaker Peters: "Any discussion on Amendment #2? There being none, the question is shall Amendment #2 be adopted? All those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it and Amendment #2 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. On page 6, House Bill 1226, Representative Capparelli. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1246. A Bill for an Act to amend the Illinois Municipal Code. Second Reading of the Bill. No Committee Amendments."

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Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Capparelli. Amends House Bill..."

Speaker Peters: "Representative Capparelli, Amendment #1."

Capparelli: "Amendment #1 is just an Amendment adding language to the effect that the Bill's not subject to the State's Mandates Act, because it does not have any additional expenditure. And, I move to adopt Amendment #1."

Speaker Peters: "Any discussion from the floor? There being none, the question is shall Amendment #1 be adopted? All those in favor will signify by saying 'aye', those opposed. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 1264, Representative Braun. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1264. A Bill for an Act to amend the Criminal Code. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Tate..."

Speaker Peters: "Representative Tate on Amendment #1."

Tate: "Mr. Speaker, I withdraw the Amendment."

Speaker Peters: "Gentleman withdraws Amendment #1. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Tate."

Tate: "Amendment...oh wait a minute. Amendment...I had filed two Amendments."

Speaker Peters: "Are there two Amendments filed?"

Tate: "I had filed one and then I filed two. Amendment 1 I was assuming was the Amendment I filed earlier in the week. Amendment 2...If, if that's the case, I want to..."

Speaker Peters: "Mr. Clerk, what's the status?"

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Clerk Leone: "My staff informs me there is only one Amendment filed to Amend...to House Bill..."

Tate: "Then in that case, I want leave to call that Amendment."

Speaker Peters: "Now, now wait a minute. Just not..."

Tate: "You had stated that the Amendment was...because there is an Amendment in front of me with Tate, Pullen and Bower and then there was another Amendment that I had filed which...on my own name period."

Speaker Peters: "The Amendment is not here and has not been printed or distributed, so the Bill will go out of the record. Representative Braun, the Gentleman has filed an Amendment, it has been the practice...Representative Braun."

Braun: "Thank you, Mr. Speaker. You know....all this conversation and I understood the Gentleman to say he withdrew the Amendment. You had said it would go on to Third Reading, then he said wait a minute I changed my mind, now I'm making an objection to prolonging this and I would ask that the Bill go to Third Reading."

Speaker Peters: "Representative Braun, this is the situation. The Gentleman called the Bill, you called the Bill, I asked for Amendments, the Clerk informed me Amendment #1, I asked if there were motions. Representative Tate indicated...the Clerk indicated there were no motions. Representative Tate had Amendment #1, he indicated he would withdraw Amendment #1. I asked the Clerk whether there were any other Amendments on the desk. He indicated there were not. I said Third Reading. The Gentleman calls to the attention of the Chair, that Amendment 2 has been filed by him, which has not been as yet printed or distributed. It is within that Gentleman's right to have that Amendment printed and distributed and the Bill will remain on Second Reading."

Braun: "Mr. Speaker, Mr. Speaker, I must object to that..."

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Speaker Peters: "Second Reading. House Bill 1268. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1268. A Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill."

Speaker Peters: "Representative McAuliffe, 1268. Out of the record. 1288, Representative Donovan."

Clerk Leone: "House Bill..."

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

Clerk Leone: "1288. A Bill for an Act to amend an Act in relationship to state police. Second Reading of the Bill."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "No Committee Amendments. No floor Amendments."

Speaker Peters: "Third Reading. Wait a minute. Wait a minute. Now Gentlemen, the Chair has been very considerate in taking forty-five minutes to bringing Representative Leverenz's Bill back at the request of your leadership. Now let's...Just wait a minute, Representative Braun. You have every right to ask whatever question you want, okay. But, we're going to do this in an order and I'm not going to have fifteen people yelling at me for recognition here. Alright? Now let us just settle down and wait a second. Okay? Settle down. Representative Braun, if you would just wait a second which I have asked you civilly as much as a Gentleman as I can, speaking to another Member of this House. Now, we'll get this settled, just wait. Representative Matijevich, you know well there's fifteen Members come up here, says call me ahead of so and so. I cannot and this Chair cannot accommodate everybody. And, if the Members want special treatment on their stuff, they're going to have to sit on their duffs when somebody else gets special treatment. There's no two ways you can run this. Representative Johnson, I'll call on you too and you sit down, now and everybody else sit down until we get

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this worked out here. Does anyone else want to come up here? We've got room for about another twenty people. Representative Bradley."

Bradley: "Mr. Speaker, thank you very much. I was wondering, you indicated or rather the Clerk indicated, there were no other Amendments filed. Are there...if there wasn't an Amendment filed, and he would know because you take your Amendment down to the well, he said there was no..there was not a second Amendment filed. Now, I'm just asking Mr. Chairman, is there one filed or not?"

Speaker Peters: "It's a question of a motion that's filed here."

Bradley: "Oh, he said an Amendment. He said he had filed Amendment #2."

Speaker Peters: "We had...that's right, we had...there is now the other complicating factor of a motion filed on this. We will...just a second. Representative Daniels. Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, the situation is as follows. The Gentleman asked for Amendment #1 to be tabled, he was in error. He does not want to table Amendment #1, that's the Amendment that he wants this House to act..."

Speaker Peters: "If you'll settle down for a second, Representative Jones and Bullock, we'll explain it."

Daniels: "He wants to run with his Amendment #1. He in error thought that that was his motion to strike the enacting clause. He does not want to go with that motion. So with leave of the Chair, if he may proceed with his Amendment #1, he will dismiss the motion to strike the enacting clause. Otherwise Representative Braun, he will proceed with that and it may hold your Bill up. The Bill is not on Third Reading, the Speaker is not going to...."

Speaker Peters: "Representative Bullock."

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Bullock: "Mr. Speaker, Ladies and Gentlemen of the House. We don't need the lectures from the Gentleman from the other side of the aisle. The issue before this Body is whether the status of House Bill 1264. House Bill 1264, by your own admission was moved to Third Reading. You can't move it back unilaterally unless you get leave of this Body. My concern here, is that in our haste and we're all slaves of time, that we are going to violate the privilege of every Member of this Body for some innocuous reason that we must adhere to a ten minute time limit on a piece of legislation. This Bill and this Amendment I'm sure, are as important to the Sponsor of the Amendment and the Sponsor of the Bill as any of the other Bills that we've considered. And, I don't think you and I know you are a fair minded individual irrespective of where you sit at this point, want to violate the rights of any Members of this House, because in so doing you violate all of our rights. And, if you want to get to this Bill Representative Daniels, you're going to have to get leave of the Body to bring it back from Third Reading to Second Reading and then let the Bill fall where it may."

Speaker Peters: "Representative Bullock."

Bullock: "But, don't let's abuse one another willy-nilly, because of a ten minute time limit."

Speaker Peters: "Representative, this has nothing to do with the time limit. The question involved is as follows. The Chair asked whether there were Amendments. There were not Amendments. There however is a motion that the Chair cannot bypass and that is a motion to strike the enacting clause. Alright? And, that is where we are at at this point. The Gentleman, the Gentleman wishes, if he has leave, to withdraw the motion. Just a second now. To withdraw the motion to strike the enacting clause, because

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he in making his presentation, okay, incorrectly thought that what he was withdrawing was the motion to strike the enacting clause and not Amendment #1. So, unless the Gentleman now has leave to go back and consider Amendment #1, where we are at is on the motion to strike the enacting clause and that is what will be considered unless Representative Braun does not object to going back and reading Amendment #1. After that's disposed of, the Gentleman will withdraw his motion to strike the enacting clause. Representative Braun."

Braun: "Mr. Speaker, I have two questions. One is, what is the effect and I'd like a ruling from the Chair, what is the effect of your pronouncement over the microphone that the Bill had gone to Third Reading? Under those circumstances..."

Speaker Peters: "The Chair was in error."

Braun: "Does that vitiate the effect of the...does that vitiate the ruling though? Can you just undo your own ruling..."

Speaker Peters: "The Chair..."

Braun: "By a pronouncement."

Speaker Peters: "The Chair is not empowered to move a Bill to Third Reading without hearing all Amendments and motions, which have been filed in regard to that. The Chair was not apprised of the fact a motion to strike the enacting clause was filed and moved too quickly."

Braun: "Mr. Speaker, motions...aren't those motions required to be in proper form and distributed also, to the Membership?"

Speaker Peters: "The motion has been filed and is on the Calendar."

Braun: "No sir, it's not on the Calendar."

Speaker Peters: "Page 38. Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker. Very briefly on a point of order. We were on the Order of Second Reading and the

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Chair cannot move to the Order of Motions without leave of this Body. And, for that reason, 1264 was moved to Third Reading. It remains on that and unfortunately Mr. Speaker I believe you check with your Parliamentarian, you cannot take this order of business at this time."

Speaker Peters: "We still have the motion to strike the enacting clause to dispose of and the Bill cannot be moved until that is disposed of."

Lechowicz: "That is correct, but you can't go to motions without leave of the Body."

Speaker Peters: "Representative Lechowicz, I am suggesting to Representative Braun that she give leave and we redo Amendment #1 and the Gentleman will withdraw the motion to strike the enacting clause. We'd solve a lot of problems."

Lechowicz: "The Lady objects."

Speaker Peters: "That's what I'm suggesting to the Lady. Representative Braun."

Braun: "Thank you, Mr. Speaker. Representative Lechowicz and others who are in a better humor than I am at this time of the morning have suggested that I recede to the request of the Gentleman from, wherever he is from, and the Speaker and allow the motion to be heard....and allow the Amendment to be heard. To be printed and distributed. I therefor, on the condition that the motion to strike the enacting clause is withdrawn."

Speaker Peters: "Thank you, Representative."

Braun: "You're welcome."

Speaker Peters: "We are now on House Bill 1264, the Order of Second Reading. The Gentleman asks leave, leave to consider Amendment #1, which he has previously requested leave to withdraw. The Gentleman has leave. Leave is granted. Amendment #1, Representative Tate. If there are motions, we will withdraw the motion as the next order,

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Representative. Amendment #1 has been distributed. I'm glad we're not running the entire country. Representative Jones."

Jones: "Thank you, Mr. Speaker. The motion to strike the enacting clause is printed on the Calendar. A motion to strike the enacting clause takes precedence over any Amendment. So if he doesn't move...it takes precedence, Mr. Speaker."

Speaker Peters: "Representative, what we're trying to do is expedite the thing. The Gentleman says he will withdraw the motion to strike the enacting clause provided he can hear Amendment #1, which is what Representative Braun has agreed to, which is what we want to do. Has...is Amendment #1 distributed? The Clerk tells us it has been distributed. The Democratic page indicates to us, it has been distributed. Representative Tate, on Amendment #1. Proceed."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House."

Speaker Peters: "Representative Bradley, for what purpose does the distinguished Gentleman rise?"

Bradley: "Mr. Speaker, I understand that the Gentleman has withdrawn his motion or has agreed to, to strike the enacting clause. And at this point then, I would like to..."

Speaker Peters: "He has not done that as yet."

Bradley: "Well, he has agreed to I thought. And, he has to do it, according to the rules or we can't go to the Amendment. And that's what the Gentleman agreed to I believe, didn't you Mr. Tate?"

Speaker Peters: "That is what the..."

Bradley: "If we go to Amendment #1, you've agreed to withdraw your motion to strike the enacting clause?"

Speaker Peters: "Representative Bradley..."

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Bradley: "He's nodding yes and I think...."

Speaker Peters: "If I could just call on the Gentleman to open his mouth and make a statement, he will do that. I have not been able to get to that point as yet. Now just let him open his mouth a second. Representative Tate."

Tate: "I move to withdraw the motion."

Speaker Peters: "The motion is withdrawn. Amendment #1, Representative Tate. Now, Representative Bradley."

Bradley: "Point of order, Mr. Speaker. The Bill amends the Criminal Code and the Amendment I draw to the attention of the Chair, is an Act in relation to municipalities and counties and it amends the Municipal Code and not the Criminal Code and I think it's out of order in germaneness..."

Speaker Peters: "The Gentleman questions..."

Bradley: "It's not germane at all. I would like the Parliamentarian to rule and I would like him to tell us his ruling, don't just say that it's germane, but how he can make it germane, if he would please."

Speaker Peters: "The Gentleman questions the germaneness. Mr. Parliamentarian, Mr. Clerk, give the Parliamentarian the Bill, the Amendments and a prayer. Representative Johnson, for what purpose..."

Johnson: "I guess on a point of personal privilege. We've been...it's nine twenty. Everybody's going to be complaining in a day that we're going to have to be here all weekend and all night and we've spent almost an hour, not through the fault of the Chair, but to get exactly where we were to start with. You know....I know we're two sides of the aisle, but if we don't decide we're going to have some kind of moderate courtesy between the two sides of the aisle, we're going to be here until October, fourteen hours a day. It's just absolutely ridiculous. I

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don't know what...Representative Tate has just simply asked for the courtesy of being able to call an Amendment and we have to go through an hour of debate about it to get back where we were to start with. I just can't understand how 177 adults can allow that to happen and still turn around two days from now and complain about being here over the weekend."

Speaker Peters: "It is the ruling of the Chair, on the advice of the Parliamentarian that the Gentleman's objections are on point and the Amendment is not germane. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Representative Braun."

Braun: "Third Reading, please, Mr. Speaker. Thank you."

Speaker Peters: "Does the Lady wish to question the fairness of the Chair?"

Braun: "Mr. Speaker, the fair...Mr. Speaker the fair...thank you very much, Mr. Speaker. To the Third Reading please."

Speaker Peters: "Third Reading. House Bill 1296. Representative Vinson, for what purpose does the Gentleman rise?"

Vinson: "Mr. Speaker, I think in some effort to restore a little bit of comedy to the proceedings, it's been called to my attention that yesterday in a debate on a Bill, some of my language regarding Representative Getty might have been interpreted as a personal attack upon him and might have been intemperate. I want to apologize to the Assembly and to Representative Getty for that language. I regard him as a first-rate lawyer, a good constitutionalist. My remarks should have been directed more directly to his Amendment, which I did think was wrong, but I apologize to him for any personal elements in the remarks."

Speaker Peters: "Representative Getty shakes his head and says fine. House Bill 1296, Representative Ewing. Read the

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Bill, Mr. Clerk."

Clerk Leone: "House Bill 1296. A Bill for an Act to amend the Revenue Act. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, McPike. Amends House Bill 1296..."

Speaker Peters: "Representative McPike, on Amendment #1."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 tries to put House Bill 1296 into a form such that in the future real property and personal property will be taxed according to one formula and not be taxed under two different formulas. The Bill says that the property placed on the tax rolls before January 1, 1981, would be taxed under one definition and...and property placed on the tax rolls..."

Speaker Peters: "Excuse me, Representative McPike. The Gentleman from Livingston, Representative Ewing for what purpose do rise?"

Ewing: "Mr. Speaker, I would accept Amendment #1."

Speaker Peters: "Representative McPike, do you wish to continue with explanation? Representative McPike offers Amendment #1. Is there any further discussion? There being none, the question is shall Amendment #1 be adopted. Those in favor will signify by saying 'aye', those opposed. The amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, Ewing. Amends House Bill 1296 on page 3, line..."

Speaker Peters: "Representative Ewing, Amendment #2."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House and Representative McPike. I don't want the Body to think that I'm being...becoming too soft by accepting Representative McPike's Amendment, but Amendment #2 would eliminate

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Amendment #1 and I thought procedurally we might move along faster here. Amendment #2 is the Bill and Amendment #2 has been worked out between the Taxpayer's Federation, Chamber of Commerce, The Department of Revenue and puts the Bill in the shape which we want it as far as defining what is real and what is personal property. It does provide much as Representative McPike's Amendment #1 would, that the Amendment would become effective as of January 1, 1982 and not be...it would only be prospective and not refer back to any date before then. And, I would ask for the adoption of Amendment #2."

Speaker Peters: "Any discussion? Representative McPike."

McPike: "Will the Sponsor yield? I'm not a Sponsor, no he's the Sponsor. Will the Sponsor yield?"

Ewing: "Yes, Representative McPike, I will."

McPike: "Yeah, right. Would you explain...since this is now the, in essence the Bill, could you explain to us the difference between a way...the way the property is defined now and what you're attempting to...how you're attempting to change present definitions? What will be left out of personal property in the future or real property in the future. Could you give us some ideas of the magnitude of these changes? Maybe we could have some order and some people could hear."

Ewing: "Right. Representative McPike, the Amendment does not change the way that we have traditionally defined real and personal property for the purposes of taxation. In fact, we have tried very hard to put into this Amendment what has been the practice in the definition of real and personal property. We have eliminated from the time the Bill was originally introduced any changes, major changes in regard to changing what was personalty to realty or what was realty to personalty."

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McPike: "Well, for example, under current definition a nuclear power plant would be a real property. Under your definition, would a nuclear power plant be real property or personal property?"

Ewing: "Now, it depends on what nuclear power plant you're talking about."

McPike: "A nuclear power plant built after 1982."

Ewing: "No, certain nuclear power plants have been classified as realty. They would continue to be realty. If they are currently classified as partly realty and partly personal property, that's the way they'd stay."

McPike: "That's not what I'm asking. I understand that under current law, a nuclear power plant by and large the entire plant, the nuclear reactor, anything that is set in place is considered real property, but you're changing the definition after a given date, and I guess that's January 1, 1982, so, anything that goes on the books after January 1, 1982. So what I'm asking is, a nuclear power plant that's built after January 1, 1982, that would currently be classified as real property. Would this new nuclear power plant, this multi-billion dollar plant be classified as real property or personal property? The reason I ask is, because on page 2 of your Amendment, you specifically exclude power generating equipment from the definition of real property. So could you tell me if a nuclear power plant would be real, or personal?"

Ewing: "Representative MCPike, you say we definitely exclude it, I don't know where you do that."

McPike: "On page 2, on line 20. It says 'buildings, structures and improvements and permanent fixtures do not include furniture or any type of machinery and equipment, including power generating equipment, regardless of method or means of attachment or a fixation'. You could have a nuclear

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power plant that would be power generating equipment. You could have a large generator, you could have a number of things that would fall underneath the definition of power generating equipment. I'm presuming any large generator, large turbines or nuclear power, however the power was generated, nuclear or conventional, it would still fall under this definition and would therefore be personal property not subject to taxation. That's what I'm asking."

Ewing: "Representative McPike. In many places in this State, power generating is not been classified as real property. In certain counties, it has. Now under this Bill, generating equipment as you pointed out would not be considered realty. It was not realty before we did away with the personal property tax in most instances. In those instances, in those counties where it was reclassified from personally to realty before we did away with personal property, it will stay as real estate. It will not affect that."

McPike: "I'm not asking that and you know what I'm asking and you're trying..."

Ewing: "I'm telling you what you want to hear. It is not as...it's not realty, it's going to be personal property, like it was before."

McPike: "I'm trying to ask a very specific question and I would like a specific answer."

Ewing: "I gave you a specific answer, didn't I?"

McPike: "No. The specific question is, will a nuclear power plant that comes on line after January 1st, 1982, built and constructed on line after January 1, 1982, will that nuclear power plant be classified as real property or personal property?"

Ewing: "Part of it will be real property and part will be personal property."

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McPike: "Okay. Let's take another example. I have a number of oil refineries in my area and obviously oil refineries use a lot of permanent fixtures including pipes and pipelines, et cetera for the transmission of the oil within the finery. All of those fixtures, those permanent pipelines, et cetera today, are classified as real property, they are part of the plant. They are not moveable, they are not removeable. Your Bill, is it...it's my understanding that your Bill says that all of these millions of dollars worth of pipelines that go into the construction of a refinery will in the future be classified as personal property. Is that true?"

Ewing: "Do you refer to a certain line again, Representative MCPike?"

McPike: "Well, on page 1, on lines 19 through 23, it says similarly the wires, mains, pipes, pipelines, poles, towers, transformers and other similar property used in the production, transmission or distribution of messages, gas, oil, electricity or water are not land improvements and are therefor not real property. Those are the lines I'm referring to."

Ewing: "Representative MCPike. First of all, I think you misphrased your question. You're saying that all of that is now taxed as realty. That is not my understanding of the situation. I think you have answered your own question that the current traditional definition of that...of those types of improvements were as personal property. They would still be personal property under this Bill."

McPike: "Okay. Just to the Amendment then, Mr. Speaker."

Speaker Peters: "Proceed, Representative MCPike."

McPike: "Thank you. This Amendment drastically changes the definitions of real property and personal property as we have traditionally known those definitions. And what it

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does and what it will do in the future, is destroy the tax base for local units of government. There are five or six Bills that are attempting to reduce the tax base of local government and this Amendment goes farther than that, it attempts to destroy the tax base. What we have consistently considered to be real property, will now be defined as personal property and therefor will not be taxed. This is probably the biggest Christmas tree package that the Chamber of Commerce and the Manufacturer's Association could ever ask for and could ever hope. We...in this Amendment, we even classify buildings, we classify buildings as real property in here. If we have a steel mill, if we have a steel furnace housed inside of a building, that building is not real property in the future, that building will be called personal property. The same way with the examples I have just given you, huge generators, turbines, nuclear power plants, equipment, huge pieces of equipment that are stationary and have been classified as real property in the past, will now be classified as personal property. The objective here is obvious. We did away with the corporate personal property tax and replaced it with a tax on income and now corporations would like to classify all of their property, or the great majority of their property, as personal property and have it tax free. This is what the Amendment does. It's a giveaway to big business and it really destroys any type of tax base that local units of government could ever hope for. I would hope that you would vote to defeat this Amendment."

Speaker Peters: "Representative Pechous. Somebody turn his light off please. Representative Bowman."

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

Speaker Peters: "He indicates he will."

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Bowman: "The Supreme Court has already ruled on the Illinois...Central Illinois Light Company case and I'd like for you to comment on the need for this legislation."

Ewing: "The Supreme Court in its ruling, stated that some of the misinformation and misconceptions that Representative McPike is trying to put out on this Amendment, that they could not reassess power plants from personally and realty all to realty is what certain units of local government tried to do in their taxation. But, the Supreme Court case did not speak as in the future. What this Amendment would do, when added to the Bill, will put a definition in the law so that from now on we will have a distinction as we have had in the past between what is personally and what is realty."

Bowman: "Why would it not be possible to rely upon subsequent litigation and court standards which have found to have held in the past? In other words, why does the Legislature need to act and instead simply rely upon the courts to carry forward the standard which has been used to distinguish between the two in the past?"

Ewing: "Representative, I think if we were to accept that reasoning, then we could pass one Bill and abolish the General Assembly. Why are we down here passing laws all the time? Because it is expensive, because our courts are overcrowded, because a lot of little businesses couldn't afford to take any dispute they had with their assessor to court. We need a definition, so that the Department of Revenue can put out regulations by which our property can be assessed."

Bowman: "Well, Representative, it seems to me that they have the court decisions as an adequate basis already, if they wanted to issue regulations. This legislation which you are proposing gives them no additional regulation issuing

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authority. It seems to me that the only reason why this legislation might be needed at all, or felt desirable at all by some people, is if the standard being proposed for subsequent property is different from the past standard. Then, maybe there might be some people interested in having it written into law. But, if the law that we are writing only conforms to the past standard, it seems to me that it's redundant and superfluous. I would argue against this Amendment and against the Bill indeed, because I think the entire thing is redundant and superfluous. The only reason that litiga...that legislation would be sought by anybody, would be if they were proposing to change the standard by which the classification has been made all along. And, it seems to me that that is the last thing we need, we do not need to change the classification scheme. So, I would urge a 'no' vote on the Amendment and on the legislation."

Speaker Peters: "Representative Matijeich, on Amendment #2."

Matijeich: "Mr. Speaker and Ladies and Gentlemen of the House. Some of you were here last year, recall that I think it was House Bill 3513, which Representative Ewing had, which almost slipped by us and Representative Mugalian alerted us to the shift in the definition of real property that could have really done damage to the local governments. I think some of you are aware too, that Representative Friedrich and I sponsored a Bill last year that went to the issue of the nuclear power facility in our area. And, Representative Barkhausen is joining us and that Bill will be up on Third Reading. But, those same taxing bodies in Zion, one of which is the Zion assessor, have alerted us also to this Bill. Commonwealth Edison has been doing its best to try to change the definition of real estate so that millions of assessed valuation will be determined to be personal property. In fact, the Zion nuclear plant when it

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was built, was built for more than five hundred million dollars. It happens that its valuation is at three hundred thousand dollars, that alone...three hundred million dollars rather, was built at a cost of over five hundred million, that alone is a travesty. But, for this Amendment to now place much of that generating capacity at the nuclear plant in my area to be classified just like a desk or a typewriter, or some other personal property, I think is ridiculous. But, that's what's going to happen if you adopt this Amendment. So, I would alert Members on both sides of the aisle, that really what you're doing, is you're going to pass an Amendment that is only going to help the rich taxpayers and you're going to then shift the load on the residential property owner and I don't think any of us want to do that, because all we're going to do is create more problems for ourselves. And, those of you who were here last year, remember when Mugalian alerted us to it, both sides of the aisle then, were quick to vote against that and we buried it. Here it is up again now and I think the best thing to do is bury it by adopting this Amendment, then we go back to the Bill as Amendment #1 and it's not that horrendous. And, I would urge the defeat of Amendment #2."

Speaker Peters: "Representative Keane."

Keane: "Thank you, Mr. Speaker. A question of the Sponsor."

Speaker Peters: "He indicates he'll yield."

Keane: "Does the Amendment come under...will the Amendment bring the Bill under the Mandates Act?"

Ewing: "Representative, to the best of my knowledge it is not under the Mandates Act, because it is not a loss of local taxing power, it only is the definition. There is no real change even with all of the rhetoric you've heard on your side. There is no substantive change in the way we're

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presently taxing real and personal property."

Keane: "Have you redefined....have you redefined personal and real property within the Amendment?"

Ewing: "Have we redefined it? No we haven't redefined it, we are only setting out the definition as is presently being followed."

Keane: "What's the purpose of the Amendment then?"

Ewing: "Well, because there is no definition in the law. Currently only case law practice and custom. We're trying to set it for succinctly so that it'll be available to everyone, cut down litigation, keep double taxation from happening and bring fairness to the entire area of taxation of real and personal property."

Keane: "Thank you. If I could address the Bill, Mr. Speaker."

Speaker Peters: "Proceed."

Keane: "We've had a number of Bills to redefine real and personal property before the Revenue Committee in the past few years, from Members on both sides of the aisle. The difficulty with redefining the personal property versus real property, is that we don't know what the impact is going to be on local government. It is my feeling that unless we do it very, very carefully that the Bill would come under the Mandates Act. If a piece of property is currently being assessed as real property by a county or within a county and by the terms of any kind of Amendment or Bill that we put out of here, we change the definition of that piece of property creating a loss for the taxing bodies in that area, that that will bring it under the Mandates Act and the State will be open to claims from local government to the amount of taxes that they've lost. I am in favor of definition, if we can come with one. I don't think it's...I think the proper place for the definition hearings to take place are in Revenue Committee

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or in a Sub-committee. I don't believe that it's proper to amend...to put this important an Amendment on a Bill on Second Reading, because we don't know the impact of it. I hold...I agree with the Sponsor's....what he wants to do. I think he's well motivated by what he wants to do. I know that the Taxpayer's Federation has worked long and hard on this Bill, but if we do have a Mandate Act problem here, it could cost the State substantial amounts of dollars later on and for that reason I regretfully oppose the Amendment. Thank you."

Speaker Peters: "Representative Piel."

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

Speaker Peters: "The Gentleman moves the previous question. All those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'aye's' have it. Representative Ewing to close."

Ewing: "Ladies and Gentlemen of the House, this is a very important piece of legislation. I am somewhat surprised at the opposition, because most of the problems which they talked to will not be created by this Amendment. This Amendment actually improves the present Bill a great deal over the way it was filed and passed out of Committee. The Amendment is, in my opinion, a compromise Amendment to reach something which is fair, between local governments and between business. We don't want to create double taxation because of the removal of the personal property tax. We need a definition of what is real and personal so that our assessors can properly assess the property for taxation by local government. This Amendment is intended to do that. I would earnestly ask for your support. This is a fair Amendment. You will have adequate time to discuss it and to discuss the Bill on Third. And, I would ask for the adoption of this Amendment to put the Bill in

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proper shape. Thank you."

Speaker Peters: "The question is, shall Amendment #2 to House Bill 1296 be adopted? All those in favor will signify by voting 'aye', those opposed by voting 'no'. Mr. Clerk. Representative Wolf? Have all voted who wish? Representative John Dunn to explain his vote."

Dunn, John: "Thank you, Mr. Speaker. I had some questions to ask, but I'll just make this point about this Bill, at this time. If this Amendment gets on the Bill and the Bill becomes law, there will be two ways to classify real property in the State of Illinois. One, if you have property that was classified before this Bill becomes effective and one after it becomes effective and our Constitution in the State of Illinois clearly provides that real property in this State shall be assessed according to value, uniformly throughout the State. So, I suspect that any action taken with regard to this Bill, if it becomes law, would be unconstitutional. This is a waste of time. This will just be a lawyer's dream to run this up to the Illinois Supreme Court to get it thrown out and I wish I would be the lawyer, I know I won't be, but I congratulate those who'll get this nice fee to take this case to court and have it thrown out."

Speaker Peters: "Any further discussion? Representative Levin, one minute."

Levin: "Mr. Speaker, we did not hear how much this is going to cost local government. I think the amount will be astronomical in terms of lost revenue and it's going to be...have to be ate up by the other taxpayers. It's a rip-off of local government and it seems to me it singles out for special attention the utilities of...I think this Amendment should be defeated."

Speaker Peters: "Any further discussion? Representative Daniels,

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to explain your vote."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I checked with the Sponsor of this Amendment. He assures me that it's absolutely essential to have the definitions in here to put this Bill in the proper order. I suggest..."

Speaker Peters: "Proceed, Representative Daniels."

Daniels: "I suggest that we go along with the Sponsor here, who has worked very hard and diligent as the Chairman of the Revenue Committee in the essential nature of the definitions that we must put in there on real and personal property. I suggest that we put a green vote up there as soon as possible."

Speaker Peters: "Any further discussion? Have all voted who wish? Representative Vinson."

Vinson: "Thank you, Mr. Speaker. I believe Representative Daniels is on point. What this Bill simply tries to do, is to keep the local tax rolls from having it both ways. From charging on the one hand as personal and on the other hand as real. And, I would urge that the requisite number of votes be put up there to adopt this Amendment, because it's a matter of equity and justice and as a matter of fact, I think, due process. I think without this Amendment, we are in a situation where there might actually be seizures contrary to the Fifth Amendment, and so I would urge the appropriate votes to get up there."

Speaker Peters: "Representative Ewing, to explain his vote. One minute."

Ewing: "Yes. Ladies and Gentlemen of the House, this is important legislation. As you know, a few years ago we replaced the personal property tax. If we don't define real and personal property, they are assessing all new property, much of what use to be personal as realty. Local taxpayers, your constituents, will be paying real estate

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tax on what was personalty. They will also be paying the personal property replacement tax. It is double taxation. It is extremely unfair. This Amendment is fair. It is not intended to hurt local governments. It is not intended to take away their tax base. And, I would certainly ask that I have the opportunity...."

Speaker Peters: "One minute is all that's allowed, Representative Ewing. Any further discussion? Mr. Clerk. Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 84 voting 'aye', 87 voting 'no'. Representative Ewing."

Ewing: "I would request a poll of the absentees and then a verification of the negative vote."

Speaker Peters: "The Gentleman asks to poll the absentees. Proceed, Mr. Clerk. There has been no request as yet for a verification, Representative. After the poll of the absentees, that request will be properly put. Then we can ask for leave for people who want to leave. Now, Representative Bower, discuss this with the Parliamentarian. Proceed, Mr. Clerk."

Clerk Leone: "Poll of the absentees. Garmisa, Margalus, McAuliffe and Miller."

Speaker Peters: "Representative Ewing now asks for a verification of the negative vote. Representative Giglio, asks leave to be verified. Representative Ewing. Representative Ewing. Representatives Giglio and Johnson ask leave to be verified. Representative Giglio asks leave to be verified. Does he have leave? Leave is granted. Proceed, Mr. Clerk, with a verification of the negative vote."

Clerk Leone: "Alexander, Balanoff, Bartulis, Beatty, Bianco, Bowman, Braun, Breslin, Bullock, Capparelli, Carey, Chapman, Christensen, Cullerton, Currie, Darrow, Deuster, DiPrima, Domico, Donovan, Doyle, John Dunn, Ewell, Farley,

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Flinn, Virginia Frederick, Getty, Giglio, Giorgi, Greiman, Hanahan, Hannig, Henry, Huff, Jackson, Jaffe, Jones, Kane, Katz, Keane, Dick Kelly, Kornowicz, Kosinski, Krska, Kulas, Laurino, Lechowicz, Leon, Leverenz, Levin, Madigan, Matijeovich, McClain, McGrew, McPike, Murphy, O'Brien, O'Connell, Ozella, Pechous, Pierce, Pouncey, Preston, Rea, Redmond, Reed, Rhem, Richmond, Ronan, Saltsman, Satterthwaite, Schneider, Slape, Margaret Smith, Stearney, Steczko, Stewart, Stuffle, Terzich, Turner, Van Duyne, Vitek, White, Sam Wolf, Younge, Yourell, Zito."

Speaker Peters: "What is the count, Mr. Clerk? 84 'aye', 87 'no'. Representative Deuster."

Deuster: "Mr. Speaker, I would ask that my vote be changed from 'no' to 'yes' and that I be...have leave to be verified. Thank you."

Speaker Peters: "Representative Deuster changes from 'no' to 'aye'. Representative Reed."

Reed: "Will you change me to 'aye', please?"

Speaker Peters: "Representative Reed, goes from 'no' to 'aye'. Any further changes? Proceed with the verification Representative Ewing."

Ewing: "Mr. Speaker, before we continue with the verification, what is the count?"

Speaker Peters: "86 'aye' and 85 'no'."

Ewing: "I will...I'll accept that count if...temporarily."

Speaker Peters: "Representative Madigan."

Madigan: "I request...Mr. Speaker, I request a verification of the 'aye' vote."

Speaker Peters: "The Gentleman requests a verification of the affirmative vote."

Ewing: "Mr. Speaker, if they would happen to put the 'aye' votes in the minority, I would then ask for a verification of the negative vote."

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Speaker Peters: "Representative Schuneman."

Schuneman: "Leave to be verified as an 'aye' vote, Mr. Speaker."

Speaker Peters: "Hold it...."

Schuneman: "Do I have leave to be verified, Mr. Speaker?"

Speaker Peters: "Wait a minute, hold on. The Gentleman asks leave for a verification of the affirmative vote. Representatives Tuerk, Schuneman and Wikoff and Polk ask leave to be verified. And Johnson. Mr. Madigan? Tuerk, Schuneman, Wikoff, Johnson and Polk.

Madigan: "...Mr. Speaker."

Speaker Peters: "Do they have leave?"

Madigan: "Yes, Mr. Speaker, leave."

Speaker Peters: "Leave is granted."

Madigan: "Mr. Speaker. Mr. Speaker."

Speaker Peters: "Representative Madigan."

Madigan: "Would you respond to Mr. Ewing's request for a verification of the negative vote after the 'aye' vote has been verified?"

Speaker Peters: "Do you really want that now?"

Madigan: "It might be good if you would state the rule, because there was an abuse of the rule earlier in the session and I know, Mr. Speaker, that you in particular are attempting very assiduously to move away from abuse of the Chair."

Speaker Peters: "Thanks. Representative Madigan, it would be the sense of the Chair that because of the changes made by Representative Deuster and Reed, there in fact was no verification of the negative vote. So, that if a Member should rise to question that vote, that request would be in order and proper. Okay? Representative Madigan, do you wish to proceed in your verification?"

Madigan: "Yes I do, Mr. Speaker. I request a verification of the 'aye' vote."

Speaker Peters: "Proceed, Mr. Clerk. Representative Matijevich,

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on a point of order."

Matijevich: "Only on the record for this verification, that both Giglio and Johnson have been verified."

Speaker Peters: "Representative...no Representa...Representative we'll straighten that now, I remember that. For purposes of this verification, Representatives Tuerk, Schuneman, Wikoff, Polk and Johnson have been given leave to be verified by Representative Madigan. Proceed, Mr. Clerk."

Clerk Leone: "Poll of the affirmative. Abramson, Ackerman, Alstat, Barkhausen, Barnes, Bell, Birkinbine, Bluthardt, Boucek, Bower, Bradley, Catania, Collins, Conti, Daniels, Davis, Deuchler, Deuster, Jack Dunn, Ralph Dunn, Ebbesen, Epton, Ewing, Fawell, Findley, Dwight Friedrich, Griffin, Grossi, Hallock, Hallstrom, Hastert, Hoxsey, Hudson, Huskey, Johnson, Karpiel, Jim Kelley, Klemm, Kociolko, Koehler, Kucharski, Kustra, Leinenweber, Macdonald, Martire, Mautino, Mays, McBroom, McCormick, McMaster, Ted Meyer, Roland Meyer, Mulcahey, Neff, Nelson, Oblinger, Peters, Piel, Polk, Pullen, Reed, Reilly, Rigney, Robbins, Ropp, Sandquist, Schraeder, Schuneman, Irv Smith, Stanley, E.G. Steele, C.M. Stiehl, Swanstrom, Tate, Telcser, Topinka, Tuerk, Vinson, Watson, Wikoff, Winchester, J.J. Wolf, Woodyard, Zwick and Mr. Speaker."

Speaker Peters: "Before the verification, for what purpose does the Lady from LaSalle, Representative Hoxsey rise?"

Hoxsey: "Mr. Speaker, Ladies and Gentlemen of the House. I rise to make an introduction, if you'll permit me. Seated in the gallery, behind the Speaker, is a group of honor students from St. Charles High School, St. Charles, Illinois in the 38th Legislative District. Represented by myself, Tom Ewing and Peg Breslin. Honor students should be recognized, Ladies and Gentlemen. We need a lot of those today."

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Speaker Peters: "Welcome to Springfield. Representative Miller, for what purpose do you rise?"

Miller: "Mr. Speaker, I would like to be recorded as 'aye' on this Amendment."

Speaker Peters: "How is the Gentleman recorded, Mr. Clerk?"

Clerk Leone: "Gentleman is not recorded as voting."

Speaker Peters: "Record him as voting 'aye'. What is the count now, Mr. Clerk? Representative Madigan, the beginning count is 87 voting 'aye', 85 voting 'no'. Proceed, sir."

Madigan: "Abramson."

Speaker Peters: "Representative Abramson's in his seat. Kindly give the Gentleman order."

Madigan: "Jane Barnes."

Speaker Peters: "Representative Jane Barnes. Is the Lady in the chamber? How is she recorded?"

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

Speaker Peters: "Take her from the Roll."

Madigan: "Bluthardt."

Speaker Peters: "Representative Bluthardt. Representative Bluthardt. Is the Gentleman in the chamber? How is he recorded?"

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

Speaker Peters: "Restore Representative Barnes to the Roll, she has returned. Proceed, Representative."

Madigan: "Dwight Friedrich."

Speaker Peters: "Representative Friedrich. How's the Gentleman recorded?"

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

Speaker Peters: "Remove him from the Roll."

Madigan: "Mr. Speaker, I had agreed with Mr. Conti, that if he were in his office, we would not verify him. That I did not wish to require him to be traveling on the elevator up and down. Is it possible for someone on your side of the

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aisle to call his office and ask if he is in the office?"

Speaker Peters: "Henry, will you check on that please and let us know? We won't announce anything until we find that out, Representative. Proceed."

Madigan: "Jack Dunn."

Speaker Peters: "Representative Jack Dunn. Is the Gentleman in the chamber? Remove him from the Roll."

Madigan: "Representative Kelley, from Rockford."

Speaker Peters: "He's in his seat."

Madigan: "Representative Huskey."

Speaker Peters: "Representative Huskey is in his seat."

Madigan: "Leinenweber. He's in his chair."

Speaker Peters: "Representative Leinenweber is in his seat."

Madigan: "McBroom."

Speaker Peters: "McBroom is in his seat."

Madigan: "Martire."

Speaker Peters: "Martire is in his seat."

Madigan: "Polk."

Speaker Peters: "Polk has been verified."

Madigan: "Reilly."

Speaker Peters: "Representative Reilly is in the rear."

Madigan: "Catania."

Speaker Peters: "I'm sorry, Representative Madigan."

Madigan: "Catania."

Speaker Peters: "Representative...is in her seat."

Madigan: "Boucek."

Speaker Peters: "Representative Boucek, is in his seat."

Madigan: "Mautino."

Speaker Peters: "Representative Mautino. Is the Gentleman in the chamber? How's he recorded, Mr. Clerk?"

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

Speaker Peters: "Take him from the Roll."

Madigan: "Mulcahey."

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Speaker Peters: "Representative Mulcahey is in the rear."

Madigan: "Stanley."

Speaker Peters: "Representative Stanley is here."

Madigan: "J.J. Wolf."

Speaker Peters: "Representative Wolf is in his seat."

Madigan: "Tate."

Speaker Peters: "Representative Tate is in his seat."

Madigan: "E.G. Steele."

Speaker Peters: "Representative E.G. Steele is in his chair."

Madigan: "Grossi."

Speaker Peters: "Representative Grossi is in his seat."

Madigan: "Hudson."

Speaker Peters: "Representative Hudson is in his chair."

Madigan: "Karpziel."

Speaker Peters: "The Lady is in her chair."

Madigan: "Oblinger."

Speaker Peters: "Representative Oblinger is in her chair."

Madigan: "Pullen."

Speaker Peters: "The Lady...Representative Pullen is in the rear."

Madigan: "Watson."

Speaker Peters: "Representative Watson. The Gentleman in the chamber? Representative Watson. How's he recorded?"

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

Speaker Peters: "Take him from the Roll."

Madigan: "Rigney."

Speaker Peters: "Representative Rigney. The Gentleman is in the rear."

Madigan: "Telcser."

Speaker Peters: "Representative Telcser. The Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Take him from the Roll."

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Madigan: "Mr. Speaker, Mr. Collins gave me some information regarding Mr. Conti, that...indicated that he should be taken off the Roll Call."

Speaker Peters: "How's the Gentleman recorded? Representative Conti."

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

Speaker Peters: "Remove him from the Roll. Further challenges?"

Madigan: "No more."

Speaker Peters: "Representative Bluthardt has returned. Return him to the Roll. Any further...Representative Madigan, have you concluded?"

Madigan: "Yes."

Speaker Peters: "Representative Telcser has returned. What is the count, Mr. Clerk? The count is 82 voting 'aye', 85 voting 'no'. Representative Ewing now requests a verification of the negative vote. Representative Younge wishes to be verified and Representative Giglio. Representative Ewing."

Ewing: "Mr. Speaker, we're not going to call the names of the negative votes. You want me just to question..."

Speaker Peters: "You want the Chair to dispense with calling of the Roll?"

Ewing: "No. I just asked, you said Representative Ewing, I thought you were waiting on me. I was waiting on you to call the Roll."

Speaker Peters: "Call the Roll, Mr. Clerk. Before we proceed with that though, Representative Ewing, Representatives Giglio and Younge asked to be verified. They have leave?"

Ewing: "Leave."

Speaker Peters: "Leave is granted. Proceed, Mr. Clerk."

Clerk Leone: "Poll of the negative. Alexander, Balanoff, Bartulis, Beatty, Bianco, Bowman, Braun, Breslin, Bullock, Capparelli, Carey, Chapman, Christensen, Cullerton, Currie,

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Darrow, DiPrima, Domico, Donovan, Doyle, John Dunn, Ewell, Farley, Flinn, Virginia Frederick, Getty, Giglio, Giorgi, Greiman, Hanahan, Hannig, Henry, Huff, Jackson, Jaffe, Jones, Kane, Katz, Keane, Dick Kelly, Kornowicz, Kosinski, Krska, Kulas, Laurino, Lechowicz, Leon, Leverenz, Levin, Madigan, Matijevich, McClain, McGrew, McPike, Murphy, O'Brien, O'Connell, Ozella, Pechous, Pierce, Pouncey, Preston, Rea, Redmond, Rhem, Richmond, Ronan, Saltsman, Satterthwaite, Schneider, Slape, Margaret Smith, Stearney, Steczo, Stewart, Stuffle, Terzich, Turner, Van Duynes, Vitek, White, Sam Wolf, Younge, Yourell and Mr. Speaker."

Speaker Peters: "Representative Ewing, Representative Domico asks leave to be verified. Is leave granted? Leave is granted. Proceed, sir. The starting count is 82, Mr. Clerk, 82 'ayes' 85 'nos'. Is that correct, sir?"

Clerk Leone: "Yes, it is correct and the last three voting 'no', were Younge, Yourell and Zito."

Speaker Peters: "Proceed, Representative Ewing."

Ewing: "Representative Bianco."

Speaker Peters: "Bianco. Is the Gentleman in the chamber? How is he recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Ewell."

Speaker Peters: "Representative Ewell. Is the Gentleman in the chamber? How is he recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Farley."

Speaker Peters: "Representative Farley. The Gentleman in the chamber? How is he recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Peters: "Remove him from the Roll."

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Ewing: "Representative Flinn."

Speaker Peters: "Representative Flinn. Is the Gentleman in the chamber? How is he recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Greiman."

Speaker Peters: "Representative Greiman. He's in the rear."

Ewing: "Representative Flinn."

Speaker Peters: "Who?"

Ewing: "Flinn."

Speaker Peters: "We already did Flinn."

Ewing: "Alright. Representative Hanahan."

Speaker Peters: "Representative Hanahan is in the chamber."

Ewing: "Representative Jackson."

Speaker Peters: "Representative Jackson, is in his...yes, he's in his chair."

Ewing: "Representative Henry."

Speaker Peters: "Representative Henry, is in his chair."

Ewing: "Representative Katz."

Speaker Peters: "Representative Katz. The Gentleman in the chamber? How's he recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Slape."

Speaker Peters: "Representative Slape. Is the Gentleman in the chamber? How is he recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Peters: "Take him from the Roll."

Ewing: "Representative Laurino."

Speaker Peters: "Representative Laurino. Is the Gentleman in the chamber? How's he recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Peters: "Take him from the Roll."

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Ewing: "Representative Yourell."

Speaker Peters: "Representative Yourell, is in his seat."

Ewing: "Representative O'Brien."

Speaker Peters: "Representative O'Brien, is in the rear."

Ewing: "Representative Redmond."

Speaker Peters: "Representative Redmond. Is the Gentleman in the chamber? How's he recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Speaker Peters: "Take him from the Roll."

Ewing: "I have no other questions."

Speaker Peters: "Have you concluded, Representative?"

Ewing: "Yes."

Speaker Peters: "What is the count, Mr. Clerk? On this Amendment, the vote is 82 voting 'aye', 77 voting 'no' and the Amendment is adopted. Further Amendments."

Clerk Leone: "Floor Amendment #3, McPike. Amends House Bill 1296."

Speaker Peters: "Representative McPike, Amendment #3."

McPike: "I withdraw Amendment #3."

Speaker Peters: "The Gentleman withdraws Amendment #3. Any further Amendments?"

Clerk Leone: "Floor Amendment #4, McPike. Amends House Bill 1296, as amended."

Speaker Peters: "Amendment #4, Representative McPike."

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

Speaker Peters: "Representative Vinson, for what purpose do you rise?"

Vinson: "Mr. Speaker, Amendment #4 purports to amend an Amendment and pursuant to Rule 34b, that is not in order without unanimous leave of the House and I object."

Speaker Peters: "That is correct and the Gentleman objects. Representative McPike."

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McPike: "It doesn't amend an Amendment, it amends House Bill 1296, as amended."

Speaker Peters: "Representative Vinson."

Vinson: "The Amendment says, it says 'on page 1, of Amendment 2', it amends an Amendment and I object."

Speaker Peters: "In the opinion of the Chair, the point is well taken."

McPike: "It amends....Mr. Speaker. Amendment #4 amends House Bill 1296, as amended, on page 1 of Amendment 2. By reference. You have to reference that. The Bill has been amended and the only proper way to amend an amended Bill, is to reference it. You have to reference the new language in this Amendment. If we simply said amend House Bill 1296, the Amendment would be out of order. We have to reference it to the Amendment that was just adopted, otherwise the Amendment would be out of order. That's what we've done."

Speaker Peters: "Representative Vinson."

Vinson: "Well the Gentleman is in error, because the appropriate way to deal with the problem is to set out the full Amendment and to change the language he wishes to change. What he has done, is to amend an Amendment and that can only be done with leave and again I object."

Speaker Peters: "Representative Bowman."

Bowman: "Well, Mr. Speaker, I just point out that Amendment #2 is no longer an Amendment, is indeed a part of the Bill, we just got through adopting it. So clearly, Amendment #4 in making reference to Amendment #2 is simply referencing that portion of the Bill which contains language that had been approved in Amendment #2. But, Amendment #2 is no longer a free standing Amendment. It is true, Representative Vinson is right rather, that we cannot amend a free standing Amendment that is on the floor. Amendment #2 is in the

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Bill, it is now part of the Bill and so the language of Amendment #4 is properly construed to refer to the language of the Bill. We are not amending an Amendment as the Representative is suggesting."

McPike: "Mr. Speaker, just to repeat what Representative Bowman just said, Amendment #2 could not have been amended while we were debating it. I would agree with Representative Vinson. Amendment #2 is no longer a free standing Amendment, it is part of the Bill. We are therefore amending part of the Bill and have to reference that specific line in the Amendment #2, which is now part of the Bill and is no longer a free standing Amendment. We are not amending a free standing Amendment."

Speaker Peters: "Representative Kane."

Kane: "Mr. Speaker, I just reiterate what the other speakers have said. That is that what is forbidden here, is amending an Amendment prior to voting on that Amendment. A subsequent Amendment that changes the same language, or similar language, is not precluded by that section of the rules and I think to make a ruling at this point to say that you cannot amend subsequently, I think would be changing the entire procedure of the House."

Speaker Peters: "Representative Vinson and then Matijevich. Representative Vinson."

Vinson: "Thank you, Mr. Speaker. The...there are two problems with what the Gentlemen are saying. The first problem is, well there are three, the first problem is there is no language regarding free standing Amendments in Rule 34b. The second problem is that it explicitly attempts to amend an Amendment. The third problem is, just as a matter of order so the assembly has a right to understand what's going on, if an Amendment does not lay out the language that it's dealing with and there's an appropriate way to do

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that, as Representative Daniels did last night on Amendment #17, to House Bill 900, you've got to rewrite the entire section being amended. That's a right the Members have."

Speaker Peters: "Representative Matijevich."

Matijevich: "Mr. Speaker, I think Sam Vinson ought to understand what a rule does and its purpose. There is no question about what the purpose of that part of Section 34b of our rules is. For example, we've done it many times, where we amend an Amendment on its face with unanimous consent. The purpose of that rule is, that when an Amendment is brought forth to us, for example, when Amendment #2 was brought forth to us, no one could say I want to amend #2 to say so and so without unanimous consent. That's the only purpose for that. What Representative McPike is doing, by offering Amendment #4, he is, as he said, making reference to Amendment #2 in line so and so. Amendment 2 was just adopted. That...it is now the Bill and that is what he is doing. If we don't allow him to do that, we are scrapping the Amendment process and we might as well not have Second Reading. He is entirely within his rights and Representative Vinson, you are reading Rule 34 2b in an entirely wrong manner."

Speaker Peters: "Representative Ewing, on this question."

Ewing: "Yes. If the Chair has made their ruling, I think I'd like to proceed. Everybody is discussing it."

Speaker Peters: "The Chair is thinking."

Ewing: "That's dangerous."

Speaker Peters: "Representative McPike."

McPike: "I would speculate that that's a very lonely thought."

Speaker Peters: "Amen. Representative Taylor, do you wish to address a pay raise issue? The Chair is misinformed. The chair rules the Amendment is in order. Proceed. Representative McPike, on Amendment #4."

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McPike: "Yes, thank you, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #...the Sponsor accepted Amendment #1, because he realized that Amendment #2 would delete Amendment #1. So, it was necessary to file Amendment #4. The purpose of this is to make sure that in the future, all property, whether it's real or personal, will be classified under one definition. That is regardless of when it was put on the tax rolls. If it was put on the tax rolls in 1975, 1978, 79 or in 1985, it's going to be classified the same way. So that a nuclear power plant that is built in 1980 and is classified as real property, and an identical nuclear power plant that is built in 1983, will also be classified as real property or personal property, whatever the definition may be under law. What this Amendment will do, is avoid having two identical plants, one classified as real and one classified as personal depending upon the year in which they were built. Now the Illinois Constitution, Article 9, Section 4 says, 'taxes upon real property shall be levied uniformly by valuation' and that is all we're attempting to do and all we're attempting to say, is that whatever definition the General Assembly wants to give to real property, or whatever definition the General Assembly wants to give to personal property is fine, but let's make that definition apply regardless of the year or the date in which the personal property or real property came into existence. This will give us uniformity through...in our taxation and correct the Bill which will class..."

Speaker Peters: "Representative Collins in the Chair."

McPike: "Which will classify real or personal property depending upon the year in which it was placed on the books. I would ask for the adoption of Amendment #4."

Speaker Collins: "The Gentleman moves the adoption of Amendment #4. Is there any discussion? The Gentleman from

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Livingston, Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. Representative McPike is a very bright and articulate Legislator. This Amendment is put on to scuttle the Bill as amended. That is his only reason for putting this Amendment on. He knows that this Amendment would very likely cause this Bill to be unconstitutional. He knows that it might also cause the Bill to be defeated. Representative McPike has told us of the dire predictions that the passage of this legislation would bring on local government. He is one hundred percent wrong. But, if we put on the McPike Amendment, his predictions will certainly come true, because he will have made the Bill just what he called it before he amended it. Here's a slight example. Before we replaced personal property tax and before 1970, most of the power plants in this State that existed, were assessed approximately sixty percent personally (sic), forty percent real estate. After the Constitution provided for the abolition of all personal property, some of our very energetic assessor's in certain counties saw the handwriting on the wall and they re-assessed their power plants all to real estate. Not all did that, in two counties in particular. So, when we replaced the personal property tax, they did not have that base to be reimbursed from the new tax. And they therefor are resisting any definition of personal and realty. The Bill as it currently stands, would not affect the Zion plant and others, who some Members are so worried about, because the Bill only speaks from this point forward. Put on Representative McPike's Amendment and we will reclassify all of those. We will destroy the tax base of those local governments. And, I would ask for a sounding defeat of this Amendment. Thank you."

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Speaker Collins: "Representative Peters in the Chair."

Speaker Peters: "Representative John Dunn."

Dunn, John: "Thank you, Mr. Speaker. Just to echo the comments of the Sponsor of this Amendment. This is an attempt to see that real estate is assessed uniformly throughout this State. And, to put that in to prospective, we can all look at this Amendment from the standpoint of our own home, our own condominium, where we live. How would we like to be faced with the situation where our neighbor across the street, who lives in a home constructed just three years ago, is assessed altogether differently than we are, just because we live in a new building? Or vice versa, as will be the case if this Bill becomes law, the person who lives in the newer facility will get the tax break. I don't think we would want that with regard to our home, with regard to our business place, with regard to an office building, with regard to a warehouse. Why should we want that with regard to manufacturing equipment and to power generating equipment? Assessments should be the same for everyone, not for a particular class who happens to construct new facilities after the effective date of this law. We may need some changes in the law and I appreciate the sincere efforts of those who are advocating this legislation, to address this difficult and most complex problem. But, what we're doing here, is tinkering with the commonly accepted definition of what is and what is not a fixture in this State for the past two hundred years. If we radically make changes in that definition with this piece of legislation and it becomes law, then what are we going to do with the Uniform Commercial Code? Are we going to go back and write that all over. Are we going to go through the Statute books and everytime there is, or every case law, where there is an issue in which the matter of

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what is and what is not a fixture comes up, are we going to rewrite and address all those matters as well. We should defeat this Amendment...or pardon me, we should adopt this Amendment and make this Bill a better Bill, so that if it does become law, it will at least apply fairly to everyone."

Speaker Peters: "Further discussion? There being none, Representative McPike, to close."

McPike: "Well thank you, Mr. Speaker. The Sponsor of the Bill is afraid of this Amendment, because he states that if it is adopted it will destroy the tax base of local units of government. In other words, if in the future we classify all property under his new definition, it will destroy the tax base of local governments and we couldn't have that happen. But, he says, if we simply classify new property going on the tax rolls, under his new definition, that won't hurt the tax base of local governments. Now, he really can't have it both ways. If new property going on the tax rolls, under his new definition, will not hurt local governments, then how could all property taxed under his definition hurt local governments? And, that's all this Amendment does. It is simply saying that regardless of when it...was built, it should all be taxed under the same definition. I would ask for an 'aye' vote."

Speaker Peters: "The Gentleman moves adoption of Amendment #4. Voice votes Representative? All those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. Representative Wolf. Have all voted who wish? Representative Ewing, to explain his vote."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House."

Speaker Peters: "Point is well taken. You did speak in debate, Representative Ewing."

Ewing: "It is my Bill, Mr. Speaker. Don't I get a chance to..."

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Speaker Peters: "I am informed however, that it is not your Amendment and you spoke in debate on the Amendment. Any discussion? Representative Ewing, for what purpose do you rise?"

Ewing: "If this would get the requisite votes to be approved, I would ask for a verification."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Can I have your attention please? May I have your attention please? The Chair is informed of a press report that an assassination attempt has been made upon His Holiness, Pope John Paul. I think in our own hearts, let us say a prayer to the God we believe in that it's not true or for his recovery. Representative Epton."

Epton: "I hate to press you, but is the inference that he was hit or..."

Speaker Peters: "The report is, that there was an assassination attempt and the reports are conflicting as to whether he was hit or not or his condition. Thank you. Representative Ewing asks for a poll of the absentees. Proceed, Mr. Clerk."

Clerk Leone: "Poll of the absentees. Alstat, Bartulis, Conti, Deuster, Flinn, Dwight Friedrich, Garnisa, Leon..."

Speaker Peters: "Representative Leon wishes to be recorded as voting 'aye'."

Clerk Leone: "Margalus, Mautino, Ted Meyer, O'Brien, Irv Smith and..."

Speaker Peters: "Representative O'Brien wishes to be recorded as voting 'aye'."

Clerk Leone: "And Watson. That concludes the poll of the absentees."

Speaker Peters: "Representative... What is the count now, Mr. Clerk? 83 'aye', 80 'no'. Proceed with the

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verifi...proceed with the call of the affirmative vote."

Clerk Leone: "Poll of the affirmative. Alexander, Balanoff, Beatty, Bowman, Bradley, Braun, Bullock, Capparelli, Carey, Catania, Chapman, Christensen, Cullerton, Currie, Darrow, DiPrima, Domico, Donovan, Doyle, John Dunn, Ewell, Farley, Getty, Giglio..."

Speaker Peters: "Representative McBroom, wishes to be verified as voting 'no'. Proceed, Mr. Clerk."

Clerk Leone: "Giorgi, Greiman, Hanahan, Hannig, Henry, Huff, Jaffe, Jones, Kane, Katz, Keane, Dick Kelly, Kornowicz, Kosinski, Krska, Kucharski, Kulas, Laurino, Lechowicz, Leon, Leverenz, Levin, Madigan, Matijevich, McClain, McGrew, McPike, Mulcahey, Murphy, O'Brien, O'Connell, Ozella, Pechous, Pierce, Pouncey, Preston, Rea, Redmond, Rhem, Richmond, Ronan, Saltsman, Satterthwaite, Schneider, Slape, Margaret Smith, Stearney, Steczo, Stewart, Stuffle, Terzich, Turner, Van Dyne, Vitek, White, Sam Wolf, Younge, Yourell and Zito."

Speaker Peters: "Representative Ewing, proceed."

Ewing: "Representative Laurino."

Speaker Peters: "Laurino is in his seat."

Ewing: "Representative Farley."

Speaker Peters: "Representative Farley. Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Take the Gentleman from the Roll."

Ewing: "Representative Redmond."

Speaker Peters: "Representative Redmond. How's he recorded?"

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

Speaker Peters: "Take him from the Roll."

Ewing: "Representative Slape."

Speaker Peters: "Representative Slape. How's he recorded?"

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

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Speaker Peters: "Take him from the Roll. Return Representative Farley to the Roll."

Ewing: "Representative Katz."

Speaker Peters: "Representative Katz is in his seat."

Ewing: "Representative Greiman."

Speaker Peters: "Representative Greiman is in his seat."

Ewing: "Representative Hanahan."

Speaker Peters: "Representative Hanahan. He's here."

Ewing: "Representative Domico."

Speaker Peters: "Representative Domico. The Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Greiman."

Speaker Peters: "Pardon."

Ewing: "Representative Henry."

Speaker Peters: "Representative Henry is in his seat."

Ewing: "Representative Capparelli."

Speaker Peters: "Capparelli is in the center aisle."

Ewing: "Representative Dick Kelly."

Speaker Peters: "Representative Kelly is in his seat."

Ewing: "Representative Leon."

Speaker Peters: "Representative Leon. In the center aisle."

Ewing: "Representative Kosinski."

Speaker Peters: "Representative Kosinski. The Gentleman in the chamber? How is he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Flinn."

Speaker Peters: "Representative Flinn."

Clerk Leone: "Gentleman is not recorded as voting."

Speaker Peters: "Representative Christensen asks leave to be verified. Gentleman has leave. Proceed, Mr. Clerk."

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Ewing: "Representative Pouncey."

Speaker Peters: "Representative who? Oh, Pouncey. He's in his seat."

Ewing: "Representative McGrew."

Speaker Peters: "Representative McGrew. Is the Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll. Representative Sam Wolf, for what purpose do you rise? Gentleman wishes to be recorded as 'aye' and asks to be ...I'm sorry, to be verified. Leave is granted. Mr. Clerk, restore Representative Domico to the Roll."

Ewing: "Representative O'Brien."

Speaker Peters: "Representative O'Brien is in his seat."

Ewing: "Representative Schneider."

Speaker Peters: "Representative Schneider. The Gentleman in the chamber? How's the Gentleman recorded?"

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

Speaker Peters: "Take him from the Roll. Return Representative..."

Ewing: "Representative Rea."

Speaker Peters: "Excuse me. Return Representative Schneider to the Roll. Proceed, Mr. Clerk."

Ewing: "Representative Rea."

Speaker Peters: "Representative Rea. He's in the back."

Ewing: "Representative Stuffle."

Speaker Peters: "Representative Stuffle is in the chamber."

Ewing: "Representative Younge."

Speaker Peters: "Representative Younge, is in the aisle."

Ewing: "Representative White."

Speaker Peters: "Representative White is in his seat."

Ewing: "Representative Huff."

Speaker Peters: "Representative Huff. The Gentleman in the

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chamber? How is he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Yourell. Representative Yourell."

Speaker Peters: "Representative Yourell is in his seat."

Ewing: "Representative Hannig."

Speaker Peters: "Representative Hannig. Is the Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "Representative Bowman."

Speaker Peters: "Representative Bowman. The Gentleman in the chamber? Bowman is here."

Ewing: "Representative Ewell."

Speaker Peters: "Representative Ewell. The Gentleman in the chamber? How's the Gentleman recorded?"

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

Speaker Peters: "Remove him from the Roll."

Ewing: "I have no other questions."

Speaker Peters: "Representative...Mr. Clerk, Representative McGrew has returned to the chamber. Representative Hannig has returned to the chamber. Representative Ted Meyer."

Meyer: "Thank you, Mr. Speaker. Will you please vote me 'no'."

Speaker Peters: "The Gentleman wishes to be recorded as voting 'no'. Representative Alstat."

Alstat: "Mr. Speaker, vote me 'no'."

Speaker Peters: "The Gentleman wishes to be recorded as voting 'no'. Alstat. Representative Kucharski wishes to be changed from 'aye', to 'no'. Representative Bartulis wishes to be recorded as voting 'no'. Representative Irv Smith wishes to be recorded as voting 'no'. Representative Deuster wishes to be recorded as voting 'no'. Any other changes? What is the count, Mr. Clerk? The count is 87

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voting 'aye', 86...I'm sorry, 77 voting 'aye' and 86 voting 'no'. Representative Madigan."

Madigan: "Can you give us one minute?"

Speaker Peters: "I think they're...do you want to come up, they look like they're here."

Madigan: "No request for a verification."

Speaker Peters: "Pardon."

Madigan: "No request for a verification."

Speaker Peters: "On Amendment #4 the vote is 86 voting 'no', 77 voting 'aye' and the Amendment is lost. The...might just take a half a second break. The latest report we have says the Vatican radio announcer said, that the Pontiff apparently was hit by at least one shot in the abdomen. The sixty year old Pontiff was rushed by ambulance to a Rome hospital. The shooting erupted when the Pope arrived at Saint Peter's Square for his weekly Wednesday audience. Thousands of people had gathered in the square. Praying with the priest who is leading them on the churches public address system. Many people are on their knees sobbing. Further special announcement on Vatican radio, requested prayers for the Pontiff shortly after first word of the shooting and the announcements were 'as you know the Holy Father has been wounded, let us pray for his health. Amen.' Any further announcements? Any further Amendments? No further Amendments. There are requests for a fiscal note. Have the requests been fulfilled, Mr. Clerk? Representative Ewing."

Ewing: "May I ask who filed that? There is no fiscal implications to this."

Clerk Leone: "There are two fiscal notes filed. Fiscal note pursuant to House Rule 32, I hereby request that a fiscal note be supplied for House Bill 1296, as amended, Representative McPike. The second fiscal note pursuant to

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House Rule 32, I hereby request that a State Mandates fiscal note be supplied to House Bill 1296, as amended, Representative Levin."

Speaker Peters: "Representative Ewing".

Ewing: "Yes. Mr. Speaker, I think both of these requests are out of order. First of all, the Mandates Act we are told it's printed right in the Bill from the Reference Bureau if that applies. It does not apply in this case, nor does the...there's no state fiscal implication here. That is obvious from the face of the Bill. This is dilatory and I would ask that you move the Bill to Third."

Speaker Peters: "Representative Madigan."

Madigan: "Mr. Speaker, in response to Representative Ewing. Quite obviously, if this Bill has a severe impact upon local property assessment practices, which it will, then there will be a change in the total assessed valuation in taxing districts which will impact upon the operation of the school aid formula for one. So that, I suggest Mr. Speaker, that there is a need for the Sponsor to file a fiscal note."

Ewing: "Mr...."

Speaker Peters: "Representative Ewing."

Ewing: "Yes, well, they continue to try and harangue their line on this..."

Madigan: "Mr. Speaker, point of order."

Ewing: "...is wrong."

Madigan: "Point of order, Mr. Speaker."

Speaker Peters: "Representative..."

Ewing: "And ah..."

Madigan: "Mr. Speaker."

Speaker Peters: "Representative Madigan."

Madigan: "Would the Gentleman please address himself to the Bill and the procedures of the House and not engage in

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personalities. We never attack his personality and there is plenty there to attack."

Speaker Peters: "Now, your initial point Representative Madigan, is in order. Your latter comment is out of order, before I'm asked to comment on it. Representative Ewing, you have..."

Ewing: "Mr. Speaker, I would want to apologize to the Minority Leader if I offended him in any way. He's always been a very close personal friend and I..."

Speaker Peters: "On the point of the fiscal note, Representative."

Ewing: "Oh, yes, I almost forgot. My Amendment has been on for more than seven days and I would ask for a ruling under 32f whether a fiscal note is required."

Speaker Peters: "Representative Vinson."

Vinson: "Mr. Speaker, I believe the statute...the Fiscal Note Act, Section 42.33, says that if the Sponsor is of the opinion that no note is required, a Member can request a note, but must have a majority in order to get a note. And, I would urge that if you reject Mr. Ewing's interpretation, that you then proceed to that point."

Speaker Peters: "The question now before the House, raised by Representative Vinson, is whether or not a fiscal note is in fact required on this legislation given the opinion of the Sponsor that it is not. It's a question for the House to rule on. All those in favor... Pardon. All those in favor will signify by voting 'aye', those opposed by voting 'nay'. All of those... The question is, is the question is, is a fiscal note required? Those in favor will vote 'aye', those opposed will vote 'nay'. Representative Vinson."

Vinson: "Mr. Speaker, in explaining my vote, I would urge a 'no' vote, because what is occurring on this Bill is an effort

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to be dilatory and to keep the Gentleman from having a chance to have his Bill heard on Third Reading. We're up against deadlines and unless we move this Bill on to Third Reading, the Gentleman will not have a chance to have his issue heard. And, I think it's wrong to continually try to amend Bills and request fiscal notes to keep the Gentleman from having a chance to have his Bill heard at this point. And, I would urge a 'no' vote."

Speaker Peters: "On this question, Representative Madigan."

Madigan: "Mr. Speaker, I rise to explain my 'aye' vote and to cite Chapter 63 of the Illinois Revised Statutes, Section 42.31, subsection 1 where it states that every Bill which would increase or decrease the revenue of the State or would require the expenditure of their own funds or to increase or decrease the revenue of units of local government, school districts or community college districts or to revise the distribution of the state funds among units of local government, school districts or community college districts, either directly or indirectly, shall require a fiscal note."

Speaker Peters: "On this question, Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House. If what you're voting on is this individual Bill, that's up to you, but what the precedence being set here is very important. It basically means that a majority can always delete the requirement of a fiscal note and we will have no idea what kind of impact we might be voting on, to either local governments or in state revenues. For those of you that are in favor of this piece of legislation, that's up to you. We're not contesting that, but the precedent you're setting has an awesome impact whether you're interested in the conservative union or not. It doesn't take that long to find out what the fiscal

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impact is. It's only Wednesday. There's nothing that's going to happen that gets Mr. Ewing in trouble by getting a fiscal note for tomorrow. There's no trouble there. What's fair is fair, but you're setting an awful precedent for future legislation."

Speaker Peters: "Any further discussion? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 76 voting 'aye', 84 voting 'no'. The Gentleman's motion prevails. A fiscal note is not required. Any other...further motions or Amendments? I'm sorry, would you repeat that, Mr. Clerk? There is..there is now filed a request for a Mandates Act note. Representative Ewing."

Ewing: "Yes, Mr. Speaker, I thought we addressed that along with the request for the fiscal note, but the Reference Bureau puts right on any Bill which requires a Mandates Act, that one is required. There's none on this, there's none on the Amendment. And, I would suggest this is another dilatory tactic."

Speaker Peters: "On this question, Representative Keane and then Matijevich."

Keane: "Mr. Speaker..."

Speaker Peters: "I'm sorry. Representative Ewing, for what purpose do you rise?"

Ewing: "As I understand the Mandates Act, that can only be attached by the Reference Bureau when the Bill, during the Committee hearing and cannot be attached on the floor."

Speaker Peters: "Representative Keane. Will someone..."

Keane: "Thank you. Thank you, Mr. Speaker. That was exactly my point in the debate on a previous Amendment. I think we're setting a precedent here and it's alright with me if we do. It sort of makes mush out of the Mandate Act. If anyone has a Bill or an Amendment that he feels will come under the Mandates Act, the thing for him to do is to hold it for

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Second Reading and then introduce the Bill as an Amendment and thereby bypass what this Body has passed under the Mandates Act. If that is the ruling of the Chair, I think that's fine, as long as the ruling is consistent. Thank you very much."

Speaker Peters: "Representative Matijevich."

Matijevich: "I think the points been made. Really, we, I guess, shouldn't have passed the State Mandates Act if we're not going to follow it. This Bill has been substantially amended to be a different Bill and I don't think the Reference Bureau is in a position on an Amendment to know that a Bill that has been introduced is going to be a new Bill and then determine that on an Amendment we've got to file...the...under the State Mandates Act. Really we're making a mockery out of the law that we passed. What we're saying is, you people out there have got to pass...follow laws, we've got to enforce laws, but we here on the House floor don't have to follow the law ourselves. I think we have made a joke today out of the fiscal note act and now we are proceeding to make a mockery out of the State Mandates Act and if you want to do that, that's alright, but we might as well repeal the law, if that's what we are going to do."

Speaker Peters: "Ruling of the Chair that the request for a statement in regard to the State Mandates Act is out of order. Representative Keane."

Keane: "Yes, Mr. Speaker, can we get a rationale for that ruling? Does it..."

Speaker Peters: "The rationale, Representative, is that the Reference Bureau by statute is charged with the responsibility of indicating whether or not the State Mandates Act would apply and whether there is the kind of impact on local government envisioned by the passage of the

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State Mandates Act. On its face, there is no such indication by the Reference Bureau."

Keane: "Did the Reference Bureau review this Amendment?"

Speaker Peters: "The Reference Bureau is..."

Keane: "Did this Reference...the Reference Bureau send this to Revenue or the appropriate body for a...to review the appropriateness of the Mandates Act?"

Speaker Peters: "The Chair assumes that the...must assume that the Reference Bureau does follow the law. The Chair is further advised that the House has determined by vote that a fiscal note is not required, which would be part of what the State Mandates Act would have required."

Keane: "I disagree with you. The Fiscal Act does not necessarily reply to a fiscal impact on local government. The Minority Leader indicated that the statutes now require with the Mandates Act, that we have an indication of the impact on local government. It's my feeling that we don't know what the impact, if in a district, if in someone's district, the assessor by this new definition goes in and rules a major plant to be personal property, which he can, that this could result in a substantial impact. My perfect example would be Caterpillar Tractor. I don't know what the impact of the Bill or the Amendment has on them and that was my original point that I don't think anyone, including the Sponsor of the Amendment realizes the impact that this Bill will have. And, I would just like to...I thought we had Fiscal Notes and Mandates Acts so we could judge logically and rationally what the impact would be."

Speaker Peters: "Your comments are duly recorded, Representative. Any further Amendments?"

Keane: "Thank you."

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Representative Getty."

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Getty: "Just on this point for a clarification. Is the Chair ruling that the Reference Bureau would be charged with stating on the face of the Amendment that if this Amendment were adopted, it would be subject to the State Mandates Act?"

Speaker Peters: "The Chair, the Chair has indicated that the Reference Bureau is charged with the responsibility. The Bureau is charged with determining the applicability of the State Mandates Act on the original Bill. It has not, on its face, there is...no indication. There, there is, there is now an Amendment. Even if the State Mandates Act would have been applicable to the Amendment, what would have been required is the filing of a fiscal note. The House on motion had determined that a fiscal note is not required."

Getty: "Well, actually what the Chair is ruling then, if I understand, is that if a Bill is introduced, there's no determination on the Bill that it is subject to the State Mandates Act. No reference to that on the face of the Bill, and the Chair did previously use in its ruling the language, 'the face of the Bill'. I'll call that to your attention. That subsequently any Member could put any Amendment doing anything and totally get around the State Mandates Act."

Speaker Peters: "Any further discussion?"

Getty: "Is that correct, Mr. Speaker?"

Speaker Peters: "I'm not sure. Representative Giglio, Giorgi."

Giorgi: "Mr. Speaker, let the record show that I think this Bill will end up in court if it's ever successful in reaching the Governor's Office. That this State Mandates Act is going to affect 102 counties and 14 townships and most of those counties that have assessment practices have people like Ewing that wrote the Bill are going to be in those assessment courts trying to reduce the assessments for

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corporations and there might even be a conflict of interest. Let the record show that."

Speaker Peters: "Any further Amendments? There being none, Third Reading. Representative Collins."

Collins: "Mr. Speaker, I'd like to make an introduction to the House. Standing over next to Representative Currie is my predecessor in this House, Repres...former Representative Augie Ruff."

Speaker Peters: "House Bill 1298. Representative Terzich. Representative Levin, for what purpose do you rise?"

Levin: "Mr. Speaker, if I may just make a further inquiry since it was my request for a mandates note. I think the Chair has made the...we know that the Reference Bureau does review Bills, cause we've seen Bills with statements about the Mandates Act. I think the Chair has assumed that the Reference Bureau is reviewing Amendments. I would ask the Chair to make an inquiry of the Reference Bureau whether or not in fact it is their practice with respect to the Mandates Act. 'Cause it's my understanding that they do not review Amendments in terms of the Mandates Act."

Speaker Peters: "Thank you, Representative. Representative Terzich. House Bill 1298. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1298. A Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Terzich, amends House Bill 1298..."

Speaker Peters: "Representative Terzich, Amendment #1."

Terzich: "Mr. Speaker, Amendment #1 is...at the request of the Pension Committee and also the Pension Laws Commission. What it does, is it changes some grammatical errors and also excludes from the disability benefit to come in

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compliance with the age discrimination ruling is...there is no additional cost with this Amendment, and I would move for its adoption."

Speaker Peters: "Representative Ebbesen."

Ebbesen: "Yes, would the Sponsor yield?"

Speaker Peters: "He indicates he will."

Ebbesen: "Yes, Representative Terzich, would this Amendment, would...would this Amendment increase or decrease annual costs in unfunded accrued liability as the Bill came out of Committee?"

Terzich: "No, it would not. These were the changes that were mentioned in the Committee. What it does is it comes in compliance on the disability benefit where you cannot discriminate because of age so anyone over age 65 has to be paid benefits up to..."

Ebbesen: "You're saying the Amendment has no fiscal impact related to the Bill as it came out of Committee."

Terzich: "That's correct."

Ebbesen: "Alright."

Speaker Peters: "Any further discussion? If not, the question is shall Amendment #1 be adopted. Representative Ebbesen, voice vote or Roll Call?"

Ebbesen: "Voice."

Speaker Peters: "The question is shall Amendment #1 be adopted. All those in favor will signify by saying 'aye', opposed. Opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, Terzich, amends House Bill 1298..."

Speaker Peters: "Representative Terzich, Amendment #2."

Terzich: "Amendment #2 is simply a disclaimer provision under the State Mandate Program. I move for its adoption."

Speaker Peters: "Representative Terzich, you're going to have to

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repeat that, even I didn't hear it."

Terzich: "Yea, it's a, it's a disclaimer Amendment under the State Mandate Program which would exclude the State from any liability under the State Mandate Program."

Speaker Peters: "Any further discussion? If not, the question is shall Amendment #2 be adopted. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #2 is adopted. Any further Amendments?"

Terzich: "Mr. Speaker, I don't want a verification of the voice..."

Clerk Leone: "No further Amendments."

Terzich: "...adoption."

Speaker Peters: "Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Kelley, for what purpose do you rise?"

Kelley, Jim: "Mr. Speaker, I'd like to rise to be out of order like the rest of my colleagues and introduce the Twentieth Street Christian School of Rockford, Illinois. If they would stand. Represented by Representative Giorgi, Hallock and myself."

Speaker Peters: "Welcome to Springfield. House Bill 13...House Bill 1317, Representative Daniels. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1317. A Bill for an Act to regulate liability arising out of the product-related injuries or damages. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "I'm sorry, Representative. I skipped over Representative Bowman. House...let's back up one. House Bill 13...pardon? House Bill 1302. Representative Bowman. Read the Bill, Mr. Clerk."

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Clerk Leone: "House Bill 1302. A Bill for an Act in relationship to reports required to be submitted to the General Assembly. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Bowman, amends House Bill..."

Speaker Peters: "Representative Bowman, Amendment #1."

Bowman: "Thank you, Mr. Speaker. Amendment #1 as thick as it is does only two things. Both of them quite simple. One of them is that it adds the Legislative Council to the list of persons and organizations to whom agencies are mandated to send their reports which they produce automatically. And secondly, it adds the reporting language giving the list of the persons and organizations to which the agencies are to report in each of the agencies' Acts. It is the same language added to about a hundred different Acts, that's why the Bill is so thick. The Bill in its original form put this language in the State Library Act, which is fine, if we pass it that way, it becomes law. However, everyone here knows that the agencies don't do anything unless we tell them to do it in their own Acts. And so Amendment #1 simply takes language which is already in the Bill which imposes a requirement on the various agencies and puts it in the various, the Acts of the various agencies. That's basically what Amendment #1 does. I move its adoption."

Speaker Peters: "Any discussion? There being none, the question is shall Amendment #1 to House Bill 1302 be adopted. Those in favor will signify by saying 'aye', those opposed. The opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Epton."

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

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House, I have just been listening to the radio concerning the condition of the Pope. The latest report is that he was shot twice and his condition is very serious. I wonder, Mr. Speaker, if it would be appropriate at this time to request that the House stand for a moment in silent prayer. Although I'm not a Catholic, I think that all of us feel very deeply about any man of the Cloth. Thank you, Mr. Speaker, Ladies and Gentlemen."

Speaker Peters: "Thank you, Ladies and Gentlemen of the House. House Bill 1317. Representative Daniels."

Clerk Leone: "House Bill..."

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

Clerk Leone: "House Bill 1317 has been read a second time previously for Amendment #1. Daniels amends House Bill 1317 as amended."

Speaker Peters: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 1317 is a Bill dealing with the subject of products liability. Amendment #1 .."

Speaker Peters: "Excuse me, any Amendments from the floor Mr. Clerk?"

Clerk Leone: "Floor Amendment #1, Daniels amends House Bill...."

Speaker Peters: "Representative Daniels Amendment #1."

Daniels: "Amendment #1 is a clean up Bill Amendment. This puts the Bill in the question of the state of the art in the form that I desired to be placed in and I think cleans up the language under section 3 of the Bill and that Amendment contains a provision relating to state of the art. It also eliminates 2 other provisions that were in the original Bill and it's more in line with what I would like the Bill to be in the shape of and more in line with what we discussed in the Committee Hearing. So I would move for it's adoption."

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Speaker Peters: "Any discussion? Representative McClain."

McClain: "Thank you very much Mr. Speaker, will the Gentlemen explain the Amendment."

Daniels: "I did Representative. I referred to it as the state of the art provision. The definition if that's what you would like relating to the state of the art basically is that a feasible alternative was available at the time and it adds an additional defense to the subject of product liability."

Speaker Peters: "Any further discussion? Representative Daniels to close."

Daniels: "I just ask for your support of this Amendment #1."

Speaker Peters: "You've heard the motion. All those in favor of the adoption of Amendment #1 will signify by saying 'aye'. Those opposed. In the opinion of the chair the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #2 Johnson et. al amends House Bill 1317."

Speaker Peters: "Amendment #2 Representative Johnson."

Johnson: "Mr. Speaker and Members of the House, I think everybody ought to pay attention to the subject matter that we are on, because this is a dramatic if Representative Daniels Bill were to pass and if this Amendment were to be defeated would be not only be a dramatic change in the doctrine of products liability in Illinois for all practical purposes Representative Daniels Bill will eliminate the ability of an injured party to ever obtain compensation for his or her injuries. This Amendment would strike the provisions, one of the four provisions in Representative Daniels Bill pertaining to state of the art. So you understand what state of the art is, I think it's best to put it in terms of a practical example. You all remember in fairly recent years when the Ford Motor Company manufactured Pinto Automobiles and they manufactured those automobiles with a

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gas tank in such a location with such a construction that that the smallest impact would cause an explosion and would cause an injury and in many cases death to either the occupants of the car or in some cases innocent third parties. If Representative Daniel's Bill would pass and if this Amendment, my Amendment, were defeated, that would mean for all practical purposes as long as the industry generally was in a mediocre level, manufactured vehicles or gas tanks that were generally of an unsafe condition as long as no one of the manufactured vehicles or gas tanks that were a lot safer than everybody would suffer. You can take the number of examples all down the line. Punch press machines that don't have safety devices and guards so that factory workers when they are working on punch press machines are injured. State of the art says if everybody's unsafe, if everybody manufactures at about the same level and if plaintiff can't meet these insuperable four burdens that are set forth in Representative 'Van Daniel's' (sic) Bill, then there is no recovery for anybody. The whole idea of products liability doctrine is that an injured party who lost an arm to a punch press machine or is scared for life because Pinto manufactured a gas tank that was unsafe ought to be able to obtain compensation for that. And that the manufactures if they manufacture a product that is unreasonably safe and put into the stream of commerce and is then the proximate cause of somebody's injury they ought to have to pay for it. And they can afford to pay for it because they can spread the risk with insurance and otherwise in a wider sense. And if Representative Daniel's Bill, and I realize he has some reasons for introducing this and I don't question those at all, but if his Bill passed and his Amendment was defeated, it means the end of designed defect cases, all together,

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the end of the whole doctrine of products liability and that just means if your injured even though the whole industries unsafe and they don't take precaution to protect innocent consumers then you're just going to suffer. I think that's a bad doctrine. I think it's bad for the consumer of Illinois. I think it's bad for the citizens of Illinois. I think it's bad for working people in Illinois who have to work with unsafe products in the industry. And for those reasons and for the reason that this Amendment would at least bring some moderate sense to a horrible Bill, I would urge your support of Amendment number whatever it's numbered, I guess Amendment #2. There are five other Co-sponsors of this Amendment, Representative Getty, Greiman, and those others that are listed there and I would defer to their further comments on this Amendment. But take my word for it, if you believe there is any viability at all to the fact that when a person's injured as a result of a faulty product they ought to be able to get compensation for it you ought to vote 'yes' on this Amendment."

Speaker Peters: "Representative Birkinbine."

Birkinbine: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose this Amendment. I think intentionally or not, you have been misled by the last Speaker. State of the art does not mean that if everyone is turning out a bad product at the same time that they are all immune from prosecution. On the contrary, it refers more to technology that's available. The reference was made to the Pinto Automobile. The Pinto may have had a poor defective gas tank, but there are more than a handful of examples of cars on the road at the time that had extremely safe gas tanks. In other words, the state of the art at the time, the state of the art that indicated how

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things can be made at that time, showed that there could be a safer gas tank put on a car. The reason why such state of the art language is needed and why this Bill should not be amended, is that there have been cases brought against manufactures who built a product be it a punch press, be a piece of machinery, be it whatever, years back, that in today's light might look like something of a shoty product, might look technically unsafe, might look as though if you were making it today it would not be a good product. But at the time that product was produced, years back, the product was good. Indeed the state of the art at the time that might of been the best possible product available, using the best technology available at that time. The Bill in it's present form says that should be respected. That it's unfair to go back in today's light and nail somebody nail a manufacturer simply because in today's light their product doesn't look as good, when they actually produced it, it might of been the most sophisticated, best product on the line at the time. The fact that everyone might be making a product that appears bad today, does not fall under the full description of state of the art. State of the art indeed involves more of technology. This seems to be a move on the part of lawyers to salvage what is really a playground for them now days and I urge you vote against this Amendment."

Speaker Peters: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, the presentation made by Representative Birkinbine was totally accurate, 100% accurate. This Amendment does not eliminate products liability in the State of Illinois. This Amendment give a reasonable defense to manufactures. What it does it shows whether or not there was an alternative available and feasible and if there was such an alternative

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available and feasible, the plaintiff must prove that to be the case before there can be any liability attaching to the defendant. Now Ladies and Gentlemen of the House, this is a reasonable Amendment that you passed and presented as Amendment #1. Representative Johnson now wants to remove the question as state of the art before we even get to third reading to debate this very very important subject of products liability. I ask you to vote 'no' on this Amendment, allow this Bill to go to third reading with the state of the art defense, on the Bill, so that we can debate it at that time on third reading and determine whether or not we want to put that defense into law. This is very very important, this Bill is heavily supported by business interest in the State and it's certainly a reasonable Bill for you to support and going along. I ask you to vote 'no' on this Amendment."

Speaker Peters: "Representative Mulcahey."

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

Speaker Peters: "The Gentleman moves the previous question. All of those in favor signify by saying 'aye', opposed, the 'ayes' have it. The previous question has been move. Representative Johnson to close."

Johnson: "Unfortunately, Mr. Speaker and Members of the House, Representative Birkinbine didn't read the Bill when he addresses his comments to this particular piece of legislation. It goes far beyond what Representative Birkinbine said that it did. It puts a burden on the plaintiff to prove by a preponderance of the evidence which totally reverses the whole presumption in these cases anyway to prove that the alternative for purpose of this Section would have prevented or substantially lessened a likelihood. This is an alternative in the industry. Two, that was actually known by the manufacturer should have

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been know with a reasonable concern for safety. Three, was technologically possible at the time the product was manufactured. And four, was practical and feasible. Now, what's practical and feasible, Mr. Speaker and Members of the House? What practicable and feasible is, is that the whole industry is going to erect a defense under this Bill that they can continue to manufacture products that mame and kill and cut off arms and put out eyes and burn people and otherwise cause damages to them and they can say the rest of the industry is unsafe and so we are too. That's exactly what this Bill does. I've talked to people on both sides of the issue and almost unanimously agree with that's what it does. This is not a pro-business Bill, it's an anti-people Bill. And if you want to have people injured and maimed without limbs and no compensation for it. So they go on Public Aid and their families have no one to support in the rest of their life because the manufacturer wants to put something in the stream of commerce that's totally unsafe because the rest of the industries is the same way, then you ought to vote 'no' on this Bill, on this Amendment. But if you believe there ought to be a middle ground, if you believe that products liability doctrine has some viability left and the people are injured in those situations ought to receive compensation for it, you ought to vote 'yes'. This is not a lawyer Bill. Lawyers are simply serving in the capacity that they do to help people who have been injured. And for those reasons and for reasons totally unconnected to lawyer non-lawyer, I urge everyone to vote 'yes' on this Amendment."

Speaker Peters: "The question is, shall Amendment #2 to House Bill 1317 be adopted? Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. Have all voted who wish? Representative Getty, to explain

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his vote."

Getty: "Mr. Speaker and Members of the House, Representative Johnson is absolutely right. This is a Bill which protects your constituents and mine. Only if we adopted this Amendment, Representative Johnson's intentions is to make this reasonable. Without this Amendment, this is a very bad Bill for our people. Yes, you would give a pass to big business when they do something wrong if you vote against this Amendment. Yes, you would let manufacturers produce faulty merchandise and let your constituents be hurt, if you pass this Bill without this Amendment. But if you want to protect your people, vote for this Amendment and make it a good Bill."

Speaker Peters: "Representative Barkhausen, to explain his vote for one minute."

Barkhausen: "Speaker."

Speaker Peters: "Barkhausen."

Barkhausen: "Mr. Speaker and Ladies and Gentlemen of the House, I rise to urge more 'no' votes on the board on this Amendment. I see a healthy trend in our chamber this year in the introduction of this Bill and also House Bill 1155 of Representative Vinson. We are trying to add respectability to the legal profession by putting a reign on what we see have been some abuses in the case of malpractice and in the case of products liability suits. This Bill is badly needed not by simply by business as has been represented but by consumers who are forced to pay the costs of product liability insurance premiums that are inevitably passed on in the products of manufacturers. If we want consumers to pay more than we'll vote for this Amendment. If we want them to pay less, if we want the cost to be brought under control we should be voting against this Amendment and I urge my (cut off)."

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Speaker Peters: "Representative Wikoff, to explain his vote for one minute."

Wikoff: "Thank you, Mr. Speaker. I think the previous speaker has pretty adequately stated that there should be some more 'no' votes up there. The first Amendment that was adopted by this Body and was excepted by the Body, this Amendment that we're voting on right now attempts to remove everything that was placed on there. There should be some more 'no' votes up there."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 91 voting 'aye', 59 voting 'nay' and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 1338, Representative O'Brien. Read the Bill, Mr. Clerk."

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 1338, Representative O'Brien. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1338. A Bill for an Act to amend the Metropolitan Transit Authority Act. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, O'Brien, amends House Bill..."

Speaker Peters: "Representative O'Brien, Amendment #1."

O'Brien: "Yes, Mr. Speaker and Members, House Bill 1338 is a Bill that implements a zone-fair system on the Chicago Transit Authority. As the Bill came out of Committee, it is presently mandatory on the CTA to implement that program, and at the bequest(sic) of several people from my side of the aisle, I filed this Amendment which makes it permissive rather than mandatory."

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Speaker Peters: "Any discussion? There being none, the question is shall Amendment #1 be adopted. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, O'Brien amends House Bill..."

Speaker Peters: "Representative O'Brien, Amendment #2."

O'Brien: "Yes, Mr. Speaker, would you table that Amendment. It's not necessary now."

Speaker Peters: "The Gentleman withdraws Amendment #2. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Stanley, House Bill 1225. Out of the record. Representative McAuliffe. House Bill 1348, Representative Giorgi. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1348. A Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Peters: "Any motions with respect to Amendment #1?"

Clerk Leone: "No motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Peters: "Third Reading. House Bill 1350, Representative Robbins. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1350, a Bill for an Act to create a grain-recovery fund. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Ewing, amends House Bill 13..."

Speaker Peters: "Representative Ewing, Amendment #1. Representative Ewing, Amendment #1. With leave of the House, Representative Robbins will handle Amendment #1."

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Representative Robbins."

Robbins: "I think this is a good Amendment, and I move that we do adopt it. It just requires that you do not have to post regular business hours."

Speaker Peters: "Any discussion on Amendment #1? There being none, the question is shall Amendment #1 be adopted. All those in favor will signify by saying 'aye', those opposed. Opinion of the Chair, the 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, Ewing, amends House Bill..."

Speaker Peters: "Representative Ewing, Amendment #2. Representative Giorgi, for what purpose do you rise?"

Giorgi: "Ewing is on the floor now, we...someone should explain these Amendments. I can't understand some of the southern talk."

Speaker Peters: "Amendment #1 has been adopted, Representative. Yes, Amendment #2, Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 adopts the recommendation of our audit commission in regard to the Grain Dealers Act and to very small grain dealers and the requirement as to whether they are...have to provide a CPA audit. And it only implements the recommendation of the...Mr. Kronson's office."

Speaker Peters: "Any discussion on Amendment #2? Representative Getty."

Getty: "Representative Ewing, does this, will this permit truckers to become in effect grain dealers and not be required to have state bonding and audit requirements?"

Ewing: "We have had trucker grain dealers since we've had trucks, Representative. This provides that...it does not do away with their bonding requirement. It provides that if they buy less than a \$100,000 worth of grain a year that they do not have to provide a CPA audit."

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Getty: "So it's they don't have a bonding requirement only if they do less than, did you say a \$100,000?"

Ewing: "No, they have a bonding requirement regardless. The bonding requirement would be a \$25,000 bond. The audit would not be required if they buy less than a \$100,000 worth of grain."

Getty: "Alright, thank you."

Speaker Peters: "Any further discussion? If not, the question is shall Amendment #2 be adopted. All those in favor will signify by voting...saying 'aye', those opposed. The opinion of the Chair the 'ayes' have it. The Amendment #2 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 1354. Representative Giorgi. 1354."

Clerk Leone: "House Bill 1354. A Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Peters: "Any motions with respect to Amendment #1?"

Clerk Leone: "No motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Peters: "Third Reading. House Bill 1398, Representative Oblinger. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1398, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of the Bill. Amendment #1 was adopted previously. Amendment #2 lost."

Speaker Peters: "Any further Amendments?"

Clerk Leone: "Floor Amendment #3, Oblinger-McClain, amends House Bill 1398..."

Speaker Peters: "Representative Oblinger, Amendment #3."

Oblinger: "The Bill was read a second time yesterday at which time I agreed to two Sponsors that I would hold it for

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additional Amendments. One of these is a very simple Amendment. It allows the people in the public utility municipal, the ... consortium, to opt out with a vote of a majority of those in the consortium rather than a two-thirds vote. I recommend that this Amendment be adopted."

Speaker Peters: "Any discussion? The Lady moves the adoption of Amendment #3 to House Bill 1398. Those in favor will signify by saying 'aye'; those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #3 is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #4, Davis, amends House Bill 1398..."

Speaker Peters: "Amendment #4, Representative Davis. What's your pleasure, Representative Oblinger?"

Oblinger: "I promised him I would hold it until today for him to present this Amendment. I would like to move this to Third Reading."

Speaker Peters: "The Lady moves...Do you oppose the Amendment, Representative Oblinger?"

Oblinger: "No, I do not."

Speaker Peters: "Would you want to handle it?"

Oblinger: "I'm not sure I understand it well enough to. I know it has to do with hydro-electric dams that will create electrical power and which I understand municipal utilities have used in the past. So I would suspect it would be applicable to this Bill if they wanted to use it. So I do not oppose the Amendment."

Speaker Peters: "Representative Davis on Amendment #4."

Davis: "I beg your pardon, Mr. Speaker, for being late. I got detained outside trying to get back into the chamber."

Speaker Peters: "....Excuse me. Representative Getty, do you have a question? I'm sorry. Proceed, Representative

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Davis."

Davis: "Well, thank you, Mr. Speaker. Representative Oblinger and others were kind enough to leave the Bill on Second Reading yesterday in order that I might present a concept that was only brought to me recently by some people around the state who are interested in alternate energy sources. I might point out to those who were concerned about this sort of thing, this was never a Bill and was never, you know, presented to the General Assembly before. What this would do in the Bill, in 1398, is set up a hydro-electric power revolving loan fund that would initially have an appropriation, and we're thinking in terms of a couple of hundred thousand dollars that would be loaned to qualified applicant communities for the purposes of doing feasibility studies on hydro-electric dams, municipal hydro-electric dams. There are about 14 sites in the State of Illinois that seem to be suitable for that kind of activity, but one doesn't know until one proceeds along that direction. The dams are predictable places, of course, on rivers. The Kankakee River and the Iroquois and the Illinois River, etc are the places where the 13 or 14 sites are. If I sound a little out of breath, it's because I ran. But, that notwithstanding, this simply sets up a mechanism within the Institute of Natural Resources to administer a revolving loan fund that will be repaid by the municipalities when the hydro-electric dams...or if it's built. And that's all it does. That's all it's going to do."

Speaker Peters: "Any discussion? Representative Bowman."

Bowman: "Thank you, Mr. Speaker. First of all, a question of the Sponsor. Is this really the hydro-electric power revolving loan fund? Is that really what this is?"

Davis: "That is really what this is."

Bowman: "A second question: Where, pray tell, is there any

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hydro-electric power in the entire State of Illinois?
Don't you have to have a waterfall or something?"

Davis: "Yes and there are several around, Woody. Kankakee, as a matter of fact, has two sites that are suitable with the proper fall in the river for hydro-electric dams. Wilmington is another. And in the Rock River in Rock Island County there are two sites and in the Fox River. And it just goes on and on and on where the elevation differentials are such that there is a possibility that hydro-electric alternate sources could..dams could be built for power. I think it's an interesting concept."

Bowman: "Indeed, Representative Davis, it is truly an interesting concept. I would add to that list 'amusing' as well as interesting. I would question the germaneness of the Amendment. I'm not sure what the hydro-electric power revolving loan fund, which is a lending scheme, has to do with the Environmental Protection Act, which I believe- I'm sorry- the Municipal Code, which this amends. Also it does change the title of the Bill, too, by the way. So I would like a ruling from the Chair on whether it's germane."

Speaker Peters: "Representative Van Dwyne."

Van Dwyne: "Thank you, Mr. Speaker. I would like to attest to what Jack has said. There are numerous locations in our area, especially 'the Dresden locks' in the Illinois River, also the locks in Joliet in the Des Plaines River, not to mention the Kankakee, as he said. There's another little spot in Wilmington. It's quite interesting. I don't want to take the time of the House, but years ago in Wilmington they had this very project before the little Bill became a big Bill and they used to make their own electricity in Wilmington for the 'Leon Company' and the city of Wilmington now is investigating the feasibility and the advisability of going back into this as a source of

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electricity for the city of Wilmington. So, we're only talking about \$200,000. This wasn't my idea. It's his idea. And I would like to see something like this started. By the way, the corps of engineers is already investigating the feasibility of both sites, either ...both the Des Plaines River and the Illinois River. So I would...I would kind of like to see this get an 'aye' vote."

Speaker Peters: "Representative Bowman, the Chair would rule that since you had questioned Representative Davis on the Amendment and spoken to it, as an equity, you do not come in with clean hands then to raise the question of germaneness. So, your ruling (sic) is out of order. Your request is out of order. Any further discussion? Representative Davis to close."

Davis: "Well, I would simply solicit an 'aye' vote for an alternate energy source."

Speaker Peters: "The question is, 'Shall Amendment ...' Representative Levin."

Levin: "I would, since I have not spoken in debate..."

Davis: "Mr. Speaker, I've closed..."

Levin: "...I would make..."

Speaker Peters: "Your point is well taken..."

Levin: "...In terms of the germaneness of this Amendment at this point."

Speaker Peters: "Representative Levin, the Gentleman's point is well taken. Your request also comes late. You can explain your vote. The question is on Amendment #4. All those in favor will signify by voting 'aye'; those opposed by voting 'no'. Mr. Clerk, the voting is open. It's Amendment #4, Representative. On Amendment #4, Representative Levin, to explain his vote."

Levin: "I have no problem with the concept. I think it's a good concept. I do, however, think that the Amendment is not

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germane. It amends the Municipal Code and I would ask the Speaker to so rule."

Speaker Peters: "Any further discussion? On this Amendment there are...Take the record, Mr. Clerk. On this Amendment there are 107 voting 'aye', 1 voting 'nay' and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading."

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Henry, 1423."

Clerk Leone: "House Bill 14..."

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

Clerk Leone: "...1423, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Amendment #1 is withdrawn. Floor Amendment #2, Henry, amends House Bill 1423."

Speaker Peters: "Amendment #2, Representative Henry. Representative Henry on Amendment #2."

Henry: "Thank you, Mr. Speaker. I move to adopt Amendment #2. It's a simple Amendment. It increases the one-time survivor's benefit by 3%. The increases have been approved by the Pension Laws Commission on ad hoc basis. And it's for the teachers. I ask for the adoption of Amendment #2."

Speaker Peters: "Any discussion? The Gentleman moves the adoption of Amendment #2 to House Bill 1423. Those in favor will signify by saying 'aye', those opposed. The opinion of the Chair, the 'ayes' have it. Amendment #2 is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #3, Henry, amends House Bill..."

Speaker Peters: "Representative Henry, Amendment #3."

Henry: "I move to table Amendment #3, Mr. Speaker."

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Finance Authority. The presumption is that it will sit only for that time when the district is in trouble. What we have placed in this Amendment is that in the event there is a non-sitting board and a district subject to Article 34A is in financial difficulty, it is the obligation and responsibility of the State Board to refer to the Governor and to the Mayor, who are the appointing initiators for the Chicago Finance Authority, to address that question. It takes the Chicago Finance Authority then out of the Amendment so in effect what it does is we place the Finance Authority in. Once they have reported to the Board ...er..rather to the Governor and the Mayor they are taken out. That, I think, basically is the extent of the Amendment and I move its adoption."

Speaker Peter: "Any discussion? The question is, 'Shall Amendment #1 to House Bill 1445 be adopted?' Those in favor will signify by saying 'aye', those opposed. Opinion of the Chair, the 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading."

Clerk Leone: "House Bill 1446. A Bill for an Act to amend The School Code. Second Reading of the Bill: Amendment #1 was adopted in Committee."

Speaker Peters: "Any motions with respect to Amendment #1?"

Clerk Leone: "No motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, Schneider, amends House Bill..."

Speaker Peters: "Representative Schneider, Amendment #2."

Schneider: "Amendment #2 on 1446, Mr. Speaker and Members, is again a clean-up. We had requests from individuals in the accounting world to have conforming and identical language

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Speaker Peters: "The Gentleman withdraws Amendment #3. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. On page 6, House Bill 1268, Representative McAuliffe. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1268, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Peters: "Third Reading. House Bill 1445, Representative Schneider. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1445, a Bill for an Act to amend the School Code, Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Schneider, amends House Bill 1445..."

Speaker Peters: "Representative Schneider, on Amendment #1."

Schneider: "Thank you, Mr. Speaker and Members. These Amendments in the following three or four Bills are basically clean up Amendments. This is part of the recommendation from the Investigating Committee in Chicago and let me address Amendment #1 of 1445. The earlier part of the Amendment addresses those Sections of the School Code that were omitted that deal with tax anticipation warrants. So those references that you see in front of you allude to that. We also have included at the request of former Representative McCourt an item that indicates that a district that is having financial difficulty would be a district that has for two consecutive years adopted a negative budget. That was added from 1447 to 1445. Third portion of the Amendment deals with the Chicago, the school Chicago

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for the reference practice public accounting. A person who's qualified to practice public accounting. We had only in the earlier language something related to lawfully qualified. So that merely is a conforming concept with the accounting world. Further on down in the Amendment, there's a request again in the Bill...there's a requirement that the auditors be changed every five years. We want it to be clear that in that five-year period, it begins with the adoption of this law. Other...the changing...the third part and the other part of the Amendment relates to a need for reporting dates on audits to relate to the Chicago fiscal and calendar year problem. They differ from downstate. What we did is to insert January 31 and take out rather than refer to October 15, which is really a downstate reference, so now we find that Chicago and downstate, for the purposes of this Amendment and for reporting, are in a sense equitable. And I would move therefore, Mr. Speaker and Members, adoption of Amendment #2."

Speaker Peters: "Any discussion? The Gentleman...there being none, the Gentleman moves the adoption of Amendment #2. All those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #2 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 1448, Representative Schneider. Out of the record. House Bill 1451, Representative Schneider. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1451, a Bill for an Act to amend The School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Schneider, amends..."

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Speaker Peters: "Representative Schneider, Amendment #1."

Schneider: "One, Mr. Speaker and Members of the House, is again another technical Amendment, the request of the Bond Council. They suggest deleting the words outstanding so that the appropriate references to those bonds indicate that they will address bonds that are current and future. There was some fear that it might address only those that are issued subsequent to the date and enactment of this law. That is one of the elements. It is then clarified further down again. The final part of that Amendment, an important part, is to allow for the Chicago Board to time-to-time withdraw from any debt-service account interest to be utilized as the Board legitimately assigns for other purposes in the Chicago school system. So again, Mr. Speaker, I would move the adoption of Amendment #1 to 1451."

Speaker Peters: "Any discussion? There being none, the Gentleman moves the adoption of Amendment #1 to House Bill...I'm sorry, Representative Robbins."

Robbins: "I have a question of the Sponsor. If we adopt this Amendment, would it be possible to put the Chicago school system into the same kind of a situation that we were required to bail them out of last time, because they had misapplied debt funds and interest on debt funds?"

Speaker Peters: "Representative Schneider."

Schneider: "No, is the answer to that. In fact the heart of this proposal is to try to...the heart of this package, which consists of about seven or eight Bills, is to try to prevent that from occurring not only in Chicago but throughout the districts in Illinois totally. So by doing this, you actually make more monies available to the district. It's a similar provision to what exists for downstate, except that we will allow in this particular

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Amendment to deal with only debt service. I will address more clarifying language in Amendment #3 as we come closer to that in a minute."

Robbins: "Okay, thank you."

Speaker Peters: "Any further discussion? The question again is shall Amendment #1 to House Bill 1451 be adopted. All those in favor will signify by saying 'aye', those opposed. The opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, Schneider, amends House Bill..."

Speaker Peters: "Representative Schneider, Amendment #2."

Schneider: "Amendment #2, Mr. Speaker and Members of the House, again is important in the sense that those concerns that were raised during the hearings about the segregation of monies. We have an Amendment which identifies Capital Projects Funds to be kept in a separate account. Those projects funds then will guarantee that expenses for a project be paid out as well as a debt service. And I think by that segregation, we may avoid some of the problems of the past. I would move its adoption."

Speaker Peters: "Any discussion? There being none, the question is shall Amendment #2 to House Bill 1451 be adopted. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #2 is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #3, Schneider, amends House Bill..."

Speaker Peters: "Representative Schneider, Amendment #3."

Schneider: "Number 3 comes as a request from a number of areas, the State Board of Education as well as Bond Council. This alludes to the downstate language I talked to a minute ago that Representative Robbins was concerned about. This

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delimits the capability to defuse or spread out the interest earned on any funds that are designated in this particular language. So, for example, you could not take the Illinois Municipal Retirement under the Pension Code or a Tort Immunity under local governmental and governmental employees and so on, as the language goes on to use for the purposes of education as they could possibly have been used under the current law. This makes it then impossible to have a tax rate increase which is not referenda, in this case, to be built up and then to have that money transferred over to other funds. This clarifies the concerns of the bond people as well as the State Board of Education. I would move its adoption."

Speaker Peters: "Any further discussion? There being none, the Gentleman moves adoption of Amendment #3 to House Bill 1451. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Speaker Ryan in the Chair. I'm sorry, Third Reading. Speaker Ryan in the Chair."

Speaker Ryan: "At 12:30 this afternoon, there is a service at the Immaculate Conception Cathedral at Sixth and Lawrence for the Pope. We're going to adjourn the House now, or at least recess it until 2 p...or 'til two o'clock this afternoon, and then we'll come back and stay until maybe eight or nine o'clock tonight. That's the intention of the Chair at this point, so if you're going to eat or whatever you're going to do after you get through with the Church, why you ought to do that so we can all be back here at two o'clock. We still got several Bills to move off of the Order of Second Reading and then we will go to Third Reading, and I would anticipate that we would be there

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sometime late this afternoon on Third Reading.
Representative Collins."

Collins: "Mr. Speaker, I would move that the House stand in recess until 2:00 p.m. this afternoon."

Speaker Ryan: "You heard the Gentleman's motion, all in favor will signify by saying 'aye', all opposed 'no'. And the House now stands in recess until the hour of 2:00 p.m."

Doorkeeper: "Attention, House of Representatives, Ladies and Gentlemen, this House will meet in fifteen minutes. Please be on time, thank you. All who are not entitled to the House floor, will you please retire to the gallery. And this House of Representatives will meet in five minutes. Will you please be on time. Thank you."

Speaker Ryan: "The House will be in order and the Members will be in their seats. On page 7 of the Calendar under the Order of House Bills Second Reading appears House Bill 1502, Representative Abramson. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1502, a Bill for an Act to amend an Act concerning public utilities. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Levin, amends House Bill..."

Speaker Ryan: "Representative Levin on Amendment #1."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, there is a great deal of concern with the current Illinois Commerce Commission on the part of many consumers that the Commission has not been acting in the consumer interest, has procedurally been denying consumers their rights and has been approving large and unjustified rate increases. Under existing law, the only escape valve for the frustration that consumers have about the Commission is found in the Public Utilities Act in the potential authority of local jurisdictions, to assume jurisdiction

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over regulation of public utilities. While this has never been used, it is potentially there, and I know in the City of Chicago there has been discussion before the City Council Committee on Public Utilities with respect to this power. The basic Bill would eliminate this potential authority, because of some fear about some activities of some citizens previously. Amendment #1, Mr. Speaker, Ladies and Gentlemen of the House, is an attempt at a compromise. The basic Bill would totally eliminate the potential authority of local jurisdictions to regulate public utilities. Amendment #1 would keep that authority but only for home rule cities. Amendment #1 recognizes that possibly smaller jurisdictions are not in the position to regulate utilities, but that larger jurisdictions do have the capability to do so, and that that potential should be kept for larger jurisdictions. I know the Illinois Municipal League is opposed to this Bill. They want to keep the potential authority for regulation of utilities. I think Amendment #1 represents a reasonable compromise at letting local jurisdictions keep the authority to regulate utilities where they are large enough, where they have the potential capability to do so if the Illinois Commerce Commission continues to get out of hand. I think it's a simple Amendment, and I would urge its adoption."

Speaker Ryan: "Is there any discussion? Representative Fawell."

Fawell: "Mr. Speaker, has that Amendment been passed out? I seem to have most of them in order and I do not have that one."

Speaker Ryan: "Mr. Clerk, has this Amendment been printed and distributed?"

Clerk Leone: "My staff informs me that the Amendment has been printed and distributed."

Speaker Ryan: "The Amendment should be on your desk,

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Representative. Representative Matijevich."

Matijevich: "Mr. Speaker, could I respectfully violate the rules. I understand there's a large, large group of senior citizens from all over the State of Illinois that are visiting the Capitol today. I know there's a group of them over there. We want to say hello to all of them from the Speaker and all the Members of the House here."

Speaker Ryan: "That's against the rules, Representative. Welcome. Is there any further discussion? Representative Ebbesen."

Ebbesen: "Yes, will the Sponsor yield?"

Speaker Ryan: "Indicates he will."

Ebbesen: "Yes, Representative Levin, you say that local jurisdiction would prevail if the...in whose decision they're large enough? And what's the basic criteria determining what's large, you know, it's a relative term."

Levin: "Well, under the existing law, any jurisdiction whether it's a home rule or a non-home rule jurisdiction city may, where there is an initiative, assume jurisdiction over regulation of the utilities within their boundaries. In the 1970 Constitution, the drafters recognized the distinction between home rule jurisdictions, home rule cities which are of a certain size and of a certain structure and non-home rule jurisdictions. And Amendment #1 applies that distinction which the framers of the 1970 Constitution found to be appropriate to the authority for local regulation of utilities that is currently in the Act."

Ebbesen: "Alright now, you have indicated that the Illinois Municipal League is opposed to this legislation or to your Amendment?"

Levin: "To the legislation. They believe, it's my understanding, that they would like to keep this authority even though

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they've never had to exercise it, but they would...they're opposed to the Bill in its current form. This is an attempt to moderate the legislation, to strike a balance. I think it's a good compromise, as I say, it's one that's recognized by the framers of the Constitution as a valid classification. We certainly recognize that there are small jurisdictions and to impose upon every utility the potential for different regulation by different small jurisdictions might be burdensome. For larger jurisdictions, home rule cities that are recognized by the Consitution as sufficiently large to be able to act autonomously on most matters, we think that that authority should be able to continue."

Ebbesen: "Well, I want to forget about the Constitution for just a moment, I want to go back to Municipal League. Have you sat down with your Amendment, are you saying your Amendment is a compromise with the Municipal League that they now, with this Amendment on it, would be in support of the basic legislative proposal?"

Levin: "No, I have not...I have not talked to them whether or not even with this Amendment this Bill is satisfactory to them. But I know that without this Amedment, this Bill is not satisfactory to the Illinois Municipal League."

Ebbesen: "Alright, thank you."

Speaker Ryan: "There any further discussion? Representative Younge."

Younge: "Yes, Mr. Speaker, I wanted to ask the movent(sic) a question about the...about his Amendment."

Speaker Ryan: "You want to question the Sponsor?"

Younge: "Yes."

Ryan: "He indicates he'll yield."

Younge: "Alright. Representative Levin, why do you believe that it is important to keep the decision making opposed to the

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local level of government?"

Levin: "Representative, one of the key functions that State Government provides, aside from taxation, is setting utility rates. It's something that affects people every day. You know, be it their gas, electric or telephone, and there is a great deal at this point of frustration with the Illinois Commerce Commission. There is a feeling that they've gone overboard and that they are totally pro-utility, that they are not being fair to the consumers. The only, as I stated early, the only escape valve, the only alternative that is available under the existing law to this frustration, is the potential local regulation of utilities. And I think that this is the...that is something which has not, up to this point, been exercised. But as consumer concern grows, and I think, you know, there's been legislation earlier and there's an Amendment later on in this set of Amendments for an elective Commerce Commission. And part of that comes from the feeling that the Illinois Commerce Commission is just not doing the job that while there are certain rate increases which are inevitable, there's certain other increases which are just unnecessary. And that there needs to be some alternative where people's frustration grows to the point where they just can't take it anymore, and would like to see an alternative mechanism. The current law provides for such a local alternative mechanism. And this Amendment seeks to keep that, but recognizes that small jurisdictions may not be equipped to provide that supervision, but that large jurisdictions are, and therefore, would maintain that authority, that potential authority for home rule cities."

Younge: "There are two types of situations in reference to the home rule cities. One, in which there is a locally owned non-ICC governed public utility and the other in which

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there is an ICC governed utility. How does your Amendment affect each?"

Levin: "Okay, as far as where there is a municipally owned utility, they are currently not regulated by the Illinois Commerce Commission, therefore this Amendment would have absolutely no effect upon them. Where there is a privately owned utility that is regulated by the Illinois Commerce Commission that operates within the jurisdiction of a home rule city, it would be potentially affected by Amendment #1."

Younge: "Thank you. Mr. Speaker, I'd like to speak to the Amendment. I think that that's an excellent Amendment, because our theory is that home rule units should have greater decision-making power and greater control over its own affairs. And this Amendment would let the home rule units continue to govern and make decision in reference to public utilities, and therefore leave this decision-making power close to the people. I think one of the things that we have to worry about is the continual erosion of decision-making going more and more towards the State Government and more and more towards the Federal Government. And I think that it would be a very good thing to make a decision to keep that power close to the people, close to the people who are hurting so far as the high utility bills, close to the people who are having their utilities cut off, close to the people who are really highly upset by the ever escalating rate increases that seem to be continuously given to public utilities; therefore driving people on fixed incomes, people with low income, the elderly and everybody else out of economic balance. And so I think this is an excellent Amendment and should be passed."

Speaker Ryan: "Is there any further discussion? The Gentleman

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from Cook, Representative Dunn."

Dunn, Jack: "Mr. Speaker, would the Sponsor yield to another question?"

Speaker Ryan: "Indicates he will."

Dunn, Jack: "Representative Levin, would these be publicly owned companies; companies in which people had stock, people like yourself and I, the phone company, the electric company, the gas companies, stockholders. Is that the kind of people we're talking about?"

Levin: "First, let me state, I don't have any stock in any utilities. But the answer to your question is yes. There are basically two types of utilities, those that are municipally owned, that are not regulated by the Illinois Commerce Commission at the present time. And secondly, those that are privately owned, the kind of utility that you're referring to which is regulated by the Illinois Commerce Commission. Under the current law, local jurisdictions following the procedures set out in the law, may assume regulatory responsibility over the, those utilities within their jurisdiction. It has never been exercised. The basic Bill would eliminate that potential authority. Amendment #1 recognizes that for the small jurisdiction, that may be unreasonable, but that for the large home rule city, that that potential authority should continue."

Dunn, Jack: "This means that it would have to set up a separate Commerce Commission in each of those communities selected to do that?"

Levin: "The current law provides that a local jurisdiction, and it's not limited now to home rule, any jurisdiction, any suburban jurisdiction, any downstate jurisdiction, any city, through referendum, may vote to exercise authority under the Public Utilities Act. If they so vote, then they

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would in fact set off a body locally within their jurisdiction that would regulate one or more of the utilities. It also provides that they could obtain assistance from the Illinois Commerce Commission."

Dunn, Jack: "Thank you, Sir. So far the whole concept smacks of Socialism. I'm going to vote 'no' on it."

Speaker Ryan: "I have been asked to announce to the Members and to anybody else that may need the announcement, there's a leak in the basement of the Capitol Building. And they're going to have to shut the water off in the entire building in about thirty minutes. Now why that's important to you folks, 'cause I don't suppose anybody's going to leave here, but I thought maybe you should know that. The Gentleman from Juro, Representative Mautino."

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

Speaker Ryan: "He indicates he will."

Mautino: "Representative Levin, is it your intention by your Amendment to make this bad Bill better?"

Levin: "Yes."

Mautino: "Then I'd like to speak to the Amendment. The initial concept which this Bill in its original form gave municipalities the right to set up a Municipal Commerce Commission, which I think should be retained. If your Amendment makes this bad Bill any better so that some people might vote for it, I would have to then oppose your Amendment. Because I think it's absolutely ridiculous to take the power away from those cities who want to institute a Municipal Commerce Commission in their individual localities, and by your Amendment, you could make this Bill better. If that's the case, I recommend a 'no' vote and let's leave this bad Bill in its original posture and certainly kill it on Third Reading."

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Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Abramson."

Abramson: "Mr. Speaker and Ladies and Gentlemen of the House, I'm the Sponsor of 1502 and I rise in opposition to the Amendment. The power of the municipalities, that the Sponsor of the Amendment refers to, is totally illusory under the Act as it's now in effect. You need 25% of the electorate to sign a petition, and you need a referendum before the utility can even, rather the city can even start regulating utilities. And then if they do start regulating them, and the utility's not satisfied with the decision of the municipality, they can go to the Commerce Commission anyway. So it's a vestige from 1921 when the Act was first enacted and I'm opposed to the Amendment. It entirely guts the Bill. I think I should be given a chance to either have it up or down on Third Reading, and not...I ask for a 'no' vote on the Amendment."

Speaker Ryan: "Is there any further discussion? Representative Ozella."

Ozella: "Mr. Speaker, I know it's against the rules of the House, but in the gallery to the left we have 100 school children from the fifth grade of the C.B. Smith School. They come from my home town in the district which Judy Koehler and Jay Ackerman represent."

Speaker Ryan: "Is there any further discussion? Representative Kustra."

Kustra: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House, the Sponsor seems to be using population as the basis for excluding home rule units from this Bill on the grounds that, as he says, the larger cities will be able to provide the administrative capability, I suspect, to govern their public utilities. However, the Constitution provides that cities automatically over 25,000 become home rule

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units, and I would suggest that those cities, a city of a mere 25,000 to 30,000 population may not have that administrative capability. Furthermore, the Constitution provides that by referendum, smaller cities under 25,000 people may become home rule units. As I understand it, there's a community in Southern Illinois of around 500 people that's a home rule unit. So it doesn't seem to me to make much sense to argue that the purpose of this Amendment would be to allow large cities who have that administrative capability to provide for this authority, when in fact we have some home rule units that are very small and would not be capable of exercising this responsibility in a fair and equitable manner. For that reason, I think the distinction which this Amendment provides is faulty, and I'd urge a 'no' vote on the Amendment."

Speaker Ryan: "Is there any further discussion? Representative Levin, one minute to close."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, the Sponsor of the Bill says that the authority now is use...is not really used. Well, if it's not really used, then why do we need the Bill? I suggest there has been a substantial amount of lobbying by the utilities in favor of this legislation. I think it's probably going to pass, and I think we at least need to make it a little more palpable to the consumer. We have in the galleries many senior citizens from various consumer groups that are unhappy with the Illinois Commerce Commission, and I know they support this Amendment and they support the other Amendments that come up, and I urge your affirmative vote on this Amendment."

Speaker Ryan: "The Gentleman moves for the adoption of Amendment #1 to House Bill 1502. All in favor will signify by saying

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'aye', all opposed by saying 'no'."

Levin: "Roll Call."

Speaker Ryan: "Well, Representative Levin, I think your request for a Roll Call is completely out of order. It's pretty obvious by the call here what the Roll Call was. Are there further Amendments? Amendment #1 is lost."

Clerk O'Brien: "Floor Amendment #2, Levin, amends House Bill..."

Speaker Ryan "Representative Levin on Amendment #2"

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, the, one of the major issues before the, this Body this year is public utility reform. And one of the reforms that has been demanded by virtually every consumer group throughout the State, is a change in the method of selection of the Illinois Commerce Commission. Now most of the Bills that were introduced provided for a direct election of the Commerce Commission. I realize this is somewhat a controversial matter. A number of states have it, but I recall a couple of years ago that Representative Kelly on an equally controversial matter, that of the Equal Rights Amendment proposed legislation to put the issue on the ballot. I think that that's a sound concept to let the voters decide if they are satisfied with the Illinois Commerce Commission, if they feel that it's accountable, if they feel that it should continue to be appointed or if they would like to change the form of selection from appointment to election. Amendment #2 does not provide for an elected Commerce Commission. What it does do is it puts the issue on the ballot and if a majority of those voting in the November, 1982 election believe we should have an elected Commerce Commission, then it would so provide. It simply says let the consumers decide whether or not they feel the current Illinois Commerce Commission is accountable or not."

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Speaker Ryan: "Is there any discussion? Representative Abramson.
Representative Stearney."

Stearney: "Mr. Speaker, Parliamentary Inquiry. I question the
germaneness of this Amendment since it deals with the
election of certain members, and it doesn't deal with the
Public Utilities Act."

Speaker Ryan: "Your point is well taken, Representative Stearney.
The Amendment is not germane. Further Amendments."

Clerk O'Brien: "Floor Amendment #3, Levin, amends House Bill
1502..."

Speaker Ryan: "Representative Levin on Amendment #3."

Levin: "Withdraw Amendment #3."

Speaker Ryan: "Withdraw #3. Further Amendments."

Clerk O'Brien: "Floor Amendment #4, Levin..."

Speaker Ryan: "Representative Levin on Amendment #4."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment
#4 does something which the Illinois Commerce Commission
supports. I don't agree with them on a lot of things, but
it has been their policy up to very recently to base the
evaluation of property of utilities on original cost, that
is what the utilities paid for that property to determine
the rate of return based on what the investment was. The
Illinois Supreme Court in a recent decision overturned that
practice of the Illinois Commerce Commission and said that
they have to go back to the antiquated method used by very
few states of reproduction costs. This is a procedure
which simply adds millions of dollars to the cost of these
Commission proceedings. I think it's generally agreed by
both the consumers and the utilities that the Commission
starts with a dollar line figure. They decide how much of
an increase they're going to give and they work backwards.
So whether you have original costs or reproduction costs,
you're not going to change the bottom line result. What

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you do do however, is mandate a study's estimates of the value...current value of rate bases which in some cases end up costing millions of dollars to the utilities, and these costs of these studies is then passed on to the consumer. It takes valuable time of the Commerce Commission itself, as a result, the Illinois Commerce Commission has supported on a number of occasions legislation which would authorize it to go back to the procedures that it was using up 'til about a year and a half ago of original costs. That's what Amendment #4 does, and I urge your adoption of this Amendment. Mr. Speaker, I would just make one other point. And that is I would ask at this point that when we take a Roll Call Vote on this Amendment, I think it's an important Amendment. There are not going to be too many Roll Calls on public utility issues, and I think it's important that every Member of the House have the opportunity to put themself(sic) on the record on one of the key issues with respect to public utility reform."

Speaker Ryan: "Is there further debate? Representative Reilly."

Reilly: "Mr. Speaker, I apologize for interrupting, but this debate might go on awhile, I suppose. Could I have leave of the House for the Joint Committee on Administrative Rules to meet at three o'clock in Room 122 while the House is in Session? We've been trying to meet for several, several days, and this seems to be the only possible way. I would appreciate leave so the Joint Committee could meet in Room 122 at three o'clock."

Speaker Ryan: "You heard the Gentleman's request, are there any objections? Hearing none, leave is granted. Representative Tate."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, it's an honor and a pleasure today to introduce the longest tenured County Chairman in the State of Illinois, Skinny

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Taylor, Republican, thirty-five years as County Chairman."

Speaker Ryan: "Representative Abramson. Welcome, Skinny.
Representative Abramson."

Abramson: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to Amendment #4. As indicated by the Sponsor of the Amendment, this Amendment gets into the complex rate-making responsibilities of the Commerce Commission. In the Bill as it would be after amended by this Amendment, infringes on the flexibility of the Commission to deal with those issues. The Amendment is exactly like House Bill 1431 which the Commerce Commission opposed in the Public Utilities Committee, and which is currently in the Interim Study Committee of the Public Utilities Committee. I urge a 'no' vote on the Amendment."

Speaker Ryan: "There any further discussion? Representative Levin, one minute to close."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this is an...this concept is one that is supported by the Commission. They followed this procedure up until the time the Illinois Supreme Court, about a year and a half ago said they could not follow this procedure. This restores what the Commission was able to do before. It is supported by consumers. I know in talking to a number of the utilities, they, too, see that the current procedure that's mandated by the Illinois Supreme Court is cumbersome and unnecessary, and therefore I urge an 'aye' vote. And again I remind the Speaker I do request a Roll Call Vote on this Amendment."

Speaker Ryan: "The Gentleman moves the adoption of Amendment #4 to House Bill 1502. All in favor will signify by saying 'aye', all opposed by saying 'no'. The 'nos' have it and the motion fails. Further Amendments."

Clerk O'Brien: "Floor Amendment #5, Levin..."

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Speaker Ryan: "Representative Levin on Amendment #5."

Levin: "I withdraw Amendment #5."

Speaker Ryan: "Withdraw #5. Further Amendments?"

Clerk O'Brien: "Floor Amendment #6, Levin..."

Speaker Ryan: "Representative Levin on Amendment #6."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, the...there's a great deal of feeling, of distrust of the Illinois Commerce Commission. There's a feeling that the Commissioners are communicating with utilities, that they are being wined and dined and that is influencing their decisions. There is currently a provision in the statute that prohibits gratuities being given to the Commissioners. However, it is come out in various newspaper articles that these Commissioners attend meetings of the National Association of Regulatory Utility Commissioners and other such groups where there are hospitality suites and dinners and entertainment provided by Illinois utilities. Amendment #6 simply adds to the prohibition against gratuities, hospitality, entertainment and favors by public utilities directed to the Commissioners. I think this's a good government Amendment, and I urge your support for it."

Speaker Ryan: "Is there any discussion? Representative Abramson."

Abramson: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition of Amendment #6. This is just absurd. The language in the Commerce Commission Act already provides that no employee or commission member can accept any commission gift or gratuity. I don't think hospitality or entertainment or favors adds anything significant to that, and I prefer not to have it in my Bill. I urge a 'no' vote on the Amendment."

Speaker Ryan: "Representative Levin, you care to close?"

Levin: "Mr. Speaker, I would again request a Roll Call Vote and a

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favorable vote of this Body."

Speaker Ryan: "The quest...the Gentleman moves for the adoption of Amendment #6 to House Bill 1502. All in favor will signify by saying 'aye', all opposed by saying 'no'. The Gentleman's motion fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #7, Levin."

Speaker Ryan: "Representative Levin on #7."

Levin: "I would withdraw #7."

Ryan: "Withdraw #7. Further Amendments?"

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

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

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, many consumers have wondered over the last few years why their gas bills have been so high, and they've looked at their bills and they've said, 'I haven't used that much gas. How could I be charged that much? We know rates have gone up. There's got to be something wrong with my meter.' And in many cases they've asked their gas company to check out their meter and the gas company says the meter seems to be working okay. It turns out that there is a good reason why persons with outside gas meters may be feeling that their meters aren't working, with justification. The current regulations of the Illinois Commerce Commission states that when a gas meter with a temperature compensating device must...is tested, it should be tested at three different temperatures. Inside, sixty degrees; outside, zero and hundred degrees. It came out in a case before the Commission within the last couple of months that none of the gas companies in Northern Illinois have that equipment, that this regulation is not being enforced.we can understand why people with outside meters may be getting inaccurate...inaccurate readings on their meters. In addition, the current regulations of the Commission provide

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that the testing equipment for meters only needs to be recalibrated once every three years. Once every three years the device with which your meter is inspected has to be checked to see if it's accurate. This Amendment mandates that these devices that verify the accuracy of your meter should be recalibrated once every year rather than once every three years and mandates that outside meters be tested whether it's necessary to test them at all three temperatures, not just one temperature. I urge your support of this Amendment."

Speaker Ryan: "Representative Polk."

Polk: "Mr. Speaker, I'd like to announce to Representative Kelley that that person has had to leave the gallery and will now be out in front."

Speaker Ryan: "Representative Matijevich, did you seek recognition?"

Matijevich: "Well, Mr. Speaker, you have such good control over your Members, I just couldn't understand how you couldn't control Jim Kelley."

Speaker Ryan: "Mr. Kelley is only trying to represent his constituency, Representative. Representative Levin, have you completed your presentation? On Amendment #8?"

Levin: "Mr. Speaker, pursuant to Rule 45c, I request, and I believe I have the required number of additional Members, that there be a Roll Call Vote on Amendment #8."

Speaker Ryan: "Well, Representative Levin, if you are that serious about a Roll Call Vote, we'll give it to you. If you insist, why we'll give it to you. We'll take the time of the House for that, we'll be happy to do that. Is there any discussion on Amendment #8? Representative Preston."

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

Speaker Ryan: "I'm sure he will."

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Preston: "Representative Levin, does your Amendment require a calibration on a yearly basis?"

Levin: "There are....the meters that people have in their house, those are required under existing regulations to be checked once every ten years. This Amendment would have no effect upon that. The devices, however, that the gas companies use to check your meters are called proovers, and this is what we're talking about. These proovers which are used to verify the accuracy of your meter in your house are currently required to only be checked for accuracy once every three years. This Amendment would require that those devices that are used to check the accuracy of your meter must be recalibrated at least once every year."

Preston: "And how many such devices are there that are presently used by the utility company?"

Levin: "The utility companies have these devices at their offices, I believe, in terms of the utilities in the...the two utilities in the Chicago area we're talking maybe about fifteen such devices."

Preston: "And what would the cost be to the utility company to calibrate this on a yearly...calibrate these fifteen mechanisms on a yearly basis?"

Levin: "The cost would be very minimal."

Preston: "So there would...it would result in no additional cost for the consumer then."

Levin: "Particularly given the fact that by having...testing equipment that is more accurate, we might find meter, your meter or my meter that is way off as far as it...the...what it is indicating the amount of gas that we're using."

Preston: "But the cost of calibrating these mechanisms to the utility company would be very minimal."

Levin: "That's correct."

Preston: "How minimal, do you have any, shooting from the

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hip-type figure, are you talking minimal, a million dollars, minimal, a thousand dollars?"

Levin: "What is involved is a person from a testing laboratory coming out and spending, I think it's approximately fifteen minutes or a half hour doing so. I've not seen figures for what the cost of..."

Preston: "So this would not result in any request by the utility companies for still an additional rate increase?"

Levin: "No. We're talking about..."

Preston: "So they are coming up pretty soon to their usual six month increase?"

Levin: "That's right."

Preston: "I see."

Speaker Ryan: "There any further discussion? Representative Abramson."

Abramson: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to Amendment #8. It adds nothing to what's already in the regulations of the Commerce Commission. It's statutorily getting involved in regulation of public utilities again, and it's much easier and better to have the Commerce Commission do it on a more flexible level. I rise...I urge a 'no' vote on the Amendment."

Speaker Ryan: "Representative Levin, to close."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this is not a radical change. It's not an election of the Commerce Commission or it's not original cost, but it is something that you can go back to your constituents who are complaining about high gas rates and say we've at least done some scrutiny over the current procedures on gas rates. There are problems with the accuracy of meters. We recognize that, and we'd like to see meters more closely scrutinized in the future. That's what this Amendment does. It corrects a problem. One of the most basic

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reasons we have the Commission is so they can check and see if the equipment in our own houses is accurate. This Amendment tightens up on that, and I urge your favorable vote."

Speaker Ryan: "The Gentleman moves for the adoption of Amendment #8. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Steczko, do you rise to explain your vote?"

Steczko: "Mr. Speaker, I'm sorry to take the time of the House, but I've been asked to announce that the seniors who have traveled to Springfield today from Cook County should meet at their buses back by three o'clock. Thank you."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 49 voting 'yes', 81 voting 'no', 3 voting 'present', and the Gentleman's motion loses. Further Amendments?"

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

Speaker Ryan: "Representative Levin, on #9. Withdraw #9. Further Amendments?"

Clerk O'Brien: "Floor Amendment #10, Levin."

Speaker Ryan: "Representative Levin, #10."

Levin: "I withdraw #10."

Speaker Ryan: "Number 10 withdraw. Further Amendments?"

Clerk O'Brien: "Floor Amendment #11, Levin."

Speaker Ryan: "Number 11, Representative Levin."

Levin: "I withdraw 11."

Speaker Ryan: "Withdraw #11."

Clerk O'Brien: "Floor Amendment #12, Levin."

Speaker Ryan: "Representative Levin, on 12."

Levin: "I withdraw 12."

Speaker Ryan: "Withdraw 12. How about 13? 14?"

Levin: "Same. Withdraw 13."

Speaker Ryan: "Withdraw 13. Further Amendments?"

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Clerk O'Brien: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 1506. Representative Ewing. Read the Bill..."

Clerk O'Brien: "House Bill 1506, a Bill for an Act to amend Sections of the Illinois Income Tax Act. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Ryan: "Are there any motions filed with respect to Amendment #1?"

Clerk O'Brien: "No motions filed."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk O'Brien: "No Floor Amendments."

Speaker Ryan: "Third Reading. House Bill 1520, Representative Rea. Representative Hannig."

Hannig: "Thank you, Mr. Speaker. I'm the hyphenated Cosponsor of this Bill, and Representative Rea asked me to move this to Third Reading for him."

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

Clerk O'Brien: "House Bill 1520, a Bill for an Act to amend Sections of the Illinois Highway Code. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk O'Brien: "None."

Speaker Ryan: "Third Reading. House Bill 1525, Representative Vinson. Read the Bill."

Clerk O'Brien: "House Bill 1525, a Bill for an Act to create the Illinois Group Care Finance Commission. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, Vinson."

Speaker Ryan: "Representative Vinson, on Amendment #1."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 is an Amendment agreed on between Representative Rea and myself. Representative Rea is the

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Cosponsor of the Bill. It phases...it changes the effective date of the new Commission so that it is consistent with existing law. It would provide the nursing homes the staff where it would deficit for one year instead of six months in order to apply for a rate increase. And it would provide that nursing home reimbursement formula shall provide the opportunity rather than guarantee a profit. I would move for adoption of the Amendment."

Speaker Ryan: "Is there any discussion? The Gentleman moves for the adoption of Amendment #1 to House Bill 1525. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Vinson."

Speaker Ryan: "Representative Vinson, on #2. Representative McBroom, do you seek recognition...while we're waiting?"

McBroom: "Yes, Mr. Speaker, Members of the House, be...to my right in the gallery, I wish the seven young Ladies who are participating in the Miss Kankakee County Contest, the district represented by you, and Representative Christensen and me, would stand and be acknowledged. They're accompanied by their Sponsor, Mrs. Pat Polk. Where are you Ladies?"

Speaker Ryan: "Welcome to the Illinois House, Ladies. Mrs. Polk, I don't want you to get too far away from those girls while they're in this atmosphere."

McBroom: "And Mr. ...Mr. Speaker, I know you have many things on your mind other than this, but the Page in front of me, Kevin, is telling me that he is having a terrible time and wishes he didn't have to travel with them anymore today. Could you help me on that?"

Speaker Ryan: "I..he has to stay on the floor. Representative Vinson."

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Vinson: "Thank you, Mr. Speaker. Amendment 1 was...Amendment #2 is a fair...apparently filed by mistake. It's the same as Amendment 1, and I would withdraw Amendment #2."

Speaker Ryan: "Withdraw Amendment #2. Further Amendments? Representative Giorgi."

Giorgi: "Mr. Speaker, I was following Representative Vinson and he says he claims there's a Cosponsor to this Bill and the book doesn't indicate, the latest book doesn't indicate that he has a Cosponsor, and I was wondering if the Amendment was at the request of the Governor's Office or the Hospital..."

Speaker Ryan: "Which Amendment are you referring to, Representative Giorgi?"

Giorgi: "Amendment 2."

Speaker Ryan: "He just withdrew Amendment #2."

Giorgi: "Does he have another Amendment coming? If he has another one, I want to ask the same question."

Speaker Ryan: "Well, I'll give you the opportunity, you're not timely. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Ryan: "Sorry about that. Third Reading. House Bill 1527, Representative Miller. Read the Bill."

Clerk O'Brien: "House Bill 1527, a Bill for an Act relating to extension of the ad valorem personal property taxes. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Are there any motions filed with respect to Amendment #1?"

Clerk O'Brien: "Motion to table Amendment #1 by Representative Miller."

Speaker Ryan: "The Gentleman moves to table Amendment #1 to House Bill 1527. All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment is

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tabled. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Miller."

Speaker Ryan: "Representative Miller, on Amendment #2."

Miller: "Mr. Speaker, Ladies and Gentlemen of the House, I would ask leave to amend Amendment #2 on its face by substituting on page 2, line 17, the word 'Act' for the word 'Section'."

Speaker Ryan: "You heard the Gentleman's request. Are there objections? Hearing none, leave is granted. Amendment #2 is amended on its face. Representative Miller on the amended Amendment."

Miller: "Thank you, Mr. Speaker. Amendment #2 incorporates the technical Amendments that Amendment #1 had put in in Committee. It also includes a request of Representative Bradley that we use the higher of the last two years extension figures so that those districts who had abated their taxes last year at the request of the State would not be unduly published(sic). It also adds two exceptions on the limitations for refunding bonds and anticipation notes, and provides a referendum for local units or districts to hold if their voters decide that these limitations should not be in effect. I would move adoption of Amendment #2."

Speaker Ryan: "Is there any discussion? The Gentleman moves for the adoption of Amendment #2. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Pierce."

Speaker Ryan: "Representative Pierce, on Amendment #3."

Pierce: "I'd withdraw Amendment #3 at this time, I have a later Amendment."

Speaker Ryan: "Withdraw Amendment #3. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Miller."

Speaker Ryan: "Representative Miller on Amendment #4."

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Miller: "I move to withdraw Amendment #4..."

Speaker Ryan: "Withdraw #4. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Pierce."

Speaker Ryan: "Representative Pierce, on Amendment #5."

Pierce: "Mr. Speaker, Amendment #5, I think, brings this Bill into the appropriate shape. Representative Miller has a very important Bill here. The Property Tax Extension Act of 1981 in many ways is similar to legislation passed by the House two years ago on the recommendation of the House Revenue Committee at the time that I was Chairman of the Democratic Task Force. This Amendment, Amendment #5 that I am presenting at this time, would make it clear that we have a one-year limitation of levies to see how that works out. And secondly, would take care of some items that aren't in the original Bill, some exceptions. One would be for principle and interest for all municipal bonds, for pension plans which are not included as an exception in his Bill, for unemployment insurance compensation contributions that are not included in the Bill, and the Amendment would make sure we include home rule units which the Bill does not include and would take care of new construction, improvements for annexation as an exception to the Bill. Finally, it would put in a provision that the 'Ed-red', the suburban school districts want in the Bill which we put in two years ago on a limitation Bill, the school districts could levy taxes that were approved earlier by referendum. And with that, I offer Amendment #5 as a way of improving this Bill in a manner that I can support and vote for, because I think it is a very good concept. And I offer Amendment #5."

Speaker Ryan: "Is there any discussion? Representative Miller."

Miller: "Mr. Speaker, Ladies and Gentlemen, I must rise reluctantly in opposition to this Amendment, whose intent

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I do not question. Unfortunately, I feel that the Amendment would unduly change the Bill into being a charade of limitations and not a true limitation. I believe that a correct limitation amount under the Amendment that is offered by Representative Pierce would be something in the neighborhood of 13% once you take into account the new construction that he's allowing and the five-year average of personal income increase. That would be changed measurably from the 8% estimate that I think the Bill in its present form would limit extension increases. So I think that it would be far less restrictive and certainly would not protect the taxpayer which is the true intent of this Bill. Also it reduces the period of limitation from one...from three years down to one year, and I don't think it'd take too creative a local body to work around the limitation. Indeed, the further exceptions that he provides in Amendment #5 would bear this out, because a lot of other things are included that are not included in the original Bill. Finally, home rules are included and I think there is a certain sentiment among the Members in the Subcommittee and on the Committee who I worked with on the bipartisan nature to not limit this to home rules at this time. And a great deal of thought has gone into the Bill in its present shape, and I reluctantly have to oppose Amendment #5."

Speaker Ryan: "Representative Pierce, to close."

Pierce: "Yes, Mr. Speaker, it is exactly the home rule units that need the limitations, because they operate now truly and without limitation. The one year would be a good start, a good start on trying our tax limitation Bill. The information of the Economic and Fiscal Commission is that my Amendment will allow a maximum 9.7% increase which is less than the increase of people's incomes in the State."

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Not quite as restrictive as the Gentleman's Bill, but at least a start on limitations. And certainly we should accept payments for pension plan and interest and principle on indebtedness from the limitations, because those payments have to be made as do the unemployment compensation payments. Now Representative Miller has a good Bill. I think you'll find...I have in working with him on the Revenue Committee that he's one of our most conscientious and knowledgeable freshman Legislators. He's done a good job on this limitation Bill, and I believe by adopting Amendment #5, we'll have the Bill in the shape where we can vote for it on both sides of the aisle and pass this important Real Estate Tax Limitation Bill. And therefore, I move that the House now adopt Amendment #5 to House Bill 1527. And I so move."

Speaker Ryan: "The Gentleman moves for the adoption of Amendment #5. All in favor will signify by saying 'aye', all opposed. The Gentleman's requested a Roll Call. All in favor of the adoption of Amendment #5 will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Representative Miller, to explain his vote."

Miller: "Yes, Mr. Speaker, I would hope that there would be more people who would jump on the red side of this issue. They're talking about serious limitation or not so serious limitations of real estate taxes. I think it's time that we stand up for the property taxpayer and try to do the best job that we possibly can to see that he is protected. And I respectfully submit that Amendment #5 is not going to assist in that effort, and that is the reason I'm voting 'no'."

Speaker Ryan: "Representative Giorgi, for what purpose do you rise?"

Giorgi: "Mr. Speaker, I don't need to remind you of the rules."

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This is Pierce's Amendment. He spoke in debate. He's not allowed to explain his vote."

Speaker Ryan: "Your point is well taken, Representative, thank you. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 87 voting 'aye', 79 voting 'no' and none voting 'present'. Representative Miller."

Miller: "I would request a verification of the affirmative votes on this, please. And poll the absentees."

Speaker Ryan: "Representative Pierce requests a poll of the absentees. Representative Schraeder, do you seek recognition?"

Schraeder: "Well, it's rather late now, Mr. Speaker, but I don't know, maybe my light doesn't show up there, but I did want recognition and maybe we ought to check that board, because previous Speakers have had the same problem recognizing lights. And I don't take offense at you, because I know you did not see it, but apparently that board is very difficult for those presiding to see, and I would ask you to do something about it."

Speaker Ryan: "Poll the absentees."

Clerk O'Brien: "Poll of the absentees. Bower, Conti, Epton, Flinn, Garmisa, Huff, Kane, Kucharski, Margalus, Robbins, no further."

Speaker Ryan: "Are there any changes? The Gentleman persists in his verification. To read the positive votes."

Clerk O'Brien: "Alexander, Balanoff, Beatty, Birkinbine, Bluthardt, Bowman, Bradley, Braun, Breslin, Brummer, Bullock, Capparelli, Carey, Catania, Chapman, Christensen, Cullerton, Currie, Darrow, DiPrima, Domico, Donovan, Doyle, John Dunn, Ewell, Farley, Getty, Giglio, Giorgi, Greiman, Hallstrom, Hanahan, Hannig, Henry, Hoffman, Jaffe, Jones, Katz, Keane, Dick Kelly, Kornowicz, Kosinski, Krska, Kulas, Laurino, Lechowicz, Leon, Leverenz, Levin, Madigan,

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Matijevich, Mautino, McClain, McGrew, McPike, Mulcahey, Murphy, O'Brien, O'Connell, Ozella, Pechous, Pierce, Pouncey, Preston, Rea, Redmond, Rhem, Richmond, Ronan, Saltsman, Sandquist, Satterthwaite, Schneider, Slape, Margaret Smith, Steczo...."

Speaker Ryan: "Just a minute, Mr. Clerk, Representative Darrow, for what purpose do you seek recognition?"

Darrow: "Thank you, Mr. Speaker, I've been asked to announce that the bus for Rock Island is about to leave, so all these senior citizens going home to Rock Island, please get on your bus and go back home. Thank you for coming."

Speaker Ryan: "Representative Giorgi."

Giorgi: "Mr. Speaker, the rest of the people in the gallery are here to support us in our fight to kill the Bills of the boys on Workmen's Comp., Unemployment Comp., right-to-work laws and the prevailing wage. I think we ought to give them a good hand."

Speaker Ryan: "Proceed with the verification."

Clerk O'Brien: "Stewart..."

Speaker Ryan: "Representative Christensen, do you seek recognition? Proceed."

Clerk O'Brien: "Stuffle, Terzich, Turner, Van Dwyne, Vittek, White, Sam Wolf, Younge, Yourell and Zito."

Speaker Ryan: "Representative Miller, do you have any questions of the Affirmative Roll Call?"

Miller: "Representative Farley."

Speaker Ryan: "Representative Farley. Representative Farley in the chamber? Representative Farley. How's the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Miller: "Representative Ewell."

Speaker Ryan: "Representative Ewell, in the back of the chamber."

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Miller: "Representative Giglio."

Speaker Ryan: "Representative Giglio. Is the Gentleman in the chamber? Representative Giglio. How's the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Ryan: "Remove him."

Miller: "Representative Hanahan."

Speaker Ryan: "Representative Hanahan. Is the Gentleman in the chamber? How's he recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Miller: "Representative Hannig."

Speaker Ryan: "Representative Hannig, in his seat."

Miller: "Representative Jaffe."

Speaker Ryan: "Representative Jaffe. Representative Jaffe is not here, he's putting out his press release."

Miller: "Representative Jones."

Speaker Ryan: "Representative Jones, on the Republican side where he'd like to be permanently."

Miller: "Representative Kornowicz."

Speaker Ryan: "In his chair."

Miller: "Representative Katz."

Speaker Ryan: "Representative Katz. Is Representative Katz in the chamber? Greiman, you'll never pass for Katz, I'll tell you that. Representative Katz in the chamber? How's the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Miller: "Representative Birkinbine."

Speaker Ryan: "Representative Birkinbine. Representative Birkinbine's in the back of the chamber."

Miller: "Representative Capparelli."

Speaker Ryan: "Representative Capparelli. Representative

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Capparelli in the chamber? How's the Gentleman recorded?"

Clerk O'Brien: "The Gentleman's recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Miller: "Representative Currie."

Speaker Ryan: "Representative Currie, right here, center aisle."

Miller: "Representative O'Brien."

Speaker Ryan: "Representative O'Brien. Representative O'Brien in the chamber? How's the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call. Return Representative Capparelli to the Roll Call. He's back in the chamber. Proceed, Mr. Miller, do you have further questions?"

Miller: "Representative Bradley."

Speaker Ryan: "Representative Bradley. Representative Bradley in the chamber? How's the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Ryan: "Remove him, please. Further questions?"

Miller: "Representative Domico."

Speaker Ryan: "Representative Domico. He's in the...on the floor."

Miller: "Representative Slape."

Speaker Ryan: "Representative Slape. He's on the floor."

Miller: "Representative Madigan."

Speaker Ryan: "Well, Representative, I'm sure Representative Madigan is in the back, if you want to persist on his verification, he'll just have to come out here."

Miller: "Representative Redmond."

Speaker Ryan: "Representative Redmond is here."

Miller: "Representative Terzich."

Speaker Ryan: "Representative Terzich. Is Representative Terzich in the chamber? How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

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Speaker Ryan: "Remove him from the Roll Call."

Miller: "Representative Huff."

Speaker Ryan: "Representative Huff. How's the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as not voting."

Speaker Ryan: "He's not voting, Representative."

Miller: "Representative Yourell."

Speaker Ryan: "Representative Yourell. Representative Yourell. Is the Gentleman in the chamber? How's he recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Ryan: "Remove him from the Roll Call."

Miller: "Representative White."

Speaker Ryan: "Representative White. Representative White in the chamber? There he is, just came in the door."

Miller: "Representative Pouncey."

Speaker Ryan: "Representative Pouncey. He's there. Any further questions?"

Miller: "Representative Richmond."

Speaker Ryan: "Representative Richmond. In his seat."

Miller: "Representative Schneider."

Speaker Ryan: "Representative Schneider is in his chair. Representative Flinn, do you seek recognition? Record Representative Flinn as 'aye'. Do you have any further questions, Representative?"

Miller: "Representative Stewart."

Speaker Ryan: "Who?"

Miller: "Stewart."

Speaker Ryan: "She's in her seat."

Miller: "No further questions."

Speaker Ryan: "On this question there are 80 voting 'aye', 79 voting 'no' and none voting 'present', and the Gentleman's motion prevails. Representative Kane. Now, Mr. Doorkeeper, lot of people on the floor that don't belong

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here, would you clear the aisles. If they haven't got a pass, take them out the door, if you would, please. Members will be in their seats. The Amendment is adopted. Amendment #5 has been adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 1533, Representative Hoxsey. Read the Bill."

Clerk O'Brien: "House Bill 1533, a Bill for an Act for the regulation of business of horseshoeing. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Are there any motions filed with respect to Amendment #1?"

Clerk O'Brien: "No motions filed."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #2, Hoxsey."

Hoxsey: "Amendment #2 is necessary to correct an error that was discovered by the House Enrolling & Engrossing. I would ask you to adopt Amendment #2."

Speaker Ryan: "Are there any questions concerning Amendment #2? The Lady moves for the adoption of Amendment #2 to House Bill 1533. All in favor will signify by saying 'aye', all opposed by saying 'no'. The 'ayes' have it and the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "Amendment #3, Hoxsey..."

Speaker Ryan: "Representative Hoxsey on Amendment #3."

Hoxsey: "Amendment #3 is necessary in case the Bill passes. It defers the repealer in the Licensing Act to October 1, 1991. I would ask adoption of Amendment #3."

Speaker Ryan: "Is there any discussion? The Lady moves for the adoption of Amendment #3 to House Bill 1533. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Amendment's adopted. Further Amendments?"

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Clerk Leone: "Floor Amendment #4, Hoffman, amends House Bill..."

Speaker Ryan: "Representative Hoffman on Amendment #4."

Hoffman: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #4 provides that barbers and barber shops be treated in the same manner as beauty parlors in regards to local licensing, taxation and regulation so that the relationship between the two for purposes of licensing, taxation and regulation will be the same."

Speaker Ryan: "Is there any question? Representative Darrow."

Darrow: "Thank you, Mr. Speaker. I would question the germaneness of this Amendment. The Bill deals with horseshoeing, and the Amendment deals with certain occupations. Perhaps you could stretch it and say that horseshoeing and barbering are related if the barber shaves the horse or something, but otherwise it's not germane."

Speaker Ryan: "Your point is well taken, Representative Darrow. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 1557, Representative Donovan. Read the Bill."

Clerk Leone: "House Bill 1557, a Bill for an Act to regulate the laboring of agricultural liming materials. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. House Bill 1590, Representative Donovan. Read the Bill."

Clerk Leone: "House Bill 1590, a Bill for an Act to amend the Motor Fuel Tax Law. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Ebbesen, amends..."

Speaker Ryan: "Representative Ebbesen on Amendment #1."

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Ebbesen: "Yes. Mr. Speaker, I'd like to withdraw both Amendments #1 and 2..."

Speaker Ryan: "Withdraw Amendments 1 and 2. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 1661, Representative Braun. Representative Reilly, you're listed as a Cosponsor, is Representative Braun on the floor? Out of the record. House Bill 1681, Representative Ropp. Read the Bill."

Clerk Leone: "House Bill 1681, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. Amendments #1 and....1 was adopted in Committee, 2 was adopted previously."

Speaker Ryan: "Are there any motions filed with respect to Amendments 1 or 2?"

Clerk Leone: "No motions filed."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Ryan: "Third Reading. House Bill 1814, Representative Findley. Read the Bill."

Clerk Leone: "House Bill 1814, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. That now completes one complete pass through the Order of Second Reading. On the Calendar, on page 2, under the Order of House Bills Second Reading Short Debate Calendar appears House Bill 655. Representative Richmond. Two minutes to explain your vote, Representative, or to explain your Bill, Representative Richmond."

Clerk Leone: "House Bill 655, a Bill for an Act to amend the

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Illinois Vehicle Code. Second Reading of the Bill. No
Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Richmond, amends House Bill
655..."

Speaker Ryan: "Representative Richmond, two minutes to explain
your Amendment."

Richmond: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
House, Amendment #1 changes the effective date. It's a
requirement, it's necessary if...from the Department
of...or the Secretary of State's recommendation that
this..1983 be put in, just for technical reasons. I would
ask that you approve this Amendment."

Speaker Ryan: "Is there any discussion? Representative Giorgi."

Giorgi: "Mr. Speaker..."

Speaker Ryan: "One minute in opposition."

Giorgi: "No, Sir, I'm not in opposition. These are Second
Readings, Amendment stage, why would there be a one-minute
limit?"

Speaker Ryan: "They're on Short Debate."

Giorgi: "But Second Reading, Amendment stage, you can't..."

Speaker Ryan: "I don't understand your question, Representative.
They're on the Calendar under House Bills Second Reading
Short Debate Calendar."

Giorgi: "You mean you're only going to give a minute to explain
the Amendment?"

Speaker Ryan: "No, he gets two minutes for it, two minutes
against it, and a minute to explain the vote."

Giorgi: "On Amendments also, is that the Rule..."

Speaker Ryan: "Well, I...gonna check the Rules, right now, that's
the way...I would appear, I don't know why else we'd have
it on the Short Debate Calendar."

Giorgi: "That's on Third Readings, is where you're..."

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Speaker Ryan: "Well, it's under Second Reading though, Representative, if you'll hang on, we'll check it out for you. Did you want to speak on this Bill for more than two minutes?"

Giorgi: "I have no opinion."

Speaker Ryan: "Is there any discussion on the Gentleman's Amendment? The Gentleman moves for the adoption of Amendment #1 to House Bill 655. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Amendment's adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #2, McCormick, et al, amends House Bill 655 on page 1 and so forth."

Speaker Ryan: "Representative McCormick on Amendment #2."

McCormick: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 is an agreed Amendment between the Sponsor and the other Members of the Legislature from our district down there. It authorizes the Secretary of State to prepare a special license plate for the recognition of the National Guard Members in Illinois. Now the cost is the same as your plate or mine or anybody else's. No reduction in cost, would be no cost to the State of Illinois, but recognize an outstanding group of people that need that recognition. And I'd appreciate your adopting this Amendment."

Speaker Ryan: "Representative Giorgi, in response to your question, your point is well taken, and you can talk all day...for ten minutes. The Gentleman...is there any discussion on the Gentleman's Amendment? He moves for the adoption of Amendment #2. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Are there any further Amendments?"

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Clerk Leone: "No further Amendments."

Speaker Ryan: "Representative Richmond."

Richmond: "Thank you, just a question, I wanted to be sure. This will go on Third Reading on Short Debate. Is that correct? Do I need to ask leave for that?"

Speaker Ryan: "No, it'll go there."

Richmond: "Alright."

Speaker Ryan: "Representative Matijeovich."

Matijeovich: "Just to play safe, he does need the unanimous consent..."

Speaker Ryan: "You do need leave. Did you ask leave? The Gentleman asks leave for House Bill 655 to go to the Order of Short Debate Third Reading. Are there objections? Hearing none, leave is granted. Third Reading on 655, Short Debate. House Bill 1077, Representative Collins. Read the Bill."

Clerk Leone: "House Bill 1077, a Bill for an Act to amend the Election Code. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Collins, amends House Bill 1077 on page 2, line..."

Speaker Ryan: "Representative Collins on Amendment #1."

Collins: "Thank you, Mr. Speaker, Ladies and Gentlemen, it's a...Amendment #1 is simply a technical amendment changing...Section number 7-15 to the number it should be, 12-7."

Speaker Ryan: "Is there any discussion? The Gentleman moves for the...Representative Giorgi, do you seek recognition? The Gentleman moves for the adoption...Representative Getty."

Getty: "I'm sorry, would...did you indicate, Representative Collins, it was a mistake in the original version..it was suppose to have been 12-7?"

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Collins: "Yes, that's what I said. There was an error in the original Bill as printed. They alluded...there was an allusion to Section 7-15 which has been repealed. It should be renumbered 12-7."

Getty: "Alright, fine. Thank you."

Speaker Ryan: "The Gentleman moves for the adoption of Amendment #1. All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Representative Collins, do you want to keep this on Short Debate? The Gentleman asks leave for this Bill to go to Short Debate Third Reading. Are there any objections? Hearing none, leave is granted. Short Debate Third Reading. House Bill 1137, Representative Barnes. Is the Lady in the chamber? Representative Barnes? We'll come back to that one, out of the record on that one. House Bill 1175, Representative Dunn, John Dunn. Read the Bill."

Clerk Leone: "House Bill 1175, a Bill for an Act to amend the Conservation District Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Are there any motions filed with respect to Amendment #1?"

Clerk Leone: "No motions filed."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Ryan: "Third Reading. Representative Dunn asks leave for this to remain on the Order of Third Reading Short Debate Calendar. Are there any objections? Hearing none, leave is granted. Third Reading Short Debate Calendar. House Bill 1367, Representative Bower. Representative Bower on the floor? Out of the record on 1367. House Bill 1391,

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Representative Beatty. Read the Bill."

Clerk Leone: "House Bill 1391, a Bill for an Act to amend an Act to create sanitary districts. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Beatty, amends House Bill 1391 on page 1, line 1 and so forth."

Speaker Ryan: "Representative Beatty on Amendment #1."

Beatty: "Amendment #1 is the effective...I'd like to withdraw Amendment #1."

Speaker Ryan: "Withdraw #1. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Beatty, amends House Bill..."

Speaker Ryan: "Representative Beatty, on Amendment #2."

Beatty: "Amendment #2 merely puts in some language which puts the Bill in the shape that I would wish, saying that as long as the employee is working on a regular scheduled work day for such employee on a Saturday and Sunday. I ask for the adoption..."

Speaker Ryan: "Is there any discussion? Representative Ebbesen."

Ebbesen: "Yes, will...would you repeat what this Amendment...does this strike everything after the enacting clause or..."

Beatty: "No, it's really a technical Amendment. This has to do with military service, the reservist training on weekends. And the sanitary district allows people thirty days a year to use their reserve time, and they have not up to this time been allowing people to use scheduled Saturday and Sunday as part of that thirty days. Sanitary district has no objection to this. This was on the Consent Calendar; it passed out of Committee with one...with no negative votes. I ask for adoption of Amendment #2."

Speaker Ryan: "Is there any further discussion? The Gentleman asks for the adoption of Amendment #2. All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have

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it and the Amendment's adopted. Further Amendments?"

Beatty: "Would you put this back on the same Calendar on Short Debate?"

Speaker Ryan: "Wait just a...wait just a minute. Are there further..."

Clerk Leone: "No further Amendments."

Speaker Ryan: "No further Amendments? Mr. Clerk, are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Representative Beatty asks leave for House Bill 1391 to go to the Order of Third Reading Short Debate. Is there any objection or are there any objections? Hearing none, leave is granted. Third Reading Short Debate. House Bill 1412, Representative Bluthardt. Read the Bill."

Clerk Leone: "House Bill 1412, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Ryan: "Third Reading. That automatically goes to Short Debate, Representative. House Bill 1587, Representative Braun. Out of the record. Representative Barnes, do you want to call your Bill now? House Bill 1137, Representative Barnes. Read the Bill."

Clerk Leone: "House Bill 1137, a Bill for an Act in relationship to compensation for injuries resulting from mandatory immunization. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading Short Debate. Representative Bower on the floor or Representative Braun? On page 3 of the Calendar under the Order of House Bills Second Reading

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appears House Bill 144. Representative Zwick.
Representative Zwick on the floor? Representative Zwick,
do you want your Bill read? 144, Second Reading. Read the
Bill."

Clerk Leone: "House Bill..."

Speaker Ryan: "Whoops, hang on, just a minute, we missed two at
the top on Short Debate. 1678, Representative Reilly, out
of the record. 1689, Terzich. Short Debate, page 3,
Second Reading, 1689. Read the Bill."

Clerk Leone: "House Bill 1689, a Bill for an Act to amend the
Illinois Pension Code. Second Reading of the Bill.
Amendment #1 was...Amendment #1 was adopted in Committee."

Speaker Ryan: "Are there any motions filed with respect to
Amendment #1?"

Clerk Leone: "No motions filed."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Ryan: "Third Reading. Short Debate. Representative
Zwick, on House Bill 144. Read the Bill."

Clerk Leone: "House Bill 144, a Bill for an Act to amend the
service mine land conservation reclamation Act. Second
Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. House Bill 155, Representative
Stearney. 155, Representative. Read the Bill."

Clerk Leone: "House Bill 155, a Bill for an Act to amend the
Metropolitan Transit Authority Act creating the Chicago
Transit Finance Commission. Second Reading of the Bill.
No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Stearney, amends House Bill..."

Speaker Ryan: "Representative Stearney, on Amendment #1."

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Stearney: "Mr. Speaker and Ladies and Gentlemen of the House, the Amendment #1 would provide that the terms of the members would expire on January 1, 1982 and that the further appointments would be made, the Governor would appoint five members and the Mayor would appoint three members to the Board."

Speaker Ryan: "Is there any discussion? The Gentleman moves the adoption of Amendment #1. to House Bill... Representative Madigan, do you seek recognition?"

Madigan: "Mr. Speaker, would the Sponsor repeat his explanation?"

Speaker Ryan: "Representative Stearney, would you speak up into the microphone so the Gentleman could hear your explanation."

Stearney: "The Amendment provides that the terms of the members of the Board would expire on January 1, 1982. Then, further appointments would be made as such: the Governor would appoint five members to the Board, and the Mayor would appoint, I believe, two members. Staggered terms."

Speaker Ryan: "Representative Madigan, do you have questions?"

Madigan: "Could Representative Stearney explain the policy considerations for providing that an obvious majority of the Board of the Chicago Transit Authority would be appointed by the Governor rather than the Mayor of Chicago?"

Stearney: "Well, the reason is very easy. It appears that over the years the way the members are appointed has not done anything to lead to any frugality in the Board. As a matter of fact, they've just gone from one financial disaster to another. So it appears to me that if the State, the entire State, is being asked to fund this Transit Authority by general revenue funds, and this will be part of the transportation package coming about. And nevertheless, then it should be the Governor who appoints

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the majority of the members of the Board, since he has the responsibility overall of financing this Transit Authority."

Madigan: "Mr. Speaker."

Speaker Ryan: "Representative Madigan."

Madigan: "Further questions. Mr. Stearney, today the CTA is a seven member Board, four appointed by the Mayor of Chicago and three appointed by the Governor of the State. Could you offer to me any instances in the last five years when the Governor's appointments to that Board protested the budget adopted by the Board or registered a protest against a labor contract which was negotiated by the Board? Any instance in which the Governor's appointments even protested those actions?"

Stearney: "You mean the minority members? Minority..."

Madigan: "The gubernatorial appointments."

Stearney: "Which are in the minority. No, I don't have any instance with me right now."

Madigan: "Mr. Speaker, may I address the Amendment?"

Speaker Ryan: "Certainly, Representative Madigan."

Madigan: "I think that Mr. Stearney's responses to my questions clearly indicate that the management of this Board would not be improved simply because we changed the person who would make the appointments. The person who Mr. Stearney proposes to give authority to make appointments has already appointed three people to that Board. They have been inactive. They have taken no action to effectuate cost reductions of the CTA, and there's no reason to believe that future appointments of the same appointing authority would take a different posture. And for those reasons I think that the Amendment should be resisted."

Speaker Ryan: "Is there any further discussion? Representative Jones."

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Jones: "Yes, thank you, Mr. Speaker, would the Sponsor yield to a question?"

Stearney: "Yes."

Jones: "Representative Stearney, could you tell me the current three members on the Board, the Republican members, the names of those individuals who are...who have been appointed by the Governor?"

Stearney: "I don't have all three of the names."

Jones: "Could you name one of them?"

Stearney: "John Holden."

Jones: "Is...Ernie Banks one of those members, too?"

Stearney: "Are any what?"

Jones: "Was Ernie Banks, the Ogilvie appointee on the Board? Is he still there?"

Stearney: "Ernie Banks. Yeah, he's on the Board."

Jones: "Well, what makes you think that there would be a difference in the appointment that we currently have on the Board? I see you are the Sponsor of the Amendment to change, and you don't even know who the members of the Board are."

Stearney: "Well, it's rather irrelevant who the members of the Board are. The Amendment provides that their terms would end January 1, 1982. And it appears they should end, considering the financial mismanagement of that Transit Authority. And it's about time that we go forward and appoint a new Board, and the membership, the majority, be appointed by the Governor, simply because the Governor of the State of Illinois has the overall responsibility of funding that. And that's what we're confronted with, not perenially but semi-perenially. Every six months another financial catastrophe is faced, not only by the citizens of Chicago or of Cook County, but by the entire State of Illinois, because they are being asked now to come up with

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a package, a taxation package, to fund that particular Board. And for that reason, all of the people of the State of Illinois are concerned and have an interest in that Transit Authority."

Jones: "Is there anything in your Amendment that would prohibit the Governor from reappointing the same members that he's..has been appointed before?"

Stearney: "No. I don't believe I could do that by the Amendment."

Jones: "And you keep talking about the Governor's giving money to the CTA. Has there been any State money given to the CTA? Any State funds going to CTA?"

Stearney: "Is there any State money? All of the money comes from the taxpayers of the State of Illinois, and the people of Cook County are paying 1% sales tax to fund..."

Jones: "Do the people in the City of Chicago pay any taxes?"

Stearney: "Yes, along with Cook County and the other people."

Jones: "Alright then, actually addressing the Amendment, Mr. Speaker and Ladies and Gentlemen of the House..."

Stearney: "...Let me finish answering, Mr. Jones. You seem to have forgotten that the State money comes from the people of Illinois, you see. The State does not manufacture or print money. They tax the constituents who in turn pay that money over into the State coffers. So it is the people's money that is funding this operation."

Jones: "Oh wait, the people...the people who live in the City of Chicago are people too, and they..."

Stearney: "Absolutely."

Jones: "...as well as the City of Chicago..."

Stearney: "We're concerned about that."

Jones: "...so actually, Mr. Speaker and Ladies and Gentlemen, in addressing this Amendment, here we have a Sponsor of an Amendment, introducing an Amendment to change the

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appointing authority of the Mayor of the City of Chicago and that of the Governor. He's concerned about the Chicago Transit Authority. The Governor appoints three members to the Chicago Transit Authority Board, and he doesn't even know the names of the members that have been appointed by the Republican Governor. And he's interested in transit in the City of Chicago. This Amendment should be defeated and it should be defeated soundly."

Speaker Ryan: "Is there any further discussion? Representative Ewell."

Ewell: "Mr. Stearney, you've made some statements from the other side of the aisle about the State funding the Chicago Transit Authority. Do you know how much money that the fare box produces of the cost for the operation of the Chicago Transit Authority?"

Stearney: "About 45%."

Ewell: "That's correct. Do you know how much the federal funds cover? 10%."

Stearney: "Less than 10%."

Ewell: "Yeah, well, you have your help, Mr. Peters, to help you with it."

Stearney: "Absolutely...I'm entitled to a bit of aid."

Ewell: "Do you know how much that the sales tax which is taken out of the six-county area basically from the City of Chicago covers?"

Stearney: "I'm getting conflicting opinions here on that. Do you have the answer, Mr. Ewell? Tell us."

Ewell: "I have a close guess. It's not quite enough to make up the 44% difference. It's somewhere in the 30's, 30...the high 30's. What I would indicate, I'd like to speak to the Bill and the Amendment as proposed by Mr. Stearney. It's based upon a little bit of misrepresentation, a little bit of fraud and a little bit of deceit. He would have you

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believe that the State is funding the Chicago Transit Authority, and it's simply the furthest thing from the truth. The people of the City of Chicago actually pay 46% out of their pockets which is the highest percentage in this nation for a transportation authority, the very highest. Now Mr. Stearney neglects the fact that 10% of the money is federal money. He neglects that the sales tax which is about the high 30's%, I don't have the exact figure, comes basically from the City of Chicago, from the taxpayers there, with a small portion coming from the county and a minute proportion coming from the other counties in the Regional Transit Authority. I would suggest to...I would suggest to the Sponsor of this Amendment that it constitute another raw power grab on the part of the Governor. For his two cents that he wants to put into this proposition, he wants total control, not just a four to three ratio. But at this stage he wants five to two. Now I ask you, what downstate transit authority would want the Governor to appoint five out of seven members, and the Governor's barely puttin' in two cents worth of money. I suggest to you that this is a fraud. It's a misrepresentation on his part. It's a raw, naked power grab that is part of a continual pattern that we are seeing, that the Governor is grabbing at everything from the Agricultural Department, now to the Transportation Authorities. And I suggest to you that this is wrong for those of you who don't believe in the concentration of power and say that we can do it at home, who believe in the right of the people, and the right of the people locally determine their...locally to determine their future, I suggest you're imposing upon us, a very cruel hoax. Now if the Governor wants to put up seven..if the Governor wants to put up five-sevenths of the money, so be it. Let us

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give him the power to run the Chicago Transit Authority, and let the people pay the other two-sevenths out of the fare box. That is reasonable. But what Mr. Stearney is suggesting by this innocuous Amendment is atrocious. It's obnoxious, and it should not be done to any of us. And I ask you again, which of you in your districts would allow such a power grab on the part of the Governor or anybody else? Do you want your local transportation system appointed by the Governor? And how do we know in two years it might be Governor Stevenson. Who knows? So I suggest to you that you have to think twice about this vicious type of Amendment which is dedicated to do nothing but destroy the goodwill between the citizens of Chicago and other sinister people who would seek to support the Governor's power grab. And I ask all men of good faith to join with us in giving a resounding defeat to this vicious and cruel Amendment."

Speaker Ryan: "Representative Giorgi, for what purpose do you arise?"

Giorgi: "To question the Sponsor of the Amendment, Sir."

Speaker Ryan: "He indicates he'll yield to you."

Giorgi: "Mr. Stearney, I'm following the line of questioning here where you allude to the fact that most of the money that goes to the CTA comes from the entire State of Illinois, do you allow for appointments to the CTA Board to come from the entire State of Illinois? Could a boy...could someone from Rockford be appointed to the CTA Board?"

Stearney: "Why not?"

Giorgi: "Does your, does your Amendment provide it?"

Stearney: "No."

Giorgi: "Well, how could it be why not if your Amendment doesn't provide it?"

Stearney: "There's no prohibition."

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Giorgi: "Do you provide for pay?"

Stearney: "No, would you repeat your question a little bit louder, please."

Giorgi: "Do you provide for pay?"

Stearney: "Pay?"

Giorgi: "Pay, p-a-y. Pay, like lawyer's fee. Pay."

Stearney: "Well, undoubtedly."

Giorgi: "Okay. Would you..you want to appoint five members by the Governor, right?"

Stearney: "Yes."

Giorgi: "Now how would rate the Commerce Commission on a scale of ten, and how would you think this Board would act on that scale that you pick from one to ten for the Commerce Commission?"

Stearney: "I don't know what the Commerce Commission has to do with this particular Amendment."

Giorgi: "Well, the Governor appoints the entire five members, the comparable analysis, you know. Now on a scale of ten, how would rate the Commerce Commission?"

Stearney: "Eleven."

Giorgi: "Well, how would you rate the proposed five member Board that the Governor is going to appoint?"

Stearney: "Eleven."

Giorgi: "Thank you."

Speaker Ryan: "Is there any further discussion? The Gentleman from Cook, Representative Piel."

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

Speaker Ryan: "The Gentleman moves the previous question. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes'...the 'ayes' have it, and the motion carries. Representative Stearney, to close on your Amendment."

Stearney: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I'd like to answer Mr. Ewell first of all who talks

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about control being taken away from the city. And he asks if any of you in the downstate districts who had your own transportation authority would like that. Well I say to you, if you come to the Legislature every six months for a handout, then you should lose control, because it's apparent you cannot control your financial costs. That is obvious, it is apparent. Now, let me just make one other observation. Some of you Gentlemen have been reading the Chicago Tribune lately. And it shows the economic ills that are affecting the City of Chicago. We are losing our economic base. It is dwindling. Manufacturing is leaving. There are no jobs. People are moving out. Houses are being torn down. Less and less of a tax base, and they say that one of the problems really confronting now Chicago is the RTA—CTA Transit crisis. There is no way to fund this, and if you continue to impose more and more taxes, you will chase more and more people out of that area, out of the City of Chicago. You will chase manufacturing out. Now what has this got to do with the CTA? Well we all know that they cannot control their cost. Somebody has to impose a lid on their spending. It cannot be done and it has not been done in the way this Board has been fashioned and the way control is now handed out. There has to be a difference. There has to be a change. And if the Legislature is being asked to enact a transit program which would...may impose a 5% petroleum tax which would affect not only the people of Chicago, not only the people of Cook, not only the collar counties, but all of the State of Illinois to fund the CTA, then control should be changed because it's obvious, it's apparent that the people in control of that CTA Board cannot control their cost, cannot control their budget. And if we've given them years upon years upon years of an opportunity to do so, and they

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can't, and they come and ask you from Champaign County, from St. Clair, from Pope, from Jo Daviess, from Carroll to fund the CTA, while the people in those very same counties now are demanding, demanding a bit of a change in that CTA Authority. There must be a change. Remember this, you cannot keep going to the taxpayers asking them to fund this CTA over and over and over again. And to those Gentlemen that talk about the people of Chicago, well I'm from Chicago, and the people of my district are getting tired of being taxed and taxed and taxed and having that money thrown down a hole and there's never an end. It's an incessant problem coming to the Legislature every six months. This is a decent, it's a good Amendment. And it should be voted on, and I ask for an 'aye' vote, because the people in opposition have no, no solution to the problem, none whatsoever. They offer nothing. They could only be against. But this is a measure to go forward on. Thank you, I ask for an 'aye' vote."

Speaker Ryan: "The Gentleman moves for the adoption of Amendment #1 to House Bill 155. All in favor will signify by saying 'aye', all opposed 'no'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Levin, do you seek recognition to explain your vote?"

Levin: "Yes, I do, Mr. Speaker."

Speaker Ryan: "Proceed would you please."

Levin: "In explaining my 'no' vote, I would disagree with one of my prev...one of the previous speakers that said that the Governor is in favor of this. The Governor's Bill, House Bill 743, believed in local control. It did not believe in taking away local control. The premise was the people locally should make their decision. As a matter of fact, 743 provided for greater local appointments to the CTA Board than is currently the case. I think the Governor was

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right when he proposed that aspect of 743. The problem right now is with the BTA that owes the CTA approximately \$80,000,000. And the CTA has done a commendable job given the fact that it's owed that much money and has had to balance vendors. I think to impose new personnel at the top who are unfamiliar with the operation would just make things that much worse. So I solicit a 'no' vote."

Speaker Ryan: "Representative Kulas, to explain his vote."

Kulas: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I'm just simply appalled that the loquacious Representative from Chicago would even think about introducing an Amendment like this. I wonder what his constituents think of this Amendment? He was so embarrassed to bring up this Amendment that he had to mumble his explanation. I think this Amendment is so bad we should have at least 170 red votes up there."

Speaker Ryan: "Is there anybody else that..wants to be a part of this? Representative Henry."

Henry: "Yes, yes, thank you, Mr. Speaker, one other point I think has been overlooked by this Amendment is that the Gentleman from Chicago's west side wants to remove Ernie Banks, the great baseball player, from the Chicago Board..from the Chicago Transit Authority. He must be against baseball too."

Speaker Ryan: "Representative Bullock, do you seek recognition? Explanation of vote."

Bullock: "Well, Mr. Speaker, I didn't get a chance to ask the Sponsor a question in debate, but I just would infer from his action that this Bill has something to do with the cutback Amendment, and maybe somebody's looking for a vacancy."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 84 voting 'aye', 84

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voting 'no', 1 voting 'present'. Representative Stearney requests a poll of the absentees."

Clerk Leone: "Poll of the absentees. Bradley, Epton, Ewing, Flinn...."

Speaker Ryan: "Representative Ewing."

Ewing: "'Aye'."

Speaker Ryan: "Representative Ewing."

Ewing: "Vote me 'aye'."

Speaker Ryan: "Record the Gentleman as 'aye'."

Clerk Leone: "Flinn, Garmisa...."

Speaker Ryan: "Representative Flinn, 'no'."

Clerk Leone: "Huff, Margalus, concludes the poll of the absentees."

Speaker Ryan: "Are there any changes? What's the count, Mr. Clerk? Well, we have 85 voting 'aye' and 85 voting 'no'. Representative Sandquist."

Sandquist: "How am I recorded?"

Speaker Ryan: "How's the Gentleman recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'no'."

Sandquist: "Alright, change it to 'aye'."

Speaker Ryan: "Change his vote to 'aye'. On this question there are 86 voting 'aye', 85 voting 'no', and 1 voting 'present'. And the Gentleman's motion prevails. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. Representative Peters in the Chair."

Speaker Peters: "Page 2, House Bill 1367, Representative Bower. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1367, a Bill for an Act to amend the Illinois Food, Drug and Cosmetic Act and Pharmacil...Pharmacy Practice Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

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Speaker Peters: "Any motions filed with respect to Amendment #1?"

Clerk Leone: "No motions filed."

Speaker Peters: "Any motions from the...any Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, Bower, amends House Bill..."

Speaker Peters: "Representative Bower, Amendment #2."

Bower: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this Amendment would delete Section 2 of the Amendment which means that it would bring the Bill back to where the current law presently is. I would move for its adoption."

Speaker Peters: "Any discussion? You've heard the Amendment, you've heard the motion. Shall Amendment #2 be adopted to House Bill 1367. All those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair the 'ayes' have it, the Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Does the Gentleman have leave...Third Reading. Does the Gentleman have leave to keep it on Short Debate? There objection? There being none, leave is granted. Third Reading Short Debate. House Bill 411, Representative Reilly. Is the Gentleman in the chamber? Take it out of the record. Representative DiPrima, on House Bill 326. Read...out of the record. House Bill 555, Representative Schuneman. Gentleman in the chamber? Out of the record. 556, Representative Schuneman, out of the record. House Bill 584, Representative Stuffle. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 584, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

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Clerk Leone: "Floor Amendment #1, Stuffle, amends House Bill 584 on page 1 and so forth."

Speaker Peters: "Representative Stuffle on Amendment #1."

Stuffle: "Yes, Amendment #1 is offered by Representative McCormick and myself. It's consistent with our agreement in the Pension Committee to amend this Bill to make it basically consistent with the sick leave credits provided for in the downstate Retirement Act. This Bill regards the Illinois Municipal Retirement Fund. The Amendment's been worked out in conjunction with the Illinois Municipal Retirement Fund, and I would move for adoption of Amendment #1 to House Bill 584."

Speaker Peters: "Any discussion? There being none, the question is shall Amendment #1 to House Bill 584 be adopted. All those in favor will signify by saying 'aye', Representative Wolf on the Amendment. On the Amendment, Representative Wolf."

Wolf, J.J.: "Yeah, Representative Stuffle, as I recall this Bill was...the estimated cost was under \$50,000, and therefore the State's Mandates Act did not apply. Does this Amendment in any way change that?"

Speaker Peters: "Representative Stuffle."

Stuffle: "Jake, we've been unable to find out the exact cost. The best we've been able to find is by rewriting this to make it consistent. There should not be any appreciable change. Amendment #2 is the Mandates Act Amendment."

Speaker Peters: "Any further discussion? The question is shall Amendment #1 to House Bill 584 be adopted. All those in favor will signify by saying 'aye', opposed. In the opinion of the Chair, the 'ayes' have it, Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, Stuffle - McCormick, amends House Bill 584..."

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Speaker Peters: "Representative Stuffle, Amendment #2."

Stuffle: "As I indicated, this is the Mandates Act Amendment severing from liability this Bill from the Mandates Act. The Department of Commerce and Community Affairs as the Bill was introduced indicates that the cost would be under the mandate figure. There may be enough increase to put it over the \$50,000 level by the Amendment as I indicated to Representative Wolf. So in any case we're putting the Mandates Amendment on the Bill in #2. And I would ask for adoption of Amendment 2."

Speaker Peters: "Any discussion? If not, the question is shall Amendment #2 to House Bill 584 be adopted. Those in favor will signify by saying, Representative Satterthwaite, I'm sorry. Representative Satterthwaite."

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

Speaker Peters: "He indicates he will."

Satterthwaite: "Larry, I didn't understand what you meant by the 2nd Amendment. Are you saying we exempt any increases from the Mandate Act?"

Stuffle: "This particular Bill, yes. As you know the Mandates Act has that provision in it to exempt the Bills explicitly from the liabilities under the Mandates Act. Initially as the Bill was introduced, Commerce and Community Affairs indicated that it would not reach that \$50,000 figure. We're putting the Mandates Amendment on as we have on other Bills to explicitly state that it would not apply to this particular Bill."

Satterthwaite: "I really question whether we ought to be doing this sort of thing, making exemptions from a Mandate Act after we have explicitly passed an Act that would not put an additional burden on local government. What is the justification for removing the Mandate and then leaving the possibility of putting additional expense on local

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government?"

Stuffle: "Simply that we want to be up front in indicating that we believe that this is a program that should be exempted out. That's a matter of opinion on your part and mine as to whether or not the Amendment ought to go on. As I've indicated before, the initial figures would indicate that the Bill would not cost as much as the Mandates Bill requires it to be a mandated reimbursable program. There's still the question of whether it's a mandate versus a reimbursable mandate in any case. I think, as I say that's up to your opinion and mine. We've attempted on a number of these Bills that were of a similar cost nature, a minor cost nature state-wide, or to any individual..."

Satterthwaite: "Perhaps..perhaps I'm misunderstanding."

Stuffle: "...unit of government that we believe that the Mandates Act, the explicit statement that it doesn't apply should be put on here."

Satterthwaite: "Are we saying that it does not apply simply to the change from this Act, or are we saying that it does not apply at all to the Pension System?"

Stuffle: "Oh, well you can't very well say that on this Bill, it only applies to this particular Bill. You'll get a chance to vote on that on House Bill 1469, up or down on that overall issue. This only applies..."

Satterthwaite: "This Amendment only applies to this one revision?"

Stuffle: "That's all it can apply to under that Act."

Satterthwaite: "Thank you."

Speaker Peters: "Any further discussion? There being none, the question is shall Amendment #2 to House Bill 584, be adopted? Those in favor will signify by saying 'aye', those opposed. The opinion of the Chair, the 'ayes' have it. Amendment 2 is adopted. Any further Amendments?"

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Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 663. Mr. Christensen. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 663. A Bill for An Act to amend the Illinois Municipal Code. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Christensen. Amends House Bill 663..."

Speaker Peters: "Representative Christensen, on Amendment #1."

Christensen: "Thank you, Mr. Speaker. Amendment #1 simply makes a time change from four months...from six months until two months before election."

Speaker Peters: "Any discussion? The Gentleman has moved... Mr. Clerk, Amendment #2. The Gentleman has moved adoption of Amendment #1, to House Bill 663. All those in favor will signify by voting 'aye', all those opposed. All those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 672, Representative Schuneman."

Clerk Leone: "House Bill..."

Speaker Peters: "Out of the record. House Bill... The Chair recognizes the Gentleman from Bond, Representative Slape."

Slape: "Thank you, Mr. Speaker. I rise on a point of special privilege...point of personal privilege. I'd like to take this time today, as a member of the delegation that traveled to former Representative Don Brummet's funeral, to personally on the behalf of the family and the delegation that went there this morning, to thank the Speaker's office for all the arrangements they made and in making the trip

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expeditious for us. The family, when we arrived there this morning, they related to us that only Sunday former Representative Brummet was recounting his days in the General Assembly and he spoke so highly of the Members he served with and how much he enjoyed the eight years he spent in the Illinois General Assembly. Thank you, very much."

Speaker Peters: "Thank you, Representative Slape. A courteous gesture on your part, we appreciate that. House Bill 748, Representative Richard Kelly. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 748. A Bill for An Act to amend the Firearm Owners Identification Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Peters: "Any motions with respect to Amendment #1?"

Clerk Leone: "No motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 829, Representative Stanley. Representative Stanley. Out of the record. House Bill 837, Representative Oblinger. Out of the record. House Bill 918, Representative DiPrima. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 918. A Bill for An Act to amend the Senior Citizens and Disabled Persons Property Tax Relief Act. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Kornowicz. Amends House Bill 918 on page 1, deleting lines 1 through..."

Speaker Peters: "Representative Kornowicz."

Kornowicz: "Speaker and Members of the House. Amendment 1 to House Bill 918, is a senior citizen and disabled person fuel tax relief. This is for the people that really need

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help. The Bill was passed in both Houses in the last session. This Bill is supported by every senior citizen group in our state and also in the state of...and State Council..."

Speaker Peters: "Representative Kornowicz, excuse me. Representative Wolf, for what purpose do you rise?"

Wolf, J.J.: "I don't see the camera light on. There's somebody filming at the back."

Speaker Peters: "The rules of the House provide that anyone wishing to televise, must receive permission of the Speaker, which is given, but we'd wish that you'd ask. Permission is given. You can stay. Just appreciate...we'd know you're there. We have things to hide. Proceed, Representative Wolf. Is that the objection? Representative Kornowicz, proceed."

Kornowicz: "This Bill is supported by every senior citizen group in our State and also the Illinois State Council of Senior Citizens Organization, which represents over two hundred and fifty thousand seniors. This indicates to me, that this program is one of their top priorities. We must not put our senior citizens in a position of having to choose between heating their homes or eating. President Reagan is cutting four hundred and fifty million dollars in the energy program, which will have effect on our State. The utility users refund...this program would provide the senior citizens a refund of up to seventy-five percent of the average increase cost of home energy costs, minus one-half of one percent of total income or forty dollars whichever is greater. This program would be available to four hundred thousand Illinois senior citizens, with incomes up to twelve thousand dollars who now qualify for circuit breaker tax relief. The estimated cost...is in the vicinity of about seventeen million dollars. This program

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passed the Illinois General Assembly last year, but was vetoed by the Governor Thompson, who claimed it was unnecessary and duplicative of the federal programs. Since that time, the President Reagan has submitted plans to cut back federal energy assistance program leaving seniors with no place to turn for help, with the skyrocketing utility bills. Now in regards to...in regards to the cost, there will be questions in regards...the total cost of this program. I have in front of me an article showing that the tax relief fraud was in the vicinity of forty-four million dollars. We can save people and we can help these senior citizens. And, I urge for a...for adoption of Amendment 1, for all the senior citizens in the State of Illinois. Thank you."

Speaker Peters: "The Chair recognizes Representative Bluthardt."

Bluthardt: "Mr. Speaker, now that we've heard his annual speech, I would like to know what Amendment #1 does."

Speaker Peters: "Representative Kornowicz. I ask a rhetorical question. Representative Bowman."

Bowman: "Well thank you, Mr. Speaker. I'll be happy to respond to the rhetorical question myself, in fact my plan was to tell the House, because I think everyone here would be interested in knowing that the grant will be equal to seventy-five percent of the amount of increase in home fuel costs over the preceding year, less one-half of one percent of household income or forty dollars, whichever happens to be greater. The Illinois Commerce Commission certifies to the Department of Revenue by January 31st of each year, the average dollar increase in home fuel costs. So, we're making use of the Illinois Commerce Commission's staff work to be able to generate the data necessary, so the Department of Revenue won't be obliged to develop the expertise independently of the Commerce Commission. We do

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provide that there can only be one claim for this fuel grant per household. After all, there may be more than one beneficiary under the circuit breaker program in any household. However, we are providing that, that only one fuel grant claim can be awarded per household. We also have a provision to provide that the Department of Public Aid is directed to exclude the amount of the fuel grant in their determination of cash assistance. I'd like to point out to the Members of the House, that the public utility tax is the fastest growing tax in state government. The public utility tax this year will exceed the corporate income tax exclusive of the replacement tax by the way, it will exceed corporate income tax collections. And next year, in fiscal 82, it will rocket above that level. We estimate, in fact the budget of the Governor estimates, that public utility taxes will increase around seventy-three million dollars between fiscal 81 and fiscal 82. All we are doing, is giving back a portion of that increase to the people who need it the most. To the people who are the least able to pay those increases. You know why the tax collections are going up, it's because the fuel costs are going up and this particular Bill or Amendment to House Bill 918, is designed to cushion the impact of those increases. It is estimated to cost twenty-one...excuse me, eighteen million dollars next year, but that is a very small fraction of the total increase in the public utility tax collections. The public utility tax collections will increase many times that amount and it seems to me, that we ought to be able to cushion the impact of those increases on the people least able to pay the increasing fuel cost bills."

Speaker Peters: "Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House. The

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last two previous speakers and the author of this Amendment are probably self-proclaimed guardians of the senior citizens of the State of Illinois. An amiable position that we would all like to be in. But, evidently somebody hasn't been reading the papers or someone hasn't been reading what's going on, on the second floor where we have to cut some four hundred million dollars from the budget. There's nothing more than I would like to do to sponsor the legislation that Representative Kornowicz produces here every year. He's sincere in what he's doing. But, Ladies and Gentlemen when you have a fourteen billion dollar budget and the budget so far this year has been cut three times and the Governor has already said that he may come up with another budget that he has to slash some more. If this Amendment is adopted, it's going to cost eighteen million dollars more. Why send this Bill out of this House and be a champion and a hero at the people back home, that you voted for a senior citizens circuit breaker packet to help them, only to let it get on the Governor's desk to find out he hasn't got the money and he has to veto the Amendment or he has to veto the Bill? This is a cruel hoax to pull on these people, these senior citizens who'll be asked to come down here. They'll be asked to come down here and they'll be sitting on the steps like I've watched them year after year, too tired to come up to the gallery to try to impress the people in this House that they do need this. But, when you haven't got the funds, you haven't got the funds. Let's not pull this cruel hoax on these people again and bring them down here, only to lead them to believe that they're going to get something that's impossible for the Governor to sign."

Speaker Peters: "Representative Matijeovich."

Matijeovich: "Mr. Speaker and Ladies and Gentlemen of the House."

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This would be a cruel hoax only if we are not going to answer the needs of these senior citizens. I don't think that it ought to be a cruel hoax. Just this morning, we evidently made a decision that we can afford to take away from forty to fifty-five million dollars away from local government. Now, we ought to put everything in perspective. We ought to make a choice. Do we want that choice with the tax investment credit Amendment that we passed today, that is going to take away fifty-five million dollars from local governments? Or, would we rather make this decision to help the needy senior citizens? I would hope that you are hearing the same thing, and as Elmer said, they are practically coming here to Springfield without the energy, doing everything they can, hardly able to climb the steps, telling us that they want some relief to these high utility bills. I'm afraid that the future is going to be worse. Right now the Illinois Commerce Commission is considering a change in the fuel adjustment clause. Every change that the Commerce Commission has so far developed, has been a change for the worse. They like to make us believe it will be one better for the residential utility users. I have my doubts. Even if no change is made, because of the cost of energy, the utility bills next year are going to be higher. The senior citizens cannot afford any more. Representative Bowman has been responsible. He had his answer to the business exemption on machinery yesterday, which will provide more revenue, rather than the ones that have been developed by the Governor's office in the way of a Senate Bill over here. So, he is being responsible, but we as a House have to make a decision. Are we going to help seniors, or are we going to help big business? That's really what it amounts to. If I'm going to put...be put in the category

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that I am in a position of trying to help seniors, those in need because of the circuit breaker, it's a need provision, I'm happy to stand with Representative Kornowicz in the place of helping seniors. If you want to be in a position of helping big business, go ahead, but don't tell me that it can't be done. Just that one Bill that we passed by Amendment yesterday, provides enough that we can help seniors. And, I think that we ought to use this Roll Call just as Richie Daley used that one, to let the seniors all over the State of Illinois know who's on their side. I don't think it's politics, because if you really want to help them, get on that Roll Call. It can be done. Get on that Roll Call and help Eddie Kornowicz and help the seniors."

Speaker Peters: "Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. This same idea was considered by the Revenue Committee and was rejected as too expensive for the limited resources available for the budget this year. We have been giving energy assistance to our senior citizens. A program which I am sure has done a great deal of good. There are still energy assistance provisions in Illinois law, through public aid. There are still provisions for energy through the Federal Government. This would be duplicative. It would be terribly expensive and this is definitely not the year to try it. Now, we have heard other speakers try to tie this in to everything from definition of real estate to actual almost threats of use of this Roll Call against any of us who might wish to oppose it. I don't think any of us oppose helping those who are in need, but we have other obligations here, and one is not to overkill in helping those in need. We have programs now. This Bill is not needed this year. The State cannot afford it this year.

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We're not doing anything for the hard pressed middle and lower income families who are probably worse off when it comes to paying energy bills, than the senior citizens. We all love senior citizens, but you can't use it as a rallying, to pass programs that we can't afford and that the working men and women of this State, yes the children and grandchildren of our senior citizens are going to have to pay for. And, I don't think our senior citizens want their children to have to dig deeper when they don't really need it, when there are other ways that they can get assistance. And, I'm going to cast a vote 'no' on this Amendment and I would encourage others to do so also."

Speaker Peters: "Representative Van Duynes."

Van Duynes: "Thank you. I move the previous question."

Speaker Peters: "The Gentleman has moved the previous question.

All those in favor will signify by saying 'aye', opposed. The motion passes. The...Representative Kornowicz, to close."

Kornowicz: "Speaker, in closing. In regards to the state program that he's talking about, I read off previously that President Reagan has submitted plans to cut back federal energy assistance programs, leaving the seniors with no place to turn for help, and with the skyrocketing utility bills. In front of me I have the 1982 budget which shows that we will have seventy-four million dollars in surplus and I'm talking about seventeen million dollars that this Bill costs. In closing I want to thank you and I hope that you vote 'yes' on this Bill."

Speaker Peters: "The question is shall Amendment #1 to House Bill 918, be adopted? Those in favor will vote 'aye', those opposed will vote 'no'. Mr. Clerk. The voting is open. To explain his vote, Representative Bullock."

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

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House. The eyes of Illinois are upon us. There can be no higher priority in our State than aiding the elderly. If you come from Effingham, Christian, Brown, Fayette, Marion, Jefferson, Wayne, Hamilton, Franklin, Union, Alexander, Pulaski, Mulaski(sic), Pope, Hardin, Williamson, Gallatin and Saline and Johnson county, forty percent of the citizens of that district are senior citizens and they live below the poverty level. The eyes of Illinois are upon you. I suggest to those of you in those districts, represent your constituents, represent them well and vote 'aye' on this outstanding Amendment, offered by the godfather of senior citizen , Representative Eddie Kornowicz."

Speaker Peters: "Representative Preston, to explain his vote. One minute."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen. I would like to, in explaining my vote, address the concerns expressed by Representatives Conti and Ewing and I have in fact a solution to the problems that they raised. They were concerned with the ability of the State of Illinois to afford this measure. Indeed we can afford the measure, because the new dollars that will be raised by utility taxes, will be a hundred and fifty-eight million dollars. With the five year phase-out of gas...on the ceiling on gas rates, the increase in utility revenues will be even greater. The State will be able to afford this, afford it five times over again. This costs seventeen...eighteen million dollars and gives absolutely needed relief to senior citizens. If this Amendment instead, were to give another two hundred million dollar loan to Chrysler, my colleagues on the other side of the aisle, would be ranting and raving and stating...."

Speaker Peters: "Representative Mautino, to explain his vote."

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Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. For the first time, I'm looking at an Amendment where the Sponsor lists where the money will come from for the project in which he is interested and possessing in this Amendment. The Governor's budget on page 344, shows that one hundred and fifty-eight million new dollars will be generated by the public utility tax. All the senior citizens are asking for in this regard, is ten percent of what they're actually paying in along with the rest of us for consideration on their circuit breaker forms, as under the utility program. At the same time, the same time, this comes from the money that is paid in under the program, does not come out of specific general funds and I think it's a good Amendment which we should all be supporting."

Speaker Peters: "To explain his vote, Representative Pechous. One minute."

Pechous: "Yes, Mr. Chairman, Ladies and Gentlemen of the House. I rise to explain my 'yes' vote on the basis that I had introduced House Bill 258. That perhaps was overly ambitious, in that it would have provided a heating assistance in the amount of two hundred dollars. What this Bill, Amendment 1 to 918, House Bill 918 will do, is to provide forty dollars, which is far insufficient to meet the needs of the rocketing...skyrocketing utility costs. We find that our people of Illinois, are paying in excess of four hundred dollars more in heating season than they had the preceding year, simply because of the increased costs laid on them by factors far beyond their control. This Bill is reasonable, it's meaningful, it's a start, it's headed in the right direction. Forty dollars per household. The money is there. I solicit your 'aye' vote and let's take this clearly over a hundred votes. Thank you."

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Speaker Peters: "The Chair would just call attention to the Assembly, that this Bill now...or Amendment now has 102 votes. To explain his vote, Representative Ewell."

Ewell: "Mr. Speaker, I'd like to add a few more votes to a cause that is indeed righteous and ask that how can those of you who have hardened your hearts to the people, those of you who have allied yourselves and have bedded down with the Gods of power, lust and greed, how can you ignore the weakest, the aged and the most truly deserving people in our society? I say to you, that wrath and retribution will be at hand. That the aged will not die and they will remember you on this vote."

Speaker Peters: "Representative Levin, to explain his vote."

Levin: "Mr. Speaker. I think the Sponsor of the Amendment, Representative Kornowicz is to be commended for his dedication and hard work. Eddie doesn't work on a lot of things, but he works very hard for the senior citizens. I would just make one point. A couple of days ago, we passed out the grandparents Bill, to provide for visitation by grandparents under certain circumstances. And, without this Bill, without this Bill, we are going to have a situation where some of those grandkids, as well as the grandparents are going to be freezing to death."

Speaker Peters: "There are twelve more individuals seeking recognition. Representative Dunn to explain his vote. Representative John Dunn. Representative Henry to explain his vote."

Henry: "Yes, yes, thank you very much, Mr. Speaker. I just want to relate to the red buttons on the board. I think they are saying that they can't afford the price, but I'd like to remind those people that's voting red, that the seniors could not afford to lose their lives in World War I, that the seniors could not afford to lose their lives in World

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War II, that the seniors are the ones that made it for us today. And, if they are telling us to find a way, it's our job to find a way to take care of the ones that made this country great. I'm beginning to wonder, is Illinois a part of these great United States."

Speaker Peters: "Representative Ebbesen, to explain his vote, for one minute."

Ebbesen: "Ah yes, Mr. Speaker. In explaining my vote, I'd just like to at the appropriate time, ask the Chair that if we could consider the motion that we discontinue the explanation of votes until all of the House Bills, the House of origin for the next week at the proper time, according to what the Chair would sanction, that we vote on that, to discontinue for the balance of the...consideration of House Bills, both Second and Third Reading. Discontinue the explanation of votes."

Speaker Peters: "The Chair would be happy to entertain that, at the proper time. Representative Kulas to explain his vote, for one minute."

Kulas: "Mr. Speaker, Ladies and Gentlemen of the House. We've heard arguments against this Amendment stating that the State can't afford this Amendment. Well I say, that if we can't afford this Amendment, these poor elderly people will be forced to go on...on our welfare rolls. Now, if they go on the welfare rolls, we're just going to have to put more money into the welfare rolls. So, where do we say we're going to be saving money if we don't put this Amendment on? I say, let's help these poor elderly people out. They're the ones that need it. And, let's give them more green lights."

Speaker Peters: "Representative McCormick, to explain his vote."

McCormick: "Mr. Speaker and Ladies and Gentlemen of the House. I know that anybody ought to have more sense than to get up

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and explain a vote that's got a Bill like that and I'm voting 'aye'. But, I can't keep from looking across the aisle to all of my good Democrat friends over there and listen to them cry for all the old people down in the 59th legislative district and we certainly need somebody to cry for us. And, I'm a senior citizen too. But, then I look around at you proposing all of that help for the Chicago Transit Authority with a five percent tax across the board of everything that's made from petro products. What are you going to do about the old lady that needs a new corset that's got a little bit of rubber in it? You're going to tax her 'til she can't have it. What are you going to do, you're going to tax her 'til she can't have enough money to drive to the grocery store if she's still able to get a drivers license. Now it's time that you people over there started thinking when you tax everybody in Illinois to keep the free rides in Chicago going on the CTA. That it's not right to use the senior citizens as an excuse to cover up what you're doing to the rest of the people of Illinois. Now, why don't you back there, vote for this Bill? But, let me tell you something else, don't tell them you're doing something for them, you're taking a nickel out of this pocket and a dollar...you're putting it back in your own pocket up there, to ride a free CTA for eighty cents. You can't get a senior citizen down to my store in Vienna, from anywhere in my town for eighty cents. Then you talk about the Republicans. We gave you the first senior citizens relief that you ever had. All of you people that are over sixty and all that. I can't see how in the world you've got enough nerve to make it a political issue whenever you're taking it out of our pockets across the whole State to ride free up there and our poor folks down home have to buy the car, pay the payments, pay the

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interest and still we're over sixty years old."

Speaker Peters: "Representative Hallstrom, to explain her vote."

Hallstrom: "Mr. Speaker and Ladies and Gentlemen of the House. I don't know...I think I'd better sit down that's a very hard act to follow. But I want you to share...I want to share something with you. I'm not a hard hearted person and I care about the senior citizens very much and I usually vote for senior citizen legislation. But, let me tell you when I see that thirty-eight percent is being cut out of day care, when the money is being cut out of education. You know, I care about seniors, but I care about children too and I think before we start new programs, we've got so many programs we're not funding now. And I ask you, please consider, we're trying to get a hundred thousand dollars for a Citizen Review Board for foster care children. You know, with almost twelve thousand children in this State in foster care placement, now this is something that means something to me too. So, my vote does not mean that I'm against senior citizens or against helping them. I only know, we only have so much money. You start a new program..."

Speaker Peters: "There are still nine Members seeking recognition. Representative Mulcahey."

Mulcahey: "Okay. Thank you, Mr. Speaker and Members of the House. It again is sitting in the Appropriation Committee for the last four months, it seems like. We've seen cuts come in public health, we've seen it come in public aid, we've seen it come in mental health, education and just about every place else. But sometimes, you know, you wonder where the hell all the money is being cut to and where it's going to go to. This money belongs to the taxpayers of the State of Illinois and sometime I would like to know exactly what we are going to spend our budget

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on. And, if anybody throughout this State, throughout this area has ever had any dealings with these senior citizens in this particular issue, they know what I'm talking about. For example in Jo Daviess county alone, thirty almost forty percent are at the poverty level, over forty or over sixty-five years of age. And it's all the way down to twenty to twenty-nine percent in Stephenson, Winnebago, Carroll and Ogle county. This is a good Bill, this is a fair Amendment and I think everybody should be voting for it and it looks like they might."

Speaker Peters: "For what purpose does the Gentleman from Champaign rise?"

Johnson: "Well just as a suggestion, it's like full court press in the fourth quarter when a teams down by seventy points. The board is a 117 to 32 and if we're going to be here until Saturday, I don't think anybody wants to be here until Sunday and Monday with explanations of vote. I think the T.V. camera is off. Why don't we just let it roll, it's passed and go on with the next order of business?"

Speaker Peters: "The Chair is just trying to accommodate the Members who are seeking recognition to speak on, obviously, an Amendment that is in jeopardy. Representative Satterthwaite."

Satterthwaite: "No, Mr. Speaker and Members of the House. I do not seek to speak on this Amendment as such, but I seek to speak to correct the record. One of the previous speakers indicated that it had been the Republican party that had instituted the program of tax relief for the elderly. I think his memory must be slipping, because as I understand it, it was Representative Matijevich's Bill. It was a Bill that was put on a Democratic Governor's desk, rejected and put back on his desk and accepted under a Democratic administration. I simply want to correct the record in

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that regard."

Speaker Peters: "Miraculously, no one else is seeking recognition. Have all voted who wished? Have all voted who wished? Representative Ebbesen, for what purpose do you rise, sir?"

Ebbesen: "If the Chair is willing, I'd like to make a motion. I'd like to move that we discontinue..."

Speaker Peters: "Representative. Representative, let's get the vote out of the way first."

Ebbesen: "Alright."

Speaker Peters: "Mr. Clerk, take the record. Representative Telcser, come to the Chair, please. I'm sorry, Representative Kornowicz, the Chair apologizes for denying you the opportunity to close. Representative Kornowicz."

Kornowicz: "In behalf of the senior citizens of the State of Illinois, we want to thank you."

Speaker Peters: "Representative Ewell, for what purpose do you rise?"

Ewell: "Mr. Speaker, in the interest of honesty in government, I wonder if we could verify this to make sure that those 'reds' stay there?"

Speaker Peters: "On this question there are 127 voting 'aye', 28 voting 'nay', 10 voting 'present' and Amendment #1 to House Bill 918, is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Getty, do you have a question? Let me just mark this off Gentlemen. For what purpose does the Gentleman from DeKalb rise? Representative Ebbesen."

Ebbesen: "Mr. Speaker, I'd like to make a motion, if it's in order, that we discontinue the explanation of votes until action is completed on all House Bills in accordance to the deadlines established in our rules. My only purpose, Mr.

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Speaker, for making such a motion, I think we all can see what we have in front of us relative to especially Third Reading and action on these Bills according to the deadline and I think, in the interest of time, that we should dispense with it."

Speaker Peters: "You have heard the motion and on the motion, Representative Greiman."

Greiman: "Thank you, Mr. Speaker. I rise in opposition to that motion. What we have seen here in the last few moments, has been perhaps overkill, but nonetheless, part of the thoughtful, orderly debate in this House, is the process of explaining one's vote. I have seen Bills get 120 votes up there and somebody get up on explanation of vote and that Bill suddenly has 65 votes on it. I have seen us change our minds. I have seen us...it is where the debate takes place in this House. Perhaps it's not the best way, but it is our way. And, what you would have if you raise this, is quick motions to close debate. We'll have closure here. We will not have the kind of thoughtful deliberation that this House is susceptible to, that we can do and perform and that is worthy of our legislative process. It would be a serious mistake for us to give up the explanation of vote at this time."

Speaker Peters: "Representative Telcser."

Telcser: "Well Mr. Speaker and Members of the House. I rise to support the Gentleman's motion for a variety of reasons. We're in the closing days of hearing House Bills in the House. Every Member wants to have his or her Bill at least get a hearing. Now the Gentleman just said something interesting. He said the real debate takes place on explanation of vote. Well if that be his wish, then let me suggest that we eliminate the debate and just explain our votes. But, somewhere in this process, I think we ought to

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cut down the time of excessive debate and excessive explanation of votes. That board has 110, 112, 115 votes voting 'aye' and yet Members still persist, based upon some sort of right that they feel have, to badger the Chair and badger the Speaker into feeling that he must call upon them. Well, Mr. Speaker and Members of the House, this simply is not going to work. And, for the Members who are concerned, as they should be, about their rights, let me simply say, that if we don't suspend this rule, we're not going to be using user lists as happened in the past, where we're called upon to vote on hundreds of Bills at once, there will be many, many, many Bills which will simply die on the Calendar. The time period for debate ought to be enough for mature people sitting in this chamber today, to make up their minds to vote 'yea' or 'nay'. And, Mr. Speaker, for those reasons I support the Gentleman's motion."

Speaker Peters: "The Gentleman from Will, Representative Van Duyne."

Van Duyne: "Thank you, Mr. Speaker. My point was really made I think, very nicely by Representative Telcser. One of the previous speaker infers, that we're trying to put a gag rule on anyone of...Member of this House by wiping out the explanation of vote, I don't think so. As Representative Telcser put it, we still have the right to debate it and I don't know, if I had my choice in having my Bills die by next Monday night rather than suspend this rule, I would rather suspend the rule and have a chance to explain my Bill. I think it's sensible, I think it's reasonable, I think if people would let their egos at least deflate down to the size of their mouths once in this House and let some silence prevail once in a while and the vote take place, we wouldn't even have to be going through this. I don't talk

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very much as Representative Brummer infers, but there are some people that take the time of the House. They have to speak on every Bill that comes up before us. I think that's ridiculous. The Senate already has this Bill and I dare say that they are already out of here and gone someplace that's a heck of a lot more favorable as far as I'm concerned. So, I'm...if there's a second needed, I would gladly second the motion and I stand here in support of it."

Speaker Peters: "Representative Topinka."

Topinka: "Mr. Chairman, Members of the House. Very few of us here, have the oratorical skill of our illustrious colleague from Vienna which really make it enjoyable to listen to debate and really provide a bit of information and something we can work with. Committees are the place for debate. Possibly out in the lobby is the place for the debate, but it's come to the point where we're just not getting any work done. And, I suppose maybe being a freshman, I'm very much aware of it sitting in the back of the room, there's an awful lot of air just being expended here rather uselessly. The bottom line is still a 'yea' or a 'nay' and I think that should carry for itself. And, I would like to second this and urge that we pass it."

Speaker Peters: "Representative Madigan."

Madigan: "Mr. Speaker, would the Parliamentarian advise us as to the number of votes required to adopt this motion?"

Speaker Peters: "89."

Madigan: "Mr. Speaker, I rise in opposition to the Gentleman's motion. This Body has always been known for full debate and discussion of all issues, of all Bills and Resolutions. Every Member of this Body, has always felt a mark of pride that in the House there is full and open debate, as contrasted with the situation that exists many times in the

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Senate of this General Assembly. I think it would be a tragedy and a travesty if at this point in our history we would move to deny to our Members the right to explain why they had cast their vote 'aye' or 'nay'. We have moved well through the Calendar, everyone is being given an opportunity to have their Bill considered. There is absolutely no need for this extraordinary action which is being suggested by the Sponsor of the motion. I would recommend a 'no' vote."

Speaker Peters: "Representative Bluthardt."

Bluthardt: "Thank you, Mr. Speaker and Members of the House. In the time I have spent down here, I think that the finest Speaker insofar as handling the podium, was the late Ralph Tyler Smith. Ralph would look up at the board and see 120 or 125 votes cast for an issue and we had bedside...bedsheet ballots in those days as big as this or bigger and he'd say there'll be no explanation of votes, you can see there are enough votes up on the tote board, there'll be no explanation of votes and there would be no explanation of votes and there would be no argument about it. In my opinion what we need, is a Speaker that will take that podium and have the courage to make those decisions and judgments. And I would try to prevail upon you, Mr. Speaker, that you do that. And, I don't think you'll have too much argument from the Members of this House. It's absurd to think that you can explain your vote in one minute anyhow. So, when you got 125 votes or so, you ought to just ignore them and go to the next order of business."

Speaker Peters: "Representative Kosinski."

Kosinski: "I move the previous question."

Speaker Peters: "How's that? The motion...the question is....Representative Getty."

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Getty: "Mr. Speaker, is this in writing?"

Speaker Peters: "Is the motion in writing? Here it is."

Getty: "Mr. Speaker, is it on the Calendar? Mr. Speaker, may I...may I make a suggestion most respectfully to the Chair and to the Majority Leader and to the maker of the motion, Representative Ebbesen? I think that there've been discussions going on about a method of, in an orderly manner, moving things along. And, I would respectfully suggest that maybe the best thing to do at this time, would be to withdraw this motion at this time and in furtherance of those conversations which are under way, that we might reach a satisfactory accommodation. And, I'd just ask the Gentleman if he wouldn't consider doing that, so that we could discuss this further."

Speaker Peters: "Representative Ebbesen."

Ebbesen: "Well yes, Mr. Speaker. In explaining how I was going to vote, if there is going to be some communication that's going to speed up the process, you know, I'd be very happy to withdraw the motion. But, if that's what you implying, there's going to be that kind of communication on both sides, there's a channel of communication that's going to speed up the process in the House. Is that what you're saying?"

Getty: "It's my understanding that the Speaker and the Minority Leader already have discussed it and I think that...it would be appropriate if the Gentleman would withdraw this at this time."

Ebbesen: "Mr. Speaker, at this point in time I will withdraw that motion subject to coming back to the same subject if the...what is indicated is not forthcoming."

Speaker Peters: "The Gentleman withdraws the motion. House Bill 1225, Representative Stanley. Out of the record. House Bill 1448, Representative Schneider. 1448, Representative

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Schneider. Out of the record. 1661, Representative Braun. 1661. Out of the record. There is little chance that we will be coming back to these. To finish off this particular order for the last time, on Second Reading, Short Debate Calendar, the last Bill there is House Bill 1587, Representative Braun. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1587. A Bill for An Act creating the Department of Children and Family Services. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Peters: "Any motions with respect to Amendment #1?"

Clerk Leone: "No motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, Chapman-Hallstrom. Amends House Bill 1587 on page..."

Speaker Peters: "Representative Chapman, on Amendment #2."

Chapman: "Thank you, Mr. Speaker. Amendment #2 authorizes the Illinois Supreme Court to establish a system of foster care review boards to be implemented by the various judicial circuits in the State. It would also authorize the Supreme Court to create an advisory board on the state level. I offer this Amendment as an alternative to House Bill 489, a Bill which would have mandated a statewide system of citizen foster care review boards. I'd like to underline the fact that this is a permissive Bill, an optional Bill and that House Bill 489 which fell one vote short in Committee, was a mandatory Bill. This offers an opportunity for the courts to, on a pilot basis if they choose, determine the feasibility of establishing an external system of review for foster care. The reason for the necessity for this Bill, is that we must help find homes for the almost twelve thousand children in Illinois who live in publicly sponsored foster care placements. Forty percent of these children have been in temporary care

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for five years or more. While this is going on, we find that adoptions are dropping. In 1975, the Department of Children and Family Services arranged over a thousand adoptions. In 79, the figure had dropped to only 471. This despite the fact, that one thousand seven hundred and thirty-eight children were waiting for adoption in that year. A number of other States have set up citizen boards to review the plans and implementation of the plans for foster children in their States and the results have been encouraging. Because of this, a group called Illinois Action for Foster Care including representation of the Illinois Foster Parent Association, the Illinois P.T.A., the League of Women Voter's, B.G.A., the Children's Home and Aid Society and approximately two hundred other individuals and organizations are proposing this Amendment. They believe that this will help find permanent homes for children. I ask you to join me in adopting Amendment #2, to House Bill 1587. Please vote 'yes'."

Speaker Peters: "Representative Piel."

Piel: "Will the Lady yield to a question?"

Speaker Peters: "She indicates she will."

Piel: "Representative Chapman, what is the potential cost on this Bill? If this Amendment goes through."

Chapman: "I believe that it could be depending on the extent to which was implemented about a hundred thousand dollars. You see, this is a permissive Bill. The thought is, that what we would be proposing for the courts would be pilot programs. One possibly downstate, one possibly in the Cook county area. The juvenile courts are very enthusiastic about this proposal. And, both juvenile court associ..."

Piel: "Basically what you're saying then Representative, is if they put one in Cook county and one downstate, it would be about a hundred thousand dollars."

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Chapman: "It could be..."

Piel: "No, you're talking...you're talking about fifty thousand dollars per facility. In other words, if they decide they want aid around the State, you're talking about four hundred thousand dollars etc. etc. Correct?"

Chapman: "Obviously, if they don't have the money, if we do not provide the money for them, they will not proceed to spend money they don't have."

Piel: "This is coming from the General Revenue fund then, right? This hundred thousand dollars or two hundred or three hundred whatever it's going to be?"

Chapman: "I hope that this Body at the point we consider the appropriation for the Supreme Court, would add about one hundred thousand dollars."

Piel: "What...in other words you're going to have to come in here..."

Chapman: "To the appropriation Bill."

Piel: "For an additional funding if it ended up that the Supreme Court decided they wanted to have eight around the State or whatever...what the case is. Correct?"

Chapman: "Ted..."

Piel: "Why is this...alright let me go on. Why do you feel that this method of operation is going to increase adoption in the State of Illinois?"

Chapman: "Because this has been true in other States. There are seven States that are involved with such programs and appreciable dollars have been saved through finding foster homes for children. Right now, these children that we are paying for in foster homes, cost the Illinois taxpayer about five thousand dollars a year for each one of these children. And, I'd suggest that there are almost twelve thousand children. To the extent that adoptive homes may be found for these children, to the extent that they might

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be returned to their own natural homes through the implementation of plans. Every month that a child would be...we would avoid placing a child in foster homes, would be dollars we would save in the budget of the Department of Children and Family Services."

Piel: "You're putting them in. What is the cost to put a child...you said five thousand dollars to put a child..."

Chapman: "About five thousand dollars a year is what we are paying right now for each one of the children that we are supporting in foster care. If we can shorten these stays, we are keeping money in the pockets of the taxpayers, sir."

Speaker Peters: "Representative Piel, bring your questioning to a close please."

Piel: "I'm finished...thank you."

Speaker Peters: "Representative Nelson."

Nelson: "Hello, Thank you, Mr. Speaker..."

Speaker Peters: "Hi."

Nelson: "...Ladies and Gentlemen of the House. I would like to speak in favor of Amendment #2. I know Pam Elsner, who was one of the League Members who traveled to New Jersey to investigate this process. They came back speaking very highly of what can happen when a state adopts a system of volunteer foster care review placement. Review boards are an important force, working to see that children actually receive a permanent plan as soon as possible. The review boards insure that a written plan has been submitted. The process of review can identify children who have been lost in the system. Furthermore the review process may tend to keep some children from entering the child welfare system, since every case worker knows that bringing a child into the service will necessitate preparing a case for review, in defending that case plan to the board. It appears that the number of children in Illinois who..in foster care, do

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not exceed the number which feasibly can be reviewed. So, I would ask for your affirmative vote on Amendment #2."

Speaker Peters: "Representative Tate."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House. This is a very noble concept, a good idea, this is another one of these Amendments that would cost the State a little bit of extra money. The Department opposes this Amendment, the administration opposes this Amendment. I would encourage a 'no' vote on this Amendment. Thank you."

Speaker Peters: "Representative Fawell."

Fawell: "I rise to...Mr. Speaker. I rise to support this Amendment. I have talked to our juvenile judge in DuPage county. He would like to see a system like this. He feels it would be an asset to him and I think that if we can afford some of the things we are spending money on, we certainly should be able to afford the small amount that this system will take. I would hope that all of you would vote 'yes'. And, I move for the previous question."

Speaker Peters: "Representative Huskey."

Huskey: "Mr. Speaker and Ladies and Gentlemen of the House. I move the previous question."

Speaker Peters: "You've heard the questions? All those in favor will signify by saying 'aye', those opposed. The motion passes. Representative, who closes? Representative Chapman to close."

Chapman: "Mr. Speaker, in closing, I'd like to tell the Members of this House that the Illinois Association of Juvenile Court Judges unanimously went on record in favor of citizen foster care review boards. And, the Illinois Supreme Courts Juvenile Problems Committee also unanimously went on record as favoring the concept of the citizens foster care review boards. Help the twelve thousand children in foster care find permanent homes. Right now, they are drifting

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from foster care placement to foster care placement. This is a permissive Bill. Give the courts the opportunity to help children. Please put your green lights on and approve Amendment #2."

Speaker Peters: "The question is shall Amendment 2, to House Bill 1587, be adopted? All those in favor will signify by saying 'aye', those opposed. The 'nos' have it. The Lady requests a Roll Call vote. All those in favor will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 99 voting 'aye'...100 voting 'aye', 58 voting 'nay', 2 voting 'present' and Amendment #2 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Any motions?"

Clerk O'Brien: "A motion, 'I hereby request a fiscal note be supplied'."

Speaker Peters: "A fiscal note has been requested. The Bill will remain on Second Reading. House Bill 1678, Representative Reilly. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1678. A Bill for An Act to amend sections of the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, Reilly." 5

Speaker Peters: "Representative Reilly, Amendment #1."

Reilly: "Thank you, Mr. Speaker. This Amendment simply takes care of a problem that came up in Representative Steele's district. It deals with the way...or the frequency with which a school board may internally organize. It used to be that all school boards organized every year, because they elected at least a new member every year. When we

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passed the consolidated of elections Bill and the implementations thereto, we changed that to two years which makes sense most of the time under that, but some boards would like to be able to internally reorganize by their own resolution every year. It in no way affects the voting of the public, it's purely an internal organizational matter and I would ask adoption of Amendment #1."

Speaker Peters: Any discussion? There being none, the question is shall Amendment #1 be adopted? Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair the Amendment...Amendment #1 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "The Gentleman asks leave to keep it on Short Debate, Third Reading. Leave? Leave is granted. Third Reading. House Bill 1678, Third Reading. Page 8, Third Reading, Short Debate Calendar. House Bill 17, Representative Hoffman."

Clerk O'Brien: "House Bill 17. A Bill for An Act to amend sections of the School Code. Third Reading of the Bill."

Speaker Peters: "We are on House Bills Third Reading, Short Debate Calendar, page 8. Representative Hoffman, House Bill 17. Read the Bill, Mr. Clerk. The Bill has been read. Representative Hoffman."

Hoffman: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, the Amendment to House Bill 17 is the Bill. This is a School Problems Commission proposal which provides in Section 17-11 of the School Code which provides for the certification of tax levy, an addition which provides that the school board may file an amended certificate within ten days of receipt of official notification from the county clerk of a multiplier that will be applied to the assessed valuation of the taxable

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property of that district. On the proviso that this...the change of the multiplier will amount...will change the amount of the revenue received by the district, from either local or state sources. As I'm sure most of you know, local bodies make out their budgets and make a request for a levy based on a dollar amount. And, as the assessed valuation of the property changes, if they don't budget ahead far enough...understand the amount of the revenue or the assessed valuation that's going to be available ahead of time, many school districts with a new multiplier coming in, have been caught short. This would eliminate that problem and I would ask your support."

Speaker Peters: "Any discussion on House Bill 17? There being none, the question is shall House Bill 17 be adopted. Mr. Clerk. Those in favor will vote 'aye', those opposed will vote 'nay'. Take 89 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 143 voting 'aye', 4 voting 'nay', 2 voting 'present' and House Bill 17 having received the constitutional majority is hereby declared passed. House Bill 523, Representative Bartulis. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 523. A Bill for An Act to amend sections of the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Peters: "Representative Bartulis."

Bartulis: "Thank you, Mr. Speaker, Members of the House. House Bill 523 requires the law enforcement agencies to notify lien holders on abandoned vehicles that they've had picked up. Now most of the state police have indicated that this is a regular procedure with them and they do try to locate the lien holder on abandoned vehicles, but, a lot of the law enforcement agencies do not. And, all this is, is a

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Bill that if you were a lien holder as an individual or a credit union or a lending agency, is to be notified if you're...if a vehicle that you had a lien on was abandoned and was picked up, and that you'd be notified. Any questions?"

Speaker Peters: "Any discussion? There being none, the question is shall House Bill 523 be adopted. Those in favor will vote 'aye', those opposed will vote 'no'. Mr. Clerk. 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 149 voting 'aye', none voting 'nay', none voting 'present'. This Bill having received the constitutional majority is hereby declared passed. House Bill 1071, Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1071. A Bill for An Act to amend sections of the School Code. Third Reading of the Bill."

Speaker Peters: "Representative Hoffman."

Hoffman: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, this is another proposal generated by the School Problems Commission from hearings that we held across the State. The Bill does exactly as is indicated in the digest. It amends the School Code to increase the maximum rate at which a school district with a population of less than five hundred thousand, maintaining grades one through twelve, may levy real property tax, so that these rates are twice the maximum rates authorized for elementary and high school districts. What this does Ladies and Gentlemen..."

Speaker Peters: "Representative, it's Short Debate, it's two minutes, but go ahead. Conclude."

Hoffman: "Alright, thank you, thank you very much. What this provides for is the same nonreferendum exposure for

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taxpayers that live in unit districts that now exist for those taxpayers that live in dual districts. I'd appreciate an affirmative vote on House Bill 1071."

Speaker Peters: "Any discussion? Representative Pullen."

Pullen: "I'd like to ask the Sponsor a question, please."

Speaker Peters: "He indicates he'll yield."

Pullen: "You indicated that it says what the digest says, so can I clarify it please, that it does what the digest says. Can I clarify please. Does this allow a tax increase without referendum in certain school districts?"

Hoffman: "Yes. It will provide that in unit districts, that those...those districts, those local school boards may if they wish, levy a nonreferendum tax rate which is exactly the same as the nonreferendum tax rate that could be levied in a dual district situation."

Pullen: "Has this kind of legislation been before the Legislature in past sessions? Has this kind of legislation been before the Legislature in past sessions?"

Hoffman: "The last time I think it was before the General Assembly was in the middle seventies."

Pullen: "There must not have been Short Debate available at that time. Mr. Speaker, I would like to ask nine Members to join me in taking this Bill off Short Debate, please."

Speaker Peters: "Lady joined by nine Members? She is. Proceed."

Pullen: "That's all I have. Thank you very much."

Speaker Peters: "Any further discussion? Representative Schneider."

Schneider: "Thank you, Mr. Speaker, Members of the House. On behalf of the proposal, I would like to suggest to you, that if you've been beseeched by your elementary and high school districts and unit districts about the varying discrepancies that have existed since the input that developed in '73 in the school aid formula, this is a

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remedy for that. There has been some...the history of the resource equalizer has always raised the question in some peoples minds, why high schools have a better...have an advantage over elementary and units. What this does, is try to establish some equity. I think your districts will find that this is fair. I don't believe it varies too much in the sense of the concept of the nonreferendum versus referendum idea. That law will be changed only by...in the sense if the rates increase. So, I think what Representative Hoffman has, is an effort...has before you, is an effort to remedy some of these complaints that you often face as Members of the House, as to why those rates differ. So, this really unifies them. It brings them into conformity and I think that would be of assistance to all the school districts throughout the State. And I would solicit an 'aye' vote on behalf of the proposal."

Speaker Peters: "Any further discussion? There being none, Representative Hoffman to close."

Hoffman: "Thank you very much, Mr. Speaker. I think Representative Schneider closed it very well and I'd ask for an affirmative vote."

Speaker Peters: "Representative O'Connell, I'm sorry, I missed you. Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker. Just a question for the Sponsor. Will he yield?"

Speaker Peters: "He indicates he will."

O'Connell: "Representative Hoffman, why was there a distinction to begin with? Why was there a distinction between unit and elementary dual districts?"

Hoffman: "Representative O'Connell, it was done long before I arrived in the Legislature, and although I'm a noted expert and a historian in this area, that's one piece of knowledge I don't know."

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Speaker Peters: "Any further discussion? The question...the question is shall House Bill 1071 be passed? Those in favor will vote 'aye', those opposed 'no'. Mr. Clerk. The voting is open. Representative Peters 'aye'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Mr. Clerk, take the record. On this question there are 96 voting 'aye', 37 voting 'nay', 7 voting 'present'. This Bill having received the constitutional majority is hereby declared passed. House Bill 1126, Representative Bradley. The Gentleman on the floor? Out of the record. Page 8, House Bills Third Reading. House Bill 16, Representative Huskey."

Clerk Leone: "House Bill 16. A Bill for An Act to abolish the Chicago Transit Board. Third Reading of the Bill."

Speaker Peters: "Read the Bill, Mr. Clerk. Representative Huskey."

Huskey: "Well Mr. Speaker and Ladies and Gentlemen of the House, the problem...the big problems that we're in and this is going to be the biggest problem probably this year, is the RTA. Well, I think we'd better start right now eliminating the RTA's problem. The RTA's problem is the CTA. The source of...the waste of the RTA is the CTA. The CTA, the RTA absolutely has no control whatsoever over the management or the spending of the CTA. And if I was a cartoonist, I would draw a picture of a runaway street car running down the hill without a motorman, filled with dollars flying out the windows. This is just about the picture of the CTA. This Bill's a simple Bill..."

Speaker Peters: "Excuse me. Excuse me, Representative. Representative Flinn, for what purpose do you rise?"

Flinn: "Well, Mr. Speaker, I would remind you that this Bill is on the fifth page of the priority of call and not on the

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first page at all."

Speaker Peters: "Representative, at this point we are not going down the priority of call, but we are following the Calendar."

Flinn: "Well, what are we going to use the priority of call for then? I hate to make that suggestion, but somebody might tell me."

Speaker Peters: "The Chair will take your inquiry under consideration and when it receives an answer we'll be happy to give it to you."

Flinn: "Thank you."

Speaker Peters: "Proceed, Representative Huskey."

Huskey: "Well, Ladies and Gentlemen of the House, we have discussed the RTA problems. We're not going to end the RTA problems until we get control of the source of what the problems are. And, as I state, the CTA is the problems of the RTA. So, this Bill is a simple Bill. It only moves to bring the R...the CTA in under the control of the RTA, which is nothing but a funding body. It's up to the RTA then, to seek private enterprise and there's about eight or ten cities in the United States, leading citizens...leading cities that have private enterprise running their transportation systems and they're very, very successful. And, if we want to solve our problems on the RTA, this is your solution. I move for your favorable vote."

Speaker Peters: "Any further discussion? Representative Jones."

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

Speaker Peters: "He indicates he will."

Jones: "Representative Huskey, do the constituents of your legislative district use the services of the CTA?"

Huskey: "Very little. Very little."

Jones: "Are you familiar with the current operation of the CTA and its present Chairman?"

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Huskey: "Well, I've served with him here at the General Assembly, if that's what you mean."

Jones: "Well, do you think the present Chairman of the CTA is doing an outstanding job with the Chairman of the CTA as he done as Chairman of the Appropriations Committee and service to this House?"

Huskey: "This Bill has nothing to do with the Chairman of the CTA. This Bill has overall picture of the waste and the spending in the CTA. There's no author...there's no co....there's no relationship between the CTA and the RTA. The RTA is the funding body, the CTA is the spending body and the RTA has no control over the spending of the CTA."

Jones: "Well, you indicated waste. Now I want...could you describe to this Body where the waste is in CTA?"

Huskey: "I think, if you will see the empty buses going up and down the streets, let's take 87th street through Hometown or some of those areas and see empty buses running up and down the streets, ought to have a (green park) on the very edges, you'll see where the waste is, yes."

Jones: "Well ah..."

Huskey: "Like Crawford Avenue. You'll see lots of waste. Empty buses up and down the streets."

Jones: "Mr. Speaker, may I address the Bill?"

Huskey: "We have CTA on Crawford."

Jones: "I think the Gentleman has his remarks and criticisms just in the reverse. If you look at the operation of the CTA in the City of Chicago, most of the buses that run up and down the streets in the City of Chicago, are loaded with citizens who are paying their fare. But, if you go to the suburban area, that's run by RTA, then you see the empty buses running up and down the street that are being subsidized. I don't think that the RTA was set up to run...to deal with operations and to abolish the CTA and

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give that portion to the RTA will just be creating a bigger problem. Representative Huskey is well aware of that. He lives on the west end of the City of Chicago and I'm certain that his constituents who use the CTA along Western Avenue along 95th Street, along 87th Street to get to rapid transit, would not want him to be putting in this type of Amendment. Representa...Chairman Barnes of the CTA is doing an outstanding job. Representative Herb Huskey knows that. And, to come to...to bring a Bill of this nature to this Body, is an insult to each and every Member here and in particular his own constituency who depend on this service. So, if you've got a complaint, your complaint is with the operation of the CT...the RTA services in the suburb area, not the City of Chicago where your constituency, Representative Huskey, depends on that service."

Speaker Peters: "Representative McBroom."

McBroom: "Mr. Speaker and Members of the House. I move the previous question."

Speaker Peters: "The Gentleman has moved the previous question. All those in favor will signify by saying 'aye', those opposed. The motion is adopted. Representative Huskey, to close."

Huskey: "Well, I...Representative Jones, I certainly don't mean to insult any Member of this House. I just want to bring the truth...I want to bring one point, that I don't think you're quite familiar with. The RTA is not a operating agency. The RTA is strictly a funding agency. Any operation that the RTA does, lets it out to private enterprise. Now I don't...I'm sorry that you didn't know that about the RTA, Representative Jones, but I'm sure that if you will study the transportation package that went out of this House some eight years ago, you'll find that out."

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But, let's face one thing, let us put the Bill...in the Bill it states that the RTA's program they have to get a private industry to run the CTA. As I stated before, there's eight or ten large companies that administrate transportation in the large cities and they do it very efficiently. They work very professionally. So, the suburban bus companies are operated by private enterprise. Suburban bus lines even through your district, Emil, even through Blue Island there, private enterprises run the buses that's called RTA on the side. They do a very fine job and they do it far more..."

Speaker Peters: "Please bring your remarks to a close."

Huskey: "...than the RTA. Mr. Speaker and Ladies and Gentlemen of the House. This is a very fine Bill. This is going to help end a lot of transportation problems, so I move for your favorable vote."

Speaker Peters: "The question is, shall House Bill 16 be passed? Those in favor will vote 'aye', those opposed 'no'. Mr. Clerk. The voting is open. Have all voted who wish? Have all voted who wish? Representative Ewell, to explain his vote."

Ewell: "Mr. Speaker, Ladies and Gentlemen. Just very briefly, the CTA manages the second largest transportation company in the world. It covers approximately...it takes care of approximately four million people. They have over thirteen thousand employees, two thousand four hundred buses and they've got about two thousand two hundred miles of route. I think that to ask a private firm to step in and do this at this time, is unreasonable. There's no guarantee that we're going to have anything. I think it's an ill advised step and I think that this type of Bill deserves a sound...a sound thrashing."

Speaker Peters: "Representative Beatty, to explain his vote. One

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minute."

Beatty: "Well, Mr. Speaker, I don't think there's any need to prolong this. The CTA has been in business. Private industry couldn't handle transportation in Chicago. Previous companies all went bankrupt. They are good in transportation. And, I just agree that we should defeat this Bill."

Speaker Peters: "Representative McAuliffe, one minute to explain his vote."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to ask Representative Huskey if this Bill passed, if Manley Movers was going to take over the operation of the transit authority in Chicago?"

Speaker Peters: "Have all voted who wished? Have all voted who wished? Mr. Clerk, take the record. On this question there are 67 voting 'aye', 73 voting 'no', 7 voting 'present'. This Bill having failed to receive the constitutional majority, is hereby declared lost. House Bill 19, Representative Cullerton, Call... Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 19. A Bill for An Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Peters: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker. Mr. Speaker, I feel that I have to take this out of the record until I get..."

Speaker Peters: "Out of the record. House Bill 22, Representative Cullerton."

Clerk Leone: "House Bill 22. A Bill for An Act relating to indigent criminal defendants. Third Reading of the Bill."

Speaker Peters: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. In the past General Assembly, we have passed a law that said that whenever a defendant has been admitted

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to bail and he utilizes the services of a public defender, or appointed counsel, the amount deposited for that bail could be used to reimburse the county for the free legal service. The Supreme Court in People versus Cook, a 1980 case, held that this statute was unconstitutional. What this Bill is designed to do, is to rectify the problems that the Supreme Court had and to make it again legal for the county to be reimbursed for free legal services that they provide for indigent defendants, as well as defendants who are not indigent. And, we have put an Amendment on that says that, if a relative has posted the bond and the court determines that they shall not take the money from the relative and pay the county. It's only when the defendant has put the money up himself. He perhaps couldn't afford a private counsel, but he did post bond, he did get out of jail. In many cases they post as much as two thousand dollars and we think that the county should be reimbursed for the free legal services they provide, by providing a public defender. I'll be happy to answer any questions..."

Speaker Peters: "Any discussion? If not, the question is shall House Bill 22 pass. Mr. Clerk. All those in favor will vote 'aye', those opposed will vote 'no'. Have all voted who wish? Have all... Will someone vote Representative Laurino. 'Aye'. Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 152 voting 'aye', 3 voting 'nay', 2 voting 'present'. This Bill having received the constitutional majority, is hereby declared passed. House Bill 33, Representative Neff. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 33. A Bill for An Act to amend the Unified Commercial Code. Third Reading of the Bill."

Speaker Peters: "Representative Neff."

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Neff: "Mr. Speaker, I would like to make a motion to have this recommitted back to the 'Ag' Committee. I've talked to the Chairman on it and the three of us that are sponsoring this Bill, we would like to have some more work done on it."

Speaker Peters: "The Gentleman asks leave to have House Bill 33 recommitted to interim study in the Committee on Agriculture."

Neff: "No. We'd like to have it go not to interim study, we want it to go in the...Chairman is going to set up a subcommittee to study this further."

Speaker Peters: "In agriculture?"

Neff: "The Committee of Agriculture."

Speaker Peters: "Does the Gentleman...is there objection? Representative Brummer."

Brummer: "Well, I simply inquire whether there is a process to do that. It was my understanding that it either went to interim study or otherwise it was dead."

Speaker Peters: "The Gentleman asks leave to have the Bill sent to interim study in the Committee which it originated and that's Committee on Agriculture. That Committee then, will make a determination of what to do with it. Gentleman have leave? Leave. There are no objection. House Bill 43, Representative Stanley. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 43. A Bill for An Act to amend the Sanitary District Act. Third Reading of the Bill."

Speaker Peters: "Representative Stanley."

Stanley: "Thank you very much, Ladies and Gentlemen of the House. This is a Bill that would require the election of sanitary district trustees in multi-counties. In other words, and it excludes Cook County, might I make that point, in counties where sanitary district trustees' boundaries go into another county, they will require that the sanitary district trustees run for election as they do in the County

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of Cook now. In other words, at a regular primary, in a regular general election, there are only six of those affected in Illinois, and it would make them accountable to the people. Many of these sanitary districts are dealing with budgets in excess of a \$1,000,000, and they should be responsible to the people. I ask for a favorable Roll Call."

Speaker Peters: "Any discussion? Representative Ebbesen."

Ebbesen: "Well, yes, Mr. Speaker and Ladies and Gentlemen of the House, I've received an awful lot of communication on this, direct phone calls and so forth, and I'd just like to ask the Representative, as I understand it, I'm looking at a communication from the sanitary district of Elgin, and the present law, I guess, has three trustees and one has to come from the smaller area. But in this process if we have such as Elgin and then South Elgin, which is a very much smaller area, if we went to an election, in the legislation then practically speaking, Representative, would it be possible then, the City of Elgin would have all three trustees or five or whatever the case may be?"

Stanley: "No, no, in my legislation it does not make any regional requirements. In other words, three from any area of the district is the..the legislation was amended in Committee, Representative Ebbesen."

Ebbesen: "Well, I guess then that if we look at it, if we go through the election process that I guess the numbers would indicate that perhaps the one who would have all of the trustees under the election process would be the larger area. And to me those people who have districts that are similar in this particular situation as the legislation addresses itself to, would be penalizing, in my opinion at least, and the communications I've had from those who are opposing it, both in my own geographic area, my own

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district, plus out of the district, that it seems a little unfair that these smaller areas would lose their representation on the Board. And for that reason, I'm going to have to oppose the Bill, would encourage others to give that consideration."

Speaker Peters: "Representative McMaster."

McMaster: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Peters: "Yes...he will, yeah."

McMaster: "Representative Stanley, where do you live? What is your area?"

Stanley: "I live in a legislative district that's the largest legislative district in the State, takes in parts of four counties and nine townships and has 300,000 people. And I come from the great village of Streamwood."

McMaster: "Is that in Cook County?"

Stanley: "My district takes in parts of four counties. But, yes, I do live in Cook County."

McMaster: "...I asked where do you live, Roger?"

Stanley: "I live in Streamwood in Cook County."

McMaster: "Alright. Was this...or this Bill proposed to you by someone within your district?"

Stanley: "Yes, it was."

McMaster: "I join with Representative Ebbesen. I've had a great deal of communication in regard to this legislation, Roger..."

Stanley: "I couldn't hear you, Tom, would you..."

McMaster: "I say I have had a great deal of communication in regard to this legislation and all of it very much against it. And I would join in Representative Ebbesen in opposing this Bill."

Stanley: "Well, let me say this, Representative McMaster. It does not affect counties, and it does not affect 85% of the sanitary districts in the State of Illinois, because they

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are currently appointed by the County Board Members when they are within the total county. And it was an Amendment put on in Committee to require that, and that took away an awful lot of opposition."

Speaker Peters: "Representative Zito."

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

Speaker Peters: "The Gentleman has moved the previous question. All those in favor will signify by saying 'aye', those opposed. The motion has been adopted. Representative Stanley to close."

Stanley: "Thank you, I encourage the passage of House Bill 43. I think it would make these sanitary district trustees in these six different districts throughout Illinois who overlap at the different counties responsible to the people. They are handling large budgets today, and I don't think they should be appointed. I think they should be elected. All of these jobs pay somewhere between five and ten thousand dollars, and I think that the way to do it is to elect them and stop appointing them. Thank you very much."

Speaker Peters: "The question is shall House Bill 43 be adopted. Voting is open. Have all voted who wish? Representative Stanley to explain his vote."

Stanley: "No, I'll pass on that one, Speaker, thank you."

Speaker Peters: "Representative Brummer to explain his vote. No, he passes now, alright. Representative..Stanley?"

Stanley: "Yeah, can I take this out of the record?"

Speaker Peters: "The Gentleman asks that this Bill be taken out of record. What...I think there's some hesitation to do that, Representative. Have all voted who wish? Take the record, Mr. Clerk. On this Bill there are 23 voting 'aye', 1 short of twice the Apostles, 23 voting 'aye', 130 voting 'no', 5 voting 'present', and House Bill 43 is lost. House

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Bill 53, Representative Wikoff."

Clerk Leone: "House Bill 53, a Bill for an Act to amend the School Code, Third Reading of the Bill."

Speaker Peters: "Representative Wikoff."

Wikoff: "Thank you, Mr. Speaker. Before we start, I do not desire the last Roll Call. House Bill 53 is a Bill which was started last year and backed up for reintroduction this year. What it basically does is moves the office of the Illinois State Scholarship Commission from Deerfield to Springfield, Illinois. It still leaves...their main office in Springfield. It still will leave an office in Chicago, and it is their plan to keep one there. And they will keep a portion of the existing Deerfield office."

Speaker Peters: "Any discussion? Representative Deuster."

Deuster: "Well, I know Representative Wikoff is sponsoring a lot of good legislation to stimulate the economy in the State of Illinois generally, but this is one of those Bills that is difficult for all of us to deal with. It happens he is suggesting that the Scholarship Commission which has been located in Deerfield in the district I represent along with Representative Pierce and Representative Reed, be taken out of our district and be put in some other district. I don't know what need there is for this. I don't think the Scholarship Commission is interested. In that, as far as I know, they are functioning fairly efficiently. If anything, maybe this deserves some study, but I don't know of any reason for taking this function of government or this office out of Deerfield in the 32nd District and moving it into some other Legislative District. And unless you've received a lot of mail, I would ask my colleagues to vote 'present' on this intramural quarrel, if that is what it could be called, because I see no need for it. I know no need for it, and I necessarily speak to maintain the

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Scholarship Commission where it is."

Speaker Peters: "Representative Ewell."

Ewell: "Mr. Speaker, this has been a running battle. I think the Sponsors of the Bill don't want to talk about 1977 when they attempted the same and similar legislation. The cost of moving at that time was some \$7,500...was some \$756,000. What you're doing here is getting into an intramural squabble and you're asking to move a state agency out of the Chicago metropolitan area...it is not Chicago, but the metropolitan area to strip one area that might benefit some others. It is a bad precedent, and you have to remember that now you're talking about the collar counties getting stripped down. It is a wrong process. There has been...there has been no request for this by the Board itself. There is no provision for any funds. The higher...there is no provision for any funds for the transition of this particular operation. It is a bad precedent, and I think for us to get involved in these parochial schemes whereby one area of the state seeks to strip another area, it is truly unreasonable, and I believe that the collar counties are entitled to this at this time, and I think we're doing a grave disservice to the people of the state by supporting this Bill. It should be soundly defeated."

Speaker Peters: "Representative Polk."

Polk: "Mr. Speaker and Ladies and Gentlemen, I would like to point out that neither of the...neither of the two Sponsors are from the area where the offices are to be moved. They also indicated that a small...a staff would stay on in Deerfield and another staff in the Chicago area and then the other staff would be here in Springfield. I prize very highly my scholarships. I have a Committee who will be determining this weekend who will be receiving my

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scholarships this coming year. I don't pick them myself, but I have a Committee that does, and if you've ever tried to get through to that telephone up in Deerfield, if you've ever corresponded and asked them to respond, and we as Legislators attempt to get this information back, you can imagine the frustrations that our constituents have. And they come to my office on many many occasions and indicate the most difficult time they have. And as a Legislator, most, I don't know of any Department that I can't pick up the phone and get a Legislative Liaison from that office to come in and see me here on the floor when we're here from 8 o'clock in the morning until 11 o'clock at night. Try to get someone from that Commission to come in and see. They are just non-existent. They're the old fashion walker that goes pay rollers as far as I'm concerned. And I think it is about time we have somebody here in Springfield when we have a problem in relation to state scholarships that will give us some answers. And I would certainly like to see a sub-office put here."

Speaker Peters: "Representative Kosinski. Representative Kosinski."

Kosinski: "Move the previous question."

Speaker Peters: "The Gentleman moves the previous question. All those in favor signify by saying 'aye', those opposed. The Motion is adopted. Representative Wikoff or McClain to close. Who? Representative McClain to close."

McClain: "Thank you very much Mr. Speaker. Ladies and Gentlemen of the House, this is not a parochial issue like Mr. Ewell might suggest. What we're really talking about is consolidating state offices so that people in the State of Illinois can go to Springfield or one central location in Chicago, receive services. What we're trying to do is over the last few years the Illinois State Scholarship

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Commission has been attacked by this House and by the Senate as not being responsive not only to Legislators, but also to the public. What we're trying to do is not strip one community. What we're trying to do is indeed offer services for the entire State of Illinois so that the Illinois State Scholarship Commission can better serve those students. Every year we have complaints from students that you know filling out applications or from parents for not knowing what the status is. The new executive director always trying to do, with Virg and my help, is to try to consolidate the state offices so that people in the State of Illinois know that they come to Springfield for the main office for whatever facility they have that can also go to the Illinois State Scholarship Commission. People in Chicago, if they have trouble with any of the colleges therein receiving those grants, they will be able to go to an office and receive help there. All we're trying to do is instead of going all the way out to Deerfield for help where the main office is now, we're trying to make it centrally located which is better served for the people downstate and the city and the metropolitan area. It is a fair proposal, and I would ask for an 'aye' vote."

Speaker Peters: "The question is 'Shall House Bill 53 pass?' Mr. Clerk...the voting is open. Representative Reed to explain her vote for one minute."

Reed: "Mr. Speaker, Ladies and Gentlemen of the House, the former speaker said that the Illinois Scholarship Commission located in Deerfield hasn't served the state. I would point out to him that it has been located there from 12 to 15 years, currently employs 193 employees. Someone has been doing something right. The appropriation has been going up every year. I question the reason for this move

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including the sheer economics and urge your opposing vote to House Bill 53."

Speaker Peters: "Representative Pierce to explain his vote for one minute."

Pierce: "Mr. Speaker, there is no reason at all to move the State Scholarship Commission except to put it under the political thumb of a few of us. I think it is better to leave it where it is instead of turning into a political grab bag by putting it here in Springfield where some of us in this House can exercise our muscle to help undeserving people move ahead of those who should be helped. It is doing a good job where it is. It should be left there. It is strictly a power grab...it is strictly a power grab by those who can't get every unqualified person a scholarship that they're trying to help. Leave it where it is. It shouldn't become part of the political power struggle here in Springfield. It is a bad concept. It is a bad idea, and I urge you to vote 'no' on this very very political Bill to 'politicize' the State Scholarship Commission."

Speaker Peters: "What the Chair is trying to do is pick one Member from each side as we go. Representative Friedrich to explain his vote for one minute."

Friedrich: "Mr. Speaker and Members of the House, I agree with the last speaker. If you think they've been doing a good job the last few years, you haven't read the report of the Auditor General that he made on this agency. It has not been doing a good job and it could stand a whole lot more attention by the Members of this Assembly. And if it is down here we can do it."

Speaker Peters: "Representative Jones to explain his vote."

Jones: "Yes, thank you, Mr. Speaker. I think one thing that we are forgetting here, the Scholarship Commission is set up to help students. Seventy-five percent of the students who

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are currently in the program located in that six county area. If you're talking about moving the...moving the main office to Springfield, if those students have to call the additional long distance call those students have to make to Springfield about a scholarship, you're causing an increased burden on 75% of those persons already in the program. I can't see why this office cannot remain where the majority of the students are, where the majority of the students come from, where the majority of the lending institutions are involved, and I think it is a wrong move to move the office from the Chicago metropolitan six county area and move it to springfield and cause a hardship on those students who need the services."

Speaker Peters: "Representative Preston to explain his vote."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen. I think the concept embraced by this Bill is a very good one. I think it is actually long overdue. I think we do need the moving of this office to Springfield. However, at this particular time when the Reagan administration cut backs are not yet finalized, when the ISSC does not today know what funds it will have to make available to students to allow this to pass and allow the office to move now may indeed interrupt the functioning of that office over the summer and by the interruption of the functioning of that office, some students in need of assistance may have to go without that assistance. So for that reason and that reason only, I am against this Bill this one time. But I think the concept is excellent and I hope it will come up again. Thank you."

Speaker Peters: "Representative Deuster to explain his vote. One minute."

Deuster: "Simply to request a verification in the event the vote requires it."

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Speaker Peters: "I'm sorry, I..."

Deuster: "Not to explain my vote."

Speaker Ryan: "Representative Wikoff to explain his vote. The Gentleman is a Sponsor and has a right to speak. Representative Wikoff."

Wikoff: "Thank you, Mr. Speaker. I think one thing that I should clear up, there has been some misconception running around that there's not going to be any office in Chicago. There is going to be an office in Chicago. The Scholarship Committee...or Scholarship Commission already has space reserved in the...in the new State of Illinois Building. Whenever it is completed, they intend to move in there where they can better serve the people within the Chicago area and make it much simpler for the people where those 65% of the students are located to receive some attention. And I think that this is a good move. I think the time is right, and I would like to see some more green votes up there."

Speaker Peters: "Representative Leverenz to explain his vote."

Leverenz: "Thank you, Mr. Speaker. The Legislative Audit Commission has given a great deal of attention to the Scholarship Commission and hopefully to prevent a verification, to the best of my knowledge the previous speaker said it may interrupt service. I don't believe it will. The Chicago office remains in tact. The Commission Board Members are well aware of the intent to move the main office in Springfield and leave the Chicago office exist. The lease, as a matter of fact, is up right now, and their intent is not to renew the lease. So that doesn't prevent a problem, and I would support the passage of this and request as many 'aye' votes as we can get to do away with the problem of a verification."

Speaker Peters: "Representative McGrew to explain his vote."

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McGrew: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I would like to try a little bit that was said in the House a while ago, and perhaps we should say, 'Wait a minute, wait a minute. Do you know what you're doing?' Let me tell you a few things that have transpired twice already. The General Assembly has passed Resolutions, Joint Resolutions from each House, dictating to the Illinois State Scholarship Commission that it is the will of the General Assembly to move from Deerfield to Springfield. They have not done it. However, the main point is that they are in the process and are going to be moving to Springfield with or without this Bill. The Scholarship Commission directors are on record saying, 'We want to move to Springfield.' The executive director of the State Scholarship Commission, Larry 'Matate' bought..."

Speaker Peters: "Proceed as the Spokesman on higher ed."

McGrew: "He bought a home in Springfield. He is going to be moving the staff here. Frankly it is going to go whether or not we pass this Bill. I think it is very consistent with what we've been trying to do in the General Assembly. Currently that group is located in one of the most exclusive towns in the State of Illinois, and they are there to serve more kids. You can't get there by RTA. You can't get there by bus. You can't get there by any way unless you're rich enough to own a car. And if you're rich enough to own a car at that age you don't need a scholarship. I've never seen anything as ridiculous as 65 'no' votes."

Speaker Peters: "Representative Satterthwaite to explain her vote."

Satterthwaite: "Mr. Speaker, I think the last speaker has done it well in saying that by service on the Higher Education Committee and the Appropriations Committee over the last few

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Sessions, it has been clear that the intent of the Legislative Body was that a main office of this agency be located in Springfield. We're simply trying to implement what this Legislative Body has told the agency over the last several years, and I urge a green vote in order to get along with our business."

Speaker Peters: "Representative Schneider to explain his vote."

Schneider: "Well, Mr. Speaker, and Members of the House, thank you. The silliness of all of this seems to be that a physical move by the Scholarship Commission to the...Springfield would resolve some of our dilemmas. Although a prior speaker had mentioned the wealth of a northern area in which this office is located, the reality is that a lot of us out of a district like DuPage County which happens to be fairly wealthy have some problems not in terms with the response, I've never had any problems in getting the director or his liason, but rather with the standards and the methods that are used to determine eligibility. And I think most of us realize by simply moving a facility to this area will not solve that problem. We do our best work in terms of problems like this in regard to the appropriation whether that office is in the north or whether it is in Springfield. So it doesn't resolve the problem because the future director of this..."

Speaker Peters: "Thirty seconds."

Schneider: "The furture director of this Commission may want to move to Springfield...hardly justifies that we have the office located here. Perhaps he may have wanted to go to Quincy or even in Representative McGrew's area. That doesn't justify moving it. I think we solved our problem by addressing the appropriation and addressing the eligibility requirements and placing our concerns before that Commission in that fashion. I solicit a 'no' vote on the

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measure."

Speaker Peters: "Representative Hoffman to explain his vote."

Hoffman: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I think the most telling point in this argument was made by Representative Ewell when he talked about what kinds of costs were involved in here. That...that alone would fund all of the scholarships or provide for a legislative liason down here who would wait on the Legislators hand and foot. You could give him as much as some people who work on the staff io this House - a salary to be down here to wait on us with the amount of money that this is going to cost. Ladies and Gentlemen, this appears to me to be fiscally very foolish."

Speaker Peters: "There are no other speakers. Representative Levin, would you like to wrap it all up? No. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 82 voting 'aye', 67 voting 'no'. The Gentleman requests Postponed Consideration. I'm sorry, Representative Wikoff. On this question there are 82 voting 'yes', 67 voting 'no', 18 voting 'present'. This Bill having failed to receive the Constitutional Majority is hereby declared lost. House Bill 65, Representative Davis. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 65, a Bill for An Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Peters: "Representative Davis."

Davis: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. There are people walking around the State of Illinois today who have committed the act of murder and have not been prosecuted and will not be prosecuted and have gone unpunished for their act of murder. Because four men two years ago in 1979 on the Supreme Court of this

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State decided in the infamous Greer case that a living child could not be murdered and was not a person by reference. Two justices, Mirand and Clark, vigorously dissented on that point. And now comes House Bill 65 to plug that gap in the law that was created by that Greer case decision. There are two instances, and one now pending in Rock Island County, on this particular point that were dismissed because of stare decisis on the basis of that Supreme Court decision. Last year both Houses passed a measure dealing with this particular issue, and in a Conference Committee Report this issue was sacrificed for the basis of the third time retrospective loser Bill at the very...the last hour, at the eleventh hour on June 30th last year. Now comes back House Bill 65 that now as amended deletes all reference to viability which was an objection coming from a lot of quarters on both sides of the Right-to-Life question. The Pro-Life Coalition now stands in a neutral position on this particular issue. The Pro-Choice people seem to be satisfied that a gap in the law is being plugged, because the Bill now as amended simply says that the crime of murder is committed when a third trimester child is assaulted in...in utero is assaulted and killed by someone other than the Mother. And I recommend to you that it is a good Bill. It does finally address the issue to the satisfaction of almost everyone, except the American Civil Liberties Union who still opposes the Bill for their own reasons, whatever they are. And I recommend to you that this Bill should pass the House and go to the Senate and then be passed by them and signed by the Governor. And I solicit an 'aye' vote."

Speaker Peters: "Any discussion? Representative Preston."

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

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Speaker Peters: "He indicates he will."

Preston: "Representative Davis, does your Bill address the question of multiple murder in the case an individual should shoot a pregnant woman who has a third trimester child, and both mother and child are killed by virtue of that act? Would the person who committed that act be susceptible to the death penalty as a multiple murderer?"

Davis: "The answer to your question is no, and as you know the basis for the Greer decision was on that point with the Supreme Court who then did not go further and left the gap. The..the double murder jeopardy and aggravation for eligibility does not include it in this Bill."

Preston: "Is the Bill in the form it's now in, in substantially the same form as when Representative Daniels sponsored that Bill last year?"

Davis: "No."

Preston: "What are the differences?"

Davis: "The issues of viability have been removed. There is no reference to viability of the fetus independent or on life support systems outside the mother's womb. All those issues have been removed. It simply says a third trimester pregnancy."

Preston: "Do you know why this Bill was referred to the Committee on Executive as opposed to the Judiciary II Committee where measures of this case, of this kind, should in fact be referred?"

Davis: "I frankly do not, although I sit on the Executive Committee. I do not sit on the Committee on Assignments, and I suppose it was an effort to put the Bill into a Committee that I was a member of."

Preston: "Thank you."

Speaker Peters: "Representative Kelly."

Kelly, Dick: "Yes, thank you, Mr. Speaker, Members of the House."

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I initially supported Representative Davis's Bill in Committee, because I know the Sponsor for the last several years has been trying to make a sincere effort to protect babies that are...unborn children that are in the third trimester. And by providing the Amendment, it did, you might say, provide a little explicit protection for those children that are in the last trimester. What Representative Davis is trying to do is to protect an unborn child who is murdered in the last three months of pregnancy, so that the murderer can be found guilty and suffer the consequences. What the Bill does not say is that a five-month old unborn child would not enjoy the same type of statutory protection as a six-month old child would. What concerns me about this Bill is that Illinois, for the first time, may be publicly admitting that an unborn child less than six months of age does not deserve protection even though there are...an innocent life involved. The US Supreme Court in January 22, 1973, only referred to those mothers who wished to have abortions of their children. The law, the Supreme Court has never taken a position that an innocent child in the unborn stages of their life should have their life taken and that the person perpetrating the crime should be free. I feel that a killer of a five-month old unborn child should be just as guilty as a murderer of a six-month old fetus, and I'm really afraid that we might be compromising our principles on the issue. I totally agree with Representative Davis. The Pro-Life groups in Illinois have not taken any position, and there are many of those of Pro-Life persuasion that are going to be voting for and against this issue."

Speaker Peters: "Representative, bring your remarks to a close."
Kelly, Dick: "My personal conscience tells me that we should

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either write a law that applies equally to every unborn child or else don't write it for any. And I'm going to vote 'no'."

Speaker Peters: "Representative Findley."

Findley: "Thank you, Mr. Speaker, will the Sponsor of the Amendment yield to a question?"

Speaker Peters: "He indicates he will."

Findley: "Representative Davis, why did you decide on the third trimester as the criteria for murder of an unborn child?"

Davis: "In polling the prosecutors and State's Attorneys in this State, the overwhelming response, in fact there was not one negative that this should be enacted into law, and every response from every State's Attorney that responded to my letters. And there were some 40 of the 102 in the State that agreed with this posture who bothered to respond. The answer is simply this, if you're going to have the Bill, you have to have some finding of fact in the trial court. And the finding of fact, whether the..the defendant could've known that the woman was pregnant, we selected the third trimester as that particular point in time since the first two trimesters are covered in the Abortion Act of 1975. It's simply a matter of finding effect. Any prosecutor in his right mind would not take the prosecution of murder charge under this Act if there was no..if the assault, the person perpetrating the assault could have had no knowledge of pregnancy at the time."

Findley: "Mr. Davis, I certainly applaud the intent of this Amendment, but I share Representative Kelly's concern that we have in this Amendment no respect for the life of a child in the fifth and fourth month. Because you know, Representative, that a fetus that's five months old or a four month old fetus can often be born and live. And I think we don't adequately address these young people."

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Davis: "I'll address that in closing, Representative Findley."

Speaker Peters: "Representative Pullen."

Pullen: "Mr. Speaker and Ladies of..Ladies and Gentlemen of the House, this Bill once again shows the terrible dilemma that we get in when we try to address this type of subject. Because it would protect some babies, but it would not protect all. I intend to vote 'present' on this Bill, because I think that something should certainly be done about the murder of unborn babies, but I do not think that it is wise for this House, and I certainly could not cast my vote in that matter, to pass a Bill that implies that an unborn child is not a human who is entitled to all the protection of the law under the United States Constitution, just because it's not quite old enough, because it hasn't yet reached the third trimester. It's a very sad dilemma, because it is a Bill that would protect some that are not now protected under the law. But to pass this law would be to imply a definition of when life begins that is just absolutely false. And I could not be a party to that. I vote 'present' and urge others to do likewise."

Speaker Peters: "Representative Flinn."

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

Speaker Peters: "The question is shall the main question be put. All those in favor will signify by..the question is shall the main question be put, all those in favor will signify by voting 'aye', those opposed. The 'ayes' have it. The question is shall House Bill..."

Davis: "May I close, Mr. Speaker?"

Speaker Peters: "The question is shall House Bill 65 pass. Representative Davis to close."

Davis: "Just..just briefly to answer Representative Findley's concern and those expressed by Representative Pullen and Kelly. I share their concerns on that particular issue."

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I'm also on the horns of a dilemma. And, Representative Findley, this issue was debated at great length last year. The issue of viability was debated at great length last year. In an attempt to neutralize the Pro-Life coalitions in this State and have them recognize what we're doing is a..an attempt at purism in the law to move toward a class of citizens that can be prosecuted or that are available that the prosecutions can take place, if this assault and murder occurs, that attempt is still here. The issue of viability in my opinion had to be separated from this particular piece of legislation. The Right-to-Life issue will never go away in this General Assembly. It will always be here. It will always be in front of the United States Congress. This is a dilemma for all the Right-to-Lifers, it's a dilemma for the Pro-Choicers as well. But I believe at this point in time, everybody can agree on both sides of the issue that this legislation does do exactly what I say it does and that we'll plug a gap suggested by Justices Mirand and Clark. And now, Mr. Speaker, I've taken up enough time of the House."

Speaker Peters: "The question is shall House Bill 65 be adopted. Mr. Clerk, the voting is open. Have all voted who wish? Representative Deuster to explain his vote."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House, I think those who are concerned about this Bill feel that it doesn't go far enough. And it is hard to draw the line, but at least Representative Davis is making a step forward and going in the direction of protecting the unborn child. If he doesn't go far enough, maybe someone else could introduce a Bill or the Senate could improve it, but right now this is a step forward. I would urge many more green votes. It certainly..it's not a perfect..it may not be a perfect Bill, but it's one of those difficult dilemmas.

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Nobody can draw a line, but I commend him for introducing the Bill and urge more support for it. Thank you."

Speaker Peters: "Representative Braun to explain her vote."

Braun: "Thank..thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Deuster refers to drawing the line. I think the line should be drawn, and this Bill should not be allowed to pass. I would point out the implications of the felony murder rule in this instance in which someone perhaps who was involved in a burglary situation, if...an spontaneous abortion occurred, that person would be sentenced to, could possibly be sentenced to..to life imprisonment for commission of a Class X felony. And I just don't believe that under the circumstances, particularly given..given the uncertainty of the definition in this Bill that we need to take a step and continue to botch up Illinois law with probably unconstitutional statutory law in this regard. And I encourage a 'no' vote."

Speaker Peters: "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 93 voting 'aye', 26 voting 'no', 40 voting 'present'. This Bill having received the Constitutional majority is hereby declared passed. House Bill 69, Representative Matijeich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 69, a Bill for An Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Peters: "Representative Matijeich."

Matijeich: "Mr. Speaker, and Ladies and Gentlemen of the House, House Bill 69 is exactly the same as a Bill that passed out of the House last year. And because we were in a budget year, it was not considered in the Senate. It amends the Revenue Act to provide for consideration of economic

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productivity rather than net earnings when the Department of Revenue assesses pollution control facilities. This Bill continues to express the policy of the State of Illinois that pollution control facilities which do not have economic value to their owners shall not be assessed. What it does, is because the public utilities consider in their rate-making structure, their pollution control facilities, they, by that consideration, they..their public..pollution control facilities are..are in a profit structure. Now let me tell you what has happened. When we built the Commonwealth Edison Plant in Zion, for example, the..the walls were built very thick. There was a lot of concrete poured in there, because of the public safety factor. Then years later, Commonwealth Edison said that those walls ought to be considered as a pollution control facility. Both the Department of Revenue and a circuit court determined that because they..this is determined in their rate base that they ought to be assessed just like all other properties at the 3 and the 33..33 and 1/3 level. Then along came a 1979 Bill that was passed without any debate, and it was a very technical Bill, and we had no debate on it. And little did any of us know what it did. So in effect this Bill only does speak to utility owned pollution control facilities. If we do not pass this Bill, the City of Zion or people in the Zion taxing area, the Zion Township, will have an additional cost of one and a half million dollars per year. Also if we do not pay..pass this Bill, they will have to pay a rebate to Commonwealth Edison to the tune of 5..\$5,700,000. It also affects other taxpayers in Cook County, Lee County, Christian, Tazewell, DuPage, Will. I received a call today from a school district in Ogle County, I believe in Byron, and the Superintendent there told me of the adverse effect that

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they will have if we do not pass this Bill. I have been joined in Co-Chief Sponsorship by Virginia Frederick, who was also Chief Sponsor last year with me, and also Chief Sponsor this year, Dave Barkhausen. We are aware of the disastrous impact of this Bill on all of the taxpayers in Lake County, but particular in the Zion area. It's not often that I plead with my colleagues for a Bill, but this time I really plead because of what this does to our taxpayers in our area. They cannot...this shift of burden to the local taxpayers, they just cannot afford this. And in fact the City of Zion just laid off eighteen people in their community because of their revenue problems. Let me just give you a quote from the Mayor of Zion on this very issue. Just last week in the Waukegan newspaper he had this quote, and it goes right to the..to the issue, Zion Mayor wraps Edison Tax..Tax Tactics. And the quote is, 'Commonwealth Edison came to Zion many years ago and promised the City of Zion a great deal. They promised us everything from a nicely landscaped plant to a visitors' center. They got the gold mine and we got the shaft.' Ladies and Gentlemen of the House, I don't think that any of you want any taxpayers to get the shaft, and I appreciate your support. Virginia Frederick is going to close, and I hope that Dave Barkhausen will also give his comments. All of us have worked hard. We want this Bill to pass, and we plead for your support."

Speaker Peters: "Representative Barkhausen."

Barkhausen: "Mr. Speaker, Ladies and Gentlemen of the House, I simply want to make clear in adding to the..to the very good explanation of Representative Matijevich, that this is not an anti-utility Bill, it's a pro-taxpayer Bill. And it doesn't..it doesn't so much change the law as it does revert to the method of assessing and taxing pollution

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control facilities at utilities that was the case until a sleeper Amendment came along, as I understand it, in 1979. The 1979 Amendment included this language which had the effect of lulling the Members into going along with it. It said, 'this Amendatory Act of 1979 is not intended to nor does it make any change in the meaning of any provision in the Section', which had the effect of making the Members think that there was in fact no change, when there was in fact a very substantial change which directly affects..it affects those areas that have utilities in them and particularly those that have nuclear power plants in their districts. Nuclear power plants have been..have been defined as being..as having for the most part pollution control equipment, so that practically all of the nuclear power plant would be removed from the tax rolls unless this Bill is enacted. As Representative Matijevich stated, the City of Zion is directly affected. Each of the school districts there would lose \$400,000 in revenue. The city itself would lose a couple hundred thousand dollars in revenue. And that, I assume, would be the case in any community in this State that has a nuclear power plant. So all we are asking you to do is to..is to put into effect the law that was applicable until this Amendment came along in 1979. As I say, it's not a slap at the utilities. You're not going to find me voting for demagogic anti-utility legislation. I do think this is a matter simply of fundamental fairness for the taxpayers that have power plants in their areas. And I urge you to vote for this Bill. Thank you."

Speaker Peters: "Representative Flinn."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Members of the House, unless I'm sadly mistaken this Bill does two other things that the Sponsors have not said. For those power

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companies who do not already have scrubbers, it will discourage them from installing the scrubbers, and therefore they will be unable to burn Illinois coal. For those who already have scrubbers, it will tax...the scrubbers will be taxed, and that cost will be passed on to the users of electricity. I don't think that this is all peaches and cream. Guess who pays the bottom line? The people who use the electricity is who pays. Power companies don't pay taxes. They pass them on to their customers. And when you increase their cost, that's exactly what you're doing, increasing your monthly power bill of all our constituents up and down the State."

Speaker Peters: "Representative Schraeder."

Schraeder: "Thank you, Mr. Speaker, Members of the House, it's been history around here that many of us on both sides of the aisle have been very supportive of questions raised about need from Zion. And unfortunately this isn't just a Zion problem. If we address the problem they're talking about and we give Zion the \$200,000 that they're speaking about or whatever the term might be in terms of mathematical costs, we're talking about putting the cost of this particular type of assessment on every citizen of Illinois. Then that Bill, the assessment is going to go on and we're going to pay increased utility taxes at cost, because the utilities are going to come to the Commerce Commission, and we're all going to get stuck for it. And we talked about senior citizens legislation on energy. And this very definitely is going to put the tax on those least able to pay, and that's the taxpayers of the State of Illinois, and those are the senior citizens in each one of our districts. And while I'd like to help Zion, this is one Bill that's going to hurt every citizen of Illinois, and we just can't afford to pass it, and I would urge a

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'no' vote."

Speaker Peters: "Representative Ted Meyer, the final..."

Meyer, Ted: "Thank you, Mr. Speaker. I would just like to point out that this is a \$5,000,000 windfall to local government that have nuclear power plants in their jurisdiction. If you're willing to support the school districts, the municipalities, the townships and the counties for \$5,000,000 while the rest of us pay the tax, go ahead and vote for this Bill. Because as Representative Schraeder said, the Commerce Commission is going to grant this rate increase, and every citizen is going to go support to help, help to support the school districts, the townships, and the municipality of Zion. I will urge you to vote 'no'."

Speaker Peters: "Representative Brummer."

Brummer: "I move the previous question."

Speaker Peters: "The question is shall the main question be put. All those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. Representative Matijevec to close."

Matijevec: "Mr. Speaker, I'd like to yield to Virginia Frederick, but I want to make the point that in the rate base in the rate structure, don't..alright, Virginia Frederick's going to close for me. I'd appreciate it."

Speaker Peters: "Representative Frederick to close."

Frederick: "Mr. Speaker, Ladies and Gentlemen of the House, I would just like to review for you a few facts. Two years ago, due to a hastily passed Bill, there was a change in the way pollution control facilities were assessed. That Bill was presented as a simple housekeeping Bill. But the negative impact on the City of Zion is devastating, because \$70,000,000 worth of property was removed from the tax rolls. It's a \$1,000,000 loss in taxes for Zion each year. Zion is a low to moderate income community, and the nuclear

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power plant is a major industry in that community. There are only 18,000 residents, so if this Bill doesn't pass the tax rate for those individual homeowners will be absolutely devastating. They are in great need of returning to their tax rolls, the property that was removed two years ago. I respectfully ask you to vote 'yes' on House Bill 69."

Speaker Peters: "The question is, shall House Bill 69 be passed. Those in favor will vote 'aye', those opposed will vote 'no'. Mr. Clerk, the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Last call. Mr. Clerk, take the record. Representative Matijevich to explain his vote."

Matijevich: "Before I yielded to Virginia Frederick, I wanted to explain my vote. Members of the House, with regards to, well, alright, we'll just keep on, alright."

Speaker Peters: "On this ques...Representative VanDuyne..to explain his vote."

VanDuyne: "Thank you, Mr. Speaker. I apologize to Representative McPike for explaining my vote..my vote, but I can't resist the temptation to barb Representative Matijevich a little bit. He didn't have one qualm in his body the other night when he voted 'no' when they took 60...when they had the opportunity to take \$65,000,000 worth of assessed valuation from my district though. But I'll still give you an 'aye' vote, John."

Speaker Peters: "Representative VanDuyne, your cup runneth over. Representative Mulcahey to explain his vote."

Mulcahey: "No, I just want to say, Mr. Speaker, in behalf of the people of Byron in Ogle County, I very happily and proudly vote 'aye'."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 88 voting 'aye', 68 voting 'no'. The Gentleman requests a poll of the

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absentees. Representative Matijevich. Poll of the absentees. Representative Henry, for what purpose do you seek recognition?"

Henry: "Kindly regard me as voting..register me as voting 'aye'."

Speaker Peters: "The Gentleman wishes to be recorded as voting 'aye'. On this question...Representative Polk."

Polk: "What is the vote now, Sir?"

Polk: "Eighty-nine 'aye', 68 'no'."

Polk: "I respectfully request a..I respectfully request a verification."

Speaker Peters: "The Gentleman requests a verification. Representative Matijevich asks for a poll of the absentees. Poll of the absentees, Mr. Clerk."

Clerk Leone: "Bartulis, DiPrima, Epton, Garmisa, Margalus, McGrew, Peters, Redmond, Richmond and Stearney."

Speaker Peters: "The count is 89, 68. The Gentleman asks a verification of the affirmative vote. Proceed with the verification, Mr. Clerk."

Clerk Leone: "Alexander, Balanoff, Barkhausen, Barnes, Beatty, Bianco, Bluthardt, Bowman, Bradley, Braun..."

Speaker Peters: "The...excuse me, Representative Steczko."

Steczko: "Mr. Speaker, may I have leave to be verified, please?"

Speaker Peters: "Does the Gentleman have leave to be verified? Verified."

Clerk Leone: "Breslin, Capparelli, Carey, Catania, Chapman, Christensen, Cullerton, Currie, Darrow, Davis, Deuster, Domico, Doyle, John Dunn, Farley, Fawell, Virginia Frederick, Getty, Giglio, Giorgi, Greiman, Griffin, Hanahan, Henry, Hoxsey, Huff, Jackson, Jaffe, Keane, Dick Kelly, Kornowicz, Kosinski, Krska, Kulas, Kustra, Laurino, Lechowicz, Leon, Leverenz, Levin, Macdonald, Madigan, Martire, Matijevich, Mautino, Mays, McClain, McCormick, McPike, Miller, Mulcahey, Murphy, Nelson, Oblinger,

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O'Brien, O'Connell, Pechous, Pierce, Pouncey, Preston, Rea, Reed, Ronan, Saltsman, Sandquist, Schneider, Margaret Smith, Stanley, Steczo, Stewart, Terzich, Topinka, Turner, Van Dwyne, White, Woodyard, Younge, Yourell and Zito."

Speaker Peters: "Representative DiPrima, for what purpose do you seek recognition?"

DiPrima: "Yes, Mr...."

Speaker Peters: "DiPrima."

DiPrima: "How am I recorded, Mr. Speaker?"

Clerk Leone: "The Gentleman is not recorded as voting."

DiPrima: "Please, vote me 'aye'."

Speaker Peters: "The Gentleman wishes to be recorded as voting 'aye'. Representative Hoxsey, for what purpose do you rise?"

Hoxsey: "Change my vote to 'no', please."

Speaker Peters: "Hoxsey, from 'aye' to 'nay'. Representative Polk."

Polk: "...what is the count?"

Speaker Peters: "What is the count, Mr. Clerk? 89 'aye', 69 'no'. Representative Deuchler."

Deuchler: "How am I recorded, Mr. Speaker?"

Clerk Leone: "The Lady is recorded as voting 'no'."

Deuchler: "Please change my vote to 'aye'."

Speaker Peters: "Change the Lady to 'aye'. Representative Leon asks leave to be verified. Leave."

Polk: "Verified."

Speaker Peters: "Proceed with the verification. The count is now 90 'aye', 70 'no'."

Polk: "Balanoff."

Speaker Peters: "Representative Balanoff's in her seat."

Polk: "Beatty."

Speaker Peters: "Representative Beatty. Is the Gentleman in the chamber? How is he recorded?"

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

Speaker Peters: "Take him off the Roll."

Polk: "Bowman."

Speaker Peters: "Representative Bowman is in his seat."

Polk: "Farley."

Speaker Peters: "Representative Farley. Is the Gentleman in the chamber? How is he recorded?"

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

Speaker Peters: "Take him from the Roll."

Polk: "Rea."

Speaker Peters: "Representative Rea is in his seat."

Polk: "Christensen."

Speaker Peters: "Representative Christensen. Is the Gentleman in the chamber? How is he recorded?"

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

Speaker Peters: "Take him from the Roll."

Polk: "John Dunn."

Speaker Peters: "Representative John Dunn is in the chamber."

Polk: "Giglio."

Speaker Peters: "Representative Giglio. Is the Gentleman in the chamber? He's in his seat."

Polk: "Domico."

Speaker Peters: "Representative Domico. How's the Gentleman recorded?"

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

Speaker Peters: "Take him from the Roll."

Polk: "Martire."

Speaker Peters: "Representative Martire. He's in the chamber."

Polk: "McPike."

Speaker Peters: "Representative McPike. Representative McPike. Is the Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Take him from the Roll."

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Polk: "O'Brien."

Speaker Peters: "Representative O'Brien. The Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Take him from the Roll."

Polk: "Jaffe."

Speaker Peters: "Jaffe? He's right here in front."

Polk: "Lechowicz."

Speaker Peters: "Representative Lechowicz. The Gentleman in the chamber? How's he recorded?"

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

Speaker Peters: "Take him from the Roll."

Polk: "Ronan."

Speaker Peters: "Representative Ronan. Ronan. He's in the chamber."

Polk: "John Dunn, or was he in his...here he is..he's standing up, I see him. Nelson."

Speaker Peters: "Representative Nelson. She's in the rear."

Polk: "Henry."

Speaker Peters: "Representative Henry. The Gentleman's in the back."

Polk: "That's all."

Speaker Peters: "Mr. Clerk, restore Representative McPike to the Roll. Representative Katz wishes to go from 'present' to 'aye'. Representative Barnes wishes to go from 'aye' to 'no'. No, you're on. Representative Zwick."

Zwick: "Would you change my vote to 'aye', please?"

Speaker Peters: "Wishes to be recorded as voting 'aye', from 'no' to 'aye'. Restore Representative Lechowicz to the Roll. Representative Bullock wishes to go from 'present' to 'aye'. Any further changes? Representative Karpiel..wishes to go from 'no' to 'aye'. Any further changes? Any further changes? Representative Ewell?"

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Ewell: "'Present' to 'aye'."

Speaker Peters: "Representative Ewell wishes to be recorded as 'aye'. Any other changes? What's the count, Mr. Clerk? On this question there are 89 voting 'aye', 67 voting 'no', 9 voting 'present', and House Bill 69 having received the Constitutional majority is hereby declared passed. House Bill 76, excuse me, Representative Bradley, for what purpose do you rise?"

Bradley: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, I would ask with leave of the House to return to Short Debate Calendar. When the Bill was called, I was off the floor, I was experiencing some discomfort at that time and was not on the floor of the House. I ask to go back to that, to 1126 on Short Debate. I think we can take care of it real quickly. I've checked with the Minor...Majority Leader, and he has no objection."

Speaker Peters: "Does the Gentleman have leave? Hearing no objection, be on the Order of House Bills Third Reading Short Debate Calendar, page 8. House Bill 1126. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1126, a Bill for An Act relating to the Department of Children and Family Services. Third Reading of the Bill."

Speaker Peters: "Representative Bradley."

Bradley: "First, Mr. Speaker, let me say thank you very much to the House and especially to you, Sir, for being so generous about getting back to the Short Debate Calendar. What 1126 does, it..first, DCFS does not operate any temporary or diagnostic evaluation centers in downstate Illinois. They do have three such centers, two evaluation centers and one, the Herrick House, a full-time center to take care of the hard-to-place children in the Chicago-Cook County area. Unfortunately, we in downstate Illinois do not have a

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facility that can take care of those students or those children who have..that are hard-to-place children, and we need desperately, I think everybody realizes that a place..someplace in Illinois in the downstate area, to put a child in a temporary basis. And that's what this does. It's not planned to be a long-term care area at all. The Governor's Use Service Initiative Program indicates to me that he realizes that we need to expand the program in downstate Illinois. We're asking that we have the institution at ISSCS would be this type of an institution, provide this kind of care. It's desperately needed in downstate Illinois. Certainly if we have two or three such facilities in Cook County, we desperately need one downstate. Representative Oblinger is the Chief Cosponsor of the legislation. It came out of the Committee sixteen to nothing without a dissenting vote. And I simply ask for an 'aye' vote on the Bill. Thank you."

Speaker Peters: "Any discussion? Representative Wolf."

Wolf, J.J.: "Yes..the Sponsor yield for a question?"

Speaker Peters: "He indicates he will."

Wolf, J.J.: "Representative Bradley, do you have an appropriation Bill for this?"

Bradley: "We have an appropriation Bill. We're going to..but we are going to amend the Capital Development Board Appropriation Bill as..when it comes through. We had 1125, and it wasn't heard in Appropriations Committee partly due to the fact that I was excused, had an excused absence when it was posted, so we're going to..you know, I have no problem with that. It's a million and a half dollar Appropriation Bill, and I will offer that Amendment on Second Reading."

Wolf, J.J.: "Well, yes, it seems to me that you didn't show up in Committee, and it was posted, I think, a couple of

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different times, and I did stand up on the floor of the House and last....last week and mentioned to everybody that you had one more shot at getting your appropriation..."

Bradley: "Representative Wolf, it was only posted for a hearing on Monday, and I was..had an excused absence on Monday. I certainly intend to offer the Amendment on Second Reading on the CDB, Mr. Wolf."

Speaker Peters: "Any further discussion?"

Wolf, J.J.: "Mr. Speaker, it just seems to me that, you know, if someone, you know, was not here that you could have authorized someone to handle the Bill. We had other Sponsors who were not there. They did give letters of authorization to other Members to handle the Bill. And..I don't know what the disposition would have been at that through the Committee, but on the basis of that I would have to oppose the Bill and ask our Members to vote against it."

Speaker Peters: "Any further discussion? Representative Bradley to close..briefly."

Bradley: "In..very briefly, Mr. Speaker, in closing, if the Gentleman wants to object to the Amendment when I offer it to the CDB, fine, but I think he ought to address the legislation and judge it on its merits. There's a need in downstate Illinois for this facility. And I ask for an 'aye' vote on the Bill."

Speaker Peters: "The question is shall House Bill 1126 pass. Those in favor will vote 'aye', those opposed will vote 'no'. Mr. Clerk, the voting is open. Peters, 'no'. Have all voted who wish? Representative Ropp to explain his vote."

Ropp: "Mr. Speaker, Members of the House, even though this is on Short Debate, I would've like to talk a little bit about it, but I tell you, a couple of years ago there was a move

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to close this facility and that became a reality. And children of this age went into private homes, kaleidoscope kind of programs in our city, and since then we've had some people out of that particular program burn down lumberyards, rape young women, and we've had some problems. The State has been attempting to sale this particular property and have received no bids. This would certainly be a way that we can utilize this property and provide a care home for young people who are neglected and needing this kind of care. It's a facility that is in good care, and I think would be a better use for it than having it just sit idle."

Speaker Peters: "Any further discussion? Representative Lechowicz."

Lechowicz: "Very briefly, Mr. Speaker, Ladies and Gentlemen of the House. I personally believe that the State is lacking in these type of care facilities. It's not a new program. The facility is located and is presently being unused..unutilized. And we're talking about a facility in almost Central Illinois for the neglected children of this State. And I'm afraid that we need not only this facility, but probably others to care for that type of situation that we presently have in this State. There was an item on TV just the other day of Texas and what they've done in the State of Texas providing these types of facilities for children and then for battered women. And possibly this State is lacking in this type of care facility, but I think this is a good Bill, should be adopted not only for Central Illinois, we'll probably be needing these type of facilities in other portions as well. I strongly encourage an 'aye' vote."

Speaker Peters: "Representative McBroom to explain his vote."

McBroom: "I..to be verified 'aye' case it's verification."

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Speaker Peters: "I..I doubt that. Have all voted who wished? Have all voted who wished? On the record, Mr. Clerk. On this question there are 109 voting 'yes', 41 voting 'no', 9 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 76, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 76, a Bill for an Act to amend the Human, Illinois Human Rights Act, Third Reading of the Bill."

Speaker Peters: "Representative Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, in the true spirit of '76 I present to you House Bill 76 which amends the Human Rights Act by adding the national origin to the categories to which...Thank you. State employees must be classified for affirmative action purposes. The Act presently requires the classification of employees by race, sex, and handicap and this Bill simply adds national origin to that category. I'm sure that we all are aware that as people we are multi-racial, multi-fate, multi-cultural and multi-lingual. This diversity of background among our people has contributed to our vitality and progress of a nation. And this is absolutely necessary that we include this so that we may not have anymore discrimination in our hiring practices in the State of Illinois and I would urge your support of House Bill 76."

Speaker Peters: "Representative Jones."

Jones: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Jones: "Representative Terzich, as I look at your Bill, could you tell me what national origin is be defined because it's not defined in your Bill?"

Terzich: "Yes, a national origin would be any ethnic background

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such as Chinese, Japanese, Indians, Croations, Lithuanians, Blacks, Mexicans, Asians, that would be any specific."

Jones: "Well, it's not defined..."

Terzich: "Irish also."

Jones: "So therefore, it's not up to the Department to decide at what national origin is because it's not explained in your Bill."

Terzich: "Well, they can tell what national origin is just the same way they can tell by race, sex, of this nature. That presently doing that."

Jones: "I don't think you can do, determine national origin the same way you can do by race and sex. I don't know the difference between the Croation or Irishmen. They all look alike to me."

Terzich: "Well, let's put it this way. I'm Croation and Mr. Collins over there is Irish."

Speaker Peters: "Does that put it in black and white, Representative Jones?"

Jones: "In proper perspective."

Speaker Peters: "Representative Leinenweber."

Leinenweber: "Would the Gentleman yield for another question?"

Terzich: "Yes."

Leinenweber: "Representative Terzich, I have a great, one of my..."

Speaker Peters: "I'm sorry, I'm sorry, Representative. Representative Jones, has not concluded. Representative Jones. Emil Jones."

Jones: "Yes, thank you, Mr. Speaker. Representative Terzich, now how will we determine national origin. You know we have a mixed heritage many of us and I'll say you're part Croation, part Irish, part German. How would determine, how would you determine what one's national origin is?"

Terzich: "That would be determined by the Commission,

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Representative."

Jones: "So..."

Terzich: "You know, that's the same as asking how you determine different sex and so on. They ask the question, you know, what your national origin is. It's a very simple matter. If they ask me I tell them I'm Croation, I'm Irish, I'm Sylvania, whatever it is. I'm Japanese and I'm Jewish."

Jones: "So in other words then what you're saying is that this particular Bill is to be all inclusive to include everyone. Am I right?"

Terzich: "That's correct."

Jones: "So therefore, if you're talking about affirmative action that would include everyone. In their essence no one would be included."

Terzich: "We don't want any discrimination anywhere, whether it's on sex or race or national origin. I'm looking for the spirit of '76. Equal opportunity for everybody."

Jones: "No question about it. I'm very sorry that you addressed the Body in the manner that you could not tell the difference between a male and a female. You know, I thought there was a difference and ... I thought this Bill was...."

Terzich: "I'm still trying to learn that, Representative."

Jones: "I know you are. And further addressing the Bill, Mr. Speaker, Ladies and Gentlemen of the House, I know my very distinguished colleague on my side of the aisle is a very serious person and I see that he's very serious about emasculating the Human Right's Act of the State of Illinois. Because in essence what this Amendment really does is the Amendment will take away all powers of the Human Right's Act and you would no longer have any affirmative action because it would be inclusive. Now, you have many persons here based on their geographical

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location. I could sense southern Illinois was region of national origin. I could sense southern Italy is a region of national origin. Nowhere in the legislation you do so define and I'm very sorry that my colleagues decide to put this type of legislation in. He's a fine Legislator but in this particular instance he's misdirected. But one thing I'm certain, he's in favor of and he's in favor of a emasculating the Human Right's Act and I'm surprised to see that he's opposed affirmative action."

Speaker Peters: "Szanowny Panie, Kulas. (Polish phrase). Representative Kulas. Representative, proceed."

Kulas: "Mr. Speaker and Ladies and Gentlemen of the House, I rise in support of House Bill 76. Now, we all know, Ladies and Gentlemen that discrimination does not end at race, sex or creed and at a time when our country has opened its doors to immigrants from all over, from all parts of the world, I believe that legislation like this is sorely needed. I came to this country in 1949, to this land of opportunity, land of promise. I'm probably the only Member of this General Assembly who became a citizen with his clothes on but I'm proud to be an American. And I'm also proud of my ethnic heritage. Now, let's not get knit-picky about who decides what kind of national origin we are or what. If you don't know, you put down American. What this Bill does, it gives recourse to people who say I'm being discriminated because I'm Irish, or Solenian or whatever. And I proudly will support this Bill and ask you to all for an affirmative vote."

Speaker Peters: "Szanowny Panie, Kosinski. Representative Kosinski."

Kosinski: "In the interest of time, I move the previous question."

Speaker Peters: "The question is, shall the main question be put?"

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Those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. Representative Terzich, to close."

Terzich: "Oh, yes, Mr. Speaker and Ladies and Gentlemen of the House, that some Members may make light of the Bill but this is in all seriousness that this Bill is necessary because we do know that there is discrimination because of it being an ethnic. And we don't see any Chinese or Japanese and as a matter of fact in ten years we've only seen two Croations here and that's John Matijevich and myself and we've been maligned in a news media. We've been maligned in the newspapers. There's been jokes made about your ethnic background and there's certainly been alot of discrimination on this. And this is simply giving the people a right in the protection that we're affording everyone else. And if you talk about being funny I have here before me the Civil Right's issue of ethnic America in the United States the opportunities and challenges and our many people don't think that it's a minor problem. It's a major problem. And we should give these people the opportunity. They came over to this country. They made great contributions to our society and they should be afforded the same rights and privileges of everyone else and I would certainly appreciate your support to House Bill 76."

Speaker Peters: "Those in favor... The question is, shall House Bill 76 pass? Those in favor will vote 'aye', those opposed will vote 'nay'. The voting is open. Representative McAuliffe, to explain his vote. Peter's 'aye'."

McAuliffe: "Now, Mr. Speaker, very briefly I want to rise in support of Representative Terzich's Bill. I work at the Police Academy in Chicago and I notice that in all the classes that we get through there we have a large number of

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blacks, a large number of women, many Hispanics. We have very few Orientals and this Bill would go a long way toward helping the Orientals who evidently are under represented in the Chicago Police Department."

Speaker Peters: "Representative Preston, to explain his vote."

Preston: "Thank you, Mr. Speaker. Ladies and Gentlemen, while I'm very sympathetic and very much in agreement with the purpose and the intent of this Bill, I regret that the Bill itself doesn't meet that purpose. I am afraid that what will happen if this Bill becomes law is that the effect may be opposite to the intent of its very well meaning and abled Sponsor. To have this state or other employees go through a department and ask people what their national origin is I think would be a terrible situation. To have people go first of all and forces someone, who's to decide. If someone's mother is Irish and their father is Polish, is it up to the state employer, the state department head to decide the national origin of that employee is? And what business does the state have taking those kind of poles. I think that the, I think the Bill would be counter productive and in fact breed discrimination in state hiring. So for that reason I must oppose the Bill. Also, in answer to Representative McAuliffe, I think that in the case of Orientals, it's already covered under present law as race. So I ask for a 'no' vote."

Speaker Peters: "Representative Lechowicz."

Lechowicz: "Well, Mr. Speaker, Ladies and Gentlemen of the House, in reply to the previous speaker. I believe all of us just completed the requirements of the national census and part of the question here on the national census was national origin. It's not an ambiguous question. It's not a question that each and everyone of us cannot answer and if there's any question about it it's up to the individual to

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make the proper response. I believe that the Gentleman's Bill is in absolute proper order. We're not trying to delude anything. We're trying to have fair and equitable justice for all. This is the concept this country's been built on. It's part of the Constitution and I personally believe this Bill is long overdue. It should have been adopted when the original Bill was adopted. It was something that was considered and also proposed. But at that time there were respective ethnic groups that did not want to be included. Now, after the census has been taken, other people want to be included to make sure that there is no job discrimination on a basis of an individuals how he spells his name or what his or her name is. And for this reason I strongly support House Bill 76."

Speaker Peters: "Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, let me simply remind the Members who have spoken out against House Bill 76 that the same language is contained in the Civil Right's Act of 1964, in the Federal Fair Housing Act of 1968 and a number of other licensing laws and other Acts which pertain to this subject matter. It's nothing new. We've seen it before. I see nothing wrong with it in this law."

Speaker Peters: "Representative Stewart, to explain her vote. One minute."

Stewart: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I am pleasantly surprised to find that we have so many Civil Right's activist in this chamber. So many people who are concerned about the rights of others being denied. However, I would point out to these people, many of whom I suspect are 'Johnny come latelies' to this problem that there is an absolute difference between affirmative action and equal opportunity. The Majority Leader was referring, and the statutes the phrase the

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Majority leader was referring to were phrases concerning equal opportunity. They do not concern affirmative action. Affirmative action requires that you understand, that you have an exact number of how many people of various, of whatever national origin there may be in a particular vicinity and compares those percentages with the number of people employed in various, at various levels. (cut off)."

Speaker Peters: "Representative Bullock, to ex... (cut off). One minute."

Bullock: "Mr. Speaker, for the record, let the record show that my background in experience and study in the field of anthropology lead me to come to the conclusion that there are essentially four races accepted within the annuals of anthropology. There are caucasians. There are negroids. There are mongoloids and there are aboriginies, Australian bushmen. I think that any sane personnel director or anyone in the field of personnel ask an individual to delineate their race would fall within one of those four classifications. I regret that the debate on this matter has deviated but is probably consistent with most matters of this magnitude. And for that reason I'm going to cast a 'present' vote."

Speaker Peters: "Representative Darrow, to explain his vote."

Darrow: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, my nationality goes back to the Revolutionary War. My children could be sons of the American Revolution if they so desired and yet at the same time they are first generation Americans. Like Miron, my wife, came over after World War II as a displaced person from Lathia. If you don't think there's discrimination in downstate Illinois you go and you listen to the reaction you get when you mention that your wife is not a native born American or that she's a displaced person. Unless you are a pure

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American born here with ties going back generation after generation there are areas of downstate Illinois where discrimination still exists. I, too, am in favor of this Amendment, this Bill. I feel that those who are against discrimination in all its form should also be voting 'aye' there. Thank you."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 102 voting 'aye',.... Representative Jones, for what purpose do you rise?"

Jones: "Thank you, Mr. Speaker. I didn't quite understand the language that you were using when you were addressing. Was it Polish, German, Italian? Was it 'Yashimash'?"

Speaker Peters: "'Yashimash' is alright?"

Jones: "(Speaking in foreign language to Speaker Peters.)"

Speaker Peters: "(Reply in foreign language). We did work in the same fields. On this question, the vote is 102 voting 'aye', 53 voting 'no', fourteen voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 79, Representative Catania. Out of the record. Thank you. House Bill 89, Representative Deuster. Representative, what I suggested was, do you want to come up here? The suggestion of the Chair, Representative, is that the Chair is faced with the decision of calling House Bill 79 or going back to the Order of Second Reading, we will go to Second Readings. Representative Catania."

Catania: "Thank you, Mr. Speaker, then I wish you would go to Second Reading, because I would like to keep it in that position."

Speaker Peters: "House Bills Third Reading. We will now go to the order of those individuals who wish to call Bills on Third Reading, which they want to bring back for purposes of an Amendment. The Speaker has requested me to announce

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that we will adjourn for the evening at approximately eight o'clock, or a few minutes thereafter. Representative Yourell, for what purpose do you rise?"

Yourell: "Thank you, Mr. Speaker. An inquiry of the Chair. Did I understand you to say, that now is the time that you were going to the order of returning Bills from the status of Third Reading on the Calendar to Second Reading, for purpose of Amendment?"

Speaker Peters: "Yes, sir."

Yourell: "Now, what will be the status of those Bills? Will they remain on Second or will they be moved to Third right now?"

Speaker Peters: "They'll be moved to Third."

Yourell: "They'll be moved to Third and then there will be no jeopardy for that...for those Bills?"

Speaker Peters: "Correct."

Yourell: "Thank you."

Speaker Peters: "Well, the first Bill...first Bill on the list is House Bill 89, Representative Deuster. We are going to those Bills on Third Reading which Members have asked to be brought back to Second for purposes of Amendment. House Bill 440, Representative Watson. He asks leave to bring House Bill 440 back to the Order of Second Reading, for the purposes of an Amendment. Does the Gentleman have leave? There being no objection, leave is granted. Mr. Clerk."

Clerk Leone: "House Bill 440, has been read a Second time previously. Next Amendment, Amendment #3, Slape. Amends House Bill 440, as amended."

Speaker Peters: "Representative Slape, Amendment #3 to House Bill 440. Representative Slape."

Slape: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This basically is the same Amendment as Amendment #2 was, which was defeated by the House the other day after some consultation with the Sponsor and a clearing up of a

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misunderstanding by one of the major opponents of this Bill. The Sponsor has now agreed to accept the Amendment and I would ask for acceptance of...adoption of this Amendment to House Bill 440."

Speaker Peters: "Any discussion? Question is, shall Amendment #3 to House Bill 440 be adopted? Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment 3 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 835, Representative Mautino. The Gentleman asks leave to bring House Bill 825(sic) back to the Order of Second Reading for the purposes of an Amendment. Does the Gentleman have leave? No objection, leave is granted. Representative Mauti.... Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 835 has been read a Second time previously. Next Amendment, Amendment #2, Mautino. Amends House Bill 835 on page 2, and so forth."

Speaker Peters: "Representative Mautino on...what Amendment? Amendment #2."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #2 to House Bill 835 is a technical Amendment due to the decision recently by the Attorney General as it pertains to the initial use of the legislation, that being amending the Horse Racing Act. What this Amendment does, is add the word 'and' in place of the letter 'a' on line 29 and eliminates duly authorized and legal wagering from that provision. And, the reason for the Amendment, is that television will be covering the race and they have to have a contract with the T.V. people to show the race and the T.V. people are not in a wagering business. And, I...I ask for a favorable Roll Call on

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Amendment #2."

Speaker Peters: "Any discussion? The question is, shall Amendment #2 to House Bill 835 be adopted? All those in favor will signify by saying 'aye', opposed. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 582, Representative Lechowicz. The Gentleman asks leave to return House Bill 582 to the Order of Second Reading, for the purposes of an Amendment. Gentleman have leave? No objection, leave is granted. Representative Lechowicz."

Clerk Leone: "House Bill 582. It's been read a second time previously. Amendment #1, Lechowicz. Amends House Bill 582 on page 4, and so forth."

Lechowicz: "Thank you, Mr. Speaker..."

Speaker Peters: "Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #1 corrects House Bill 582 on page 4, line 3, by changing ten years to one year. And on page 7, line 3, by changing three years to one year. Page 7, line 13, by changing three years to one year. Based upon the testimony that was heard in Committee, they thought that the tenure in the Bill was too restrictive. And, for this reason, they made the recommendations that are contained in Amendment #1 and I move for its adoption."

Speaker Peters: "Is there any discussion? The Gentleman moves the adoption of Amendment 1 to House Bill 582. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 1241, Representative

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McClain. The Gentleman asks leave...the Chair now asks leave of the House to consider all the Bills he has on his list to call, to bring them back from Third to Second, for purposes of Amendment. Is there leave? Fine. Representative McClain. Mr. Clerk."

Clerk Leone: "House Bill 1241 has been read a Second time previously. Floor Amendment #1, McClain. Amends House Bill 1241 on page 1 and so forth."

Speaker Peters: "Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Mr. Grossi pointed out a technical error with Amendment #1. I'd like to withdraw Amendment #1, please."

Speaker Peters: "The Gentleman withdraws Amendment #1. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, McClain. Amends House Bill 1241..."

Speaker Peters: "Representative McClain, Amendment #2."

McClain: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 to House Bill 1241 adds another section in the factors of aggrega...aggravation for extended terms for those people that commit crimes. Presently, if you commit a crime of felony or a greater offense within ten years, you may get an extended term by the judge, or if you commit a heinous crime, you may get an extended term. This Amendment would provide that the judge with his discretion, upon the course of motion or prosecutor, the defendant may be...have an extended term if he commits a felony against a child under 12 years of age, a senior citizen over 60 years of age, or a person that is physically handicapped. I would move for the adoption of Amendment #2."

Speaker Peters: "Representative Johnson."

Johnson: "I just couldn't hear you, Mike, there's so much noise."

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You say there's a aggravating term...aggravated conditions to double the term in what...what does this Amendment add to? I didn't understand that. I just simply didn't hear you, that's all."

McClain: "That's okay. I'll repeat it. Tim, it amends Chapter 38, Section '10553.2' (sic), which is factors in aggravation dealing with extended terms, which is, as you know, within the judge's discretion on the sentencing hearing for a defendant. Right now, the judge may, discretionary, may extend the term if it's a heinous crime or if it's a crime that's been committed against an individual within the last ten years of a felony of a greater...of the same class or a greater class. All this would add, is a new section that would say that, upon the judge's discretion, he may also have an extended term for that defendant if that felony is against a person who is twelve years or younger, a person who is sixty years or older, or a physically handicapped person."

Johnson: "Does the...would the Amendment require that the criminal act be committed knowing that the individual is over or under that particular age, or is it a...simply a per se rule that is applicable whether or not the defendant is aware of the age?"

McClain: "It's just a...it's a matter for the judge's discretion and it does not go to knowing."

Johnson: "It doesn't require knowledge then?"

McClain: "That's correct."

Speaker Peters: "Representative Stearney."

Stearney: "Mr. McClain."

McClain: "Yes, defense lawyer."

Stearney: "Have you really thought out just exactly what you're doing here?"

McClain: "Absolutely."

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Stearney: "You know, it seems to me that if you did, you would find that in this provision that where you can have an extended term when the victim is sixty years of age or older, assuming the case of an aggravated battery, a fight between a fifty-nine year old man and a sixty year old man, the fifty-nine year old man is found guilty of aggravated battery, which is already one to three years, now you're going to be able to sentence him up to six years in a penitentiary when he got in a fight with a guy who's only one year older than him. Now does that really make sense?"

McClain: "Ron, as you know that's a specious argument..."

Stearney: "It is not."

McClain: "No prosecutor or judge is going to have...sentence a defendant, fifty-nine versus a sixty year old, to an extended term."

Stearney: "Mr. McClain, you know Murphy's Law, if anything can go wrong it will and if you put it in the statute, some judge is just liable to say that's what Mr. McClain meant, and sentence a fifty-nine year old man to the penitentiary for six years for an offense of beating up a guy who is one year older than him, sixty. Now, we're going a little bit too far. Then in the question with physically handicapped. As Mr. Johnson mentioned, there's no provision here that you know that the individual was physically handicapped. To all extensible appearances, the individual may appear to be as normal as you and now he has a handicap, namely he stutters perhaps."

McClain: "Well, Mr. Stearney..."

Stearney: "And now you're going to give him an extended term."

McClain: "I'd suggest that you look at Amendment #2. It defines what the definition of handicap is."

Stearney: "I'm reading it. Yes, all it says is that it impairs him. There's no requirement that the handicap be apparent

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to the offender."

McClain: "Absolutely not. It says a permanent disabling physical characteristic. So that's absolutely incorrect."

Stearney: "Well it doesn't say it has to be apparent to the other individual. You're just...you're just going a bit too far by adopting these Amendments and there's really no need for doing so, for extending the term. If the judge believes that it should be extended, when you have heinous behavior, he can do so, but now by incorporating these other provisions, you can have it with or without the heinous behavior, because it says or. So you need not need heinous behavior indicative of wanton cruelty in order to double the term. You know, we're really going too far. Furthermore, Mr. Speaker, I would object to the germaneness of this Amendment, because now it..."

Speaker Peters: "Representative Stearney, earlier in the day, the Chair made the ruling that an individual who goes into the merits of the Amendment and takes advantage of that and then raises the question of germaneness does not come in as an equity with clean hands."

Stearney: "Well, Mr. Speaker, I have..."

Speaker Peters: "The Chair feels...the Chair feels...the Chair feels your hands are a bit smudged."

Stearney: "Well, Mr. ... Now, we have a court of equity and we have the Chancellor sitting there...Mr. Chancellor I say this here, it's an appropriate question to raise at this time, and it hasn't been waived and it's not moved and it's right for controversy. So, I would ask that you rule on the germaneness question."

Speaker Peters: "The Chair would stick with its original ruling that the question of germaneness comes too late. Representative Huff."

Huff: "Thank you, Mr. Speaker. I'd just like to ask the previous

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speaker, would he consider it heinous behavior, if a client didn't pay his fee?"

Speaker Peters: "Representative McClain to close."

McClain: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I'll tell you what precipitated this action. In a criminal case recently, a person was charged with murder by the prosecutor and was found guilty of involuntary manslaughter. Involuntary manslaughter is a reckless crime and most probably will not fit under the section right now of heinous. So in other words, the judge will not be able to really look at the heinous section of...of the factor in order to have an extended term. So, the criminal will have like a two to five year sentence. What this will provide is, for the helpless..."

Speaker Peters: "Excuse me, Representative Stearney...McClain. For what purpose does the Gentleman..."

Stearney: "Mr. Speaker."

Speaker Peters: "Representative Stearney."

Stearney: "I'm told that this Amendment has not been distributed. Amendment #2. And if that's so, we should not be acting on it."

Speaker Peters: "Mr. Clerk, has this Amendment been distributed?"

Clerk Leone: "The staff informs me..."

Speaker Peters: "The records of the Clerk indicate it has been distributed."

Stearney: "Amendment #2 has been distributed? Well our Majority Leader's Assistant here is telling me that it has not."

Speaker Peters: "Proceed, Representative McClain."

McClain: "Thank you. It's taken all of the wind out of my sails, Mr. Defense Attorney. Ladies and Gentlemen of the House..."

Speaker Peters: "I suggest you be brief."

McClain: "I'm going to. Ladies and Gentlemen of the House, all

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this does is purely discretionary. The judge may have an extended term for a felony against a child below twelve, a handicapped person, or a person that's over sixty years old. You're talking about protecting, what I would call a helpless victim, a person, child, elderly or handicapped that are not able to adequately defend themselves against some sort of object activity by another person. All it is, is purely discretionary. The judge may have the extended term. Purely discretionary. I'd ask for an 'aye' vote."

Speaker Peters: "The question is, shall Amendment 2 to House Bill 1241 be adopted. Representative Stearney, requests a Roll Call vote. No, voice vote? Voice vote. All those in favor will signify by saying 'aye', those opposed. The opinion of the Chair, the 'nos' have it. Representative McClain requests a Roll Call vote. Those in favor will vote 'aye', those opposed will vote 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 79 voting 'aye', 50 voting 'nay' and Amendment #2 to House Bill 1241 is...is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 8...I'm sorry. House Bill 931, Representative Terzich. Terzich. House Bill 931. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 931. It's been read a Second time previously. Floor Amendment #1, Terzich. Amends House Bill 12...931 on page 6 and so forth."

Speaker Peters: "Representative Terzich."

Terzich: "Ah...yes, Mr. Speaker. That Amendment is a disclaimer under the Mandates Act and I move for its adoption."

Speaker Peters: "Is there any discussion? Question is, shall Amendment #1 to House Bill 931 be adopted? Those in favor will signify by saying 'aye', those opposed. The opinion

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of the Chair, the 'ayes' have it. Amendment #1 is adopted.
Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 1275, Representative
Wolf. Read the Bill. J.J. Wolf."

Clerk Leone: "House Bill 1275, has been read a Second time
previously. Amendment #1, J.J. Wolf. Amends House Bill
1275 on page 1 and so forth."

Speaker Peters: "Representative Wolf."

Wolf, J.J.: "Thank you, Mr. Speaker, Members of the House. This
Amendment incorporates several Department of Conservation
administration Bills that were not posted in time to get a
hearing. They make various changes in the wildlife coding,
including to more clearly defines the turkey season in
out...it raises out of state license from fifteen to thirty
dollars. It raises the bag limit to two birds and changes
the hunting time. It cleans up the deer permit section
regarding land owner permits. Allows year round skunk
hunting due to nuisance problems and rabies. Provides for
nonresident trapping of fur bearing mammals and makes
several word changes in the Act. Reduces the day limit on
northern pike from three to one to bring Illinois in line
with Missouri and the Mississippi River. Revises section
of importation of live eggs or sperm used for bait
primarily and eliminates the requirement that persons use a
seine or dip net under ice. Obtain authorization and be
supervised by the Department. The final portion amends the
Fish and Wildlife Code to provide that a legal taking of
fish and game for sale, which is known as poaching, is
punishable as a Class 3 felony. Currently the violation is
only a misdemeanor and punishable up to six months in jail
and a fine of five hundred dollars and extends the steel
shot restrictions to January 1, of 1984. I would move the

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adoption of the Amendment."

Speaker Peters: "Any discussion? Question is, shall Amendment 1...Let the record indicate, any obscene comments coming over the phone, were by Representative McClain, not me. The question is, shall Amendment #1 to House Bill 1275 be adopted. All those in favor will signify by saying 'aye', those opposed. The opinion of the Chair, the 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 542, J.J. Wolf. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 542. It's been read a Second time previously. Next Amendment, Amendment #2, J.J. Wolf. Amends House Bill 542 and so forth."

Speaker Peters: "Representative Wolf."

Wolf, J.J. "Ah yes, Mr. Speaker. At the present time, misdemeanants receive less good time credits than convicted felons. To eliminate this disparity, is proposed to have misdemeanants receive the same one day of good credit for each day of service in the institution. It would allow misdemeanants to serve less time in the institution, thereby reducing the cost to the State and helping reduce overcrowding. This Amendment is being introduced by the...at the request of the Department of Corrections."

Speaker Peters: "Any discussion? If not, the question is, shall Amendment 2 to House Bill 542 be adopted? All those in favor will signify by saying 'aye', all those opposed. The opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. 1679, Representative Hoxsey. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1679. It's been read a Second time

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previously. Amendment #1, Van Duyne. Amends House Bill 1679 on page one and so forth."

Speaker Peters: "Representative Van Duyne."

VanDuyne: "Thank you, Mr. Speaker. First I want to thank Representative Hoxsey for allowing me to attach this Amendment to her Bill. I've told her about it and she agrees with it. The Amendment addresses a problem that our local Lion's Club has in Joliet and also, including other...all the other charitable organizations registered pursuant to Section 2, of this Act. Right now, they are exempted from filing with the Attorney General in hiring a C.P.A. to do their...filing of an affidavit with them, that would cost to the tune of several hundred to a thousand dollars with every filing. The exemption is up to twenty-five thousand dollars in one given year as far as their fund raising activities are concerned, but they are exceeding that now and they're going...they have to pay this money out to a C.P.A. So, what simply the Bill does, is relieves the Amendment...the exemption of twenty-five thousand and raises it to fifty."

Speaker Peters: "Any discussion? Question is, shall Amendment...there being no further discussion, the question is, shall Amendment #1 to House Bill 1679 be adopted? Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 1003, Representative Birkinbine."

Clerk Leone: "House Bill 1003, has been read a Second time previously. Amendment #1, Birkinbine. Amends House Bill 1003 on page 1, line 1 and so forth."

Speaker Peters: "Representative Birkinbine."

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Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Amendment I offer to House Bill 1003 was originally House Bill 1318, that somehow got lost in the switches and was never heard in Committee. It adds clarifying language to a Bill we passed last year, that involved self-insurance pools for workmen's compensation. It has perhaps, the unique situation of being supported by both the I.M.A. and the A.F. of L-C.I.O. And, I ask for your support."

Speaker Peters: "Any discussion? Representative Darrow."

Darrow: "Thank you, Mr. Speaker. I would question the germaneness of this Amendment to the Bill. One deals with the Workmen's Compensation Act the other's the Worker's(sic) Occupational Disease Act."

Speaker Peters: "Representative Birkinbine. I'm sorry, Representative Darrow, was that directed to the Chair?"

Darrow: "Yes, that's a parliamentary inquiry."

Speaker Peters: "Would you repeat that please?"

Darrow: "Well, I'm questioning the germaneness of Amendment #1. Amendment #1 deals with the Worker's(sic) Occupation Disease Act, the Bill deals with Worker's(sic) Compensation Act."

Speaker Peters: "How are your hands?"

Darrow: "Clean."

Speaker Peters: "Mr. Parliamentarian. Representative Darrow, this is like fifty-four seconds in the first round. The Chair rules the Amendment is germane."

Darrow: "Well then, I would ask that if the Amendment is adopted, that the Bill be moved back to Second Reading, First Legislative Day, since it amends the title. So perhaps..."

Speaker Peters: "You're within...you are within your rights to request that. Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker. Are there questions? Like

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I say, it's a Bill that both the A.F. of L-C.I.O and I.M.A. support."

Speaker Peters: "Any further discussion? There being none, the question is, shall Amendment #1 to House Bill 1003 be adopted? Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Third Reading. I'm sorry, I'm sorry. Second Reading, First Legislative Day. The Chair makes another error. Not many. A new concept to germaneness, a little creativity, all in all not a bad day for the people. Representative DiPrima, on House Bill 735. Wait a minute, Larry, that's got three Amendments. Wait a minute. 627, Pawell. Representative Pawell on 627. Representative Pawell."

Fawell: "Mr. Speaker, I would like to ask leave to bring my Bill, House Bill 627, back to Second Reading, please."

Speaker Peters: "Leave has been granted."

Clerk Leone: "House Bill 627. No Amendment? We don't have an Amendment."

Speaker Peters: "Representative Fawell, do you just want to leave it on Second Reading?"

Fawell: "Yes, will you just please leave it there?"

Speaker Peters: "Fine. Second Reading. Wait a minute. Representative Capparelli, 291. Is the Gentleman here? Representative O'Connell, 1674. Not ready?"

O'Connell: "The Amendment is not ready, Mr. Speaker."

Speaker Peters: "Alright. 210, Schuneman. Out of the record. 1353, Hoffman. Oh, wait a minute, there's five Amendments on there, Gene. Representative Hoffman, 1353."

Clerk Leone: "House Bill 1353. It's been read a Second time previously. Amendment #4, Hoffman. Amends House Bill 1353 on page 4 and so forth."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen

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of the House. House Bill 1353 had been discussed yesterday and we thought it was going to stay on Second, but later on when an objection to a fiscal note was withdrawn, it was moved forward to Third. I'm bringing it back today, to consider Amendment #4 and there are other Amendments by other people following it. House Bill 1353, Amendment #4 is the School Problems Commission proposal, for the general distributive fund. It does as I said yesterday, condenses the Title I waiting on the top and the bottom. On the top two and a half points, on the bottom three points. The assessed valuation figures that are in it, are at the billion five hundred twelve point six million, which would break out at fifteen sixty-three dollars and thirty-two cents per pupil. And, I ask your support for Amendment #4."

Speaker Peters: "Representative Giorgi."

Giorgi: "Mr. Hoffman, I think you leaked information to the press yesterday on this Bill. And, I understand a number of school districts, especially 205, is going to lose a million dollars on your new funding formula and I'm wondering if you've got a printout on what you're doing?"

Hoffman: "I'm not leaking."

Giorgi: "Well listen, my Rockford newspapers had a front page story that the Amendment you put on yesterday cost a school district like Rockford, and there's about twelve hundred in the State and you're costing each one of them money at the expense of...and giving it to the suburban counties, or the collar counties. Now, it appeared on the front page of the paper today and I've been called by my editor and I want to know what you're doing."

Hoffman: "Mr. ah...to the Gentleman I will make one comment just in reference to Rockford. If we make no change... I'm sorry, wrong one. If we make no change in the formula at

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the same level, Rockford would be at twenty-three point six million, if you adopt my Amendment, they will be at twenty-six point nine million."

Giorgi: "That's the Amendment tonight? Now this Amendment here?"

Hoffman: "Right now."

Giorgi: "Fine. Okay."

Speaker Peters: "Representative Stuffle."

Stuffle: "Yes. Will the Sponsor yield? Representative Hoffman, is this the proposal, at least with regard to the first portion of the Amendment, made by the School Problems Commission?"

Hoffman: "Yes."

Stuffle: "The second question is, then the only real issue is the dollar amount as to the guarantee, whether or not we alter that?"

Hoffman: "The fact of the matter is, the appropriation is controlling on that anyway. What we do here is not really that important."

Stuffle: "You're indicating that we changed the law last year to indicate that the guarantee goes up or down, subject to the appropriation. I'd urge an affirmative vote."

Speaker Peters: "Representative Schneider."

Schneider: "That exchange you just had is essentially correct. The Commission came forward with a proposal, that in...recommended Title I changes. Those of us who are on the Commission, including Members from both sides of the rotunda, the Senate and the House, Democrats and Republicans alike, confirm that we were in accord on the Title I change. Again, Representative Hoffman is correct that the only dispute lies in the dollar amounts that will be offered in the proposal. I think we ought to adopt Amendment #4. I have Amendment #5, which will change those dollar amounts and I think we can address that also. So, I

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think what we need to do, Mr. Speaker and Members, is to vote favorably on Amendment #4 and then vote favorably on #5. I'm getting ahead of the game."

Speaker Peters: "Representative Brummer."

Brummer: "Yes. I move the previous question."

Speaker Peters: "The question is, shall the main question be put? Those in favor will signify by saying 'aye', those opposed. The question is, shall Amendment #4 to House Bill 1353, be adopted? Those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. Amendment 4 is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #5, Schneider. Amends House Bill 1353, as amended."

Speaker Peters: "Representative Schneider, on Amendment #5."

Schneider: "Thank you, Mr. Speaker and Members of the House. As I mentioned a second ago, my Amendment simply increases the dollar distribution and it is a change that is below the original thirteen fifty-three, and will allow for more funds to be distributed throughout the State at a higher level. So, it would mean that the per pupil guarantee, I wasn't paying attention to Representative Hoffman's number, but my number is fifteen sixty-nine per pupil, compared to....what'd you have, Gene? Anyhow, that's the difference."

Speaker Peters: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. I would rise in opposition to this Amendment and hope that people on both sides of the aisle, but certainly on this side, would support me in this position, which I think is one we need to feel strongly about. There's no need to hold out a promise to school districts we know we can't keep, and that's what this Bill does. We don't have the extra twenty, twenty-five million dollars that's involved here and there's no point in lying

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to anyone and saying that we do, when we know perfectly well we don't. Representative Hoffman's Amendment, which is now on this Bill and which now becomes the Bill, outlines a reasonable beginning position on school aid. There will be negotiations between both parties, between school boards and the Governor's office, all kinds of people between now and the end of the process. But, to hold out to them now that we can somehow afford something we know we can't afford and we're not going to end up anywhere near, is simply to engage in the kind of irresponsible government that we often get accused of. People will start planning school budgets based on what we do, even though we tell them that that's kind of foolish. People will start beginning to believe that this is really going to be true, even though we know we don't have the money to do it. I would hope that everyone would understand that this is something we can't do. That this is something that in any event is not going to deliver any real money to any school district in the State. What we're dealing with here, is funny money that we don't have. I would hope that everyone would join with me in opposing this Amendment and vote 'no' on Amendment #5 on this Bill."

Speaker Peters: "Representative Schneider, to close. Sorry, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members. Just a couple of brief points. First of all, this Amendment does not attempt to put the Bill or the appropriation that would follow it, back at the level originally requested by the Board of Education. It does indeed, put the level back consistent with what the Governor's original recommendations were, as to the school aid formula. Importantly, Representative Reilly indicated this would cost twenty-five million dollars or more. That is not the case. There's a six

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dollar increase from Representative Hoffman's level, in the per pupil guarantee that would generate less than a thirteen million dollar increase in an appropriation that is over one point five billion dollars less than one percent. I would urge an 'aye' vote, because I think we can find the thirteen million dollars. We're not attempting to break the bank. We're not attempting to go back to the level that the Board of Education originally recommended. To do that, would require additionally to what Representative Schneider has proposed here today, eighty some million dollars. We're not asking for that, we're asking for only a small portion of the pie and a minor increase, not of twenty-five million, but less than half of that amount."

Speaker Peters: "Representative Schneider, to close. Briefly"

Schneider: "Thank you, Mr. Speaker. Again, what this does is simply confirm, I think, what the second floor is wanting to happen, is to have more money into the formula and distribute it accordingly. The dollar differences are not that far apart. I think it would do all of our districts well to support a level of fifteen sixty-nine. And, I would ask for an 'aye' vote."

Speaker Peters: "The question is, shall Amendment #5 be adopted? Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the Amendment is lost. Further Amendments?"

Clerk Leone: "Floor Amendment #6, Schneider. Amends House Bill 1353, as amended."

Speaker Peters: "Representative Schneider, withdraws Amendment #6. Further Amendments?"

Clerk Leone: "Floor Amendment #7, Braun. Amends House Bill 13..."

Speaker Peters: "Representative Braun, withdraws Amendment #7."

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Further Amendments?"

Clerk Leone: "Floor Amendment #8, Deuster. Amends House Bill 13..."

Speaker Peters: "Who?"

Clerk Leone: "Deuster."

Speaker Peters: "Representative Deuster, on Amendment #8."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House. Amendment #8 adjusts the waiting factor for elementary schools, from one to one point one. As you may know in the school aid formula, we have a weighting factor for high schools of one point two five and a weighting factor for elementary schools of one. It is my feeling, and the feeling of many who are involved in elementary education particularly, that the elementary grades are very, very important. And this Bill, in a way, you could say fine tunes the formula by increasing the amount of money going to the elementary schools slightly. The reason for doing this, is this; we know we have declining enrollment, because we don't have a baby boon (sic), we have a shortage of children. The elementary schools are the ones who are suffering from the declining enrollment most and closing. The elementary schools are also very important to the education of children. I would encourage your support for this Amendment which adjusts slightly upwards the weighting factor for elementary schools. And, I know my good friends who are the educational leaders here in the House, Representative Schneider and Hoffman are...may have a conflict of interest, because they are both high school teachers. But nonetheless, I look forward to their observations on this subject too, and would appreciate your support of the Amendment."

Speaker Peters: "Representative Stuffle. He indicates he'll respond."

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Stuffle: "Thank you. Representative Deuster, do you have figures to indicate what this would do in terms of a shift of dollars from the position that we're now in, if this were funded at one point five one two billion dollars and with Representative Hoffman's Amendment now in place, can you tell me how much money would be shifted at that funding level from the high schools and units to the elementary districts?"

Speaker Peters: "Representative Deuster."

Deuster: "Well, Representative Hoffman is whispering twenty million, that's probably accurate. I don't have a computer printout and I can't authoritively(sic) say, but that's roughly about what I think it is."

Stuffle: "Well, let me speak to the Amendment, because I do have a computer printout. And the Amendment does shift about twenty million dollars and I believe if you look at that it shifts about five from one type of district and fifteen for another. I would support your Amendment if we were bathed in dollars, but it seems to me that, the position on your side of the aisle is that we don't have enough money even to put twelve million more dollars in it, let alone moving twenty around. And, for that reason, I would oppose the Amendment."

Speaker Peters: "The question is, shall Amendment #8, to House Bill 13....Representative Satterthwaite, I'm sorry. Representative Satterthwaite."

Satterthwaite: "Will the Sponsor yield? Don, I'm a little confused. Are you saying that this fund would...this amount of money would be shifted only into elementary districts, or would it also benefit unit districts which have elementary as part of their responsibility?"

Speaker Peters: "Representative Deuster."

Deuster: "I'll respond to the question. The shift is to

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elementaries and I think Representative Hoffman said to units. Wherever there are elementary students, the weighting is one point one."

Satterthwaite: "It is on the student, not on the type of school district?"

Speaker Peters: "Have we answered the question?"

Satterthwaite: "Hoffman. Let Hoffman answer."

Speaker Peters: "How did Representative Hoffman get...this...these were simple Amendments, Representative Hoffman. Proceed."

Hoffman: "Part of the debate fits into that category and some of it doesn't. The...what the Sponsor of the Amendment said is correct, it does apply to elementary students in both elementary and unit districts, but you gotta look at the formula as a total. In fact, with this Amendment units would get less than they would if we didn't adopt it. If that....in the terms of total dollars."

Satterthwaite: "Units...units would get less in total dollars?"

Hoffman: "Yes, because we have to redistribute twenty million dollars away in a different way and so it in fact would reduce the amount of money that units would get."

Satterthwaite: "Thank you."

Hoffman: "Yeah."

Speaker Peters: "The question is, shall Amendment #8 to House Bill 1353 be adopted? Those in favor will signify by saying 'aye', those opposed. The 'nos' have it. The Amendment is lost. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Jaffe, 1102. Read the Bill."

Clerk Leone: "House Bill 1102. It's been read a Second time previously. Floor Amendment #2, Jaffe. Amends House Bill 1102, as amended."

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Speaker Peters: "Representative Jaffe. Buzz, you're next."

Jaffe: "Yes, Mr. Speaker and Members of the House. This is merely a clarifying Amendment, that was requested by the Medical Society. By mistake we included medicine and all its branches in this particular Bill. It wasn't suppose to be that way. It was only to include dental surgery. So what we delete, the words medicine in all its branches, dental surgery and insert in lieu thereof dental surgery and that's all that Amendment #2 does and I would move its adoption."

Speaker Peters: "Any discussion? There being none, the question is, shall Amendment #2 to House Bill 1102 be adopted? Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 249, Representative Yourell."

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #..."

Speaker Peters: "Hold on, Buzz."

Clerk Leone: "House Bill 249..."

Speaker Peters: "For an announcement."

Clerk Leone: "It's been read a Second time previously. Amendment #2, Yourell-Getty. Amends House Bill 249, on page 1 and so forth."

Speaker Peters: "Representative Yourell."

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 to House Bill 249 addresses itself to perhaps a constitutional question related to the bail Bill and the Bill that we've introduced relative to the amount of the bail and the mandating of that bail. I've been advised on good authority, that perhaps in order to protect

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the Bill in both parts as far as the bail and the fine is concerned, that instead of mandating the court to make the bail the same amount as the street value of the drugs confiscated, to instead direct the court to do that. And, by doing so, we then would have made, on good authority as I've said, the Bill constitutional. I move the adoption of Amendment #2 to House Bill 249."

Speaker Peters: "Any discussion? There being none, the question is, shall Amendment 2 to House Bill 249 be adopted? Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Ropp, on 1682. Representative Karpziel, you're next."

Clerk Leone: "House Bill 1682 has been read a Second time previously. Floor Amendment #3, Ropp. Amends House Bill 1682, as amended."

Speaker Peters: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. First of all, I'd like leave to table Amendment #2. It was my Amendment and it was improperly drafted and Amendment #3 takes care of the correction. Leave to table..."

Speaker Peters: "The gentleman requests leave to table Amendment #2. Leave granted? No objection. Leave is granted."

Ropp: "Amendment #2 corrects the words that were..."

Speaker Peters: "Wait a minute. Amendment #3. Any further Amendments, Mr. Clerk?"

Clerk Leone: "Amendment #3, Ropp."

Speaker Peters: "Amendment #3, Representative Ropp."

Ropp: "Amendment #3 corrects the wording that I wanted to correct yesterday from decedant to decendant."

Speaker Peters: "Any discussion? The Gentleman moves the

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adoption of Amendment #3, to House Bill 1682. All those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment 3 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Karpziel, 1842."

Clerk Leone: "House Bill 1842 has been read a Second time previously. Motion. I move to table Amendment #1 to House Bill 1842, Representative Karpziel."

Speaker Peters: "The Lady moves to table Amendment #1. Is there objection? Being none, Amendment #1 is tabled. Further Amendments?"

Clerk Leone: "Amendment #2, Karpziel. Amends House Bill 1842..."

Speaker Peters: "Amendment #2, Representative Karpziel."

Karpziel: "I would like leave to withdraw Amendment #2."

Speaker Peters: "The Lady withdraws Amendment #2. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Karpziel. Amends House Bill 1842..."

Speaker Peters: "Amendment 3, Representative Karpziel."

Karpziel: "Yes. Amendment #3 now becomes the Bill. Everything was struck after the enacting clause and this Amendment or this Bill implements Article VIII, Section 4 of the Illinois Constitution. I have worked on this Amendment in conjunction with the Northwest Municipal Conference and Municipal League, the Illinois Press Association and several other groups. I think the Bill now, is in essence, it has the recommendations of the Local Government Finance Commission with a few differences which I would prefer to debate on Third Reading. And, I would just ask for your approval of Amendment #3."

Speaker Peters: "Before we proceed to that, the Lady asks to...move to table Amendment #2. Those in favor will

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signify by saying 'aye', those opposed. Amendment #2 is tabled. The Lady now asks, the adoption of Amendment #3.

Is there discussion? Representative Birkinbine."

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

Speaker Peters: "She indicates, reluctantly, she will."

Birkinbine: "You mentioned that you have dealt with the Northwest Municipal Conference. Are they in agreement with your Amendment as it now reads?"

Karpiel: "Yes, they are, Representative."

Birkinbine: "Thank you."

Speaker Peters: "Representative Giorgi."

Giorgi: "Mr. Speaker. Is there a preemption on home rule in this Amendment?"

Karpiel: "Is there a preemption on home rule, did you ask?"

Giorgi: "Yes."

Karpiel: "No there is not."

Giorgi: "There's no reference to home rule powers?"

Karpiel: "Oh, I'm sorry, it does preempt home rule powers."

Giorgi: "It does preempt home rule powers?"

Karpiel: "It does. Yes, sir."

Giorgi: "Well, Mr. Speaker. Earlier...Mr. Speaker. Polish prince. Mr. Speaker, she tabled...she withdrew the first Committee Amendment. Wasn't there someone from the Committee that should have spoke on that Amendment, so that we know what the Committee intended, with the Committee Amendment?"

Speaker Peters: "Representative Giorgi, there was no one seeking recognition from either side of the aisle."

Giorgi: "Which Committee was that in, sir?"

Speaker Peters: "Representative, can you answer the Gentleman's question?"

Karpiel: "Yes. The Committee Amendment was put on by me."

Speaker Peters: "What...what Committee..."

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Giorgi: "What Committee?"

Speaker Peters: "...was the Bill heard in?"

Karpiel: "In Executive and the Amendment was my Amendment. The Amendment was essentially suggested by the Illinois Press Association. The Municipal League and various other municipal groups felt that the Amendment, the publication requirements were too strong in that particular Amendment, which was why it was tabled. The original House Bill 1842, they also thought was too restrictive, Representative, and felt that the recommendations of the Local Government Finance Commission was something they could live with a lot better and have endorsed that Bill, which is now 1842."

Giorgi: "Yeah, Mr. Speaker, you know, I'm being prompted here, but I understand your first...the first Bill was tubed in the Cities and Villages and then you went into Exec with this Bill. Is that correct?"

Karpiel: "Oh, I'm...yeah...what happened was..no, what happened was, Representative, House Bill 1612, which was the direct...was the legislation that came out of the Local Government Finance Commission, was Sponsored by Representative Keane. I was a hyphenated cosponsor on that Bill and since he had...wasn't able to make that Committee meeting, I handled the Bill for him. It was defeated in Cities and Villages because, well I don't know all the reasons why, because essentially I understood it was because of...the Illinois Press Association objected to the repeal of all the publication provisions."

Giorgi: "Does the Bill still allow the Attorney General to remove an officer..."

Karpiel: "No, sir."

Giorgi: "It doesn't. In other words, this Bill is going to take an extraordinary majority to pass, because it preempts home rule. Is that correct?"

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Karpiel: "Whatever the Parliamentarian rules."

Speaker Peters: "Further discussion? Representative Wikoff."

Wikoff: "Yes, thank you, Mr. Speaker. I'm just going to reemphasize what Representative Karpiel said. Her original Bill 78, was placed in subcommittee and was not reported out and the Bill that she was referring to was heard in Cities and Villages and did fail on a seven to six vote."

Speaker Peters: "Representative Huskey."

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

Speaker Peters: "God bless you. The question is, shall the main question be put? Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Representative Karpiel, to close."

Karpiel: "Well, I would just ask your indulgence in allowing this Amendment to be placed on this Bill, because I have worked with all the various groups that had interest in this Bill. The M.F.O.A, the I.C.P.A, the Municipal League, the Northwest Municipal Conference, the Press Association, the Civic Federation and finally we have come up with a Bill that they all can agree on and I would appreciate your affirmative vote on this Amendment."

Speaker Peters: "For what purpose does the Gentleman from Winnebago, Representative Giorgi rise?"

Giorgi: "Well, Mr. Speaker, I asked her a question and she said yes and she said no and her aide nodded his head and said yes and I'd like to know for sure if the Bill allows the Attorney General to remove any officer....officer of a municipality, city or village. She said no and he said yes. I'd like to get that straight, first of all."

Speaker Peters: "Representative Karpiel."

Karpiel: "Who...who said yes?"

Giorgi: "You did."

Karpiel: "This Bill does not allow the Attorney....I don't think

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it even mentions the Attorney General."

Giorgi: "Alright. The second question is, in your Bill, you specifically exempt Chicago and Cook County from the provisions of your Bill, but the other eighty-six home rule communities are affected. Is that correct?"

Karpiel: "Well..."

Giorgi: "I thought someone shook their head yes and you're hedging on."

Karpiel: "The city...cities of over five hundred...or cities and counties over a million are exempted under this Bill, not because of the provision of home rule, but because of size. There seemed to be an agreement that there would be no real reason to have a comparative data to be able to compare, say the City of Chicago with any other municipality in the State, because of size. And also, there was an agreement with the various groups that the sophistication of the accounting that is now being done and auditing that is now being done in the City of Chicago, would not require that. However, what it does require, is that the Comptroller of every such city or county in that city or county shall have the responsibility of actively pursuing the implementation of Article VIII, Section 4 of the Constitution, through procedures consistent with principles set forth in this Act."

Giorgi: "Okay."

Karpiel: "So that the responsibility would lie with the city or the county Comptroller, in that case."

Giorgi: "Then we've established that Chicago and Cook are exempt, but the other ninety home rule communities are affected by this Bill, and she is preempting their home rule powers. So, I object to the Bill on that basis."

Speaker Peters: "The question is, shall Amendment 3 to House Bill 1842 be adopted? The Gentleman asks for a Roll Call vote."

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Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. Have all voted who wished? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 71 voting 'aye', 69 voting 'no' and the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Representative Catania. Third Reading. Representative Catania, 535? Which one, Representative? 535."

Catania: "Thank you, Mr. Speaker. I ask leave to return..."

Speaker Peters: "Leave has been granted."

Catania: "House Bill 535 to Second Reading for an Amendment from Representative Satterthwaite, which I have no objection to."

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

Clerk Leone: "House B...House Bill 535. It's been read a Second time previously. Floor Amendment #3, Representative Satterthwaite."

Speaker Peters: "Representative Satterthwaite, Amendment 3."

Satterthwaite: "Mr. Speaker and Members of the House. This Amendment was drafted at the direction of the Department of Human Rights. It has to do with age limitation for the people for whom they can provide services under the law. I know of no objection and I move for its passage."

Speaker Peters: "Any discussion? Question is shall...there being none, the question is, shall Amendment 3 to House Bill 535 be adopted? Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Catania, on

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5..which 31? Pardon."

Catania: "393."

Speaker Peters: "On 393. Read the Bill, Mr. Clerk. 393."

Clerk Leone: "House Bill 393, has been read a Second time previously. Floor Amendment #4, Catania. Amends House Bill 393, as amended."

Speaker Peters: "Representative Catania."

Catania: "Thank you, Mr. Speaker, Members of the House. I ask leave to return House Bill 393 to Second Reading. It's back? Okay. Amendment #4 simply changes certified mail to mail to the named insured. This was requested by the insurance people. I have no objection and I move for the adoption."

Speaker Peters: "Any discussion? Question is...there being none, the question is, shall Amendment 4 to House Bill 393 be adopted? Those in favor will signify by saying 'aye', those opposed. The opinion of the Chair, the 'ayes' have it, and Amendment 4 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Capparelli, 291. Read the Bill."

Clerk Leone: "House Bill 291. It's been read a Second time previously. Floor Amendment #1, Terzich. Amends House Bill 291 on page nine, and so forth."

Speaker Peters: "Representative Capparelli."

Capparelli: "Leave to bring it back to Second Reading."

Speaker Peters: "Leave has been granted on all these Bills."

Capparelli: "Alright. Alright this is a disclaimer that adds language to the effect that the Bill is not subject to the Mandates Act, because the State is relieved of any reimbursement. I ask for adoption."

Speaker Peters: "Any discussion? There being none, the question is, shall Amendment 1 to House Bill 291 be adopted? Those

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in favor will signify by saying 'aye', those opposed. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Swanstrom, 305. Pardon. Did you say no? Take it out of the record. Representative Yourell, 566."

Clerk Leone: "House Bill 566. It's been read a Second time previously. Floor Amendment #4, Yourell. Amends House Bill 566..."

Speaker Peters: "Representative Yourell, Amendment #4."

Yourell: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #4 addresses itself to language that's not consistent with the consolidation of elections when it refers to a referendum that's required in this legislation, to be held prior to July 1st, 1981. Since there is no referendums to be held prior to that date, we have taken that out of the Bill by Amendment #4. Any...any referendums that will be held relative to this Bill, will be held as you know, at one of the five consolidation election dates in a two year period. I move the adoption of Amendment #4 to House Bill 566."

Speaker Peters: "Any discussion? There being none, the question is shall Amendment 4 to House Bill 566 be adopted? Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment 4 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative DiPrima, 735."

Clerk Leone: "House Bill 735, has been read a Second time previously. Floor Amendment #3, DiPrima. Amends House Bill 735."

Speaker Peters: "Representative DiPrima, on Amendment 3."

DiPrima: "Yes. Mr. Speaker, Ladies and Gentlemen of the House.

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Amendment #3, as amended on page 1 by deleting lines 1 and 2 and inserting the following: An Act in relation to veterans and by inserting after the enacting clause the following. In essence what this Amend...Amendment does, there was one woman in the State of Illinois, now she was married to a paraplegic, the fellow died. There was a Bill I had passed about twelve years ago, which gave her a thirty thousand...a fifteen thousand dollar tax exemption on her real estate. And, now I passed a Bill here four years ago, raised it up to thirty thousand. This woman in the meantime, her husband died, she was still entitled to it, then she remarried a veteran see, but, he was not...he wasn't a paraplegic. She lost that exemption. Now this guy died, now she wants...be restored back on the roll. And that's all I'm doing. The woman lives in Elmwood Park and Elmer and I, Elmer's in agreement with her...with it, he's willing... This is...She gets married, she loses it, unless she marries a cripple like me. That's all the thing amounts to..."

Speaker Peters: "Any discussion? Representative Frederick. Representative Vinson."

Vinson: "Yes. I didn't understand the description of this Amendment."

Speaker Peters: "It's a lady who wants to get restored to the roll, that's the way I got it. Representative Boucek."

Boucek: "Thank you, Mr. Speaker. I have a question of the Sponsor...."

Speaker Peters: "Role."

Boucek: "I forgot. I got lost somewhere. Was it the first husband or the second husband?"

Speaker Peters: "Representative DiPrima."

DiPrima: "Well if you got lost.. You just take sixty-six all the way to....fifty-five and go all the way to Chicago and

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eventually you'll find your way home. Next."

Boucek: "No further questions."

Speaker Peters: "There being no..."

DiPrima: "I move for the adoption of Amendment #3..."

Speaker Peters: "There being no further discussion..."

DiPrima: "...to House Bill 735."

Speaker Peters: "The Gentleman moves the adoption of Amendment #3, to restore the woman to the roll. All those in favor will signify by voting 'aye', or by saying 'aye', those opposed."

DiPrima: "You know what to say, Petey."

Speaker Peters: "I haven't been from the westside too long. In the opinion of the Chair, the 'ayes' have it and the Amendment's adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Swanstrom, are you now ready, sir? House Bill 305."

Clerk Leone: "House Bill..."

Speaker Peters: "On the same Bill? Representative Swanstrom, 305."

Clerk Leone: "House Bill 305 has been read a Second time previously. Floor Amendment #2, Swanstrom. Amends House Bill 305, as amended."

Speaker Peters: "Representative Swanstrom."

Swanstrom: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In drafting Amendment #1, there was an error made and we deleted the words qualified competent and trustworthy. Amendment #2, simply puts those words back into the language. I'd move for its adoption."

Speaker Peters: "Any discussion? If not, the question is, shall Amendment 2 to House Bill 305 be adopted? Those in favor will signify by saying 'aye', those opposed. The opinion of the Chair, the 'ayes' have it. The Amendment is

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adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Grossi, on 845. 845. Interests on judgments accrued. Did you not request that to be brought back? Representative Polk. No wait a minute, that's R.T.A., I don't want to get into that. 1362, Representative Ronan. Ronan. Gentleman is not here? Representative McGrew, on 1719. Gentleman is not here. Representative DiPrima, on 1153. Read the Bill, Mr. Clerk. Representative DiPrima."

DiPrima: "Yes, we adopted the Amendment on the other Bill. It's the same Amendment on this one. So, cast it to the wind."

Speaker Peters: "Fine. Representative Stuffle. He's gone. Representative McClain, on 477. The Gentleman here? Representative Deuster, on 648. The Gentleman asks leave to bring 648 back to the Order of Second Reading, for the purpose of an Amendment. Is leave granted? Leave is granted. Representative Deuster."

Clerk Leone: "House Bill 648. It's been read a Second time previously."

Deuster: "Mr. Speaker, I ask leave of the House to amend House Bill 648, as amended, on the face of...The Amendment was adopted a word was left out which was noncommercial. It appears on page 2 of Amendment #2, in the top line and the line should read except that those noncommercial, second class, second division vehicles. This was actually Watson's Amendment and everyone I think, who considered the subject thought that we were talking about noncommercial vehicles..."

Speaker Peters: "Representative Deuster..."

Deuster: "I ask leave."

Speaker Peters: "So that the Clerk and the Chair understand what you are doing. You are asking leave to change an Amendment

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that has been adopted on its face? Are we correct?"

Deuster: "That's correct. By adding the one adjective which is noncommercial."

Speaker Peters: "The Clerk informs me, that the better way to do is to file another Amendment. It has already been engrossed in the Bill."

Deuster: "I see. I can do that, I thought it would save the time of the House to do it expeditiously."

Speaker Peters: "Sorry. How about 422. Representative Deuster. 422. Public water supply protection."

Deuster: "I had not requested that to be returned."

Speaker Peters: "Alright. Representative Terzich, on 145. Gentleman here? Who? 477, McClain. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 477, it's been read a second time previously. Floor Amendment #3, Getty-McClain, amends House Bill 477 as amended."

Speaker Peters: "Any Amendments from the floor? Amendment #3, Representative Getty."

Getty: "Mr. Speaker, Members of the House, Amendment #3 is to clean up a technical defect in the Bill. It does not ...It is not correctly drafted and we would put in, to have it correctly drafted, adding Section 6.A. I would move for adoption of the Bill...of the Amendment. It's nonsubstantive."

Speaker Peters: "Any discussion? The question is, 'Shall Amendment #3 to House Bill 477 be adopted?' Those in favor will signify by saying 'aye'; those opposed. In the opinion of the Chair, the 'ayes' have it and Amendment #3 is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #4, Getty-McClain, amends House Bill 477 as amended."

Speaker Peters: "Whose Amendment? Representative Getty,

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Amendment #4."

Getty: "Mr. Speaker, Members of the House, Amendment #4 would reinsert the traditional provision that there is an exemption of conversations and only conversations between husband and wife. Existing law has already provided that in this regard, only those confidential communications are privileged. It would not affect any eye witness testimony under law and we have already in the privileged Section removed any privilege of communication involving the doctor. That would be reinforced by the language if this Amendment were adopted. And I would move for the adoption of the Amendment. Representative McClain, the Sponsor of the Bill, concurs in this with me."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall Amendment #4 to House Bill 477 be adopted?'" Those in favor will signify by saying 'aye'; those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #4 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading."

Mautino: "Personal Privilege, Sir, if I may? I think today, I'd like to have it noted in the record, on Wednesday, May 13th, my existing seatmate and colleague Myron Kulas has addressed this General Assembly three times. And, I think that's a landmark because my other seatmate for six years, only addressed it once and that was the good Alderman Mike Narduli. So we're giving...I want it for the record for Myron Kulas this time."

Speaker Peters: "Committeeman Matthew 'Biezczt' will be informed of the loquaciousness of the Gentleman he has asked to represent the district here. Representative Catania, on 531. Lady here? Representative Catania, on 533. Representative Pullen, on 1270. You reque..."

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Representative Grossi, on 592. Read the Bill. That's it."

Clerk Leone: "House Bill..."

Speaker Peters: "No, two more. Leverenz has got his."

Clerk Leone: "592. It's been read a Second time previously.

Floor Amendment #1, Grossi. Amends House Bill 592, on page
2 line 19 and so..."

Speaker Peters: "Representative Grossi, on Amendment #1."

Grossi: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. House Bill 592 is the Compensation Review Board for
Legislators, Judges and State Executive Officers. What
Amendment #1 does, is simply require that the report that
this Board files be accepted by the General Assembly within
sixty days after it is filed. Failure to accept it, means
that the salaries will remain the same under the terms of
this Amendment. I ask for your..."

Speaker Peters: "Any discussion? The Gentleman moves the
adoption...there being none, the Gentleman moves the
adoption of Amendment #1, to House Bill 592. Those in
favor will signify by saying 'aye', opposed. In the
opinion of the Chair, the 'ayes' have it. The amendment's
adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, Grossi. Amends House Bill..."

Speaker Peters: "Amendment #2, Grossi."

Grossi: "Amendment #2 simply requires that this board have public
hearings and that the representatives from the three
branches of government, along with the public may present
testimony at those public hearings."

Speaker Peters: "Any discussion? There being none, the Gentleman
moves that Amendment #2 to House Bill 592 be adopted.
Those in favor will signify by saying 'aye', those opposed.
In the opinion of the Chair, the 'ayes' have it. Amendment
#2 is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Grossi. Amends House Bill 592

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on page 1 and so forth."

Speaker Peters: "Representative Grossi, Amendment #3."

Grossi: "Amendment #3 changes the composition of the board, to provide for ten public members, five members to be elected or selected by lot from the Speaker and the President. One from each judicial district of the State, from a list of registered voters. Five members are also to be selected by the Speaker and President from a list of registered voters submitted by the news media, labor, business and civic organizations. Again, one each from each judicial district."

Speaker Peters: "Any discussion? The Gentleman moves the adoption of Amendment #3, to House Bill 592. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #3 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "House Bills Third Reading. House Bill 715, Leverenz. Out of the record. 715, Leverenz."

Clerk Leone: "House Bill 715, has been read a Second time previously. Floor Amendment #4, Leverenz. Amends House Bill 715 on page 1, lines 1 and so forth."

Speaker Peters: "Representative Leverenz, on Amendment #4."

Leverenz: "Thank you, Mr. Speaker. I certainly appreciate you calling on me. I'd like to move to table Amendment #2, which will be replaced by a technical...technically correct Amendment #5."

Speaker Peters: "Representative Leverenz, we're not going to have a motion to reconsider that, are we?"

Leverenz: "No, I doubt it."

Speaker Peters: "God bless, thank you. State your motion."

Leverenz: "Leave to table Amendment...a motion to table Amendment #2, to replace it with Amendment #5."

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Speaker Peters: "The Gentleman moves to table Amendment #2. On that question, all those in favor will signify by saying 'aye', those opposed. The 'ayes' have it, Amendment #2 is tabled. Further Amendments?"

Clerk Leone: "Floor Amendment #4, Leverenz."

Speaker Peters: "Amendment #4, Representative Leverenz."

Leverenz: "Amendment #4, was an Amendment discussed in Motor Vehicles Committee. It would provide that the stickers that are used at the testing lanes, the Department of Transportation would be reimbursed a dollar, instead of sixty cents. I move for the adoption of Amendment #4."

Speaker Peters: "Any discussion? The Gentleman moves the adoption of Amendment #4, to House Bill 715. All those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #5, Leverenz. Amends House..."

Speaker Peters: "Representative Leverenz, Amendment 5."

Leverenz: "Thank you, Mr. Speaker. Amendment #5 replaces Amendment #2 on the inspection of recreational vehicles technically correct. I move for the adoption of Amendment #5."

Speaker Peters: "Any discussion? There being none, the Gentleman moves the adoption of Amendment #5. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #6, Leverenz. Amends House Bill 715 on page 2, lines 9 and so forth."

Speaker Peters: "Representative Leverenz, on Amendment #6."

Leverenz: "Thank you, Mr. Speaker. Amendment #6 would provide that in municipalities having over a million population be exempt. I move for the adoption of Amendment #6. This

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replaces the Amendment #3, that was tabled, because Representative Terzich was not on the floor. And I've agreed to the Amendment."

Speaker Peters: "The Gentleman moves...Any discussion? Representative Hallock."

Hallock: "Yes. Will the Sponsor yield for a question?"

Speaker Peters: "He indicates he will."

Hallock: "Two questions. Well, I have two questions. Now first of all, you mumbled through the last change and I want to know if you are in fact, exempting Cook County from all these testing standards you've suggested for downstate?"

Leverenz: "No, we are not."

Hallock: "Well then, could you repeat your explanation of the Amendment, please?"

Leverenz: "No question about it. It would provide that municipalities, not counties, with over a million population would be exempt."

Hallock: "So, you are exempting Chicago, yet leaving these testing standards in for downstate by this Amendment?"

Leverenz: "That's correct. On the fire trucks, the City of Chicago and their fire department provides that each firehouse, one individual paid twenty-four thousand dollars a year to handle the inspection on a daily basis."

Hallock: "No further questions."

Leverenz: "Daily rather, than any other method."

Speaker Peters: "Any further discussion? Representative Huskey."

Huskey: "Just one question, that is....Representative Leverenz, that's strictly fire trucks that you're asking for..."

Leverenz: "That's correct."

Speaker Peters: "Any further discussion? If not, the Gentleman moves the adoption of Amendment #6 to House Bill 715. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it, and

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Amendment #6 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 751, Leverenz."

Clerk Leone: "House Bill 751. It's been read a second time previously. Amendment #1, Leverenz, amends House Bill 751 on page 1 by deleting the title and inserting in lieu thereof the following."

Speaker Peters: "Amendment #1, Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker, again for calling on me and recognizing me for the Amendment. Amendment #1 would essentially make clear that we are adopting Executive Order #2, transfers the Office of Fiscal Management, Risk Management to the Department of Administrative Services to the Department of Personnel. I move for the adoption of Amendment #1 to 751."

Speaker Peters: "Any discussion? There being none, the question is shall Amendment #1 to House Bill 751 be adopted. Those..Representative Hallock."

Hallock: "Yes, will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Leverenz: "For two questions."

Hallock: "For the record, could you clearly state that this is purely implementation legislation for Executive Order #2 and nothing beyond that?"

Leverenz: "I think I explained that it would make clear that we are adopting Executive Order #2."

Hallock: "Right, then this in fact is implementation legislation for that order and nothing beyond that?"

Leverenz: "The Amendment does, yes."

Hallock: "No further questions?"

Leverenz: "There are other parts to the Bill."

Speaker Peters: "Any further discussion? The Gentleman moves the adoption of Amendment #1 to House Bill 751. Those in favor

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will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 240, Representative Schuneman. I'm sorry, 210, Representative Schuneman."

Clerk Leone: "House Bill 210. It's been read a second time previously. Amendment #1, McPike, amends House Bill 210 on page 3, line..."

Speaker Peters: "Representative McPike, Amendment #1."

McPike: "Thank you, Mr. Speaker, this changes thirty days to fourteen days. The Sponsor is willing to accept this Amendment. I'd move for its adoption."

Speaker Peters: "Any discussion? If not, the question is shall Amendment #1 to House Bill 210 be adopted. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. And the Amendment..the Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Page 34, Senate Bills Third Reading. Representative Wolf."

Clerk Leone: "Senate Bill.."

Speaker Peters: "Third Reading. Senate Bill 871, 872, 873 and 874, Representative Wolf."

Clerk Leone: "Senate Bill 871, a Bill for An Act to provide for the appropriations to certain agencies. Third Reading of the Bill."

Speaker Peters: "Read 'em all. Read 'em all."

Wolf, J.J.: "Yes, I was going to ask for leave to have all four on one Roll Call."

Speaker Peters: "The Gentleman asks leave to have a vote on all four. Is there objection? There being none, leave is

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granted.

Clerk Leone: "House Bill 872, a Bill for An Act making appropriations for the ordinary and contingent and distributive expenses of the Department of Corrections. Third Reading of the Bill. House..Senate Bill 873, a Bill for An Act making appropriations to the ordinary and contingent expenses of the Dangerous Drugs Commission. Third Reading of the Bill. Senate Bill 874, a Bill for An Act making appropriations for the ordinary and contingent expenses of the Department of Veteran Affairs. Third Reading of the Bill."

Speaker Peters: "Representative Wolf."

Wolf, J.J.: "Thank you, Mr. Speaker, Members of the House. I'll explain each one separately. Senate Bill 871 is a supplemental appropriation of \$400,000 to the Department of Public Health from the Federal Maternal and Child Health Services Fund to offset a transfer from GRF for perinatal services. The Department estimates that the laboratory's division will exhaust its available operation's resources by the 15th of May making it difficult to meet the May 1 to 15 payroll. Currently the rape victims grant account has been exhausted since about the 1st of March, and the Department has already accumulated about \$50,000 in bills. That, I believe is, oh, it also transfers 1,241,100 in GRF and 40,000 in maternal and child health service funds from operations' line items, various grant accounts and perinatal services to the laboratory's personnel, services and mental grant services. Senate Bill 872 transfers 83,300 from the personal services line of the Centralia Corrections 'Centel' to the....Center. And 873 transfers \$132,200 in GRF from grants to operations in the Dangerous Drug Commission's FY budget effective immediately. Senate Bill 874 transfers 15,000 General Revenue Funds between

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grant lines in the Department of Veteran Affairs. There's only \$3.51 in the appropriation to take care of the headstones at this time. And I would move for the adoption of these four Bills or the passage of these four Bills."

Speaker Peters: "Representative Matijevich, as Spokesman, do you wish to comment? Representative Matijevich."

Matijevich: "It's all briefed."

Speaker Peters: "The question is shall Senate Bills 871, 872, 873 and 874 pass. Those in favor will vote 'aye', those opposed will vote 'no'. Mr. Clerk. Peters, 'aye'. To explain her vote, Representative Zwick."

Zwick: "Thank you. I had a question..is what my light was on for. But can I have it answered at this point?"

Speaker Peters: "If it's possible for the Chair to answer the question, we shall endeavor to do so, if it's not...ask the question."

Zwick: "Can I address it to the Sponsor or does it have to be addressed to the Chair at this point?"

Speaker Peters: "Just ask the question."

Zwick: "Okay, I'm interested in knowing why these extra appropriations are coming through now, and if..."

Speaker Peters: "These are not official appropriations. These are transfers within appropriations which were made last year. It's not new money. It's transferred."

Zwick: "Oh, you mean the money was already appropriated. It's just being transferred."

Speaker Peters: "Correct."

Zwick: "Okay, thank you."

Speaker Peters: "Do you want to change your vote?"

Zwick: "No."

Speaker Peters: "The American way. Representative Preston. Take..any other discussion? Representative..Representative Pullen."

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Pullen: "Mr. Speaker, this is totally out of line, and I would like to verify this Roll Call."

Speaker Peters: "Representative..Representative Pullen, these Bills are..have to be in the Governor's Office by Friday, otherwise these monies don't come to the Department. Representative Pullen."

Pullen: "Mr. Speaker, this is Wednesday."

Speaker Peters: "And we have it accomplished, Representative Pullen."

Pullen: "And this is...and these are Senate Bills..."

Speaker Peters: "Representative.."

Pullen: "...and they can wait until tomorrow, Mr. Speaker. And there is a lot of ghost voting going on here, Mr. Speaker. And it is totally out of order, Mr. Speaker."

Speaker Peters: "The Lady is entitled to ask for a verification. There are 89 Members here. There..do four people, do four people join her? There's three. Representative Bullock, do you really join in this madness? I only see three hands. Pullen, Zwick and Koehler. For what purpose do you rise, Representative Piel?"

Piel: "Question of the Chair. I'm not familiar with the rules, but do the rules state that you..to verify a Roll Call, you've got to be...joined by four people? This is the first time in three years that I've ever had, you know..."

Speaker Peters: "Representative Matijevich."

Matijevich: "Everybody here including Penny Pullen knows that these Bills are going to pass tomorrow."

Speaker Peters: "Exactly."

Matijevich: "You talk about something dilatory. It's dilatory for us to stay here in a verification for something we know has been worked out with no problems. They're transfers. Everybody has agreed to it except Penny Pullen. And for us to sit here, all of us to penalize ourselves, because we're

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staying here right to the end for a silly verification that none of us need, to spend more work tomorrow is really dilatory and goofy."

Speaker Peters: "Parliamentarian stands corrected. The Lady does not need four people to join her. Does the Lady persist? Mr. Clerk. Representative Wolf."

Wolf, J.J.: "Well, I don't care if you want the rape victims to get their money or the Veterans the headstones. You want to pull it out of the record? I could give a damn less. Pull it out of the record."

Speaker Peters: "This is a..some people, I think, are in need of a Dale Carnegie course. Take it out of the record. Speaker Ryan in the Chair."

Speaker Ryan: "Agreed Resolutions."

Clerk Leone: "House Resolution 272, Boucek; 274, Giglio; 277, Hallock-Kelley-Giorgi; 279, Ryan-McBroom; 280, Wikoff; 281, Jane Barnes; 282, Johnson-Wikoff; 283, Karpziel; 284, Balanoff; 285, Steczko-Dick Kelly; 286, Steczko-Dick Kelly; 287, Steczko-Dick Kelly-Jack Dunn; 288, Hallock-Giorgi-Kelley; 289, Mulcahey-Giorgi; 291, Irv Smith; 292, Huff; 293, Winchester; 294, Topinka; 295, Henry, et al; 296, Henry, et al; 297, Mautino; 299, Topinka."

Speaker Ryan: "Representative Collins."

Collins: "Thank you, Mr. Speaker. Resolution 272, Boucek, congratulates the LaGrange Community Nurse and Service. 274, Giglio, commends Michael J. Mankowski on a lifetime of service as a pharmacist. 277, Hallock-Kelley-Giorgi, honors Dean Alan Olson of Rockford College of Engineering in University of Illinois. 279, Ryan-McBroom, commemorates the Home Appliance and Heating Company of Kankakee. 280, Wikoff, congratulates Mary Jane Johnson, High Priestess of Karnak Court, the Number Seventeen, Ladies Oriental Shrine

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in North America. 281, Jane Barnes, the 25th Anniversary of the Reverend Joseph Peter McGinnity. 282, Johnson, congrat..Johnson-Wikoff, congratulates the University of Illinois Basketball Team. 283, Karpiel, congratulates Clare Haverkamp for twenty-six years of guiding the Marklund Home for handicapped infants. 284, Balanoff, expresses alarm over the brutal killings in Georgia. 285, Steczo-Kelly, congratulates Frank Farrell retiring as President of the Board of Trustees of the Village of Richton Park. 286, Steczo-Kelly, congratulates Harry Altemus retiring as a Trustee of Richton Park. 287, Steczo-Kelly-Dunn, congratulates Norbert Jerling retiring Superintendent of Orland School District 135. House Resolution 288, Hallock-Giorgi-Kelley, congratulates John M. Picken as Illinois Realtor of the year. 289, Mulcahey, congratulates James Gregory Cragan retiring from the..as Chief of the Rockford Fire Department. 291, Irv Smith congratulates Art Stone, President of the Sangamon County Lodge 55 Fraternal Order of Police. 292, Huff, congratulates Esther Rolle, well known celebrity. 293, Winchester, congratulates Willard A. Moore and his wife on their Golden Wedding Anniversary. 294, Topinka, congratulates Charles J. Slezak and wife on their 35th wedding anniversary. 295, Huff, congratulates Walter Jackson for being inducted into the Radio...or Music Hall of Fame. 296, Henry, no..this is Hall of Fame, this one was a song...song interpreter. 296, Carl Davis, congratulates him for being inducted into the Music Hall of Fame. 297, Mautino, welcomes three exchange students from Spring Valley High School. 299, Topinka, congratulates Homer Fields for his long teaching career and political career. I move for the adoption of the Agreed Resolutions, Mr. Speaker."

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Speaker Ryan: "The Gentleman moves for the adoption of the Agreed Resolutions. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Agreed Resolutions are adopted. Further Resolutions. Committee on Assignment. Change of vote."

Clerk Leone: "Representative Koehler requests to vote 'no' on House Bill 17. Representative Telcser requests to vote 'aye' on House Bill 22. Representative Hastert requests to vote 'aye' on House Bill 22. Representative Alexander requests to vote 'aye' on House Bill 22. Representative Zito requests to vote 'aye' on House Bill 43. Representative Hastert requests to vote 'no' on House Bill 43. Representative Hastert requests to vote 'aye' on House Bill 65..."

Speaker Ryan: "Mr. Clerk, take those out of the record. We won't use it...we won't call that Motion tonight. Representative Peters."

Peters: "I just wanted to indicate in the record. I don't object to anybody but Representative Zwick. If she is going to understand what the process is here, we will start giving her a lesson as to what the process is. I object."

Speaker Ryan: "Objections have been noted. Is that just on Representative Zwick?"

Peters: "Who else was read there?"

Speaker Ryan: "Read the list, Mr. Clerk."

Clerk Leone: "Representative Koehler requests..."

Peters: "I object."

Clerk Leone: "Representative Telcser requests to vote 'aye' on House Bill 22."

Peters: "Proceed, Mr. Clerk."

Clerk Leone: "Representative Alexander requests to vote 'aye' on House Bill 22. Representative Hastert requests to vote 'no' on House Bill 43. Representative Zito requests to

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vote 'aye' on House Bill 43. Representative Hastert requests to vote 'aye' on House Bill 65. Representative Alexander requests to vote 'aye' on House Bill 523. Representative Griffin requests to vote 'aye' on Amendment #1 to House Bill 918. Representative Telcser requests to vote 'no' on House Bill 1071. Representative Mays requests to vote 'aye' on House Bill 1071. Representative Margaret Smith requests to vote 'aye' on House Bill 1071. Representative Kelly requests to vote 'no' on House Bill 1071. Representative Barkhausen requests to vote 'no' on Amendments #1 and 2 to House Bill 1221. Representative Fawell requests to vote 'aye' on House Bill 1241 Amendment #1. Representative Carey requests to vote 'aye' on House Bill 1398. Representative Catania requests to vote 'aye' on Amendment #8 to House Bill 1502, and Representative Kucharski requests to vote 'aye' on House Bill 1619."

Speaker Ryan: "Are there any objections? Representative Peters."

Peters: "Mr. Speaker, I just would ask that you would give me the courtesy tomorrow...when other Motions are called. There are certain Members who are here and who continually end up changing their vote, put out their press releases. God will love them. God bless them. A good part of this business is BS. But I will do what I can at any rate at this point to indicate to them that there is a way the game is played and a way the game ain't played. And I would appreciate that courtesy, Mr. Speaker."

Speaker Ryan: "Do you object to any of these this evening? Representative Peters, are you saying that you object to these being called tonight?"

Peters: "No, I just objected to the two. I would ask, though, if you recall and I recall that you call on me tomorrow so I can listen to who has changed their vote again."

Speaker Ryan: "Now you object to..."

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Peters: "I object to Representative Zwick, and I object to Representative Koehler."

Speaker Ryan: "Representative Giorgi."

Giorgi: "I join him. I join Representative Peters in the objection."

Speaker Ryan: "Alright. Objections have been noted on Representative Zwick and Representative Koehler's change of vote. All others...are there objections to any of the others? Hearing none, leave is granted. Representative Telcser. Representative Peters."

Peters: "Mr. Speaker, I apologize, but I did forget to indicate to you that Representative Henry and Representative Pullen wish to make an announcement before we adjourn."

Speaker Ryan: "Representative Henry has withdrawn his request. Representative Pullen for an announcement."

Pullen: "I no longer wish to make an announcement, Mr. Speaker. Thank you."

Speaker Ryan: "The Lady has withdrawn her request. Representative Peters."

Peters: "That's probably right. She could make it Sunday."

Speaker Ryan: "Representative Giorgi, do you wish to add to the comment?"

Giorgi: "I want to make an announcement for Representative Pullen. About a week ago the Agreed...the Consent Calendar was up on the Board. Her Bill was on it, and she voted 'present'. I want to put that in the record."

Speaker Ryan: "Representative Jones, do you have anything constructive to add?"

Jones: "Oh yes, definitely, Mr. Speaker. The two Ladies down on front on this side of the aisle is welcome to come on this side and become permanent Democrats."

Speaker Ryan: "Representative Fawell, do you seek recognition?"

Fawell: "Yes, anybody that is in the Region 4 for DCFS is invited

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to come to room 311 at the State House Inn. That includes
yourself, Mr. Speaker..."

Speaker Ryan: "I won't be there."

Fawell: "It is the Aurora Advisory Committee for DCPS."

Speaker Ryan: "I've had enough of this for one day. Are there
any other announcements? Representative Telcser."

Telcser: "Mr. Speaker, in view of the fact that the Executive
Committee is going to meet tomorrow at eight o'clock, I now
move that the House stand adjourned until 10 a.m."

Speaker Ryan: "The Gentleman moves that the House stand adjourned
until 10 a.m. tomorrow. All in favor will signify by
saying 'aye', all opposed 'no'. The 'ayes' have it and the
House now stands adjourned."

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