

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

103rd Legislative Day

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Speaker Ryan: "The reason for the delay is, the Appropriations Committee had to have a few extra minutes to complete their work. And that's...we're waiting to see if they're through yet. Representative Friedrich, for what purpose do you seek recognition?"

Friedrich: "Mr. Speaker, while we're waiting I would like to introduce Girl Scout Cadet Troup 650, from Belleville, the Blessed Sacrament School. Their leader, 'Rosalee Caviatto' is here with them here, and I'd like for you to greet them."

Speaker Ryan: "Welcome."

Oblinger: "Mr. Speaker and Members of the House, in the gallery up here, we have the 8th grade Lutheran School class, with their teacher Mr. 'Radi' and Mrs. Harris. Particular attention is our Director of Agriculture's son, Larry 'Herries', is a member of this class. I'd like you to welcome them."

Speaker Ryan: "Larry's on the floor. His son, Neal, is in the balcony. Representative Collins."

Collins: "Well, Mr. Speaker, I just learned that we're celebrating a birthday today; and it's Representative Klemm's 50th birthday."

Speaker Ryan: "Happy birthday, Representative. ...It's all downhill. ...That's better than the alternative. The House will be in order and the Members will be in their seats. The Chaplain for today is Father Spreen, from Church of the Little Flower of Springfield, Illinois. Father Spreen."

Father Spreen: "Let us pause for a moment, set aside our worldly thoughts, and attempt to place ourselves in a prayerful mood. Almighty God, our Heavenly Father, Life of the faithful, Glory of the humble, Happiness of the just, hear

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our prayer this day, as we humbly petition our needs to You. Fill our emptiness with Your love. Let us, in our sorrows, anticipate the joy You share with us. In our anxiety, let us look for your peace. In our lives, let us unite our intentions to Your divine will. When you said, 'I am your God, you are My people', you filled us with hope. You give us the encouragement to reach out and care for all humankind. You've strengthened us in our weakness. You guide us into the unknown. You direct us to our goals of this day. We want to renew our covenant with You, and we pray. You are our God and we are Your people. Have pity on us and bless us, and may Your face shine upon us, for we come today, to do your will. Peace be with all you Legislators. Amen."

Speaker Ryan: "Thank you, Father. We'll be led in the pledge today by Representative Bartulis."

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

Speaker Ryan: "Roll Call for Attendance. It's the intention of the Chair, today, to go through the Calendar, hopefully, once on House Bills Second Reading and House Bills Third Reading, and, hopefully, be adjourned by 6:00 or 6:30 this evening. Representative Kulas, did you take note of that, please? Representative Getty, do you have any absences today?"

Getty: "Mr. Speaker, may the record indicate that Representative Laz Murphy is excused due to a death in the family."

Speaker Ryan: "The record will so indicate. Representative Telcser, do you have any excused absences? None. The record will so indicate. Take the record, Mr. Clerk. With 170 Members answering the Roll, a quorum of the House is

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present. Introduction and First Readings, House Bills."

Clerk Leone: "House Bill 2647, Deuster, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill."

Speaker Ryan: "Senate Bills, First Reading...Introduction of First Reading."

Clerk Leone: "Senate Bill 1371, Mays - Richmond, a Bill for an Act to continue the Mississippi River Parkway Commission of Illinois. First Reading of the Bill. Senate Bill 1375, Karpziel, a Bill for an Act to amend Sections of the Illinois Development Credit Corporation Act. First Reading of the Bill. Senate Bill 1429, Oblinger, a Bill for an Act to amend Sections of the Mental Health and Developmental Disability Confidentiality Act. First Reading of the Bill. Senate Bill 1452, Telcser, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill. Senate Bill 1599, Piel, a Bill for an Act in relationship to municipal and county use and occupation taxes. First Reading of the Bill."

Speaker Ryan: "All right. The Clerk tells me that we've had a problem with the machine. It did a little skip. We've got to take another Roll Call. Roll Call for Attendance. Representative Wolf, for what purpose do you seek recognition?"

Wolf, J. J.: "For the purpose of an announcement, Mr. Speaker. Mr. Speaker, Members of the House, I would like to introduce, at the rear of the gallery on the Republican side, the 8th grade graduating class of Our Lady of Mercy School in the City of Chicago, of which my niece, Martha, is a member. They are represented by Representatives Ronan, Farley and Abramson."

Speaker Ryan: "Take the record, Mr. Clerk. Now, with 173 Members answering the Roll, a quorum of the House is present. More

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Senate Bills, Introduction and First Reading."

Clerk Leone: "Senate Bill 1591, Collins - Keane, a Bill for an Act to repeal an Act in relationship to state contracts for fuel. First Reading of the Bill. Senate Bill 1592, Collins - Keane, a Bill for an Act to amend Sections of the Illinois Vehicle Code. First Reading of the Bill. Senate Bill 9...1594, Collins - Keane, a Bill for an Act to amend Sections of the State Library Act. First Reading of the Bill. Senate Bill 1630, Pierce, a Bill for an Act to amend Sections of the North Shore Sanitary District Act. First Reading of the Bill."

Speaker Ryan: "On the Calendar on page 2 under the Order of House Bills Second Reading Short Debate Calendar appears House Bill 2288, Representative Greiman. Want to hear the Bill, Representative? Read the Bill."

Clerk Leone: "House Bill 2288, a Bill for an Act in relationship to the redemption period in real estate foreclosures. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Ryan: "Representative...Are there any Motions filed with respect to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 2356, Representative Leinenweber. Representative Leinenweber, 2356. Read the Bill."

Clerk Leone: "House Bill 2356, a Bill for an Act to amend the Illinois Purchasing 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 2407, Representative

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Darrow. 2407, Representative. Read the Bill."

Clerk Leone: "House Bill 2407, a Bill for an Act to amend the Capitol Development Board 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 2430, Representative McAuliffe. Read the Bill."

Clerk Leone: "House Bill 2430, a Bill for an Act to amend the Illinois Police Training 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 2485, Representative Bell. Representative Bell, you want the Bill read? You want to move the Bill, Representative? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2485, 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: "None."

Speaker Ryan: "Third Reading. House Bill 2503, Representative Hastert. Representative Hastert on the floor? Out? Out of the record. House Bill 2577, Representative Stearney. Read the Bill."

Clerk Leone: "House Bill 2577, a Bill for an Act to create a Labor Law Revis...Revisory Commission. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. Representative Hastert, you want to go back to your Bill? Read the Bill, Mr. Clerk. 2503."

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Clerk Leone: "House Bill 2503, a Bill for an Act in relationship to the conveyance of cer...certain public land. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Are there any Motions filed with regard to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 2601, Representative Barkhausen. Read the Bill."

Clerk Leone: "House Bill 2601, a Bill for an Act relating to the Lake County Forest Preserve District. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. On the Calendar on page two, under the Order of House Bills Second Reading appears House Bill 958, Representative Younge. You want the Bill read, Representative? House Bill 958, on page two of the Calendar, Representative Younge. Out of the record? Out of the record. House Bill 960, Representative Younge. You want that out of the record, too? Out of the record. House Bill 1020...1072, Representative Wolf, J. J. Wolf. Out of the record. House Bill 1119, Representative Preston. Out of the record. House Bill 1320, Representative McMaster. Out of the record. House Bill 1463, Representative Catania. Out of the record. House Bill 1733, Representative Hallock. Read the Bill."

Clerk Leone: "House Bill 1733, a Bill for an Act to amend the School Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Ryan: "Are there any Motions filed with respect to

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Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there any further Amendments?"

Clerk Leone: "Floor Amendment #2, Deuster, amends House Bill  
1733..."

Speaker Ryan: "Representative Deuster on Amendment #2 to House  
Bill 1733."

Deuster: "Mr. Speaker, on Amendment #2, I would like to withdraw  
that Amendment. Representative Nelson has another  
Amendment."

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

Clerk Leone: "Floor Amendment #3, Nelson, amends House Bill  
1733..."

Speaker Ryan: "Representative Nelson on Amendment #3."

Nelson: "Thank you, Mr. Speaker, Members of the House. Amendment  
#3 to House Bill 1733 is a...an Amendment that would delete  
a certain Section of this Bill. The original Bill allows  
teachers to duplicate their personnel file, which seems, to  
me, to be a reasonable proposition. And so, I supported  
House Bill 1733 in Committee; however, I think that go...to  
go on further, to make a law that says, 'a representative  
of the employees' union or association or other person  
designated by the employee may be present during the review  
and duplication', is really unnecessary. And, therefore,  
what my Amendment does is delete that second sentence. I  
think that to include it in the Bill would only antagonize  
the parties involved. Of course, I'm not against bringing  
a friend along to the Xerox machine, but I simply don't  
feel that we have to have such a law on the Illinois  
Statute Books. I would urge you to vote 'yes' on Amendment  
#3 to House Bill 1733."

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

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Mulcahey: "Well, Mr. Speaker, I disagree with the previous speaker. Inasmuch as this was originally in the Bill which we passed out of the...out of the Education Committee, I feel it is a very important provision in the...in this legislation. I would like to see it stay. I don't think it's unnecessary. I don't think it's unwarranted. I think it's a very, very important provision of this...of this Bill, and I would urge all of you to...to oppose the Amendment."

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

Hallock: "Yes, thank you, Mr. Speaker, Members of the House. I would rise in opposition to the Amendment to my Bill. I believe the law is suggested by the Bill in Committee, which would allow the teacher to bring along one person with him, as a fair and equitable solution to the problem. They could bring along any person they choose to do so: their attorney, a teacher union person, a friend or whatever; and to allow them to have one person with them is, I believe, a fair request. The school boards, of course, have the option now to bring along 25 or 100 people; and to allow the school teacher, employee, to bring along one person, I believe, is the best way to go about this problem. So I would urge that Members defeat this Amendment."

Speaker Ryan: "There any further discussion? Representative Fawell."

Fawell: "Thank you, Mr. Chairman (sic - Speaker), I rise in support of this Amendment. I think it's an excellent Amendment. I agree with Representative Nelson that this is unnecessary. I think that, if somebody wants to look at their files, certainly they are entitled to that privilege. If they want a copy, it certainly is. But I see no reason whatsoever that somebody has to be there with them. I



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think if...As both of Mrs....Representative Nelson and I are school teachers, I'm sure we feel we are bright enough to be able to go through a file and pick out what is necessary. If you are a school teacher, you are supposed to have that knowledge. And I agree that I think this Amendment is a good one, and I would suggest everyone vote for it."

Speaker Ryan: "Representative Nelson to close."

Nelson: "Thank you, Mr. Speaker and Members of the House."

Speaker Ryan: "Could we have a little order in the chamber, please? Mr. Doorkeeper, will you take all unauthorized people off the floor, please? Proceed."

Nelson: "Thank you. I do not think that it's unreasonable to allow a teacher to duplicate his or her personnel files. I do think it goes beyond good common sense for us to pass a law in the State of Illinois saying that you can take a friend along to the Xerox machine. Furthermore, I believe that one of my purposes in offering this Amendment is to de-escalate the war that exists between school boards and teachers in some districts. I believe that this is a legitimate, bargainable item, and I would prefer to see it left at that level; therefore, I would urge 'yes' votes on Amendment #3."

Speaker Ryan: "Lady moves for the adoption of Amendment #3 to House Bill 1733. All in favor will signify by saying 'aye', all opposed 'no'. The 'nos' have it, and the Amendment loses. Would you like a Roll Call? Lady asks for a Roll Call. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Next time we'll... Take the record, Mr. Clerk. On this question there are 45 voting 'aye', 97 voting 'no' and 3 voting 'present', and the Motion fails. Further Amendments?"

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

Speaker Ryan: "Representative Mautino on Amendment #4. Representative Mautino on the floor? What's your pleasure, Representative Hallock? Gentleman's not on the floor?"

Hallock: "I believe Representative Mautino was going to withdraw Amendment #4, but he's here now so he can speak for himself."

Speaker Ryan: "Representative Mautino, Amendment #4 on House Bill 1733."

Mautino: "Mr. Speaker, since this is virtually the same Amendment that is Senate Bill 1274, that's now over here and that I picked up, I will withdraw Amendment #4."

Speaker Ryan: "Withdraw Amendment #4. Further Amendments?"

Clerk Leone: "Floor Amendment #5, Hallock, amends House Bill 733 (sic - 1733) on page one and so forth."

Speaker Ryan: "Representative Hallock on Amendment #5."

Hallock: "Yes, Mr. Speaker, I move to table Amendment #1 and insert in its place Amendment #5, which does, essentially, the same thing."

Speaker Ryan: "Gentleman asks leave to table Committee Amendment #1. Are there any objections? Hearing none, leave is granted. He now asks to...for the adoption of Amendment #5. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #6, Hallock, amends House Bill 733 (sic - 1733)."

Speaker Ryan: "Representative Hallock on Amendment #6."

Hallock: "Amendment #6 is an Amendment which was requested by both sides of the aisle in the Committee room. What it does, in essence, it provides a fee for duplicating the file of fifty cents per page. I believe it's an agreed Amendment, and I would move its adoption."

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Speaker Ryan: "Any discussion? Gentleman moves for the adoption of Amendment #6. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #7, Mautino, amends House Bill 1733..."

Speaker Ryan: "Representative Mautino on Amendment #7."

Mautino: "Same position as the previous one. Please withdraw."

Speaker Ryan: "Withdraw Amendment #7. Further Amendments?"

Clerk Leone: "Floor Amendment #8, Deuster, amends House Bill 733 (sic - 1733)."

Speaker Ryan: "Representative...Amendment #8, Representative Deuster."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House, Amendment #8 is an Amendment which seeks to solve a current problem in the Mundelein area, concerning the consolidation of schools. Amendment #8 merely conforms Illinois law, the School Code in one Section where you're talking about consolidation of elementary districts to the law with respect to unit districts to provide that, when you have a referendum for consolidation, it must be carried by a majority of the electors in each of the affected districts. Right now in Mundelein, and I'm sure in other places in the state, you may have suggestions that school districts consolidate. And I think it's only fair, maybe where you have a big district and a small one consolidating, that...that we have democracy function in both districts; that if there's going to be consolidation, it should carry by a majority of the voters in both of the affected districts. It's a basic, fundamental right, and I think it clarifies what could have been an oversight. It makes the law uniform. And I would be happy to answer any questions. I urge adoption of Amendment #8."

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

Getty: "Mr. Speaker, will the Gentleman yield?"

Speaker Ryan: "Indicates that he would."

Getty: "Representative Deuster, is this a problem that you said you have in your area?"

Deuster: "Yes, Sir."

Getty: "Now...Now this is a problem involving a big district next to a little district. Is that it?"

Deuster: "Yes."

Getty: "Okay. If I understand the problem correctly, then, to...for purposes of simplicity, let's say there were 100 voters...I'll wait until you're finished with the page, Representative."

Deuster: "I'm sorry, Representative Getty. Yes?"

Getty: "Let's say there were 100 voters in District A and 10 voters in District B. And in District A, 99 of the 100 voters voted that this was a good thing; but in District B, only 4 of those voters thought it would be a good thing. So, there wouldn't be a majority of that district. Now, what you're saying is, those four people could control that entire area, and, thus, frustrate the concept of consolidation. Is that correct?"

Deuster: "You have posed the most extreme example, of course. And the purpose is one reason we had a lot of problem with the RTA is because this one area prevailed and dragged the rest of them in, kicking and screaming. And I think that, where you're talking about assessed valuation and the local school and the teachers and all the aspects of a school district that are so important for parents and taxpayers, that it is only fair that there be a majority vote cast in each of the districts. In the case you pose, where there's a great big district and this little tiny territory, they

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don't need that little tiny territory. But if they are going to absorb it, I suggest in this Amendment, that they do it with the consent of those people, as contrasted to the way the Argentina took the Falklands. I think that it should be a majority rule in both of the affected districts."

Getty: "Well, but in my example, you would have 103 people voting for this, and you would have a total of five people voting against it. Isn't that correct?"

Deuster: "But you would have..."

Getty: "Now, what you...you're saying is that we should thwart the desires of the vast majority, the 103 people, in favor of the 9 or 10 or 5 or 6 people that were opposed to it. That's what this Amendment would do."

Deuster: "What this Amendment does is respect majority rule with respect to any school districts that are seeking to consolidate. And I think the public policy is good that, if people are going to work together, if they're going to be merged together, if they're going to be consolidated together, they ought to do it with their mutual majority consent."

Getty: "Well, Mr. Speaker, on the merits of the Amendment, I would suggest that what the Amendment does is just the exact opposite of what the Sponsor would suggest that it does. It permits a very small minority of the population to control the destiny of the majority. It's not a good idea. It frustrates the concept and the idea of consolidation, and I think it should be voted down."

Speaker Ryan: "Further discussion? -Representative Getty."

Getty: "I just request a Roll Call."

Speaker Ryan: "Pardon."

Getty: "I would just request a Roll Call."

Speaker Ryan: "Well, can we finish the discussion?"

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Getty: "Yes."

Speaker Ryan: "Representative Zito."

Zito: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment was in Bill form. Representative Deuster had it in Bill form in the Committee of...of Elementary and Secondary Education. It was fully discussed, at that time. Consolidation of school districts was a very important and intricate process. I don't think we can...I don't think that this Body can address this issue as an Amendment. We had discussed it fully, as I said before, in that Committee. It was soundly defeated, and I would urge everybody to defeat this Amendment. I would also ask for a Roll Call vote, Mr. Speaker."

Speaker Ryan: "Is there any further discussion?"

Deuster: "Mr. Speaker, if I could respond to the Gentleman's observation. This was not in Bill form. It was not defeated. It was simply not offered as other legislation in Committee."

Speaker Ryan: "Representative Hallock."

Hallock: "Thank you, Mr. Speaker. I would contend the Amendment, first of all, is not germane; but, more importantly, it would make it very difficult to set up a community consolidated school district. I urge that it be defeated."

Speaker Ryan: "Representative Deuster to close."

Deuster: "Mr. Speaker, as indicated, this will solve a...a problem that will be occurring around the State of Illinois; although, it presently exists in Mundelein. Wherever you're going to have a merger of two school districts, it would seem only fair, to those of us who believe in majority rule, that, where you have a referendum to merge two districts, that that merger be approved by both of the partners to the merger, both a majority of the people in both of the affected districts. The Amendment

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very simply says that if a majority of the electors in each affected district approve the merger, why, it will take place. I think this is fair; and I would urge your support for this Amendment, which will prevent the gobbling up, unfairly, of little districts by big districts, for whatever purpose they might. If we're going to have harmony and cooperation and good education for our children in consolidated districts, it must have the support of the parents. It must have the support of the majority of the taxpayers and voters in both of the districts to be merged. I would appreciate your support for Amendment #8, which reflects this basic concept of fairness and majority rule. Thank you."

Speaker Ryan: "The question is...The Gentleman moves for the adoption of Amendment #8. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 40 voting 'aye', 101 voting 'no', and 1 voting 'present', and the Gentleman's Motion fails. Further Amendments?"

Clerk Leone: "Floor Amendment #9, Mautino, amends House Bill..."

Speaker Ryan: "Representative Mautino on Amendment #9."

Mautino: "I'd like to withdraw Amendment #9, at this time, Mr. Speaker."

Speaker Ryan: "Withdraw Amendment #9. Further Amendments?"

Clerk Leone: "Floor Amendment #10, Deuster, amends House Bill 733 (sic - 1733), as amended."

Speaker Ryan: "Rep...Representative Deuster on Amendment #10."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House, Amendment #10 is the same as Amendment #2."

Speaker Ryan: "Representative Getty."

Getty: "Mr. Speaker, I don't believe this Amendment has been printed."

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Speaker Ryan: "I didn't hear you, Representative."

Getty: "I don't believe this Amendment has been printed."

Speaker Ryan: "Is that a question? Is that a question of the Chair?"

Getty: "That's a question of the Chair, Mr. Speaker. Has it been printed?"

Speaker Ryan: "Mr. Clerk, has this Amendment been printed? You're absolutely right. The Amendment has not been printed. Representative Deuster, I understand that you filed this Amendment during the discussion of Amendment #7. You want...Representative Hallock, what's your pleasure on this Bill?"

Hallock: "Well, Mr. Speaker, the Amendment has not crossed my desk. I hadn't even heard of it until a few moments ago. I would say he's out of order, and I would ask that he withdraw his effort to place an Amendment on the Bill."

Speaker Ryan: "Representative Deuster."

Deuster: "Mr. Speaker, Amendment #2 was an Amendment I had filed this Bill, and, out of a courtesy to Representative Nelson, I withdrew the Amendment because her Amendment was a little better. In view of the fact that her Amendment did not prevail, I felt it was only important...it was proper for this Body to have the subject presented. And, so, I filed Amendment #10 as quickly and diligently as I could. I would ask leave of the House to consider Amendment #10 at this time, so that we can have an opportunity for Representative Hallock to move his Bill to Third Reading, after we take care of this Amendment. And no Member of this House should really have a need to object to considering it because it hasn't been printed, because it's identical to Amendment #2, which had been withdrawn. So, with leave of the House, I would ask that we move forward to consider Amendment #10."



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Speaker Ryan: "Gentleman asks leave to hear Amendment #10. Are there any objections? Hearing none, leave is granted. Who objects? Objections have been noted by Representative Giorgi, Representative Deuster."

Deuster: "In that case, since the Amendment was filed and it hasn't had an opportunity to be distributed, if Representative Giorgi doesn't want us to expeditiously handle this, I would ask that the Bill be held on Second Reading until the Amendment is distributed."

Speaker Ryan: "Representative Hallock."

Hallock: "Well, Mr. Speaker, Members of the House, I'm always glad to accommodate another Member, but I believe that after nine Amendments, we've debated all the issues involved in this Bill, and all the tangential issues as well. And I would ask that this be moved to Third Reading."

Speaker Ryan: "Representative Hallock, we've got to have some kind of a Motion on Amendment #10 that has been filed with the Clerk. That has to be disposed of, in some manner. It either has to be withdrawn or tabled. Representative Deuster."

Hallock: "I would ask that the Sponsor withdraw the Amendment."

Speaker Ryan: "Representative Deuster."

Deuster: "I think the easiest thing is to just present the Amendment and have a vote on it, and get over with it. I don't know what the hell...what they're afraid of."

Speaker Ryan: "Well, Representative Deuster, there have been objections noted to that procedure. The House has objected. The only way you can do that is with leave. There have been objections."

Deuster: "Well, I would ask Representative..."

Speaker Ryan: "Representative Hallock, you're...you're relief, at this point, is to move to table Representative Deuster's

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Amendment..."

Hallock: "I move that the Amendment, which had been..."

Speaker Ryan: "...Or to hold the Bill on Second Reading."

Hallock: "I move that the Amendment be tabled and it...in fact, it has not even been distributed. I move that the Amendment be tabled and not considered further by the House."

Speaker Ryan: "Gentleman moves that Amendment #10 to House Bill 1733 be tabled. 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 Deuster."

Deuster: "Well, I see the...the will of the House, but I think it's very unfair of Representative Hallock and Representative Giorgi. I don't know why they're afraid of Amendment #2. I would...It would have taken about 10-15 seconds to handle it, but since he doesn't want to accommodate another Member, so be it. And I will accept the will of the House. Thank you."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this Motion there are 101 voting 'aye', 21 voting 'no', none voting 'present', and the Gentleman's Motion to table House...Amendment #10 to House Bill 1733 prevails. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 1894, Representative Friedrich. Read the Bill."

Clerk Leone: "House Bill 1894, a Bill for an Act to reinstate the Common Law Doctrine of Contribution...Contributory Negligence. Second Reading of the Bill. Amendment #...No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

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

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1894..."

Speaker Ryan: "Representative Breslin on Amendment #1 to House Bill 1894."

Breslin: "Withdraw Amendment #1."

Speaker Ryan: "Withdraw Amendment #1. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Barkhausen - Tate, amends..."

Speaker Ryan: "Representative Barkhausen on Amendment #2."

Barkhausen: "Mr. Speaker and Ladies and Gentlemen, please withdraw Amendment #2."

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

Clerk Leone: "Floor Amendment #3, Leinenweber, amends House Bill..."

Speaker Ryan: "Representative Leinenweber on Amendment #3."

Leinenweber: "Thank you, Mr. Speaker. Amendment #3, I think, will...deals with the subject of comparative negligence. House Bill 1894, as originally introduced, sought to repeal the doctrine of comparative negligence and reinstate the law that existed in Illinois prior to the Supreme Court decision of last year. Amendment #3 seeks to retain the doctrine of comparative negligence in the State of Illinois, by removing contributory negligence as a bar to recovery, and provide that damages will be diminished in proportion to the amount of negligence attributable to the person seeking recovery. However, it has become abundantly apparent in the State of Illinois that many cases are making their way through the courts, which, sort of, make a mockery of our system of damage recovery, by providing for people, at least, going through trials where they've gone through a red light, and have been at least 95 percent negligent, or 90 to 95 percent cause of an accident, and yet recovering from the other party, who is very little at fault, particularly when very serious injuries have occurred. It occurs to me that there ought to be a

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threshold over the doctrine of comparative negligence. And Amendment #3, which is sponsored by myself, seeks to provide that threshold, by req...by providing that, where the plaintiff's negligence exceeds 50 percent of the total negligence found to have caused the damages or found to have been the proximate cause of the damages, that the plaintiff should, in those instances where he is more at fault than the defendant or defendants, that in those cases, should not be allowed to recover. This will reduce the case load. It will reduce the costs of insurance attributable to comparative negligence. It will get rid of the so-called horror cases, which you've been bombarded with, and which do, in fact, exist. I think it is a very fair compromise. It is similar to the law that has existed in the State of Wisconsin, and I urge adoption of Amendment #3."

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

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to this very bad Amendment. What the...the Sponsor of this Amendment did not say is that, in any personal injury claim, one of the individuals has 100 percent of the injuries. In most personal injury claims, it's one individual who is carrying the burden, often a devastating burden, of having 100 percent of the injury. This Bill will say that, notwithstanding that that plaintiff has 100 percent of the injury, he may not be able to recover anything, even though the perpetrator of the tortious act was negligent. That person might have been 45 percent negligent. He might have been 47 percent negligent. But he's going to be able to get off without paying any damages whatsoever, when the other person, the plaintiff, carries the burden of all the injury. For that reason, this is a bad Amendment. Under pure comparative

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negligence, that concept requires only that each negligent party contributes toward the injuries, by virtue of the share of negligence that party had. So that, if you...you're 15 percent negligent, you pay 15 percent of the damages to the person who was injured. If you're 12 percent negligent, you'd pay 12 percent of the amount of the injuries for the injured person. If this Amendment passes, some...someone, by virtue of your negligence is going to be injured, but that poor person is going to be precluded from recovering one penny. This is a throwback to where we were before, and the...the court has already spoken, trying to become progressive. And we are going to be confronted here with a Bill, if we pass this Amendment, that will be regressive rather than progressive. And, it's going to be the little guy who is going to stand to lose; and it's going to be your insurance companies who are looking to gain. The little guy who's injured might, may I submit to you if that person who is injured is a relative of yours, a child, a daughter, a son, a mother, a wife, that you will look at this preclusion from recovery as a...a heinous act by your elected Representatives. So I urge you to vote 'no' on this Amendment. It's a throwback. Thank you."

Speaker Ryan: "Any further discussion? Gentleman from Cook, Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Ryan: "Indicates he will."

Birkinbine: "Harry, you indicated this is similar to the Wisconsin system. How does this Bill, if it were to be amended with your Amendment, differ from Representative Tate's Bill? And, if they're similar, why amend it to make it like Tate's?"

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Leinenweber: "Representative Tate's Bill does not provide for aggregation of negligence of multiple defendants, or, it is questionable I would say, whether it does or not. Amendment #3 very clearly provides that defendants...multiple defendant negligence will be aggregated."

Birkinbine: "I guess thank you."

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

Breslin: "Will the Gentleman yield for a question?"

Speaker Ryan: "Indicates he will."

Breslin: "Representative Leinenweber, you say that you proposed this Amendment in order to eliminate some of the horror stories that you see available, under the pure comparative system. Isn't it true, however, that under your Bill, those people who are 51 percent negligent in causing their own accident and may have considerable injuries, are left to bear the entire burden of their injuries to themselves, while there is another person who is 49 percent negligent? Isn't that true? And, in addition to which, that person not only bears all of their own burden but also bears 49 percent of the burden of the other party? Isn't that true?"

Leinenweber: "That's correct."

Breslin: "That's not a horror story, is it, Representative?"

Leinenweber: "That is a policy decision that this House will have to make. Whether there ought to be...Any time you have a threshold, there's obviously cases fall close to the threshold; and there will be instances where people will not be dealt with as fairly as if there's no threshold. The question involves...It boils down to a policy one and one of cost and economics; that there, under the current system, an insurance company, no matter how gross the facts, will never be able to close a file prior to the

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running of the statute of limitation or the conclusion of a lawsuit or of a settlement. This greatly increases the cost of handling claims. Prior to the 'Elvas' decision, for example, if a person went through a red light or if a person went through a stop sign and was injured; the insurance company, after investigating, could close their file reasonably content that there would be no liability, and would not have to establish a reserve. Currently, there is no such assurance, and this is the type of thing that greatly increases the cost of insurance. So it is a policy decision and an economic one."

Breslin: "Wouldn't you say, however, that we are also making social policy? Social policy as to how people are supposed to treat each other and how they will be held responsible later on, whether or not they have insurance. This affects people whether or not they have insurance. Isn't that correct?"

Leinenweber: "That's...That's absolutely correct. It involves all actions of negligence under the common law negligence. Again, it becomes a policy decision. I suggest, however, that, although the 'Elvas' decision is about a year old or the effective date is about 11 months old, nevertheless if you compare the results under Amendment #3 to what preceded the 'Elvas' case, then, of course, it is a giant step forward. If you compare it to the 'Elvas' decision, it is, of course, not a giant step forward. Pure contrib...Pure comparative negligence, obviously, is a perfect system; however, we live in an imperfect society in which we have to consider costs. If we wanted to make absolutely sure, I suppose, we could provide that a person would recover his damages, we would provide for the state paying the...or being the ultimate insurer and making sure that, no matter who you were hit by, whether it was a train or by an

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automobile of a poor person who had only, say, a 25,000 dollar policy, that your total damages would be paid. We don't do that for economic reasons."

Breslin: "To your Amendment, your Amendment really puts into effect the Wisconsin law. Isn't that correct?"

Leinenweber: "It is my understanding that the Wisconsin law does not permit aggregation of negligence of multiple defendants; so, in that respect, this is more liberal than the Wisconsin law."

Breslin: "That's true, but it is a 50-50 law. Isn't that right?"

Leinenweber: "It's a 51-49. In other words, the ties go to the plaintiff. I'm not sure whether Wisconsin is a 49-51 with ties going to the defendants or not."

Breslin: "Okay. I...I believe it's what's called '50-50' with the tie going to the plaintiff."

Leinenweber: "That's...Well, the defendants have to be more...the plaintiff has to be more negligent than the defendant or defendants, under Amendment #3, in order to be barred."

Breslin: "Looking at practical considerations, the Michigan Sup...the California Supreme Court, when it considers...considered Wisconsin system, they found that that system had significant problems, and they quoted it in their case 'Lye' versus Yellow Cab Company of California. They said there, that system led to numerous appeals on the narrow but crucial issue whether plaintiff's nesh...negligence was equal to the defendant's. Numerous results have...Numerous reversals have resulted on this point, leading to the development of our paying classifications of negligence, according to quality and category. It has...It has become such a nightmare with the presentation of special interrogatories and special verdicts and with appeals, therefrom, and reversals of those appeals, that the Supreme Court of Wisconsin is



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considering overruling Wisconsin Statutory Law. In the last opinion that Wisconsin Supreme Court considered, they had four justices that said, 'If the Supreme...If the Wisconsin Legislature does not act to clean up this problem, we will consider doing it ourselves'. Are you aware of that?"

Leinenweber: "Well, it sounds to me that the Supreme Court, if it said that, made that threat, would be greatly exceeding its powers under...if the Wisconsin Constitution is similar to Illinois' with providing a separation of powers. The...I am sure that there are problems, currently, under the present system. And I'm sure California is experiencing some problems under its system. However, it is my understanding that more states have opted for the modified comparative negligence than have opted for the pure."

Breslin: "That's true. However, there are some system that are better than other systems. The 51-49 system, for instance, has had a lot of people retreat from it and go over to the 50-50 system. And more and more are adopting the pure comparative system. I don't indicate that the Wisconsin Supreme Court would be making a proper decision if they took this route; however, I...I merely quote them to show the problems that the Wisconsin system has created for the Wisconsin judicial system and the people of that state, to point out what...what a significant problem it is. In addition to which, for those people who are concerned about insurance premiums and the practicalities of the insurance business and how they are affected by social policy in this state and what they insure on, I think that there are some significant facts available to show that that need not be of concern. I have in my file, for instance, the 1980 pra...product liability statistics for a total of 33 companies; this being the biggest insurance companies in

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the country. They showed that direct premiums earned in 1980 were 70.2 billion dollars. Direct losses...Excuse me, 70.2 million dollars. Direct losses paid for those is 11.6 million dollars. Now there are more losses incurred; however, those are the cases that go to trial. They establish a reserve on those. While that money is in reserve, it is making money. It makes far more money than there will ever be direct losses incurred or paid. That is the business of the insurance industry. I submit that that is not a proper consideration in this case. I urge a 'no' vote."

Speaker Ryan: "There any further discussion? The Gentleman from Marion, Representative Friedrich."

Friedrich: "Mr. Speaker and Members of the House, Representative Tate and I are Cosponsors of this Bill, and we're willing to accept this Amendment. Frankly, the Sponsor of this Amendment actually is for pure comparative negligence, as thrust on us by the Supreme Court, which has caused all kinds of problems, and I think anybody that's been dealing with this in the last year knows what we're up against. The thing that this does, this Amendment does...Amendment, we're willing to accept. The thing it does, as a minimum, it eliminates the drunk driver who runs through a stop sign, runs over somebody and...and then is set free. Actually, this leaves him no place to go, and that's where he should be. And, with respect to the decision of the...or the ruling of the Illinois Supreme Court, Chief Justice Ryan had some second thoughts. And I'm not going to bore you with his statement; but I can tell you, now, that I think he realizes and possibly other members of the Supreme Court also realize they made a mistake in making pure comparative negligence the common law of Illinois. I would urge support of the Amendment."

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Speaker Ryan: "Representative Kulas."

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

Speaker Ryan: "Gentleman moves the previous question. All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Motion prevails. Representative Leinenweber to close."

Leinenweber: "Thank you, Mr. Speaker. Amendment #...Amendment #3 to House Bill 1894 is an attempt to meet problems which have arisen as a result of the action of the Illinois Supreme Court, which adopted the Doctrine of Comparative Negligence without the...which I consider a...a rather legislative act, without going through the appropriate legislative machinery. It is an attempt to provide...to reach a policy in Illinois as to how we should handle cases and how we should allocate costs of damages as a result of negligence injury...negligently caused injuries. It asks us to make a policy decision that, in the cases where the plaintiff is more at fault than the other party, that he should not be allowed to recover. This, obviously in close cases, poses some problem; however, we're talking about a mounting problem of costs involved in handling these claims. And if you compare this system to what was pre-Supreme Court, pre-1981, this is, of course, a major, monumental step forward. It is a compromise between two extremes: a pure on one hand, and a pure on another. I think it is reasonable. I think it is the way that we should go, and I urge you to adopt...vote for Amendment #3."

Speaker Ryan: "Gentleman moves for the adoption of Amendment #3 to House Bill 1894. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Dunn to explain his vote."

Dunn, John: "Mr. Speaker, I rise on a point of personal

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privilege."

Speaker Ryan: "No rise..."

Dunn, John: "Pardon me, Sir?"

Speaker Ryan: "You're recognized to explain your vote, Representative."

Dunn, John: "I rise on a point of personal privilege, Mr. Speaker."

Speaker Ryan: "Proceed."

Dunn, John: "Mr. Speaker, I had a request for a Roll Call vote on the Motion for the previous question, something that I, generally, don't do. But this Bill bypassed Committee. It could have been sent to Committee where there could have been constructive debate on this very important subject matter. And debate was proceeding along on the floor of this House, and it was not fair to the Members, it was not fair to the general public, not fair to the people who will be effected both ways by this Bill, to bypass the debate on the floor of this House, since there was no debate in Committee. I think that the action taken by the Chair, by the Speaker, in refusing to allow a Roll Call vote on the question of whether debate should be cut off or not, was in abuse of the privileges accorded to each of these Members. I had my light on, had my hand up, and I was entitled to a Roll Call, and I resent the action of the Chair with regard to the denial of that Roll Call vote; because I think sure it would have carried."

Speaker Ryan: "Representative Tate, to explain your vote."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, as...as Representative Leinenweber has well articulated in his explanation of this Bill, this is a compromising position that both Representative Friedrich and myself support. And I would just like to share with you an excerpt from Chief Justice Ryan in his dissenting opinion on the Supreme Court

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ruling last year. 'I am bothered by the idea that no more than four individuals, four members of this court, can radically change the fabric of the law that will, hereafter, govern the conduct of 11 million residents of this state. I am bothered by the fact that this court has snatched the problem from the hands of the 236 elected representatives of those 11 million people, and has decreed that it has not elected the representatives, shall determine whether this state will follow comparative negligence or whether it will be a pure modified form.' This Bill will result in reduced premiums, will decrease the case loads. Just get...Let me, again, share with you another statistic from the...the Cook County Jury Verdict Reporter of February 1982. The statistical data will substantiate the increase of the case load from the new comparative negligent law, which has resulted in a 51 increase...51 percent increase over the last three months. I would appreciate a favorable Roll Call."

Speaker Ryan: "Representative Ewell to explain his vote."

Ewell: "Mr. Speaker, Ladies and Gentlemen, I, too, was, with my seatmate, I wanted to ask a question relative to this comparative negligence doctrine, as it came down. And the reason I wanted to ask the question is I wanted to ascertain what was the liability between 99 percent negligent and one; what was the liability between 70 percent negligent and 30 percent negligent; and, conversely, what was the liability of the paying party between 51 and 49. Now, it does make a great deal of difference in these doctrines. As I understand it, if you're 99 percent negligent and the other party is one percent, under this Bill, you would get 98. Is that the difference? There are some misunderstandings I have about this Bill. I'm trying to cast an intelligent vote; but I

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did need an answer to the question, what about 99 to one percent negligent. What's the recovery? What's the recovery between 70 and 30? And what's the recovery between 51 and 49? I don't know the answer to these. I'm trying to find it out; and it makes it very difficult. We did not have a very enlightening debate about such an important issue that bypassed committee. When I can find the answer, I will give the votes on this."

Speaker Ryan: "Representative Brummer to explain his vote."

Brummer: "Yes, in explaining my 'no' vote, I find it rather interesting that Supreme Court Justice...Chief Justice Ryan has been doing, apparently, some calling of various Legislators, expressing a great deal of concern about his issue. And I would...It occurs to me that possibly the reason he is calling is because he was in the minority. He disagreed with the Supreme Court in the 'Elvas' decision. And so, he could not do what he wanted to do in the Judicial Branch, and now he's going to the Legislative Branch, when he was in the minority with regard to the Judicial Branch, in that decision. I think it is inequitable that a plaintiff who is 50 percent negligent can recover 50 percent of his loss; but a plaintiff who is 51 percent negligent can recover absolutely zero. The distinction of one percent difference in the...the negligence of the plaintiff will result in either a verdict for the plaintiff or absolutely no recovery. The pure system, in which the damages are apportioned across the board, is, by far, the most equitable system. It is a system that we have had in existence for less than one year in Illinois. We ought to have the system an opportunity to work. We ought to vote 'no' on this Bill."

Speaker Ryan: "Representative Huff to explain his vote."

Huff: "Thank you, Mr. Speaker. In explaining my 'present' vote,

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I'm, like the previous speaker, in the dark as to the differ...the difference in the liability. I don't know whether...if a...if a suing party was 100 percent, would that mean he would get 100 percent. Or, does this affect all classes of personal injury, such as products liability, besides personal injury resulting from automobile collision. But, as I said, I am intrigued by anything that's going to reduce cost, because cost is clearly the enemy of the state's economy, and something should be done about it."

Speaker Ryan: "Representative Deuster to explain his vote."

Deuster: "Well, this Amendment is very simple, for Representative Huff and Ewell who haven't seen it. This Amendment strikes a reasonable compromise between two extremes positions. For years, we had the law in Illinois that, if you were guilty of contributory negligence, that's one percent, two percent, three percent at fault, you were absolutely barred. The Supreme Court thought that was wrong, became frustrated and jumped in to legislate, and they adopted another extreme, which was that, even if you were 99 percent fault, you could bring a lawsuit and recover some purportionate amount. This Amendment, #3, simply says two things. It says, contributory negligence will not bar you, but if you are more than 50 percent at fault, if the accident was mainly your...your fault, then you don't recover. It's a very simple thing. Nobody should be in doubt, and I think it is fair and reasonable. It is true, as Representative Brummer pointed out, wherever we draw the line it will be difficult; whether we set the age for drinking at 21 or 17 or 35, whatever, whenever we draw a line, there's some bad cases that result. But the question is, right now, we're drawing the line that you are barred from recovery if you're 50 per...51 percent at fault for

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the accident, unlike the old system, where you could lose out if you were just one or two percent. This is a simple Amendment, a fair Amendment, and a...a moderate course, right between the two extreme theories. And I would urge more green votes."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. Representative Leinenweber."

Leinenweber: "Well, I'm just...Announce the results."

Speaker Ryan: "On this question there are 86 voting 'aye', 85 voting 'no' and 1 voting 'present'. Representative Breslin, what do you seek recognition for?"

Breslin: "I'd like you to poll the absentees."

Speaker Ryan: "Poll the absentees, Mr. Clerk."

Clerk Leone: "Poll of the Absentees. Ewell. Jackson. Katz. McBroom and Murphy."

Speaker Ryan: "On this question there are 86 voting 'aye', 85 voting 'no', 1 voting 'present', and the Gentleman's Motion prevails, and Amendment #3 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Representative Jones. Representative Huff."

Huff: "Yes, Mr. Speaker, I was trying to get your attention, Sir. How am I recorded?"

Speaker Ryan: "Well, it's really not material, at this point, Representative, because we've already taken the record on this Motion...on this Amendment."

Huff: "Well, Mr. Speaker, it would have been material if you would have given me the courtesy of recognizing me at the time I was trying to get your attention. It was before you announced the decision on this...the vote on this Amendment."

Speaker Ryan: "Further Amendments?"

Clerk Leone: "No further Amendments."



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Speaker Ryan: "Third Reading. House Bill 1922, Representative Winchester."

Clerk Leone: "House Bill..."

Speaker Ryan: "Representative Brummer, for what purpose do you seek recognition?"

Brummer: "Mr. Speaker, I had my light on for the purpose of requesting a verification, with regard to this. I think there are other Members that had their light on here for the same purpose, and I would suggest to the Chair that we're"

Speaker Ryan: "Well, Representative Brummer, as I went through this Board and before I announced the vote, nobody had their light on. That's all I can tell you, or I would have called on you. Representative Madigan, for what purpose do you seek recognition?"

Madigan: "To reiterate what Representative Brummer just said. I was in the rear of the chamber. I saw Representative Breslin seeking recognition. I saw Representative Brummer seeking recognition. If I could see them, you could see them. This is a Bill you want to move along, for whatever your reasons are. And, so, we're going back to the practices of the last Session, where you ignore everybody when you want to move a Bill. And as a Member of the House, I violently protest that behavior."

Speaker Ryan: "The record will so indicate, Representative. Representative Friedrich, for what purpose do you seek recognition? House Bill 1922, out of the record. House Bill 1925, Hallock. Read the Bill."

Clerk Leone: "House Bill 1925, a Bill for an Act to amend the Illinois Identification Card Act. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "There any...any Amendments from the floor?"

Clerk Leone: "None."

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Speaker Ryan: "Third Reading. House Bill 1954, Representative Vinson. Representative Vinson on the floor? Out of the record. House Bill 1969, Representative Younge. Lady on the floor. Out of the record. House Bill 1971, Representative Davis. Representative Davis. Out of the record. House Bill 1974, Representative Catania. Out of the record. House Bill 2008, Representative Macdonald. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2008, a Bill for an Act to amend the Revenue 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 further Amendments."

Speaker Ryan: "Third Reading. Representative Conti, for what purpose do you seek recognition?"

Conti: "Purpose of introduction."

Speaker Ryan: "Well, Representative Jones is ahead of you. Representative Jones."

Jones: "Yes, thank you, Mr. Speaker. While we have a temporary lull, I would like to introduce to the Members of the House eight postmasters from the various postal stations across the State of Illinois, who are here to witness democracy, Mr. Speaker, in action; and they're on the Republican side of the aisle in the gallery. Will they kindly stand? All the postmasters, here, all of you, will you kindly stand?"

Speaker Ryan: "Welcome to the Illinois House. Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, for the purpose of an introduction. Sitting in the rear in the balcony are the Sisters of St. Cashmere, stationed at Holy

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Cross Hospital in Chicago, represented by the Legislators in the House, Madigan, Kucharski, Kornowicz, Kulas, Krska, Margalus, Bianco and Vitek."

Speaker Ryan: "Welcome. Welcome. Representative Madigan, for what purpose do you seek recognition?"

Madigan: "Question of the Clerk. Is there a fiscal note on the Clerk's desk for House Bill 2008?"

Speaker Ryan: "...Direct your question to the Chair?"

Madigan: "My question is directed to you or the Clerk, whoever is capable of answering the question; and the question is, 'Is there a fiscal note on the Clerk's desk for House Bill 2008?'"

Speaker Ryan: "We'll certainly get back to you before the day is out..., Representative Madigan."

Madigan: "Well, you have moved the Bill."

Speaker Ryan: "We'll let you know before the day is over. Soon as...As soon as I get a chance to talk to the Clerk, I'll get an answer for you, Mr. Madigan. Shut off the T.V. cameras, will you please? Turn on Mr. Madigan so he can talk, would you please?"

Madigan: "He's looking at you. You turned the microphone off, leave it off. Now he's looking at you, ask him the question."

Speaker Ryan: "I'll ask him in due time, Mr. Madigan."

Madigan: "Well, move the Bill back to Second Reading."

Speaker Ryan: "I'll get back to the Bill as soon as I get an answer from the Clerk, Mr. Madigan."

Madigan: "...The rules provide..."

Speaker Ryan: "House Bill 2013, Representative Henry. Representative Henry on House Bill 2013."

Henry: "Mr. Speaker, I give the floor to my leader, Mike Madigan."

Speaker Ryan: "You do what?"

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Henry: "Take it out of the record, please."

Speaker Ryan: "Out of the record. House Bill 2039, Representative Huskey. Out of the record. House Bill 2079, Representative Watson. Out of the record. House Bill 2081, Representative Topinka. Out of the record. House Bill 2091, Representative Frederick, Virginia Frederick. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2091, a Bill for an Act to amend the Code of Criminal Procedure. 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: "Representative Getty, for what purpose do you seek recognition?"

Getty: "Mr. Speaker, for some time, until this Bill was called, I noted that it had 2008 still on the Board. And it also indicated Second Reading. I just wondered if the Chair had acceded to follow the rules, and keep it on Second Reading until the fiscal note, which I requested, was filed?"

Speaker Ryan: "Representative Getty, you're certainly more reasonable than your seatmate, but in response, we're waiting for the Bill to come back down from the Clerk to see if the fi...if the fiscal note's been filed; and, as soon as I have that information, you will be the second to know."

Getty: "Well, all right, Mr. Speaker. I was referring to the fact that the Board was still locked on that."

Speaker Ryan: "I understand, but we have gone to several other orders of business that had been taken out of the record, Representative Getty."

Getty: "So, at this point, it is not on Second..."

Speaker Ryan: "And I will get back to you with an answer

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in...just now have the Bill. If you'll give me a minute or two, I'll look at it."

Getty: "Thank you, Mr. Speaker."

Speaker Ryan: "You bet. Representative Madigan or Representative Getty, Representative Madigan, there is a request for a fiscal note been filed on House Bill 2008, and there has also been a fiscal note filed on the House Bill 2008. And so, the Bill meets the requirements of the rules, and is moved to the Order of Third Reading, as previously stated. Representative Getty."

Getty: "Mr. Speaker, may I ask when the fiscal note was filed, as I was not given a copy of it, which is the usual procedure."

Speaker Ryan: "Well, I understand it was filed today, Representative, the same time...about the same time your request was filed. I don't know what time, but today. Your request was filed today, as I understand it."

Getty: "My request was fi...indeed, filed today, and I'm just wondering..."

Speaker Ryan: "I understand that the fiscal note was filed today."

Getty: "All right. I wonder if the Chair would ask the Clerk, since the Sponsor didn't give me a copy, to provide me with a copy of that fiscal note."

Speaker Ryan: "Certainly. We'll dispatch one to your desk immediately, Representative."

Getty: "Thank you, Mr. Speaker."

Speaker Ryan: "Now, House Bill 2091, Mr. Clerk."

Clerk Leone: "House Bill..."

Speaker Ryan: "Are there any Motions filed with respect to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there any further Amendments?"

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Clerk Leone: "Floor Amendment #2, Virginia Frederick..."

Speaker Ryan: "Just a minute. Representative Keane, for what purpose do you seek recognition?"

Keane: "Thank you, Mr. Speaker. It's just for a purpose of recognition of recognition of the Sutherland School Class, which is on the Democratic side and, I hate to interrupt, but it's my son's 8th grade class, and I'd like them to be recognized by the General Assembly. They're just leaving."

Speaker Ryan: "Nice to have you with us. Now, where are we, Mr. Clerk? For the...Amendments from the floor?"

Clerk Leone: "Amendment #2, Virginia Frederick, amends House Bill 2091 and so forth."

Speaker Ryan: "Representative Frederick on Amendment #2."

Frederick: "Oh. Mr. Speaker, I think I'd like to take it out of the record."

Speaker Ryan: "Want to take the Bill out of the record?"

Frederick: "Yes."

Speaker Ryan: "Take House Bill 2091 out of the record, Mr. Clerk. 2096, Tate. You ready to...You want the Bill heard, Representative? Out of the record. 2...Rep...Representative Matijevich."

Matijevich: "Mr. Speaker, I have a point of order. Friday I introduced, with Representative Stuffle, House Resolution 848, which calls for a Committee of the whole to elect the Illinois Commerce Commission. I understand that House Resolution 849 has been adopted, adopted by an Agreed Resolution. How...My point of order is, how can House Resolution 849 be adopted and House Resolution 848 not even be introduced? That's my point of order, Mr. Speaker."

Speaker Ryan: "Representative Matijevich, I understand yesterday we didn't do General Resolutions. We did Agreed Resolutions, and that...today we will read the General Resolutions, where your Resolution will go to the Committee

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on Assignment. We took...We take Agreed Resolutions, as you well know, out of order; there's no numerical sequence for Agreed Resolutions. Had you had yours agreed, it would have been on the agreed list and, of course, it would have been called. We didn't do the Order of Resolutions yesterday."

Matijevich: "Mr. Speaker, I want the record to show that I object to that procedure. I don't see there...that there's any way that any Resolution can be adopted that comes sequentially after another Resolution that by...according to the record, has not even been introduced. I introduced that Resolution with Representative Stuffle, Jim Rea, Representative Darrow and others on Friday. We are now in the fourth Legislative Day since Friday. I think that the Chair has violated my rights as an individual Member. I did, like many other Members do when they introduce a Resolution, I sent out word to my constituents that I did, in fact, introduce le...Resolution, according to the rules. And now I find that my rights have been violated, and I'd like the record to show my objection."

Speaker Ryan: "General Resolutions, Mr. Clerk. Read it immediately, would you please?"

Clerk Leone: "General Resolutions. House Resolution 848, Stuffle - Matijevich - Rea - Mulcahey - Stanley - Giorgi - Levin - Yourell - Hannig and Darrow. House Resolution 853, Johnson. House Resolution 854, Johnson. House Resolution 857, Garnisa - Madigan. House Resolution 866, Bower - Robbins - Woodyard - Rea - McCormick - Winchester - Stiehl - Findley - Ropp and Ackerman."

Speaker Ryan: "Committee on Assignments. Now, do you understand the procedure, Representative? That's how it's been done for a hundred years, but whether it's right or wrong, I'm not here to say. House Bill 2102, Representative

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McAuliffe. 2102. Read the Bill."

Clerk Leone: "House Resolution (sic - Bill) 2102, a Bill for an Act to amend the Criminal Code. 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: "On this issue, Representative Conti."

Conti: "For the record. He's been transcribed as calling it 'House Resolution'. It's House Bill."

Speaker Ryan: "Third Reading on House Bill 2102. Representative McAuliffe."

McAuliffe: "My Cosponsor, Representative Lerin...Levin informs me that I would like to leave this Bill on Second Reading because we're working on an Amendment. I'd like to leave this Bill on Second Reading."

Speaker Ryan: "Leave this Bill on Second Reading, Mr. Clerk. Take it out of the record. House Bill 2115, Representative Yourell. Read the Bill."

Clerk Leone: "House Bill 2115, a Bill for an Act to amend the...an Act making appropriations to the State Treasurer. 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 Floor Amendments?"

Clerk Leone: "Floor Amendment #2, Yourell, amends House Bill 2115 on page one, line one and so forth."

Speaker Ryan: "Representative Yourell on Amendment #2."

Yourell: "Thank you, Mr. Speaker. I think that Amendment #2 is



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the same as Amendment #1 that was adopted in Committee.

Can you check that for me?"

Speaker Ryan: "Certainly. They are the same, Representative."

Yourell: "Mr. Speaker, I move to withdraw Amendment #2 to House Bill 2115."

Speaker Ryan: "The Gentleman withdraws Amendment #2. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 2134, Representative Brummer. Read the Bill."

Clerk Leone: "House Bill 2134, a Bill for an Act to amend the Election Code. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Ryan: "Third Reading. House Bill 2139, Representative Pullen. Representative Pullen on House Bill 2139? Read the Bill."

Clerk Leone: "House Bill 2139, a Bill for an Act to amend the Illinois Food, Drug and Cosmetic Act. Second Reading of the Bill. Amendment #1 lost in Committee. Amendment #2 was adopted in Committee."

Speaker Ryan: "Are there any Motions filed with respect to Amendment #2?"

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Ryan: "Third Reading. 'Representative' Mark O'Brien, did you seek my attention? House Bill 2147, Representative Reilly. Out of the record. House Bill 2149, Representative Sandquist. Read the Bill."

Clerk Leone: "House Bill 2149, a Bill for an Act to amend an Act relating to alcoholic liquors. Second Reading of the Bill."

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No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. Page four, House Bill 2153, Representative Ralph Dunn. Out of the record. House Bill 2164, Representative Peters. Out of the record. Read the Bill."

Clerk Leone: "House Bill 2164, a Bill for an Act relating to planning and other powers and duties of certain state agencies in connection with health. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. House Bill 2181, Representative Vinson. Representative Vinson, 2181. Read the Bill."

Clerk Leone: "House Bill 2181, a Bill for an Act to amend the Consumer Fraud and Deceptive Businesses Practices 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: "Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House Bill 2189, Representative Nelson. Read the Bill."

Clerk Leone: "House Bill 2189, a Bill for an Act to amend the Illinois Municipal Code. 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 2234, Representative Matijevich. Out of the record. House Bill 2238,

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Representative Birkinbine. Read the Bill."

Clerk Leone: "House Bill 2238, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. House Bill 2243, Representative Brummer. Read the Bill."

Clerk Leone: "House Bill 2243, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. Representative Peters in the Chair."

Speaker Peters: "House Bill 2276, Representative Bradley. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2276, a Bill for an Act to amend an Act relating to maximum rate of interest of bonds and warrants. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Peters: "Third Reading. House Bill 2277, Representative Deuster. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2277, a Bill for an Act to amend an Act relating to the composition and election of county boards. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "None"

Speaker Peters: "Third Reading. House Bill 2284, Representative Levin. Do you wish the Bill read, Sir? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2284, a Bill for an Act to amend the

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Condominium Property 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: "Floor Amendment #2, Levin, amends House Bill 22..."

Speaker Peters: "Representative Levin on Amendment #2."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment #2 makes two changes in the Bill. The first is to incorporate language requested by the Northwest Municipal League, making clear that any easement for cable television would have to be pursuant to a local ordinance; and, secondly, the...the Amendment puts in a number of units which was requested by Representative Cullerton, where the word 'substantial' had existed before. I've checked it with both sides of the aisle, in terms of the Committee, and there is no objection to it."

Speaker Peters: "Any discussion on Amendment #2? There being none, the Gentleman moves the adoption of Amendment #2. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #2 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. Representative Stearney, House Bill 2281. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2281, 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 2286, Representative Telcser. Representative Telcser. Out of the record. House Bill 2287, Representative Findley. Out of the

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record. House Bill 2294, Representative Bower. 2294, Sir.  
Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2294, a Bill for an Act to impose  
Property Tax limitations. Second Reading of the Bill. No  
Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Peters: "Third Reading. House Bill 2334, Representative  
Irv Smith. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2334, a Bill for an Act to amend the  
Bingo License and Tax Act. Second Reading of the Bill. No  
Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendments #1, Miller, amends House Bill  
2334..."

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

Miller: "Thank you, Mr. Speaker and Ladies and Gentlemen of the  
House. Amendment #1 to House Bill 2334 simply relieves a  
municipality of having to pay a lessor's fee if an  
organization wishes to conduct a bingo on municipal  
property. The situation arises that a lot of Lions Clubs  
and churches like to hold their bingos in the village park  
or village auditorium; and, right now, the municipalities  
have to pay a 200 dollar fee, even though they may charge  
no rent whatsoever to the organization holding the game.  
This would simply relieve that obligation. I've talked to  
Members on both sides of the aisle, and hope you can  
support it."

Speaker Peters: "Any discussion? Gentleman moves the adoption of  
Amendment #1 to House Bill 2334. Those in favor will  
signify by saying 'aye', those opposed 'nay'. In the  
opinion of the Chair, the 'ayes' have it. Amendment #1 is  
adopted. Any further Amendments?"

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Clerk Leone: "Floor Amendment #2, Flinn, amends House Bill 2334..."

Speaker Peters: "Representative Flinn on Amendment #2."

Flinn: "Mr. Speaker, Ladies and Gentlemen of the House, this Amendment, Amendment #2, is by agreement of the Sponsors. And, what it does, recognize something that is now going on in the bingo games, which is the payment of some of the workers. It is permissive to permit paying up to 15 dollars per worker for a certain amount of workers for each bingo and night. And, it recognizes what is going on in most of the bingo games, and, like I say, it is permissive. I move for the adoption of the Amendment."

Speaker Peters: "Any discussion? No discussion. The Gentleman moves the adoption of Amendment #2. Those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #2 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Representative Getty, you have an inquiry on this?"

Getty: "Mr. Speaker, it's all right. I was going to inquire if it had been...if it had been printed, but it's all right."

Speaker Peters: "I can't hear. I can't hear...I didn't hear him."

Getty: "I was going to inquire as to whether the Amendment had been printed, but it's all right. I've read it now. It's all right."

Speaker Peters: "Representative, there is a...you have filed a Motion here. Do you want to request..."

Getty: "I'm sorry. What...What was the Motion?"

Speaker Peters: "You have a...a request here filed for a fiscal note."

Getty: "Oh, yes. I...If I filed a fiscal note request, I'd like

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to have a fiscal note. And I certainly would..."

Speaker Peters: "The Bill will...While we...Wanted to make sure.  
Thank you."

Getty: "Thank you."

Speaker Peters: "The Bill will remain on Second Reading until the  
fiscal is filed. House Bill 2340, Representative Daniels.  
Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2340, a Bill for an Act to amend the  
Real Estate Brokers and Salesman License Act. Second  
Reading of the Bill. Amendment #1 was adopted in  
Committee."

Speaker Peters: "Any Motions filed 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 2344, Representative  
Collins. Sir? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2344, a Bill for an Act to create the  
Labor Law Revisory Commission. Second Reading of the Bill.  
No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Peters: "Third Reading. House Bill 2348, Representative  
Hastert. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2348, a Bill for an Act to amend the  
Revenue 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: "Floor Amendment #2, Keane, amends House Bill..."

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

Keane: "Thank you, Mr. Speaker. Amendment #2 serves as a safety

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net, so that when, or in the event that the sales ratio, assessment to sales ratio studied, increases substantially, the formula reverts back to use...use of the three most previous years. I talked to the Sponsor of House Bill 2348 and I think he's accepted the Amendment and in support of it. I'd ask for a favorable consideration."

Speaker Peters: "On Amendment #2, Representative Hastert."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, I accept this Amendment. I think it makes the Bill a much better Bill, and I urge for its adoption."

Speaker Peters: "Representative Keane moves for the adoption of Amendment #2 to House Bill 2348. Those in favor will si...Those in favor will signify by saying 'aye', those opposed 'nay'. In 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 2366, Representative Birkinbine. Out of the record. House Bill 2377, Representative Miller. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2377, a Bill for an Act in relationship to State and Municipal Utilities Tax. 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, Abramson, amends House Bill 2377 on page one, line one..."

Speaker Peters: "Representative Abramson, Amendment #2. Representative Abramson. Representative Miller."

Miller: "Mr. Speaker, Representative Abramson indicated to me he was going to withdraw that Amendment."

Speaker Peters: "The Gentleman moves to table Amendment #2."



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Those in favor will signify by saying 'aye', opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #2 is tabled. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 2384, Representative Kustra. Out of the record. House Bill 2416, Representative Rigney. Sir? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2416, a Bill for an Act to create the Conservation Tillage Risk Share Program. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Peters: "There's a fiscal note request by Representative Getty. Representative Getty."

Getty: "That's correct."

Speaker Peters: "Fiscal note. The Bill will remain on Second Reading. House Bill 2432, Representative Jaffe. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2432, a Bill for an Act to amend the School Code. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Peters: "Any Motions with respect to Amendments #1 and 2?"

Clerk Leone: "Motion to Amendment #2. 'I move to table Amendment #2 to House Bill 2432', Representative Jaffe."

Speaker Peters: "Representative Jaffe."

Jaffe: "Yes, Mr. Speaker, Members of the House, Amendment #2 had a technical error in it, so we want to table Amendment #2. We're also going to table Amendment #3, and move to adopt Amendment #4, which #1...corrects the error, technical error, that we had in Amendment #2, plus puts in some language that Representative Deuster and the Education Committee had...had requested go into this particular

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Amendment. So, at this time, I will move to table Amendments 2 and 3, and..."

Speaker Peters: "The Gentleman moves to table Amendment #2. Does the Gentleman have leave? Leave is granted. Amendment #...Any Floor Amendments?"

Clerk Leone: "Floor Amendment #3, Jaffe, amends..."

Speaker Peters: "Representative Jaffe on Amendment #3."

Jaffe: "Move to table Amendment #3."

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

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

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

Jaffe: "Yes, Mr. Speaker, Amendment #4 corrects the technical error, plus it puts in the language that Representative Deuster and the rest of the Committee had requested. So I would move the adoption of Amendment #4."

Speaker Peters: "Any discussion on Amendment #4? Being none, the question is, 'Shall Amendment #4 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. House Bill 2437, Representative Karpel. I can't see. Is she there? Out of the record. House Bill 2439, Representative Terzich. Out of the record. House Bill 2440, Representative Terzich. Back up, Mr. Clerk. House Bill 2439, Representative Terzich."

Clerk Leone: "House Bill 2439, a Bill for an Act to amend the Illinois Pension 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?"

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Clerk Leone: "No Floor Amendments."

Speaker Peters: "Third Reading. House Bill 2440, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2440, a Bill for an Act to amend the Illinois Pension 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 2442, Representative Macdonald. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2442, a Bill for an Act to amend the Workers' Compensation 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 2443, Representative Macdonald. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2443, a Bill for an Act to amend the Workers' Compensation 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. Tony. House Bill 2448, Representative Daniels. Out of the record. Representative Daniels. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2448, a Bill for an Act to amend the Regional Transportation Authority Act. Second Reading of

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the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, John Dunn, amends House Bill 2448..."

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

Dunn, John: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House..."

Speaker Peters: "Excuse me. Representative Daniels, for what purpose do you seek recognition?"

Daniels: "I haven't seen Representative Dunn's Amendment, so take this out of the record."

Speaker Peters: "Out of the record. House Bill 2450, Representative Daniels. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2450, a Bill for an Act relating to the narcotics racketeering. Amendment #1...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, Cullerton, amends House Bill 2450..."

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

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is an excellent Bill. It has to do with the Narcotics Profits Forfeiture Bill. However, in looking over the Bill, I became concerned about possible conflict between states attorneys who, in most cases, would proceed with the prosecution of this type of a measure, and the Attorney General. What the Bill provides is for concurrent jurisdiction between the Attorney General as well as the local states attorney. The purpose of the Bill, of course, is an excellent one, and anyone who has been convicted of narcotics racketeering, that they would,

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in effect, forfeit any pro...proceeds that they have received as a result of that illegal activity. And the Bill also provides for incentives for the cities, who investigate the cases, and for the counties, who prosecute them; because they receive part of these proceeds, and the rest goes to the state, so that the state can beef up their investigative services. The problem comes in with the...who..."

Speaker Peters: "Excuse me. Representative Daniels."

Daniels: "Will you take this out of the record?"

Speaker Peters: "Out of the record. House Bill 2473, Representative Stiehl. Out of the record. House Bill 2474, Representative Telcser. Out of the record. House Bill 2482, Representative Kustra. 2482, Sir. Read the Bill."

Clerk Leone: "House Bill 2482, 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: "None."

Speaker Peters: "Third Reading. Representative Greiman, do you seek recognition on a point, Sir? Thank you. House Bill 2486, Representative Bell. Representative Bell, on 24... Out of the record. House Bill 2489, Representative Kustra. Out of the record. House Bill 2501, Representative Vinson. Representative Vinson. Out of the record. Representative Vinson, can we get some indication? 2501. Out of the record. House Bill 2504, Representative Reilly. Out of the record. House Bill 2505, Representative Robbins. Out of the record. House Bill 2506, Representative McAuliffe. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2506, a Bill for an Act in relationship to the use of false and fictitious names by law enforcement

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officers. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Peters: "Third Reading. House Bill 2508, Representative Ewing. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2508, a Bill for an Act to amend the Illinois Horseracing Act. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Peters: "Third Reading. House Bill 2516, Representative Daniels. 2516, Sir. Out of the record. House Bill 2519, Representative Meyer. Out of the record. House Bill 2520, Representative Nelson. Out of the record. House Bill 2521, Representative Griffin. Out of the record. House Bill 2531, Representative O'Brien. Out of the record. House Bill 2535, Representative Fawell. Out of the record. House Bill 2540, Representative Huskey. Out of the record. House Bill 2560, Representative Conti. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2560, a Bill for an Act to amend an Act relating to sanitary districts and remove obstructions in Des Plaines and Illinois rivers. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Peters: "Third Reading. House Bill 2561, Representative Conti. Read the Bill."

Clerk Leone: "House Bill 2561, 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?"

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Clerk Leone: "None."

Speaker Peters: "Third Reading. House Bill...House Bill 2562."

Clerk Leone: "House Bill 2562, 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: "None."

Speaker Peters: "Third Reading. Ho...Representative Conti, for what purpose do you seek recognition?"

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, the Sponsor of an Amendment asked me if I would consider them and bring back House Bill 2561 for the purpose of an Amendment."

Speaker Peters: "Is that...It's on Third Reading. Is that your wish?"

Conti: "I'd like to extend him the courtesy."

Speaker Peters: "When the Amendment's distributed and it comes up, I think it would then be a better time to make the Motion."

Conti: "All right. Fine. Send it to Third Reading."

Speaker Peters: "House Bill...House Bill 2563, Representative Collins. Read the Bill, Mr. Clerk."

Clerk Leone: "House...House Bill 2563, a Bill for an Act to amend an Act relating to sanitary districts and to remove obstructions in the Des Plaines and Illinois Rivers. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Cullerton, amends House Bill 2563 on page three and so forth."

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

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This, again, is another Bill where..."

Speaker Peters: "Representative Collins."

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Collins: "I don't believe that Amendment been distributed, Mr. Speaker."

Speaker Peters: "It has not been distributed. Out of the record. House Bill 2564, Representative Collins. 2564. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2564, a Bill for an Act to amend an Act relating to sanitary districts and to remove obstructions from the Des Plaines and Illinois Rivers. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

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

Speaker Peters: "Out of the record. The Amendments hasn't been distributed. House Bill 2569, Representative Barr. Out of the record. House Bill 2574, Representative Ewing. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2574, a Bill for an Act in relationship to the Occupation and Use Tax. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Peters: "Third Reading. Representative Ewing, there has...All right. The Chair will back up. On 2574, no Amendments have been filed; however, there is a request for a fiscal note. Representative Ewing. Representative Ewing, there is a request for a fiscal note, filed by Representative Getty. The Bill will remain on the Order of Second Reading. House Bill 2581, Representative Barr. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2581, 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: "None."



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Speaker Peters: "Third Reading. House Bill 2582, Representative Barr. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2582, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Peters: "Any Motions filed with respect to Amendments #1 and 2?"

Clerk Leone: "No Motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Peters: "Third Reading. House Bill 2588, Representative Giorgi. Representative Giorgi. Out of the record. House Bill 2593, Representative McMaster. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2593, a Bill for an Act to amend the Nursing Home Care Reform 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 2599, Representative Pierce. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2599, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Peters: "Third Reading. Representative Giorgi, what purpose do you seek recognition?"

Giorgi: "Mr. Speaker, I wish you'd call House Bill 2588, I think it is."

Speaker Peters: "The Gentleman asks leave for the Chair to

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reverse the order and to go back and pick up Representative Giorgi's Bill, 2588. Does the Gentleman have leave? Does the Gentleman have leave? Does the Gentleman have leave? House Bill 2588, Representative Giorgi. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2588, 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: "None."

Speaker Peters: "Third Reading. House Bill 2612, Representative Terzich. Representative Terzich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2612, a Bill for an Act to amend the Election 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 2613, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2613, a Bill for an Act to amend the Election 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 2614, Representative Topinka. Representative Topinka, House Bill 2614. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2614, a Bill for an Act to amend the Election Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

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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, Terzich - Topinka, amends House Bill 2614 as amended."

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

Terzich: "Mr. Speaker, Amendment #2 simply instructs the election judge what envelope to put in a ballot, which is objected to, because of being out of numerical sequence. It is just a technical Amendment. I would move for its adoption."

Speaker Peters: "Any discussion? Representative Barr."

Barr: "Has that Amendment been printed and distributed, Mr. Speaker?"

Speaker Peters: "Mr...Mr. Clerk. It is in the process but has not been distributed. The Bill will go out of the record. House Bill 2617, Representative Daniels. Out of the record. House Bill 2622, Representative Giorgi. 2622. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2622, a Bill for an Act to provide for the licensing and regulating certain games of chance. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Representative Giorgi."

Giorgi: "Mr. Speaker, I was just asked by Representative Rolly Meyers to hold this Bill, because he wanted to appear on part of the Amendment, and I want to..."

Speaker Peters: "Out of the record. House Bill 2635, Representative Telcser. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2635, a Bill for an Act in relationship to multi-county statewide Grand Jury. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Cullerton, amends House Bill 2635 on page one line 26 and 27 and so forth."

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

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I believe this should be an agreed Amendment with the Sponsor of the Bill. This corrects an error that was in the Bill where...this is the Attorney General's statewide Grand Jury Bill. And, in the purpose of the Act, they indicated that the Grand Jury shall have the pow...the power to prosecute. And, of course, Grand Juries so not have powers to prosecute. They have powers to investigate and indict. And, this was pointed out in the Committee hearing. And I believe the Attorney General has agreed to this Amendment which strips...simply strikes the word, 'prosecute' from under the pur...Section under the purpose of the Act and cleans up the Bill. In spite of the fact that this might pass, it still, of course, is a very bad Bill."

Speaker Peters: "On Amendment #1, Representative Telcser."

Telcser: "Mr. Speaker, the Gentleman is absolutely correct. This is an Agreed Amendment, and I'd appreciate a favorable vote."

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

Yourell: "Thank...thank you, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #2 ex..."

Speaker Peters: "Ex...Represen...Amendment #1."

Yourell: "I'm sorry. I thought you were through."

Speaker Peters: "Any further discussion? The question is, 'Shall Amendment #1 to House Bill 2635 be adopted?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, Yourell, amends House Bill 2635..."

Speaker Peters: "Representative Yourell on Amendment #2."

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Yourell: "Yes, thank you. I apologize for being ahead of my time. Amendment #2 puts back into the original Act, language that was stricken that would apply to the narcotics traffic of Illinois. I thought that the statewide Grand Jury legislation was good legislation at the time it existed, because of that inclusion in the Act. Amendment #2 puts that back into the Act, because that is the #1 problem in crime, not only in Illinois, but in the whole country today. 70% of all crime can be attributed directly to the use of narcotics and the narcotic trade. So, I ask to have you adopt Amendment #2 to House Bill 2635 to put that language back in the Act."

Speaker Peters: "On Amendment #2, Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, I rise to oppose Amendment #2 to House Bill 2635. You may recall that last year, when we were considering this legislation, we worked very closely with the State's Attorneys throughout Illinois. And it was their wish that this be incorporated into the Bill. The Amendment, which the Gentleman offers, would delete the language which the State's Attorneys throughout Illinois wanted to have in House...in House Bill 2635. So, Mr. Speaker and Members of the House, in order to maintain a working relationship with State's Attorneys in the various counties throughout Illinois in an area that has particularly...sensitive and complex; I sincerely hope the Members would vote 'no' on the Gentleman's Motion regarding Amendment #2 to House Bill 2635."

Speaker Peters: "On Amendment #2, Representative Topinka."

Topinka: "I'd like to speak on something else. I'm holding for another matter."

Speaker Peters: "Alright, would you...would you...thank you. Any further discussion? Representative Cullerton."

Cullerton: "I have a question of the Sponsor please."

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Speaker Peters: "Representative Yourell. The Gentleman indicates he'll yield."

Cullerton: "Representative Yourell, it is my understanding that the way the Bill stands now, that a State's Attorney could veto the Attorney General's prosecution of a criminal case of narcotics. Is that your understanding?"

Yourell: "That is correct."

Cullerton: "And, is the purpose of your Amendment to say that even if the State's Attorney, who might be of a different political party than the Attorney General, for whatever reason; even if he vetoes and says to the Attorney General, 'You can't come in here and prosecute these drug cases', that...If your Amendment passes, the Attorney General could go in and prosecute those cases anyway."

Yourell: "That is correct."

Cullerton: "In...right now, with respect to the current law, with respect to prosecution of drug cases, can't the Attorney General come in and...right now and prosecute drug cases with the State's Attorney's approval?"

Yourell: "Approval, yes, Sir."

Cullerton: "So that what you're saying here with this Amendment is that you're going to make his powers, with respect to drugs, consistent with his powers with respect to consumer fraud and with respect to environmental violations. Is that right?"

Yourell: "That's...that's correct. I think this is the most important part of the Statewide Grand Jury Act, and I, again, renew my Motion to adopt Amendment #2."

Cullerton: "Well, Mr. Speaker, to the Amendment. I still would not be in favor of the Bill, if it passes, but it certainly is consistent with the rest of the Bill. Right now, there is a strange portion of the...of the Bill that apparently has taken out drugs from the statewide Grand Jury. And

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that is supposedly the reason why the Attorney General is in favor of the Bill. I...it is my understanding that what this Amendment will do will bring this Bill back to the same form that the first Statewide Grand Jury Bill had, I think it was House Bill 688. And just because the Attorney General may have made a deal with the State's Attorneys' Association doesn't mean that we should here, in the General Assembly, have to kowtow to that decision and to give in. So, it would definitely be...for those of you who are concerned about the statewide Grand Jury are concerned about drugs, you'd have to be in favor of this Amendment, because it strengthens the Bill, and it gives the Attorney General the power to prosecute...or to indict people for drug violations, even if the State's Attorney vetoes that action."

Speaker Peters: "Any further dis..."

Cullerton: "I believe that the...that the mover of the Amendment wanted a Roll Call. That's what he...I don't know if he asked for it."

Speaker Peters: "The Chair is well aware of the movers intention. However, the Chair does appreciate your interest. Any further discussion? Representative Yourell to close. To close, Representative."

Yourell: "No, it is very simple. I think it has been well explained. It only includes and puts back into the Act what was originally in the Act - the narcotics factor. And I move for a favorable Roll Call on Amendment #2."

Speaker Peters: "The Gentleman moves for the adoption of Amendment #2 and asks for a Roll Call vote. Those in favor of the Amendment will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Representative McAuliffe, would you vote Representative Peters? Thank you. Have all voted who wish? Have all

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voted who wished? Have all voted who wish? Representative Hoffman, did you vote Representative Robbins 'no'? Have all voted who wished? Represen...Representative McAuliffe, would you vote Representative Wolf 'no'? The requests of the Chair are being relayed. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 83 voting 'aye', 89 voting 'no'. Representative Yourell."

Yourell: "Yes, Mr. Speaker, I'd like to verify the negative...negative vote."

Speaker Peters: "The Gentleman asks for a verification of the Roll. Representative Yourell, Representative Collins asks to be verified. What is the beginning count, Mr. Clerk?"

Clerk Leone: "83 'aye', 89 'no'."

Speaker Peters: "83 'aye', 89 'no'. Representative Collins is verified. Proceed with the verification, Mr. Clerk. Excuse me. In order to save us all time, will those who are not entitled to the floor please leave? Will those who are not entitled to the floor please leave? In the long run we'll save a lot of time here. While that is happening, the Chair recognizes Representative Conti."

Conti: "Mr. Speaker... Mr. Speaker and Ladies and Gentlemen of the House, in the balcony we'd like to welcome the Residents Against a Polluted Environment from Ottawa in the County of LaSalle. They are guests in our balcony. We would like to welcome them. They are represented by Betty Hoxsey and Peg Breslin...and Ewing."

Speaker Peters: "Our visitors are in the rear balcony. Representative Yourell, Representative Swanstrom asks leave to be verified. The Gentleman is verified. Proceed, Mr. Clerk."

Clerk Leone: "Poll of the negative. Ackerman, Alstat, Balanoff, Barkhausen, Barnes, Barr, Bartulis, Bell, Bianco, Birkinbine, Boucek, Bower, Collins, Conti, Daniels, Davis,



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Deuchler, Deuster, Jack Dunn, Ralph Dunn, Ebbesen, Ewing,  
Fawell,..."

Speaker Peters: "Excuse me, Representative Epton wishes to be recorded as voting 'no' and asks to be verified. Said he can? Thank you. Representative Epton is verified."

Clerk Leone: "Continuing with a poll of the negative. Fawell, Findley, Virginia Frederick, Dwight Friedrich, Griffin, Grossi, Hallock, Hallstrom, Hastert, Hoffman, Hoxsey, Hudson, Huskey, Johnson, Karpriel, Jim Kelley, Klemm, Kociolko, Koehler, Kucharski, Kustra, LaHood, Leinenweber, Macdonald, Margalus, Mays, McAuliffe, McCormick, McMaster, Ted Meyer, Roland Meyer, Miller, Neff, Nelson, Oblinger, Olson, Peters, Piel, Pullen, Reed, Reilly, Rigney, Robbins, Ropp, Sandquist, Satterthwaite, Schraeder, Harry Smith, Irv Smith, Stanley, E. G. Steele, Stewart, C. M. Stiehl, Swanstrom, Tate, Telcser, Topinka, Tuerk, Turner, Vinson, Watson, Wikoff, Winchester, J. J. Wolf, Woodyard, Zwick, and Mr. Speaker."

Speaker Peters: "Representative Yourell, we started with 89. We added Representative Epton that gave us 90. Representative Collins, Swanstrom and Epton are verified. On the...Representative Abramson, you seek recognition? We started with 83 voting 'aye'. Representative Abramson wishes to be recorded as voting 'aye'. 84 'aye'. The count now is 84 'aye' and 90 'nay'. Proceed, Sir."

Yourell: "Thank you, Mr. Speaker. Representative Nelson."

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

Yourell: "Representative Ralph Dunn."

Speaker Peters: "Representative Ralph Dunn is in the rear."

Yourell: "Representative Ted Meyer."

Speaker Peters: "Representative Ted Meyer. Representative Ted Meyer. Is the Gentleman in the chamber? How is he recorded, Mr. Clerk?"

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

Speaker Peters: "Remove the Gentleman."

Yourell: "Representative Grossi."

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

Yourell: "Representative Hallock."

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

Yourell: "Representative Kociolko."

Speaker Peters: "Is...the Gentleman is in his chair."

Yourell: "Representative Kucharski."

Speaker Peters: "Representative Kucharski. 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."

Yourell: "Representative LaHood."

Speaker Peters: "I'm sorry."

Yourell: "LaHood."

Speaker Peters: "The Gentleman is in his chair."

Yourell: "Representative McCormick."

Speaker Peters: "Representative McCormick. The Gentleman is in  
his chair."

Yourell: "Representative Piel."

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

Clerk Leone: "The Gentleman is recorded..."

Speaker Peters: "Excuse me. Is he...there he is. He's in the  
rear."

Yourell: "Representative Pullen."

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

Yourell: "Representative Rigney."

Speaker Peters: "The Gentleman is in his seat."

Yourell: "Representative Smith, H."

Speaker Peters: "Representative Harry Smith is in his seat. Does

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that conclude it, Sir?"

Yourell: "Representative Reilly."

Speaker Peters: "Representative Reilly. 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 and return Representative Ted Meyer to the Roll. Return Representative Kucharski to the Roll. We have, to this point, Sir, removed...Reilly is in the rear. We have removed no one to this point."

Yourell: "I have no further, Mr. Speaker."

Speaker Peters: "Return Representative Reilly. On this question there are 84 voting 'aye', 90 voting 'nay', and the Amendment is defeated. Any further Amendments?"

Clerk Leone: "None."

Speaker Peters: "Third Reading. Representative Getty, when we conclude this Order, the Chair will call on you to make the point that you desire to make. Okay? Representative Barkhausen, what purpose do you seek recognition, Sir?"

Barkhausen: "Mr. Speaker, I only wish to be recognized when you've concluded this Order."

Speaker Peters: "The Order of Second Reading, are there any Members, whose Bills we have passed because at the time they were not printed, or a fiscal note was required and has since been supplied, and wish that Bill to now be called? Representative Oblinger for Representative Smith. Number...House Bill 2334. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 23..."

Speaker Peters: "34."

Clerk Leone: "...34 has been read a second time previously."

Speaker Peters: "Is it..."

Clerk Leone: "Amendment #...Fiscal note has been filed."

Speaker Peters: "Third Reading. Any other requests?"

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Representative Topinka."

Topinka: "Yes, if I might have leave of the House to go back to House Bill 2614."

Speaker Peters: "House Bill 2614. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2614, a Bill for an Act to amend the Election Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Peters: "Representative Getty."

Getty: "Mr. Speaker, if a fiscal note was supplied on 2334, it certainly is the custom, in this House, that a copy of that be delivered to the person requesting the fiscal note."

Speaker Peters: "You're entirely correct, Representative."

Getty: "Not only that, there is a question as to whether a purported fiscal note meets the requirements of our House rules and the Fiscal Note Act. And I would respectfully suggest to the Chair that due process requires that at least a determination be made that it does, in fact, meet that requirement. Now, if it were delivered to the person making the request, and there were no objection; then, of course, the Chair could assume it could be moved. But I think the person making the request ought to have the opportunity to see the fiscal note and determine whether or not it meets the Fiscal Note Act and the requirements of...the rules...temporary rules, if you will, of this House. Now, Mr. Speaker, for the second time today, a Bill has been moved to Third Reading without having that...the fiscal note supplied to the person making the request and without having a determination, by the Chair, in the...if there is an objection to the sufficiency of the fiscal note. Now, I respectfully suggest that that Bill be returned back, and when the Chair sees fit to recognize me on my point on 2008, I'll make a similar request."

Speaker Peters: "The Chair's understanding of the rule,

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Representative Getty, is that when a Member requests a filing of a fiscal note, that Bill is held until a fiscal note is filed by the Sponsor of the legislation. Once that fiscal note is filed with the Clerk, the rules require that that fiscal note be made available, by the Clerk, for inspection at the well by any Member seeking to peruse, read, copy, whatever, that particular fiscal note. It is not within the rules for the Chair to rule on the correctness of the fiscal note. If there is a question as to whether a fiscal note is proper, or improper, or needed or required, that is a Motion that must be put to the Membership to make a determination on."

Getty: "Mr. Speaker, I would respectfully address the Chair's attention to the Fiscal Note Act. The Fiscal Note Act requires that a fiscal note be filed by the agency of government which would be affected, or in the case of an effect upon a...a governmental agency, a local governmental agency, by the Department of Local Government Affairs or another agency, if it is more appropriate. Now, I suggest to you that a fiscal note, that does not meet those standards, is not a fiscal note at all, such as the case of 2008. It is not a fiscal note at all. And, I don't know about 2334, because I haven't seen it. The Chair moved it before we have an opportunity to determine if, indeed, it is a fiscal note. I would suggest to you that any piece of paper that says fiscal note on it is not a fiscal note just because you call it a fiscal note. It has to meet the statutory requirements. There are also other requirements. For example, if a Bill has been amended in Committee, it would be required, under certain circumstances, that you have an a...an additional declaration of the effect of the Amendment. Now, I respectfully suggest to the Chair that we don't know whether or not that has been complied with,

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as regards 2008. It may not have been complied with in this regard. You're asking the Membership to go blind, to not know what it does, because you move it immediately when the fiscal note is filed. I suggest to you that an orderly procedure and a due process procedure would require that the person requesting the fiscal note, and possibly the Leadership on both sides, ought to be given an opportunity to peruse the fiscal note, to have an opportunity to interject any objections before it is moved to Third Reading. And, I respectfully request of the Chair that the Chair follow such a procedure. Not only do our rules require it, but the statute requires it."

Speaker Peters: "The Chair will graciously take under advisement your suggestions and will suggest to the Speaker and the Minority Leader that they get together and perhaps devise a procedure by which a select group of the Membership can end up making a determination or recommendation as to whether a fiscal note is proper or not. It is not, in my knowledge, Representative Getty, the responsibility of the Chair to make that...that determination. I am going squarely by the information given me by the Parliamentarian in regard to holding a Bill on Second Reading until a fiscal note is filed. That fiscal note, then, must be made available to the Members. If there is some question as to that fiscal note's proper...in fact, the...the...the question of whether a fiscal note is proper is then...or required is put to the Membership, of even if that fiscal note is sufficient, it is then put to the Membership. How a procedure is developed to do all of this smoothly at very difficult kinds of times and situations, I am not exactly certain, Representative. But, I certainly would be willing to accommodate the Members in any way I can to insure that the due process that you, and I and all Members of this

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House hold so dear is, in fact, protected."

Getty: "Well, Mr. Speaker, I...I know that there is nobody in this House who seeks to be fairer than you do. And, I would respectfully suggest to you that the Chair, if it moves a Bill from Second to Third, just because a piece of paper is filed which says fiscal note, without making, at least, a determination that it meets the statutory requirements of the Fiscal Note Act, is doing a disservice to the Body. I think it is im...certainly clear by reading the statute and clear by reading our rules, that the Chair must determine that a fiscal note is, indeed, a fiscal note. And merely by somebody saying that a piece of paper is a fiscal note, doesn't make it one. Now, the Chair can move it if a fiscal note is, indeed, filed. My point is, Sir, that...on the Bill that I raised the question on earlier, the Bill that Representative Madigan raised the question on earlier, indeed, it is clear on its face that that document did not meet the Fiscal Note Act, was in violation both of the statute and of our rules. Now, I don't know as regards 2334, because I haven't seen it yet. I am suggesting to you, Sir, that it should not be moved until the Chair determines that it is, indeed, a fiscal note. Now, the Chair may have moved to 2008, after having made that determination, and it was an error. And then, I would be entitled to make a Motion to have the Chair overruled in that regard. I don't know if you, Sir, sitting in that Chair, as regards 2334, have made such a determination. It would appear that you have. But, I would suggest to you that an orderly process, one that would keep everyone's blood pressure down, would be a procedure whereby the person requesting the fiscal note would, at least, be able to examine it. If it meets the four corners test of a fiscal note under the Act and under

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our rules, then I am sure there would be no objection. If, indeed, it is just a piece of paper that claims to be a fiscal note but doesn't meet the Act, then I think the Chair ought to rule whether or not it's a...it's a fiscal note and either move it to Third or not move it to Third."

Speaker Peters: "I have...I have asked the Parliamentarian to research the rules in regard to the power of the Chair in making such determinations. That is the best I can do for you right now. Representative Vinson, for what purpose do you seek recognition?"

Vinson: "Thank you, Mr. Speaker. I would just recall to Representative Getty's memory that on several occasions in the 81st General Assembly, this question was discussed at rather great length. And, Speaker Redmond, in a series of rulings on the adequacy of fiscal notes, at that time made the ruling that it was not necessary that a specific agency of state government file the fiscal note. As a matter of fact, in a series of those rulings, he indicated that it was thoroughly adequate for the Economic and Fiscal Commission to supply the fiscal note which affected other agencies of state government. He made that ruling. The ruling was challenged. The ruling was sustained, and I think it has a certain binding for us and a certain legitimating authority on the Chair's ruling in this case. And, I don't believe that, given those rulings and those decisions, that the Chair's done anything inadvisable, or wrong or out of character with precedent. And so I would urge that the Chair persist in his pattern of action."

Speaker Peters: "The Chair will ask the Parliamentarian to take under consideration the advise given by you, Sir, on this matter. Representative Cullerton, for what purpose do you seek recognition?"

Cullerton: "Yes, I just wanted to say that I agree with



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Representative Vinson that the actions of one Speaker from a previous Session should bind the actions of the Speaker in the next Session, and I hope to God you're around next year, Sam, when that...actions will be taken place under that theory. Thank you."

Speaker Peters: "Representative Cullerton, the Chair missed the point."

Cullerton: "Well, he thinks that the actions of Representative Bedmond bind Representative Ryan, and I think that, if that is the case, that Representative Ryan's rulings will bind Speaker Madigan's rulings next year."

Speaker Peters: "You...you are not speaking to the particular point raised by Representative Getty. Thank you. Representative Daniels, what purpose do you seek recognition?"

Daniels: "Well, only to state more clearly Representative Cullerton's point."

Speaker Peters: "Excuse me, we cannot violate the rules. Representative Getty's name was mentioned in vain...or debate...or...by Representative Vinson. Representative Getty."

Getty: "Well, in response to the point of personal privilege since my name was used. I would just suggest to the Gentleman that no Speaker has the power to overrule the law or the Constitution of this state."

Speaker Peters: "Representative Topinka, what purpose do you seek recognition?"

Topinka: "We are still on 2614. Am I..."

Speaker Peters: "Yes, we'll get back to that right away."

Topinka: "Oh, alright."

Speaker Peters: "We're back on 2614, Representative Topinka."

Topinka: "Yes, I would like to defer, at this time, to my Cosponsor on this, Representative Terzich who, I believe,

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has another Amendment."

Speaker Peters: "Amendment #1 has been adopted in Committee. No Motions have been filed with respect to Amendment #1. Amendments from the floor, Mr. Clerk."

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

Speaker Peters: "Amendment #2 has been filed by Representative Terzich, and the Amendment is now distributed. Representative Terzich."

Terzich: "Yes, Mr. Speaker, again Amendment #2 simply will allow a disposition of...it instructs the election judges what envelope to put a ballot in which is objected to because of being out of numerical sequence. It's simply a technical Amendment. It doesn't change the contents of the Bill, and it simply clarifies. And I would move for it's adoption."

Speaker Peters: "Any discussion? The Gentleman moves the adoption of Amendment #2 to House Bill 2614. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Any further Amendments? There is a fiscal note filed. Representative Getty has filed a fiscal note. Representative Topinka."

Topinka: "If we're going up to Third Reading, I have another Bill I'd like to call."

Speaker Peters: "No, Representative Getty has filed a fiscal note."

Topinka: "On 2614?"

Speaker Peters: "Yes, a request for a fiscal note on House Bill 2614. Now..."

Topinka: "Mr. Chairman, I move that a fiscal note is not really appropriate to this Bill."

Speaker Peters: "The Lady moves, properly, that a fiscal note is

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not applicable to House Bill 2614 as amended. On that question, Representative Getty."

Getty: "Mr. Speaker, I would respectfully suggest that the Fiscal Note Act may be applicable, is stamped by the Reference Bureau on this. However, I am going to withdraw that request at this time."

Speaker Peters: "The Gentleman withdraws his request for a fiscal note. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Topinka, you had another inquiry of the Chair?"

Topinka: "Yes, I have another Bill I'd like to call for Second Reading, if I might. I wasn't here at the time. 2081."

Speaker Peters: "20..."

Topinka: "2081."

Speaker Peters: "I still didn't hear it."

Topinka: "And I would like to ask that Committee..."

Speaker Peters: "Just a second. 2081 on page three. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2081, a Bill for an Act relating to the Illinois Insurance 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."

Topinka: "Yes, Mr. Chairman, I would like to ask leave of the House to table Amendment #1."

Speaker Peters: "The Lady asks leave to table Committee Amendment #1 to House Bill 2081. Does the Lady have leave? Objection? No objection, the Amendment is tabled. Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, Terzich, amends House Bill 2081 on page one line one and so forth."

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

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Terzich: "Yes, Mr. Speaker. Amendment #2 simply provides that under the uninsured motorist coverage that underinsured motorist coverage would also be included in figuring out the total liability under the uninsured motorist coverage. And I would move for its adoption."

Speaker Peters: "On Amendment #2, Representative Davis."

Davis: "No."

Speaker Peters: "Not...okay, Representative Stearney on Amendment #2."

Stearney: "Yes, would the Gentleman yield?"

Speaker Peters: "He indicates he will."

Stearney: "First of all, this Amendment, what Act does it relate to?"

Terzich: "It amends the Insurance Code."

Stearney: "Okay, now tell us, once again, what it does in reference to uninsured motorist coverage."

Terzich: "Yes, at the present time the state has a mandatory uninsured motorist coverage. And now, with...subsequently, there is a underinsurance motorist coverage."

Stearney: "Yes."

Terzich: "And you really don't know who is going to hit you, someone who is insured or who isn't insured. So, if you have uninsured motorist coverage, you would be covered up to the amount of the liability that you have under the uninsured motorist coverage whether or not that person had insurance or did not have insurance."

Stearney: "Would you repeat that again, because Ted Leverenz and I were the authors of that underinsurance provision several years ago, and we...we...and our...the Bill did deal with the uninsured motorist coverage as well. Now, how would underinsurance have any relation to uninsured motorist coverage?"

Terzich: "If you have underinsurance motorist coverage, and you

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happen to be hit by someone who does not have any insurance, you're covered under your uninsured motorist coverage."

Stearney: "True."

Terzich: "However, if you are unfortunate to be hit by someone who has a minimum liability policy, that negates your uninsured motorist coverage."

Stearney: "Underinsurance comes in..."

Terzich: "No, I said that would negate your uninsured motorist coverage."

Stearney: "True, you're un..."

Terzich: "...If the other insurance, so this means that they are one and the same, that you are covered up to the maximum liability of your uninsured motorist the same as your underinsured motorist coverage."

Stearney: "No, no, no, you see, you can have uninsured motorist coverage in one amount, say \$25,000, and underinsurance up to \$100,000. Now, why do you want to equate the two?"

Terzich: "Because you don't know who is going to hit you. Why would you have uninsured motorist and underinsured motorist at different amounts? How do you determine who is going to hit you?..."

Stearney: "Well, first of all, when you have uninsured motorist coverage..."

Speaker Peters: "Gentleman, excuse me. Representative Brummer, for what purpose do you rise?"

Brummer: "Point of order. I can't seem to find this Amendment. I wonder if it has been printed and distributed."

Speaker Peters: "Mr. Clerk, has this Amendment been printed and distributed? The Amendment has not been distributed. The Bill will be taken out of the record. Representative Reilly on 2502. Read the Bill, Mr. Clerk. Representative Kane, what purpose do you seek recognition, Sir?"

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Kane: "Are we going in any particular order or..."

Speaker Peters: "The...we passed a number of Bills, because the Amendments were not printed, or there was particular discussion. The Chair asked leave of the House to go back to those Members' Bills we passed and has asked the Members to inform the Chair of what Bills those were. So, that is where we are at. It is not a particular order. It is as we get them here."

Kane: "Is this provided under the rules?"

Speaker Peters: "I think the rules provide that the Chair can move around with leave of the House, yes. And the..."

Kane: "With leave of the House."

Speaker Peters: "And the Chair did ask leave and did receive leave. If you have a question, I'll put the question again. Representative Kane."

Kane: "As long as it is only being done intermittently, I think it might be alright. But it seems to be getting to be more and more of a practice of skipping around the Calendar, and Members not really knowing what is going on."

Speaker Peters: "The...the Chair will start at the top of the list, if that is what the House decides. Repre...Representative Reilly, House Bill 2502. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill..."

Speaker Peters: "2502. I'm sorry, it is 2504."

Clerk Leone: "House Bill 2504, a Bill for an Act to amend the Civil Administrative Code of Illinois. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Peters: "Third Reading. House Bill 1971, page three of the Calendar, Representative Davis. Read the Bill, Mr. Clerk."

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Clerk Leone: "House Bill 1971, 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, Davis, amends House Bill 1971..."

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

Davis: "Thank you, Mr. Speaker. Amendment #1 is simply a technical Amendment to House Bill 1971 that changes some paragraph numberings. It makes one small substantive change in an age factor from 16 to 12, and that is virtually all that it does. And, I would move for its adoption."

Speaker Peters: "The Gentleman moves the adoption of Amendment #1. Any discussion? Representative Kane."

Kane: "Would the Gentleman yield?"

Speaker Peters: "He indicates he will."

Kane: "When you say one small age reduction from 16 to 12, what is it that you're doing?"

Davis: "Moving the child abuse murder death penalty for...age from 16 to 12 years of age."

Kane: "What's...what's the effect of that Amendment?"

Davis: "The effect of the Amendment? I don't understand your question, Representative Kane."

Kane: "Well, what...what is the effect of changing the law from 16 years to 12 years?"

Davis: "Well, the discussion was held last year when my Bill on that subject passed, and we did not make the change at that time. We're going to incorporate it in 1971 now to be consistent within the existing statutes at the age of 12 being a child and under 12. That is the rationale."

Kane: "So, you're reducing the coverage of the Act."

Davis: "Yes."

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Kane: "So that now if you were 14, say, and you were murdered; you would no longer come under this Act or the Act would no longer come under the provisions of this law."

Davis: "Essentially, that is correct."

Kane: "Well, isn't that a rather substantive change to be mumbled through?"

Davis: "Well, no...no, I'm not trying to mumble it through, Doug. It's just...it's a substantive change in terms of four years. I don't consider it of substance. It was recommended to me to be consistent with the statutes, and I accepted that change. If the will of the General Assembly is to leave it at 16, that is alright, too. We simply have to defeat the Amendment. I think it is a pretty good idea."

Kane: "And, has this been requested by the State's Attorneys or those..."

Davis: "Yes."

Kane: "It has been recommended by them."

Davis: "Yes."

Kane: "Has there been a problem with the 16 year-old age?"

Davis: "No, not yet, because it is not...is not into effect yet."

Kane: "What is their thinking? Why do they want this changed?"

Davis: "To make it consistent with the notion that a child is 12 or under...in the statutes now."

Speaker Peters: "Further discussion? There being none, the question is, 'Shall Amendment #1 to House Bill 1971 be adopted?'. Those in favor signify by saying 'aye', those opposed 'nay'. 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. Representative Van Duyne, for what purpose do you seek recognition?"



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Van Dwyne: "Thank you, Mr...thank you, Mr. Speaker. I would like to take this opportunity, just briefly, to introduce some people from Will County that are concerned citizens against the toxic waste. They have been downstairs demonstrating all...since noon. G. G. 'Toposki', Sister 'Katowski', Reverend 'Read', Sue 'Visich' and Mrs. 'Ricomand'. Right here. They are all from Will County represented by Jack Davis, and Harry Leinenweber and myself."

Speaker Peters: "Welcome to Springfield."

Van Dwyne: "And all of the toilet paper is down there for your perusal."

Speaker Peters: "That concludes the...the Bills that the Chair was asked to call back. Are there any other Members who wish to have the Bill called back that we passed? Representative Barkhausen, what purpose do you seek recognition, Sir?"

Barkhausen: "Mr. Speaker, I would move, pursuant to Rule 63A to take House Bill 2242 from the table to have it considered on the Order of Second Reading First Legislative Day."

Speaker Peters: "Representative, have you checked that with the Majority and the Minority Leadership? It might save some time if you do."

Barkhausen: "I have checked it...I haven't specifically talked to the Minority Leader, but I have checked it with Leaders on both sides of the aisle."

Speaker Peters: "Can we take that out for a second until...Representative Madigan, do you have any objections, or do you want him to talk to you about it? Why don't you come over, Representative Barkhausen. I think that will save everybody's time. And, the Chair will get back to you on it. Representative Henry, 2013. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2013, a Bill for an Act relating to the

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Criminal 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, Henry, amends House Bill 2013  
on page one line one and so forth."

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

Henry: "Mr. Speaker, I would like to ask for leave to table  
Amendment #1."

Speaker Peters: "Let us back up, Mr. Clerk. On House Bill 2013,  
Committee Amendment...Amendment #1 was adopted in  
Committee. The Representative Henry now moves to table  
Committee Amendment #1. Does the Gentleman have leave? Is  
there objection? There being none, Amendment #1 is tabled.  
Any further Amendments...Any Floor Amendments?"

Clerk Leone: "Floor Amendment #2, Henry, amends House Bill 2013."

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

Henry: "Thank you, Mr. Speaker. Amendment #2 corrects the error  
that we found in Amendment #1, and I ask for the adoption  
of Amendment #2 to House Bill 2013."

Speaker Peters: "Any discussion? There being none, the Gentleman  
moves the adoption of Amendment #2. Those in favor will  
signify by saying 'aye', opposed 'nay'. 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. Any other Members seek  
recognition while we are on this order? Representative  
Winchester, what purpose do you seek recognition?"

Winchester: "Yes, I think...are we still on Second Readings, Mr.  
Speaker?"

Speaker Peters: "What did you have, Sir?"

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Winchester: "I have 1922. I don't think there is any Amendments filed."

Speaker Peters: "House Bill 1922. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1922, a Bill for an Act to amend the Election Code. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Peters: "Third Reading. Representative Barkhausen renews his Motion to...what was it, Representative? Take from the table?"

Barkhausen: "Yes, Mr. Speaker. It's House Bill 2242."

Speaker Peters: "To take House Bill 2242 from the table..."

Barkhausen: "Mr. Speaker, since you..."

Speaker Peters: "...And place it on the Order of Second Reading."

Barkhausen: "I believe it would be Second Reading First Legislative Day, would it not?"

Speaker Peters: "That is correct. First Legislative Day. Does the Gentleman have leave? Representative Kane."

Kane: "I think that the Gentleman owes the House at least an explanation of what the Bill is, and what it does, and why he wants to do it."

Speaker Peters: "Representative Barkhausen. The point is well made."

Barkhausen: "I am happy to do that. I was expecting to be asked to do that. The Bill is a measure to strengthen or put in place penalties against shoplifters. And it is specifically civil penalties, so that a victim of retail theft cannot only recover the value of the merchandise, but would have the benefit of the court assessing the perpetrator a civil penalty of between 100 and 1,000 dollars. In addition to that, the victim of retail theft would be able to collect attorney's fees. There is a

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parental responsibility provision in the law, which I have agreed to amend so that the...there will be a limitation on parental responsibility of \$100, which is consistent with the existing parental responsibility statute. And the reason to...furthermore, the reason that I am asking to have it taken from the table is that the Bill had a hearing in the Judiciary II Committee at a time when the Committee had been in Session for approximately six and a half hours, and seven of the 16 Members of the Committee were absent. The Bill received a six to three vote in Committee, but it did not have the requisite number of votes to receive a Committee approval."

Speaker Peters: "Representative Kane. Representative Levin."

Levin: "I would...would the Gentleman yield for a question?"

Speaker Peters: "He indicates he will."

Levin: "According to the synopsis, it removes the limitations on parental liability. Is that correct?"

Speaker Peters: "Excuse me."

Barkhausen: "It does in its existing form. But as I said, Representative, I have agreed to amend the Bill on Second Reading to place a limitation on parental responsibility of \$100, which is consistent with the existing parental responsibility statute."

Speaker Peters: "Representative Johnson."

Johnson: "Well, unless you can tell me otherwise, Representative Barkhausen, nobody is in favor of retail theft. But, why are we passing a law that just reiterates what the law already is? The law already is, in Illinois, if you steal property from somebody else, you are committing the tort of conversion in addition to a criminal act. And a tort of conversion allows you to recover punitive damages in such amount as the court would deem appropriate. I think what you're doing by this Bill is you're putting a ceiling

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on it. Some juries may want to award more than that. You absolutely are adding nothing to the law at all here other than hinging the court's end as far as what they can award is concerned. Now, this is a question. Go ahead, Representative Barkhausen. I want to keep the microphone here a minute, but what is your response?"

Speaker Peters: "Before the answer, Representative Bullock, what purpose do you seek recognition?"

Bullock: "Mr. Speaker, I rise on a point of order. My understanding is that we're to consider a Motion. And it seems that we've diversified a moment into the substance of a Bill. I'd like to request that the Gentleman allow the Sponsor to make his Motion; we vote it up or down; and then, perhaps, we can get to the substance of the Bill."

Speaker Peters: "Representative, your point is well taken. The discussion should revolve, not on the substance of the Bill, but on the Motion itself to take from the table. This will take 100 and...107 votes. Those in favor of the Gentleman's Motion will signify by voting 'aye', those opposed by voting 'nay'. This is not on the substance, but on the Motion to take from the table. Have all voted who wish? Representative Stearney to explain his vote. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this Motion there are 147 voting 'aye', eight voting 'nay', 1 voting 'present'; and the Gentleman's Motion passes; and House Bill 2242 will be taken from the table and placed on the Calendar, the Order of Second Reading First Legislative Day. Is that it? House Bills Third Reading. Representative Getty."

Getty: "Mr. Speaker, you indicated when we finished the Order of Second Reading you would recognize me concerning 2008."

Speaker Peters: "Yes, I...I apologize, Sir. I thought you had made your...your point in the previous dialogue. Proceed,

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Sir."

Getty: "Mr. Speaker, I rise on a point of order concerning the Chair's handling of House Bill 2008. That was a Bill on which I had requested a fiscal note. Without regard to my request for a fiscal note, it was moved from Second to Third Reading. The fact that I was not given a copy of the fiscal note set that aside. Subsequently, the Speaker indicated that there had been a fiscal note filed. I was given a copy at that time. I now call to the attention of the Chair that the purported fiscal note has not met the requirements, either of our rules or of the statute. The statute clearly requires that a fiscal note be filed by the department of state government, under Section 2 of the Fiscal Note Act, by the department of state government affected. Or, in the case of fiscal impact upon local government by the Department of Local Government Affairs, unless some other agency is shown to have a more direct interest. In the case in point, this purported fiscal note is filed by the Illinois Economic and Fiscal Commission. As a matter of fact, the Bill would affect the Department of Revenue and would affect the Cook County Board of Appeals. I would suggest that either the Department of Revenue or the Department of Local Government Affairs would be the appropriate agency of state government, or both, to file the fiscal note. In addition thereto, I will note that the fiscal note is dated April 16, 1982. The Fiscal Note Act provides that if a Bill is amended in Committee, that the Committee should require that an effect...a statement of effect of the fiscal note be filed and recorded with the Clerk. There is no indication that that has been complied with. Finally, I would suggest to you that the Bill's Amendment date was the 29th of April, some 15 or 14 days after the date of the fiscal note. It was

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amended. The fiscal note does not refer, in any way, to the Amendment; therefore, it is clearly improper. The rules of this House, moreover, provide that the fiscal note shall bear the date and time of filing by the Clerk when it is filed. The fiscal note, a copy of which I have in my hand, bears neither. It does not indicate the time of filing, and I suggest to you that there is an irregularity where a fiscal note, after it has been requested by a Sponsor, is moved from Second to Third Reading. It does not bear the time stamp by the Clerk's office. It does not indicate when it was filed. We don't know if it was filed before or after it was moved to Third Reading. I would respectfully also suggest that a fiscal note that is unsigned is nothing. I suggest to you that this piece of paper is nothing more than a piece of paper. And if the Chair permits this Bill to remain on Third Reading, it would constitute a fraud on this Body, on the laws of the State of Illinois and our rules. And I suggest, Mr. Speaker, that you move this back to the Order of Second Reading where it belongs until a proper fiscal note is filed."

Speaker Peters: "Representative Pierce."

Pierce: "Mr. Speaker, in addition to that, I would like to inform the previous speaker, as bright and intelligent as he is, that this isn't even a fiscal note. As you indicated, the Economic and Fiscal Commission prepares revenue analysis internally as a convenience for the Revenue Committees of the House and Senate. We were never requested to prepare a fiscal note. As Chairman of that Commission, I didn't authorize a fiscal note in this matter, nor was it signed. So, I think the previous speaker has given this even more dignity than it deserves. He called it a piece of paper. And, I don't know what use he put it to, but the use that

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it is for is for the Revenue Committee for the convenience of the House and Senate. It is an internal document. It is not prepared, in any way, of the dignity of a fiscal note nor to serve that purpose. The Economic and Fiscal Commission figures are used by all manner of men. I notice our Minority Leader put in a Resolution based on our revenue estimates and says that the Governor's budget is out of balance. And as Chairman of the Economic and Fiscal Commission, I was glad to have the Minority Leader let me know that he was lying on our figures. There, again, they weren't prepared particularly for that purpose. And certainly they are not prepared for a fiscal note. The Economic and Fiscal Commission did not issue a fiscal note in this regard. As Chairman of that Commission, the only fiscal notes we prepare are fiscal notes affecting...revenue matters affecting our Commission. We don't go around preparing fiscal notes for Committees and for departments of state government which we are not associated. That is not our job. It is not our statutory responsibility. And, therefore, I can vouch as Chairman of the Illinois Economic and Fiscal Commission that this is not a fiscal note. It may be more than a piece of paper or it may only be a piece of paper, as the previous speaker said, but it is certainly not prepared and meant to be a fiscal note, nor does it include any Amendments to this Bill. And so I'll have to agree with the previous speaker, and I hope in the future he'll check with the Chairman of the Economic and Fiscal Commission. And I will tell him in advance that that is not a fiscal note."

Speaker Peters: "Representative Ewing. On this question, Sir? Represen..."

Ewing: "Yes, Mr. Speaker, the last speaker would have us believe that he is the Economic and Fiscal Commission. He is one



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member of that Commission, a non-partisan Commission set up by this Legislature. He does not control it nor does he dictate whether they issue fiscal notes. And I would think that the record should show that. They have issued those type of notes in the past, and I don't believe there is any requirement that it be approved by the Chairman of that Commission. I happen to be a member of that Commission, and I have been there..."

Speaker Peters: "Representative Telcser on this question."

Telcser: "Mr. Speaker and Members of the House, I think the prior speaker is absolutely correct. In addition to that, in my opinion, the Commission on Economic and Fiscal...the Economic and Fiscal Commission is a duly authorized body to issue an opinion on the fiscal condition or fiscal impact of what a Bill would or would not do. But, more importantly, Mr. Speaker and Members, I don't think it is the obligation of the Speaker to look into the merits of a fiscal note any more than it is the obligation of the Speaker to decide on the merits of a Bill. The fiscal note has been properly filed pursuant to the rules of my judgment; and, Mr. Speaker, I think you ought to go on with our business."

Speaker Peters: "House Bills Third Reading, House Bill 560, Representative Katz. Out of the record. House Bill 668, Representative Catania. Out of the record. House Bill 955, Representative Vinson. Will someone put the television lights on please? House Bill 955, Representative Vinson. Out of the record. House Bill 1053, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1053, a Bill for an Act to amend various Acts to revise or repeal incorrect or obsolete statutory references. Third Reading of the Bill."

Speaker Peters: "Representative Terzich."

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Terzich: "Yes, Mr. Speaker, could we have a little order in this House please?"

Speaker Peters: "Will the House give the Gentleman order?"

Terzich: "Mr. Speaker, I have a number of law revi...I would like to defer to Mr. Getty."

Speaker Peters: "Is the Gentleman a Sponsor of this Bill? Do you wish this taken out of the record, Sir? Will you...you wish to proceed."

Terzich: "Yes, Mr. Speaker."

Speaker Peters: "Proceed, Sir."

Terzich: "I do have a Motion...I do have a Motion to hear all of the law revision...to hear all of the 23 Bills on Third Reading from the Law Revision Commission. These are all non-substantive Bills. All the Bills do is they up-date obsolete language. They correct cross-references to other Acts and take out...out of the state statutes those rulings by the Supreme Court that were ruled unconstitutional. And I have a Motion filed."

Speaker Peters: "The Gentleman requests leave of the House to hear the following 24 Bills on the Order of Third Reading on one Roll Call. There is objection, Representative Terzich. 1053, Representative? Representative Terzich."

Terzich: "Yes, Mr. Speaker, I would like to, you know, proceed with the Motion. I mean, Representative Madigan, I don't know what seems to be the problem, Representative Madigan. Do you have a problem with these? He must be seeking recognition."

Speaker Peters: "Representative...Representative Madigan, Representative Terzich has put a Bill, House Bill 1053, before the House. The Gentleman...the Gentleman has a right to make an initial statement. After the Gentleman makes his initial statement, any other person who wishes to comment on that Bill is entitled to do so. At that point,

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the Chair will then recognize whoever seeks recognition. Representative Terzich on House Bill 1053. Representative Madigan, what is your point of order?"

Madigan: "I am rising on a point of order to tell you that Mr. Getty has a point of order."

Speaker Peters: "Then it would appear, Representative, that your point is not well taken and that you are out of order. Representative Pierce, for what point do you...for what purpose do you rise, Sir?"

Pierce: "Mr. Speaker, point of personal privilege."

Speaker Peters: "What is your point of personal privilege, Sir?"

Pierce: "My point of personal privilege is that the Chairman of the Revenue Committee misstated my role as the Chairman of the Economic and Fiscal Commission. Now, Mr. 'Langburg', of that Commission, said he issued no fiscal note on 2008 nor was he requested to issue a fiscal note."

Speaker Peters: "Representative Pierce...Representative Pierce..."

Pierce: "You're criticizing the Economic and Fiscal Commission. No fiscal note was issued on 2008. The fiscal note is a fraud, and the Majority Leader used it fraudulently, and the Sponsor used it fraudulently. No fiscal note was requested on 2008, nor would the Commission have issued one. The Executive Director is coming to the floor now, and he'll explain that to Mr. Ewing. Mr 'Langburg' is coming to the floor and saying that the Economic and Fiscal Commission was not requested to issue a fiscal note, did not, and would not have, because it is not within their competence or jurisdiction on House Bill 2008. And that's the point. I was speaking as Chairman of that Commission and not in a partisan manner."

Speaker Peters: "The Chair appreciates the point of order and appreciates that the Gentleman has kept totally within the

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rules in making that point. A...oh, Representative Ewing on a point of..."

Ewing: "Point of personal privilege."

Speaker Peters: "...Personal Privilege. Proceed, Sir."

Ewing: "Yes, my...my name was used by the last speaker."

Speaker Peters: "Excuse me. Before we proceed with that, the Chair has been asked to announce that it is our intention to stay into Session until House Bills on Third Reading have been gone through at least once. Representative Ewing."

Ewing: "In that case, I will make my point very...very, very short. But, could I have some order, Mr. Speaker? Could I have some order?"

Speaker Peters: "Give the Gentleman order."

Ewing: "I wish that Representative Pierce, when he uses my name in debate and in his comments, would not get so excited and would speak slower, but I could...because I couldn't understand all that he was saying. And, I am afraid it was lost on this Body. And I would like for him, the next time, to speak a little slower. I have the greatest respect for his opinion."

Speaker Peters: "Representative Vinson, for what purpose do you seek recognition? You do not seek recognition. Representative...oh my, Representative Getty, Sir, what...for what purpose do you rise?"

Getty: "Mr. Speaker, my light was on when you began to go from the discussion of 2008 to other things. I rise on a point of order, Mr. Speaker."

Speaker Peters: "Representative, what is...what is your point? Proceed, Sir."

Getty: "And that point of order is, you'd failed to rule or address yourself to the questions which I put on my previous point of order concerning the Chair's handling of

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2..."

Speaker Peters: "You're on. You're on. The light is on here, Sir. You may have overworked the mic. The light is on here. Take...take another microphone. Mr. Electrician, would...would someone check out the microphone of Representative Getty? They are both not working now."

Pierce: "Is mine on? Mine is on here, Getty. Representative Getty, you can have mine. Representative Getty, Getty, over here, Getty. Giorgi."

Speaker Peters: "The Chair is informed that when there is pounding on the desks, it sometimes loses the filaments. Representative Getty at Representative Giorgi's desk. Proceed, Sir."

Getty: "Mr. Speaker, I again refer to my prior point of order. In that, I raised very important and significant questions concerning the Chair's handling of 2008. The questions included violations of the Fiscal Note Act, that included violations of our House rules, and I suggest to you that it is totally improper for you to go on without disposing of those. On its very face, this is not a fiscal note. Moreover, the purported document which purports to be a fiscal note, but isn't, is not even time stamped. There has been no rea...answer to those objections which I raised. I suggest to you, Sir, that it is totally improper for you to go on to any other point of order...any other business until the point of order has been resolved."

Speaker Peters: "The Chair repeats that he has asked the Parliamentarian to take under consideration...to take under consideration the suggestions made by the Representative, and after a ado search of the rules, the Chair will then make a ruling on the questions propounded to the Chair."

Getty: "Mr. Speaker, I suggest to you that this paper doesn't even meet the requirements of being time stamped. I

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suggest to you that the only thing you can do is bring it back to Second Reading now so that we're in the proper posture. And then after the Parliamentarian has researched the issue and finds that, indeed, the Chair would otherwise be violating the statutes of the State of Illinois, as well as our rules, that you would then have it properly complied with. Right now, this document doesn't even meet the requirements of being time stamped."

Speaker Peters: "The copy with the Clerk is time stamped."

Getty: "Well, then I suggest the Clerk just time stamped it. May I inquire as to what time..."

Speaker Peters: "Representative... Representative Getty, you made a request, and this Representative was not in the Chair at the time. However, I was present. your request was for an immediate, immediate presentation of the fiscal note. The page, in his eagerness, brought that to you before the time stamping came from upstairs. It is time stamped. You can come and see the original copy here at the desk."

Getty: "Quite obviously, then, if that is the case, then it had not, quite obviously on its face, been filed prior to the Speaker moving it from Second to Third Reading. And by that admission, Sir, you have said you violated the rules quite clearly."

Speaker Peters: "Representative Getty, the Chair is not going to get into a prolonged dialogue or debate with you on this question. The Bill was moved to the Order of Third Reading. The Bill was then, as proper with every Bill, moved to the Clerk's office, at which point you, then, brought to the attention of the Chair that, in fact, a fiscal note was requested. The Chair then instructed the Clerk to have that Bill brought back from the Clerk's office and indicated to you it would see, if in fact, that request was there and if a request was filed. When that

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happened, you were informed that, in fact, yes, your request was there. The Bill was on Second Reading. The fiscal note was filed. And the Bill was moved to Third Reading. That is, as this Chair understands it, the order of what had happened. In regard to the suggestions made by you, the Chair will continue indicating that your comments will be taken under very close advisement, and that the Chair will ask the Parliamentarian to make a search of the rules to see exactly what the Chair's responsibility is in this situation. And, when he receives that information, we'll make a ruling on your comments."

Getty: "Mr. Speaker, may I suggest that my point of order stands that I protest the Chair's failure to properly rule and properly do the only thing that it can until it makes that determination, and that is bring the back...Bill back to Second Reading and hold it there."

Speaker Peters: "You're statement will be in the record. Now, House...Representative Leinenweber, what purpose do you seek recognition, Sir?"

Leinenweber: "Well, I wanted to comment on Representative Terzich's request to the House. I think in the heat of, perhaps, emotion, some Members of his side of the aisle objected to his being given leave to proceed with the Bills which have come out of the Commission that he chairs, the Law Revision Commission. I would just say, on behalf of his request and perhaps with the idea towards getting those Members who did object to reconsider, particularly in consider...after the Chair has indicated we're going through all the Third Reading Bills. That, staff of the Judiciary Committee on both the Republican staff and the Democratic staff as well as the Democratic staff, in general, have reviewed all of these Bills, ad nauseum, and have determined that there is absolutely nothing in them

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that is substantive that...with the exception of one Bill which, as I understand, being withdrawn as a result of a recent court decision; that the Bills merely are clean-up Bills totally without substance. And in interest of time, I would certainly urge the Members to give the Gentleman leave to proceed with the Bills that...which he has included in his Motion."

Speaker Peters: "Is...does the Representative inquire...make any inquiry of the Chair? Because, if the Representative..."

Leinenweber: "Well, whether or not the Chair actually did hear an objection."

Speaker Peters: "Well...the Chair did hear an objection, and the Chair would suggest that since we were on House Bill 1053, and that House Bill is no longer in the record, and according to the rules, the next Bill would be 1054. The Gentleman's Motion would then be out of order and cannot be properly taken or put. Representative Darrow."

Darrow: "Well, my...my question dealt with the substantive Bill that Representative Terzich has. Is that the Bill that....1776 that you're taking out?"

Speaker Peters: "Representative Darrow, excuse me, Sir. There is...there is now no Bill before the House. Representative Ewell, what purpose do you seek recognition?"

Ewell: "Mr. Speaker, I was just waiting for my chance to talk on Bill 1053 whenever you put it on the Board. I...is that the Bill that we're on now?"

Speaker Peters: "No, Sir. That Bill is out of the record. The next call..."

Ewell: "Well 1054. I just wanted to be recognized so I could talk about it."

Speaker Peters: "House Bill 1054, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1054, a Bill for an Act to amend various



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Acts to revise terminology related to judicial proceedings.

Third Reading of the Bill."

Speaker Peters: "Representative Terzich."

Terzich: "Yes, Mr. Speaker, again I do have a Motion that...on the floor to hear 24 Bills that are on Third Reading that are from the Law Revision Commission. These are non-substantive Bills, and I would also like to have leave to table House Bill 1846 because of the recent Supreme Court ruling."

Speaker Peters: "Representative Terzich, one of the Bills that you have in your listing is not before the House presently. We cannot...we cannot, by the rules, go back to a Bill that we have passed over."

Terzich: "Well, Mr. Speaker, number one is that the Bill was not passed over; that there was discussion; and that Bill was still on...on..."

Speaker Peters: "Representative Terzich, that Chair asks whether you wished it to be taken out of the record. You indicated you wished it to be taken out of the record."

Terzich: "I did not indicate anything, Mr. Speaker."

Speaker Peters: "Therefore, it is no longer before us. The Chair would suggest..."

Terzich: "Mr. Speaker, I did not indicate that that be taken out of the record."

Speaker Peters: "The Chair would suggest that you amend your Motion to delete House Bill 1053."

Terzich: "Alright, then I move to..."

Speaker Peters: "At which point it would be proper, at least proper to put. There may be objection, but it would be proper to put."

Terzich: "Alright then, I would make leave to hear 22...2 Bills from the Law Revision Commission excluding House Bill 1053, and I request to table House Bill 1846."

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Speaker Peters: "The Gentleman asks leave to consider...let me back up. The Gentleman asks leave to consider to table House Bill 1846. Does the Gentleman have leave? Leave being granted, 1846 is tabled. For those of you that are writing this down, the Gentleman now asks leave for the House to consider, on one Roll Call, Representative Leinenweber, House Bills 1054, 1055, 1770, 1771, 1772, 1773, 1775, 1776, 1777, 1779, 1780, 1781, 1782, 1783, 1784, 1845, 1847, 1848, 1849, 1850, 1851, and 1852. Mr. Clerk, is that Motion...have you been given that Motion?"

Clerk Leone: "Motion has been filed."

Speaker Peters: "That Motion has been filed. Does the...Representative Darrow on the Motion."

Darrow: "Thank you, Mr. Speaker. These Bills are presented as merely technical changes, not substant...substantive changes; and I have seen these Bills a number of times, in terms of Terzich's Law Revision Commission Bills, and he has said the same thing. 1776, according to our Bill anal...saying that this is a very substantive change. I don't, necessarily, have an objection to 1776, but I just want the Body to know that this does not just make technical changes. And...to have them aware of that."

Speaker Peters: "On that question, Representative Ewell."

Ewell: "Objection."

Speaker Peters: "Do you object to the entire Motion, Sir?"

Speaker Peters: "The...alright, Representative Ewell objects, but you still have the right, Representative, I believe, under the rules, to put the Motion. And the Motion is...Representative Kane. An inquiry of the Chair?"

Kane: "Well, I think that that Motion is...cannot be...cannot be made. It is an absolute right by Representative Ewell if he wishes to pursue his objection that...to divide the question."

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Speaker Peters: "He didn't say that. He just said, 'I object'.  
The Chair...the Chair is attempting to expedite the  
situation, but is not going anywhere today. Representative  
Ewell."

Ewell: "Mr. Speaker, I thought it would be sufficient to object,  
because the basic rule is that if you object to him  
presenting all of these Bills together, they have to be  
divided. Now, I didn't want to take up a lot of time. I  
just made the objection for the record and asked that the  
Bills all be divided individually."

Speaker Peters: "Representative Ewell advises the Chair that he  
will object and ask for a division of the question; in  
which case, Representative Terzich, not very much gets  
accomplished. What is your pleasure, Sir? 1054, House  
Bill 1054. Read the Bill, Mr...Representative  
Satterthwaite, what purpose do you seek recognition?"

Satterthwaite: "Mr. Speaker, I hate to interrupt this lengthy  
debate over these Bills, but I do want the House to  
recognize the present...the presence of former  
Representative...State...Paul Stone. And he is currently,  
of course, now the Chairman of the Board of Trustees of the  
University of Illinois - up there at the well. Welcome,  
Paul."

Speaker Peters: "And I might add a...not only a credit to the  
Legislature, but the university system. Good guy.  
Welcome, Representative Stone. Representative Terzich  
again. 1054."

Terzich: "Alright, the...well, I just try to expedite, you know,  
the House. If we want to go through all of them, I will be  
more than happy to. House Bill 1054 is a revisory Bill.  
It amends various Acts to revise terminology related to  
judi...judicial proceedings. And, I would move for its  
adoption."

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Speaker Peters: "Is there any discussion? Representative Ewell."

Ewell: "Mr. Speaker, in my younger and more idle days, I would be very prone to accept explanations, except that I have found out the very hard way; that sometimes the explanations are not always totally open, fair and correct. And, you can't always trust them. Now, the Gentleman has said that we have various terminology. I have looked at the Bill, not the analysis; because I find that the analysis aren't always correct, from either the Democratic or the Republican staff. And, if we look at the Bill, it is some 185 pages in length. And, that presents an opportunity to put quite a few changes into the law. And, I don't wish to cast aspersion on Mr. Terzich or deny the fact that I think he is an honorable man, but I would like him to explain these various changes that you have alluded to insofar as there are 185 pages. And, as far as I see it, there has been at least one change, or two, or three upon every page. So, I find it objectionable that you should come to this Body and say that they are just changes, and we ought to except them as such. If we vote on this Bill, as it is, and there is something in there that is not purported to be; like there may be another machine gun Bill in here. And all of us will be accused of voting for wholesale...wholesale sale of machine guns. And, the Lord knows that I would hate to cast that vote again. It is a very detrimental vote. So, would Mr. Terzich...if you could explain some of these Amendments to me with these various things, if you would break down the various categories into their proper components, and if you would refer by page and line to me; I would be only too happy to join you. But, if you are unwilling to do that, then I'll have to try to read through the whole Bill, and try to analyze it along with my staff over here, and try to

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determine what our position on these various Amendments and changes are going to be. So, Mr. Terzich, if you could explain the use of the term 'various'...'various changes' that you have made. It was a very short statement, but it's not quite long enough."

Terzich: "Well, Representative Ewell, it is immanentistical to me, you know, what your feelings are, so I would prefer not to answer your question."

Speaker Peters: "Representative Ewell."

Ewell: "Mr. Speaker, that, I think, is the most curt and disrespectful thing that one Member could ever say to another Member. And, I know that somehow he doesn't have those feelings in his heart. And, I can't believe that he would do such a thing to me. And so, I would like to speak to the Bill if I might. Mr. Speaker, could I speak to the Bill?"

Speaker Peters: "Proceed, Sir. You have approximately five and a half minutes left."

Ewell: "Alright. Well, I was checking on page one, Chapter 5, Paragraph 102, Subsection 15 and in Section...Subsection 11.15; and it...it makes the change in there which, to me, is a bit repulsive. Because, what it says is that, 'Any product seized pursuant to the provision of this Act may be proceeded against either before or after permission to take corrective action in any court'. And then they have deleted, 'Or before any Judge thereof within', and then we put a new word, 'the', and we have deleted, 'whose jurisdiction' and added 'of which. And then we go on, 'The same may be found and seized for condemnation and confiscation, semicolon, and authority and jurisdiction are vested in several courts, comma. Then we deleted, 'the Judges thereof'. To me, it is very important and pertinent why that we have deliberately deleted the power of the

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Judges. I think that this is an infringement upon their power, and if we're just going to use the term 'the court', I don't understand how we can have a court without a Judge. I think that we are playing into the hands of the Devil's adversary...adversaries here. We're going to make some changes within the law that are going to be detrimental, not only to Mr. Terzich, but to the Gentlemen on the other side of the aisle. And, we have a lot of Members who will be voting on Sections and Amendments, and they don't know what they are doing. And, I think it is fundamentally important that we understand the exact nature of what we're doing. If I were to ask the questions of my beloved colleagues, both on this side of the aisle and on the other side of the aisle, how many of you can hold up your hand and say that you honestly understand what is in the Bill? I see only seven, or eight, or nine, ten hands out of 177. That is one-seventeenth of the Body. And, we do not need to make mistakes of this nature. Again, on page one, I see he is deleting the people of the state, and I think that at all times the people of the state ought to be considered. Wouldn't you agree? And, for his deletion of the people of the state, I cannot understand it. In that case, I think it would be placing too much power in the hands of a court without supervision. And, everyone here believes in the separation of powers. And as the separation of powers is a sacred thing to which we have all attributed ourselves, we all raised our hands into allegiance. Now, I was in favor of this Bill before they struck, 'The hearing shall be without a jury' on page two. And, I believe that a jury trial is fundamentally a right that belongs to all of us no matter what the action. And, I think that if we allow this type of change to sneak into the law, we will find that we have, indeed, bisected a great section of the Constitution.

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Now, it is necessary for us to be prudent, and wise, and not enter into this kind of thing very lightly. Mr. Speaker, could I have a little order?"

Speaker Peters: "Representative Oblinger, what purpose do you seek recognition, Ma'am?"

Oblinger: "Well, I guess it is a point of personal privilege."

Speaker Peters: "Proceed."

Oblinger: "I'm not part of the Leadership, so this isn't any plan. Every time Mr. Ewell gets up, I know it is going to be a filibuster. My time is valuable. If yours isn't, that's just too darn bad."

Speaker Peters: "Representative Ewell, proceed, Sir."

Ewell: "Mr. Speaker, I was almost finished, but when the Lady jumps up, and takes my name in debate, and casts aspersions across my character and my most honorable name, which has been drug through the dirt; I take personal offense. And, I have to rise on personal privilege."

Speaker Peters: "It is on your time, Sir. You have about a minute and some seconds left."

Ewell: "Well, what about the personal privilege?"

Speaker Peters: "You have..."

Ewell: "I mean, she has mentioned my name in debate and prevented me from discussing the Bill adequately. So, as I was saying on personal privilege, I think it is shameful that a Legislator who has the fine characteristics of Mrs. Oblinger, who has had the patience to go through with this Body, should become perturbed when I simply try to understand a Bill of 185 pages. If Mrs. Oblinger...for her information, I went to one of those ghetto schools. I didn't get a proper education, and it is rather difficult for me to understand some of the things that are said. And, I don't want to be trapped into voting for something that I am not aware of. And so, Mrs. Oblinger, I say that

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I think you ought to take these things into consideration and not be so rash in your judgment of me. For, had you walked in my mocassins for at least a mile, you would have been more tolerant. Now, the Bill. On page two, they have deleted another Section. They have deleted the Section that app...appeals may be taken in other civil cases. And the question, to me, is why would Mr. Terzich delete our right of appeal? What has he put in its place? And I think this is a very sacred right for which we should always be grateful. And, I am alarmed and perturbed that he would proceed in that manner. Now, actually, the provisions on page three, I think, are acceptable, because I understand them, and I know his desire to help the director and the departments; and the fact that they changed it to him or her. For, I certainly support the concept that women ought to be included in legislation. But, when I turn over and I get to page five, and I find that they are consistently striking the Judges and, 'Allowing only the court to hear or determine questions presented and to secure a compliance of such decision, may punish offending party or parties for contempt. But, such punishment shall, in no case, extend to imprisonment'. The question, in my mind, arises there is why would we delete the jury trial if we're going to have possible imprisonment in some of these contempt offenses. And I think, Mr. Terzich, it really bears upon explanation. Now, I approve the Section, as it is written, about the attendance of witnesses, because I believe that at all times, witnesses should be available for both sides. And, I am sure Mrs. Oblinger would agree. Now, I find another objectionable Section..."

Speaker Peters: "Your time is expired, Sir. Representative Van Dyne."



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Van Duyne: "How much time do I have, Mr. Speaker?"

Speaker Peters: "Ten minutes, Sir."

Van Duyne: "I'd like to yield my time to Representative Ewell."

Speaker Peters: "Under House Rule 55H, a Member may yield to another the time allowed for the Member's debate, but no Member may yield to another time allotted for explanation of vote. It is in the rules, and Representative Van Duyne is within his right to yield that ten minutes to Representative Ewell. The timer is on."

Ewell: "Mr. Speaker, I am gratified by your acceptance of the rules and your close pursuance thereof, because I want to note that you have been one of the most fair people who has presided in the Chair. Because there have been other times that sometimes the rules have been aborted or skipped over, and you are to be congratulated. What I can't understand is why Mr. Terzich would put in Amendment #1 to this Bill of 154 pages. Because..."

Speaker Peters: "Representative Ewell, excuse me, Sir. The Chair has received two inquiries now, and it is the suggestion of the Chair that those of you that, because of medical reasons, have to eat at a given time, do order out. Proceed, Sir."

Ewell: "Mr. Speaker, I think they should order in rather than out."

Speaker Peters: "Either way."

Ewell: "What I want to find out is that why, when on page two and 12, he deleted the Section and the lines 'without a jury summary'. Mr. Speaker, could I have a little order?"

Speaker Peters: "Give the Gentleman order."

Ewell: "While you're at it, could I have the gavel? Well, no lead. Anyway, we're talking about the Amendment to the Bill, and I can't see why that he would amend and strike out the section 'without a jury summary', because to me, a

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jury is an essential part of American jurisprudence. It is one of the principles for which our forefathers fought, and that was in 19...or 1776 and 1774. They sought so highly of this principle of having a jury, simply because they were tired of being tried by the king alone. It is something like being tried by the Speaker alone. You simply have no recourse to appeal. We thought it was a very unwise thing, and so very wisely, we inserted 'the right of a jury in all cases'. And here comes Mr. Terzich. Mr. Terzich from Chicago, and that is another thing that makes me suspicious of it is the fact that he is from Chicago, because I have learned in my many years down here that you cannot trust those fellows from Chicago. Because after all, if they are from Chicago, somehow or another they must be connected with some evils that are beside the world. And, therefore, they should be viewed with extreme scrutiny. And the other thing is, I doubt that there is anybody in here, except the 17 people who said that they know what is in the Bill..."

Speaker Peters: "Representative Ewell, excuse me, Sir. Representative Conti, what purpose do you seek recognition?"

Conti: "Well, Mr. Speaker, I am very much concerned over the political career of Larry DiPrima. One of the most important social events and political boosts that you can get in the General Assembly is attending the Veterans of Foreign Wars' Dinner tonight. And I know that a promise was made to Larry DiPrima that we would adjourn in time to attend that dinner tonight. And I hate to see anything happen or have Mr. DiPrima's career impaired because of a filibuster. Mr. DiPrima is a good Legislator, and I am very much concerned at what the outcome of the election will be if he will not be able to deliver the Members to

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that dinner tonight."

Speaker Peters: "You have an additional one minute and 15 seconds, Representative Ewell. Proceed."

Ewell: "Thank you, Mr. Speaker. I, too, am concerned about Mr. DiPrima, because I think he is a noble Gentleman. However, I do not think he is so noble that this Body of 177 people should put aside the business of the state."

Speaker Peters: "Representative Ewell, in an attempt to be..."

Ewell: "I'm sorry. To the Bill, to the Bill, to the Bill."

Speaker Peters: "Yes, to the Bill, Sir, please, in an attempt to be fair."

Ewell: "Alright, in an attempt to be fair. Anyway, as I said before, when he puts Amendments in which took away the rights to a jury, and it seems that he is striking some Judges in these particular things, I want to know what we have left. Perhaps he is thinking of arbitration. And so, I have searched very thoroughly through the entire Section, and I see no provisions for arbitration. And, if I see no provision for arbitration, Mr. Speaker, I simply don't know who we're going to have decide these issues. Now, a court without a Judge is a very difficult thing to operate with. But, anyway, I tried to understand why he wanted to strike out the juries knowing how dear it is to our hearts. But, I find that as I go through the Bill, that he is consistently stricken the Judges, and he is taking away temporary injunctions, also, on page 17 line three. He wants to issue a preliminary injunction. But, I would like to point out to the state that the law in Illinois is as to temporary injunction. It has been well engrained over the past 100 and so years that we have had a state, and it would cause great deal of confusion among the lawyers of this state. And we all know that the lawyers are, indeed, in a great deal of confusion. And again, he is allowing

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this injunction by striking out 'without a jury'. And I would object to that, because I have tried to make clear to you my very sound and personal feelings on the right to a jury. Then, on page 18, he wants this Board to investigate conditions. It has an interest in the area of the district and the enforcement of the ordinances, rules, and regulations, and the action conduct and efficiency of all officers, agents and employees of the district. I think that if we strike what he has struck, meaning petitions, because we are no longer going to have...be able to petition our grievances, we have to change it around to a complaint. I would suggest that there are a large number of the Members of this Body and the public at large, who are simply not familiar with the process of complaint, because we have, indeed, endeared ourselves to the petition process. We petition for re..redress of our grievances, we petition the court for various things, and to change that from a petition to make it a complaint, I think, is a grievous error. I think the fact that, perhaps, in his zeal to rewrite the law, Mr. Terzich didn't quite spend enough time in law school, and he's going to cause a great deal of confusion to the non-lawyers of this Body. And that, indeed, would be bad. So, I think the fact that he would strike our petitions is very bad. Now, I approved the Section where we're still going to have the power to administer oaths by the secretary, because it's a wonderful thing. I think that all of us, as a matter of fact, perhaps should be sworn on oath before we are allowed to take the microphone. It might improve the caliber of words that flow from our mouth. And, besides, this Body is very suspicious of any petition, ever since Pat Quinn came along, and I think a large number of you now know who Pat Quinn is. He's a cousin of mine, cousin Pat Quian. Yeah.

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He took care of all of us. But, anyway, I was saying that I...I really would object to the striking of the judges and no less than three pages...three places on page 22, because it's going to constitute a conflict. And I'm sure that many of the people back in the district won't understand, and I personally am going to have an extremely difficult time taking this Bill back to the district trying to explain to the people what I did on these 185 pages, and why I would strike out the judges so often and also the court. Now, I think that this abominable, and I think that Mr. Terzich should have taken this into consideration before he undertook this task. In fact, I have a vague suspicion that even Mr. Terzich, himself, who did not raise his hand when the question was asked, 'Who understands everything in the Bill?'. I think...I think...Yes, he's honest. He's absolutely honest, and I think that our reliance upon staff is not always to be trusted, because sometime some Members of the staff have been known to drink."

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

Terzich: "Yes, Mr. Speaker, again, this Bill has gone through the Judiciary Committee, the Law Revision Committee, the staff and so on, for over a year. These do not make any substantive changes. They're necessary to clean up the Statute Books, and I would move for its adoption."

Speaker Peters: "The question is, 'Shall House Bill 1054 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Representative Mautino to explain his vote. One minute."

Mautino: "No, Sir. Asking...Asking for a clarification. Individually, we are voting on these Bills, 1054 only, or does it include 1776?"

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Speaker Peters: "We are voting on one Bill, 1054."

Mautino: "Thank you, very much."

Speaker Peters: "That is the only Bill before the House. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 134 voting 'aye', 1 voting 'nay', 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1055, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1055, a Bill for an Act to amend various Acts to conform to the Code of Civil Procedure. Third Reading of the Bill."

Speaker Peters: "Representative Terzich. Representative Terzich."

Terzich: "House Bill 1055 amends various Acts to conform cross-references to the new Code of Civil Procedures, which we passed last year, and to make other related changes in terminology. And, again, this is by the Law Revision Commission and I would move for its approval."

Speaker Peters: "Any discussion? Representative Ewell. You have ten minutes, Sir."

Ewell: "The first question I have to ask, in honesty, if the Sponsor has read and understands House Bill 1055. That's a question of the Sponsor."

Speaker Peters: "Representative Terzich."

Terzich: "I'm waiting."

Ewell: "No. Have you read and understood this Bill, House Bill 1055, which you're presenting to the Body?"

Terzich: "Yes."

Ewell: "Mr. Speaker, I'd like to speak to the Bill."

Speaker Peters: "Representative Terzich, will you respond?"

Terzich: "I did. Yes."

Speaker Peters: "Gentleman indicates he has given response."

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Ewell: "This Bill is a little longer than the other Bill, and I'm going to hold it off so that those of you who have not seen it and have not read it and do not understand it will have a chance to realize the seriousness of your transgression. Your constituents sent you down here to read the Bills. Now, I don't see how you can explain to them that you would rather go out and eat dinner tonight or rejoice or drink or carouse or do any of the other things that sometime people have accused you of, rather than read this Bill. Mr. Speaker, I tried to cast a little light and illumination on the previous Bills, but I see I didn't get through to many of the people, because not many people voted with me; however, I don't think you ought to be discouraged because of the outcome for, if your cause is just and right, one man makes a majority. And, in this case, I shall proceed on. Now, when I read the synopsis of this Bill, it's one page long, a few lines, 'amends various Acts to conform cross-reference to the new Code of Civil Procedure, make other related changes in terminology'. How can this one line explain 541 pages of changes? I say to the Members of the other side of the aisle in particular, we might even be voting for a tax Bill without referendum. And these things have to be carefully scrutinized and examined. If I were to ask the same question of you, 'How many of you have read and understand the Bill?', very few of you would respond, because last night, while I was trying to read and digest this Bill in the wee hours of the morning, I noticed that all the other lights were out. And so, in an effort of shoveling sand against the sea, I shall try to proceed and illuminate and illustrate to the other Members of the Body the grievous mistakes that were...the grievous mistakes that have entered into this Bill. On page one, we have struck out 'in the manner provided by law for the exercise

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of the right of eminent domain'. And I would ask, how many of you are aware of how important the right of eminent domain is to the state, particularly in the process of building highways; and I know that you love highways. There are some of you who love highways better than mother's apple pie, because you're always down here trying to get more money for the highways. And I ask you, if you strike out the right of eminent domain, how could you ever get money for the highways? How would we ever get more highways? Why would you allow Mr. Terzich, in his evil manner, to slip down here from Chicago, under the command..."

Speaker Peters: "Representative Ewell, the Chair would caution you that it is a violation of the rule to mention a Member's name."

Ewell: "Oh, well, why that the Members of this Body should be subject to the evil cabals of people who come from Chicago, and would seek to impose their will on this Body. Now, I have to say to you that..."

Speaker Peters: "Representative DiPrima, what purpose do you seek the Chair's attention?"

DiPrima: "Yes, Mr. Speaker, listen. Now, the combined veterans of Illinois are putting on this dinner honoring the Members of the Legislature. Now, here they are spending all that money, and now we're going to let them look like a bunch of fools. I think this is terrible. We're playing like England and Argentina. Now, you touch me. Now, I'll touch you. Now, I am going to suggest that all of us go to that goddamned banquet and forget this bullshit."

Speaker Peters: "The Chair would admonish the previous speaker that profanity is a violation of the rule. Representative Ewell, you have an extra one and one quarter minute."

Ewell: "Thank you, Mr. Speaker. And the other question is that



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they have stricken out the date of April the 10th and that date has always been very sacred to me, because it was one of the days that we entered into some legislation that was extremely important to my foreparents and their foreparents before them. And I think that the callous manner in which this was done reflects a callous attitude on the part of the perpetrator of this devious Bill. Now, any Bill that is 541 pages long simply cannot be trusted by the Members of this Body. I ask you this Bill is almost as long as the Christmas tree we're going to pass. And everybody here knows what's on the Christmas tree. Everything. So, I suggest that we have to have some scrutiny of these Bills, scrutinize the Sections of it, because there's no explanation for striking out 'Administrative Review Act' on page 2. I have always been fond of Administrative Review. I do think that it represents a very good method of reviewing the decision of what we might call bureaucrats and some other lesser political people. So, I think that an effort, or anytime that we would strike 'Administrative Review' in an Act, we ought to judge very carefully what we do. Now, I hope you're listening to me, because I would like to have a better vote on this Bill than we had on the last one. Now, I know there are many of you who say 'Trust the Sponsor of the Bill'. But I say to you that you can't always trust the Sponsor of the Bill. He doesn't always give you the exact, correct explanation. It's only through the process of examination and scrutiny of the Bill and the allowing of questions and answers and to allowing people of diverse opinions, that you can truly make up your mind. Because...I had another Sponsor or another cohort who's encouraging me in my work. But, again, I see that he struck all Amendments and modifications thereof on page 3, and I would ask him why would he strike Amendments and

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modifications. For, if we are not allowed to amend this Bill like we were allowed to amend Bill 2008, I think that we've entered into a serious and disparaging state of affairs, and it really disgusts me. And so, I would say that the striking of the...the modifications and Amendments is a very bad thing to do. Now, I have read from pages four through 20...20...32, and I find that the corrections, deletions and decisions therein are correct. They conform with the law, and they are indeed good. But there's something that troubles me on page 32. We have struck the Code of Civil Procedure. I cannot understand why we would strike the Code of Civil Procedure. If we strike the Code of Civil Procedure, we have left only the Code of Criminal Procedure. And I think it is not in the best interest of our society to pre...to bring these actions in the criminal court. The criminal courts are extremely crowded. They have a great deal of serious work to do. We're constantly giving them new Bills and new Acts to enforce and regulate, and I think that when we strike out the Civil Code of Procedure, we're indeed doing harm to the Criminal Code. And I know that there are a great number of you who are very concerned on the Criminal Code. Now, those of you who have less callous hearts aren't concerned..."

Speaker Peters: "Representative J. J. Wolf."

Wolf, J. J.: "Yes, Mr. Speaker, Members of the House, I think I've been convinced by the fastidious arguments so ably presented by the distinguished Gentleman from Cook, who so eloquently has expounded on the possible pitfalls contained in this legislation. I'd request, Mr. Speaker, that the Clerk read the Bill in full."

Speaker Peters: "Mr. Parliamentarian, what do the rules provide? What do the rules provide, Mr. Clerk? Mr. Parliamentarian. Representative Telcser, do you have a comment, Sir?"

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Telcser: "No, I don't Mr. Speaker, at this moment. I would, of course, have one when the...when this insignificant filibuster is over. I think that the Members on the other side of the aisle are prolonging an activity which doesn't do anyone any good, let alone the citizens of this state. It's wrong. The Minority Members of the House ought to get on with the business and fulfill the responsibility for which they were elected. The...The lack of voting, the lack of moving forward will be a burden that they will have to carry, because they're not fooling Illinois citizens."

Speaker Peters: "Just one second. I have to answer Representative Wolf's request first. Where's it at? Representative Wolf, the Parliamentarian, at this stage, does not find the rule that will be applicable to your request; however, if you have a Section of the rules you would want to refer the Parliamentarian or the Chair to, we'd be happy to consider that. In the meantime, we'll take Representative Matijevich's point of order."

Matijevich: "No, I'll help the Parliamentarian. He doesn't have to do it under 5(i). All he has to do is read it by title. It used to be, under the old Constitution. However, I want to respond to Representative Telcser wherein he says that the Minority Party is stalling the process. I want to tell him that any time a Minority's Party rights are trampled on, they have a right, then, to stall the process. That's the only vehicle they have to bring right and justice to their individual rights as Representatives, and that's been done by you on that side of the aisle. We know why the stall is going on, because of what happened to Getty's comments in reference to House Bill 2008. Because of the attitude of the Chair, the only thing that the Minority Party can do is stall the process. When we were the Majority Party you did it. It was the only vehicle you had

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to do. So, we're going to keep it up until the Chair responds accordingly and adjourns accordingly, too."

Speaker Peters: "Representative Bullock on a point of order, Sir."

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

Speaker Peters: "The Gentleman moves the previous question. Representative Terzich to close."

Terzich: "Again, Mr. Speaker, Ladies and Gentleman of the House, this does not change any of the statute. All it does..."

Speaker Peters: "Representative, excuse me. The Chair does want to be fair, if I forgot that. The Gentleman moves the previous question. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair...In the opinion of the Chair, the 'nos' prevail. Debate will continue. Representative Fawell. Representative Fawell."

Fawell: "I move for the previous question."

Speaker Peters: "The Chair would rule, Representative Fawell, in all due respect that, since the Motion was just previously put, your Motion coming immediately after the Motion would be dilatory, and the Chair would rule it out of order. Any further discussion? Representative Matijevich."

Matijevich: "I'll yield my ten minutes, under the rules, to Ray Ewell. Might as well."

Speaker Peters: "Representative Ewell, ten minutes."

Ewell: "Mr. Speaker, I'd like to be nice to this Body and I don't want to take the ten minutes. I...I think that we just have to learn to read these rules ourselves and do the things that are right to be done. I may have some questions on the next Bill, but I don't want..."

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

Bowman: "Well, something that Representative Ewell had raised earlier. I'm really surprised Representative Terzich

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would..."

Speaker Peters: "Representative Bowman, the Chair would caution you that the rules provide that the Member cannot mention another Member's name in debate. What is your point, Sir?"

Bowman: "Well, I'm...I'm referring to the Sponsor of the legislation, Sir."

Speaker Peters: "What...What is your point to the Chair? You are taking...You are taking Representative Ewell's time."

Bowman: "Okay. Oh, I'm sorry. I thought he had..."

Speaker Peters: "No, he has not concluded."

Bowman: "Oh, I beg your pardon."

Speaker Peters: "Representative Ewell, proceed, Sir. I'll restart the clock Ten minutes."

Ewell: "Well, I've had a chance to look at pages 34 through 94, and I don't find them too objectionable. There are a few minor matters and, if I could get a larger vote on this Bill this time, I would feel that the confidence of the Body has been restored, and that we are, again, reading the Bills. So, I'm going to try to help hurry things along with Mr. Terzich, and allow some of the other Members to ask some of their questions. And if they have none, I'm going to try not to have any."

Speaker Peters: "Any...Any further discussion? There being none, Representative Terzich...Representative Bowman, I'm sorry. Do you wish to expound, Sir? Proceed, Sir. Gentleman has ten minutes."

Bowman: "Well, I just wanted to ask Representative Terzich why we strike the entire Code of Civil Procedure. Is it true, Representative Terzich, that you just struck the entire Code of Civil Procedure in one stroke."

Terzich: "We did that last year under House Bill 145."

Bowman: "That seems like a very uncivil thing to do."

Terzich: "Well, I know, but it was a great thing to do as far as

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the State of Illinois was concerned. And all...All this Bill was simply changes the cross-references in the Statutes. That's all it does. There's no changes in...in the Statutes other than the cross-references."

Bowman: "That is a great relief. Thank you, very much."

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

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, again, this makes no substantive changes. It just changes the cross-references, and I would like to mention to Representative Ewell that if you can't trust your State Representative, who can you trust? I would move for passage."

Speaker Peters: "Representative Ewell on a point of personal privilege. Your name was taken, Sir."

Ewell: "Mr. Speaker, my name has been taken so many time that one more doesn't matter. And one has to learn to be thick-skinned and not respond to every slight that is cast upon you."

Speaker Peters: "Any further discussion? There being none, the Gentleman has closed. The question is, 'Shall House Bill 1055 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. 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 148 voting 'aye', 7 voting 'nay', 3 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1600, Representative Keane. Representative Keane. Out of the record. House Bill 1770, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1770, a Bill for an Act to repeal an obsolete Act relating to retention of judges. Third Reading of the Bill."

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Speaker Peters: "Representative Terzich."

Terzich: "Yes, House Bill 1770 repeals an obsolete Act relating to the retention of Judges who are elected around the time of the 1964 changes to the Judicial Article of the old Illinois Constitution. And I would move for its passage."

Speaker Peters: "Any discussion? Representative Ewell, you have ten minutes."

Ewell: "Does this have anything to do with merit selection?"

Terzich: "Not if I can help it."

Ewell: "All right, no further questions."

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

Terzich: "Well, again, Mr. Speaker, Ladies and Gentlemen of the House, this makes no substantive changes, and it's from the Law Revision Commission. I would appreciate your support."

Speaker Peters: "The question is, 'Shall House Bill 1770 pass?'. 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 149 voting 'aye', 2 voting 'nay', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1771, Representative Terzich. Sir?"

Terzich: "Yes, House Bill 17..."

Speaker Peters: "Representative, excuse me. Do you wish the Bill read? Representative Terzich."

Terzich: "Yes, House Bill 17..."

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

Clerk Leone: "House Bill 1771, a Bill for an Act to amend a Code of Criminal Procedure. Third Reading of the Bill."

Speaker Peters: "Representative Terzich."

Terzich: "Again, this amends the Code of Criminal Procedure. It

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removes a provision for use of bail deposit to pay county costs of defense legal services, which provision has been held unconstitutional. And I would move for its adoption."

Speaker Peters: "Any discussion? Representative Bullock."

Bullock: "Representative Terzich, does this legislation make substantive changes in the law?"

Terzich: "It makes no changes. The provision was ruled unconstitutional by the Supreme Court; so, therefore, it makes no changes whatsoever. It's just an unconstitutional ruling."

Bullock: "Are you saying that you don't strike anything in the language of the Statute?"

Terzich: "You asked if there was a substantive change..."

Bullock: "No, I'm asking another question. I'm asking you if you strike any language in the Statute."

Terzich: "I get...It gets rid of the whole Section because it's not, in fact, const..."

Bullock: "So you do, in fact, strike language in the Statute."

Terzich: "That's correct."

Bullock: "Okay, so...And, in fact, the language you strike is substantive, be it ever so obsolete."

Terzich: "No it is not. How could something unconstitutional be substantive?"

Bullock: "The Statute that I read, Section 1 or Section 110-7 Subsection G reads, prior to House Bill 1771 being proposed, 'whenever a defendant who had been committed...admitted to bail wit...utilizes a service of a public defender or any other point of counsel, the amount deposited may be used to reimburse county funding of legal services'. And then it, further, rennumbers a Section H to G, and strikes the entire Section G. Now, the legislation that I have does that. And, in my estimation, it does, indeed, make technical and substantive changes in the law."



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And I think you're misleading this Body if you tell us it doesn't strike any substantive language."

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

Terzich: "Again, Mr. Speaker, 1771 merely takes out of the Statute Books an unconstitutional ruling. The courts have determined this to be unconstitutional. It's just to clean up the Statute Books. I would move for your approval."

Speaker Peters: "The question is, 'Shall House Bill 1771 pass?'. Those in favor will signify by voting 'aye', and those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Johnson to explain his vote. No? Okay. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 145 voting 'aye', 3 voting 'nay', 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Terzich, House Bill 1772. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1772, a Bill for an Act to amend various Acts to delete references to the now non-existent justices of the peace. Third Reading of the Bill."

Speaker Peters: "Representative Terzich."

Terzich: "Again, the Bill simply amends various Acts to delete references to justice of the peace, which...they are no longer in existence, and it's merely word changes. And I move for its adoption."

Speaker Peters: "Any discussion? Representative John Dunn. Representative John Dunn. Ten minutes."

Dunn, John: "Thank you, Mr. Speaker. I don't want ten minutes, but I have a question. Are we on House Bill 1772?"

Speaker Peters: "Yes, Sir."

Dunn, John: "Well, the copy of House Bill 1772 that I have refers

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to canals and river basins and changes '1000' in words to '1000' in numbers and '20 years' in words to '20 years' in numbers, and I'm still looking for something about justice of the peace. I don't see any reference to justice of the peace."

Terzich: "I think you're reading last year's Statute Synopsis, Representative. I...I think 80...80th General Assembly..."

Dunn, John: "I'm looking at House Bill 1772."

Terzich: "Amends various Acts to delete reference to non..."

Dunn, John: "I...I agree with you that the synopsis on the front says that, but inside it has to do with the Illinois and Michigan Canal and the Little Wabash River. And...I...wait. On page 1, lines 29 and 30, there is a reference to add something in the circuit court and changes the 'before any justice of the peace', but it makes other...sure does make other changes, and I don't know what they are. And I'd like an explanation."

Speaker Peters: "Representative Terzich."

Terzich: "Again, the...this Bill was gone over by the Commission and the Judiciary Committee, of which the Representative who was speaking is also a Member of the Judiciary Committee. And, all it does is simply clear up the wording by eliminating 'the justice of the...reference to 'justice of the peace', which is no longer in existence."

Dunn, John: "Well, I'd like the Sponsor to take this out of the record. It may be 'innocuous', but it does do other things. And, if you'll take it out of the record, fine. If not, I'll have to..."

Terzich: "Take it out of the record. I have no problems."

Speaker Peters: "Out of the record. House Bill 1773, Representative Terzich."

Terzich: "I'm ready."

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

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Clerk Leone: "House Bill 1773, a Bill for an Act to amend various Acts to revise terminology in relationship to the subpoena powers. Third Reading of the Bill."

Speaker Peters: "Representative Terzich."

Terzich: "Again, it...various Acts to revise terminology in relation to the subpoena powers. It's totally non-substantive. This is one of the series of Bills drafted by the Law Revision Commission. It has the elimination of gender, based on he or she. And modernization, for example, substitution of judgement for decree, and deletion of obsolete reference to risk of suits in equity. I would move for its adoption."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 1773 be adopted?'. 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? Mr. Clerk, take the record. On this question there are 138 voting 'aye', 1 voting 'nay', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1770...Representative Ewell, what purpose do you rise, Sir?"

Ewell: "I just wanted to explain my vote. If this is 1773, the synopsis says it amends various Acts to revise terminology in relation to subpoena power, proposed by the Law Revision Commission, effective immediately. And, if you read the Bill, I just don't think it's consistent with the explanation that we received. It just simply doesn't do that. I mean, the synopsis does...Or the Bill does what the synopsis says. It's inconsistent with the Sponsor, and I ask that the Sponsor either take a look at the Bill before he make a representation, because certainly on the last Bill we had representations made to us that

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simply...simply wasn't there. And so, Mr. Speaker, you can sit here and talk about making innocuous changes all we want, but I suggest that, at least, you ought to know what you're voting on. And if you vote on this Bill based upon that explanation, you're wrong. If you look at the Bill, it has to do with subpoena powers. And the revision is correct. And if you ask the Clerk if that's what it does, he'll tell you that's what it does. Now, the rest of you Members can sit over there and vote, and one day someone will pull it out and say, 'Why did you vote on these things?'. But, I'm going to vote 'no', because...or, I didn't have a chance to vote 'no', but I'd like to be recorded as voting 'no', pursuant to my explanation. I'm simply not going to vote for something that doesn't exist, based upon an explanation that's erroneous."

Speaker Peters: "The Gentleman asks leave of the House to be recorded on House Bill 1773 as voting 'no'. Does the Gentleman have leave? Gentleman have leave? There is objection. On...The...The Bill was declared...Representative Brummer, if you wish to, I will...I will reserve absolute judgement on this. You go back upstairs and listen to the tape. I did indicate this Bill got 138 'aye' to whatever to whatever, and this Bill passed. And then I noticed Representative Ewell's light on and I called, and he understood that and said he knew it was too late for him to vote and asked for leave. That's...That's where we're at. Yes, Sir? Representative Brummer, what point do you s..."

Brummer: "Yes, Mr. Speaker, I would simply indicate that I think Mr. Ewell has a right to explain his vote prior to the taking of the Roll Call, and the votes were on there...on the Board at the time that he was called upon to explain his vote, and he certainly has...has an opportunity to be

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recorded regarding that issue."

Speaker Peters: "The Chair put the question asking for leave for Representative Ewell to be recorded as he desired. Leave was not given by the House, not by the Chair, by the House. House Bill 1775, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1775, a Bill for an Act to repeal an Act defining the relations between banks and their depositors, with respect to the deposit and collection of checks and other instruments payable in money. Third Reading of the Bill."

Speaker Peters: "Representative Terzich."

Terzich: "Mr. Speaker, this is going to be the last one I'm calling, so I'm getting off this stuff. But, 1775 repeals an Act defining relations between banks and their depositors, which was held unconstitutional. The Statute was held unconstitutional in the people versus 'Barnett', in the bank and trust company 1935. I would move for its approval by the House."

Speaker Peters: "Gentleman moves the adoption of 17...House Bill 1775. Is there any discussion? There being none, the question is, 'Shall House Bill 1775 pass?'. 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? Representative Farley to explain his vote. No? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 145 voting 'aye', 1 voting 'nay', 5 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1776, Representative Terzich. Out of the record. House Bill 1777, Representative Terzich. Out of the record. House Bill 1779, Representative Terzich. Out of the record. House Bill

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1780, Representative Terzich. Out of the record. House Bill 1781, Representative Terzich. Out of the record. House Bill 1782, Representative Terzich. Out of the record. House Bill 1783, Representative Terzich. Out of the record. House Bill 1784, Representative Terzich. Out of the record. House Bill 1841, Representative Karpziel. Out of the record. House Bill 1845, Representative Terzich. Out of the record. House Bill 1846, Representative Terzich. Out of the record. House Bill 1847, Representative Terzich. Out of the record. House Bill 1848, Representative Terzich. Out of the record, request of the Sponsor. House Bill 1849, Representative Terzich. Out of the record, request of the Sponsor. House Bill 1850, Representative Terzich. Out of the record. House Bill 1851, Representative Terzich. Out of the record. House Bill 1852, Representative Terzich. Out of the record. House Bill 1882, Representative Barkhausen. Out of the record. House Bill 1883, Representative Barkhausen. I can't see him, Representative Ewing. Out of the record. House Bill 1913, Representative Huskey. Out of the record. House Bill 1955, Representative Levin. Gentleman in the chamber? Out of the record. House Bill 1998, Representative Oblinger. Out of the record. House Bill 2002, Representative McClain. Out of the record. House Bill 2076, Representative McMaster. Out of the record. House Bill 2077, Representative Bartulis. Out of the record. Representative Epton has left ill. House Bill 2088 and 2095 will be taken out of the record. House Bill 2116, Representative Kosinski. Is the Gentleman in the chamber? Out of the record. House Bill 2135, Representative Levin. Is the Gentleman in the chamber? No? Out of the record. House Bill 2146, Representative Ewing. Out of the record. House Bill 2167, Representative

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Ronan. The Gentleman in the chamber? Out of the record.  
House Bill 2168, Representative Pullen. Out of the record  
at the request of the Sponsor. House Bill 2171,  
Representative Irv Smith. Out of the record, request of  
the Sponsor. House Bill 2231, Representative J. J. Wolf.  
Out of the record. House Bill 2246, Representative  
Hallstrom. What is that? Out of the record. House Bill  
2261, Representative Wolf, J. J. Out of the record. House  
Bill 2274, Representative Tuerk. Out of the record,  
request of the Sponsor. House Bill 2280, Representative  
Stearney. Is the Gentleman in the chamber? Out of the  
record. House Bill 2282, Representative Ryan - Conti. Out  
of the record? Out of the record, Representative Conti, at  
the request of the Sponsor. House Bill 2285,  
Representative Piel. Out of the record, request of the  
Sponsor. House Bill 2303, Representative Sandquist. Out  
of the record, request of the Sponsor. House Bill 2335,  
Representative Sandquist. Out of the record, request of  
the Sponsor. House Bill 2357, Representative Grossi. Out  
of the record, request of the Sponsor. House Bill 2367,  
Representative Epton. Gentleman is ill. House Bill 2381,  
Representative Pullen. Out of the record, request of the  
Sponsor. House Bill 2391, Representative Telcser. Out of  
the record, request of the Sponsor. House Bill 2394,  
Representative Epton. Out of the record. House Bill 2397,  
Representative Bell. Representative Bell. Out of the  
record. House Bill 2406, Representative Watson. Out of  
the record, request of the Sponsor. House Bill 2412,  
Representative Terzich. Out of the record. House Bill  
2413, Representative Kustra. Out of the record. House  
Bill 2417, Representative Yourell. Gentleman in the  
chamber? Out of the record. House Bill 2462,  
Representative Capparelli. Representative Capparelli.

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Gentleman in the chamber? Out of the record. House Bill 2466, Representative Stearney. Gentleman in the chamber? Out of the record. House Bill 2495, Representative Sandquist. Out of the record, request of the Sponsor. House Bill 2496, Ryan - Meyer. Out of the record, request of the Sponsor. House Bill 2498, Representative Telcser. 2498, Representative Telcser. Out of the record, request of the Sponsor. House Bill 2499, Representative Telcser. 2499. Out of the record, request of the Sponsor. House Bill 2500, Representative C. M. Stiehl. Representative Stiehl, House Bill 2500. Out of the record, request of the Sponsor. House Bill 2502, Representative Bower. Out of the record, request of the Sponsor. House Bill 2507, Representative Mays. Out of the record, request of the Sponsor. House Bill 2513, Representative Reilly. Out of the record, request of the Sponsor. House Bill 2356, Representative Klemm. Out of the record, request of the Sponsor. House Bill 2539, Representative Huskey. Out of the record. House Bill 2541, Representative Bower. Sir? Representative Bower. Out of the record, request of the Sponsor. House Bill 2559, Representative Daniels. Out of the record, request of the Sponsor. House Bill 2566, Representative Miller. Out of the record, request of the Sponsor. House Bill 2578, Representative Barr. Out of the record, request of the Sponsor. House Bill 2580, Representative Barr. Out of the record, request of the Sponsor. House Bill 2586, Representative Donovan. Representative Donovan. Out of the record. House Bill 2610, Representative Saltsman. I can't see there. Out of the record at request of the Sponsor. House Bill 2618, Representative Birkinbine. Out of the record. Consent Calendar Second Reading Second Day. Read the Bills, Mr. Clerk."



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Clerk Leone: "House Bill 2133, a Bill for an Act extending the corporate limits of the Metropolitan Sanitary District of Greater Chicago together with Amendment #1. House Bill 2156, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 2549, a Bill for an Act designating a new...2249, a Bill for an Act designating new agricultural building. House Bill 2266, a Bill for an Act to amend the Drainage Code. House Bill 2369, a Bill for an Act to amend the Illinois Public Library District Act. House Bill 2460, a Bill for an Act to amend certain Acts relating to the compensation and benefits of the Members of the General Assembly. House Bill 2464, a Bill for an Act concerning the disposition of automobiles together with Amendment #1. House Bill 2589, a Bill for an Act to amend an Act codifying the powers and duties of the Department of Mental Health and Developmental Disabilities. House Bill 2609, a Bill for an Act to amend the Illinois Horseracing Act. Second Reading of these Bills."

Speaker Peters: "Mr. Clerk, is there objection filed to any of these Bills? Objections?"

Clerk Leone: "No objections, however, there is a fiscal note requested on House Bill 2460."

Speaker Peters: "24 what? Representative Telcser, for what purpose do you rise?"

Telcser: "That fiscal note was re...requested by Representative Getty. He and I talked today, and I believe it was withdrawn. Am I right, Representative?"

Speaker Peters: "Representative Getty, is that...Do you withdraw the request for a fiscal note on 24..."

Telcser: "60."

Speaker Peters: "...60?"

Getty: "I believe I did that in writing. It's not in writing?"

Speaker Peters: "Is it withdrawn? Okay. The Bills read by the

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Clerk, Consent Calendar, Third Reading. Consent Calendar  
Third Reading, Mr. Clerk."

Clerk Leone: "House Bill 1651, a Bill for an Act to amend the  
Illinois Savings and Loan Act. House Bill 2038, a Bill for  
an Act to amend the Public Community College Act. House  
Bill 2125, a Bill for an Act to amend the School Code.  
House Bill 2250, a Bill for an Act to amend the School  
Code. House Bill 2361, a Bill for an Act to amend the  
Illinois Pension Code. House Bill 2408, a Bill for an Act  
in relationship to fish and wildlife. House Bill 2409, a  
Bill for an Act to amend the Wildlife Code and Fish Code.  
Third Reading of these Bills."

Speaker Peters: "The question is, 'Shall these Bills pass?'.  
Those in favor will signify by voting 'aye', those opposed  
by voting 'nay'. Mr. Clerk. Consent Calendar, Third  
Reading. Voting is open. Have all voted who wish? Have  
all voted who wish? Take the record, Mr. Clerk. On this  
question there are 129 voting 'aye', 2 voting 'nay', 27  
voting 'present', and the Bills... Representative Laurino,  
'aye'. 130 voting 'aye', 2 voting 'nay', 27 voting  
'present'. The Bills on the Consent Calendar, having  
received the Constitutional Majority, are hereby declared  
passed. Resolutions, Mr. Clerk. General Resolutions, Mr.  
Clerk. Representative Conti."

Clerk Leone: "Senate..."

Speaker Peters: "We'll get to Agreed Resolutions next. General  
Resolutions."

Clerk Leone: "General Resolutions. Senate Joint Resolution 76,  
Bullock."

Speaker Peters: "Is that it? Committee on Assignments. Agreed  
Resolutions. Representative Conti. Mr. Clerk, Agreed  
Resolutions."

Clerk Leone: "House Resolution 875, Representative Ryan. 876,

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Tate. House Resolution 877, Miller - Woodyard - Stuffle.  
House Resolution 878, Watson. House Resolution 879, Irv  
Smith."

Speaker Peters: "Representative Conti."

Conti: "I move for the adoption of the Agreed Resolutions."

Speaker Peters: "Representative Conti moves the adoption of the  
Agreed read Resolutions. Those in favor will signify by  
saying 'aye', opposed. Opinion of the Chair, the 'ayes'  
have it, and the Resolutions are adopted. Representative  
Telcser."

Telcser: "Mr. Speaker, I now move the House stand adjourned until  
Thursday, May 6, the hour of 1:00 p.m."

Speaker Peters: "You've heard the Gentleman's Motion that the  
House stand adjourned until the hour of 1:00 p.m. Thursday,  
May 6. Those in favor will signify by saying 'aye',  
opposed. Opinion of the Chair, the 'ayes' have it. The  
House stands adjourned. One o'clock."