

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

109th Legislative Day

May 13, 1982

Speaker Daniels: "The House will please come to order. Members will please be in their seats. We'll be led in prayer this morning by Doctor Richard Ahlgrim from the Berean Baptist Church located here in Springfield, Illinois."

Doctor Ahlgrim: "Again, thank you for your gracious invitation to open the House in prayer. Shall we pray? Our Heavenly Father, we thank You again that we can step into Your presence and know that You delight in hearing us talk to You. We would ask that we might not only be conscience of Your presence in our midst at this moment, but grant us, throughout this entire Session, the awareness of the fact that You listen to us as we speak and You grant us wisdom, as we're willing to draw upon the resources of Heaven. We pray, not only for ourselves, but for the powers in Washington, as decisions are made in world-wide magnitude, and we would pray for our President, for our Congress and ask that, in an hour of upheaval in the world, that they shall be able to keep the peace and the balance that we delight in at this moment. We're concerned about ourselves. We ask You for wisdom to make decisions in discussion that shall be profitable, not only for the moment, but for the future. Help us, our God, to be continually aware of the far reaching and long lasting effects of the decisions that we make in this House. We thank You for the intelligence that You've given us, for we know that the intellect we have has been given to us by You. So many unfortunate, who cannot reason as we, and so we pray, our Father, cultivate and stimulate the minds that we have. Help us to think thoughts that are pleasing to You. Grant us the ability and the skill to communicate, briefly and wisely, and in such a way, our Father, that we shall know the difference between that which is important

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and that which needs immediate care. Direct in all things. Thank You for Your presence; and, in all things, we'll be careful to thank You, for we entered into Your presence in the name of Your Son and our Savior, Jesus Christ. Amen."

Speaker Daniels: "Thank you, Doctor Ahlgrim. We'll be led in the Pledge this morning by the Honorable Joseph Ebbesen."

Ebbesen: "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 Daniels: "The Members of the House please be reminded that the TV cameras are on. Roll Call for Attendance. Excused absences. Representative Telcser, are there any excused absences on the Republican side?"

Telcser: "Mr. Speaker, could the Journal please show that Representative Barnes and Stearney are absent because of illness?"

Speaker Daniels: "Representative Getty."

Getty: "Mr. Speaker, may the record indicate that Representatives Capparelli and Katz are absent due to official business?"

Speaker Daniels: "Will so show. Mr. Clerk, please take the record. There are 157 Members answering the Roll Call. A quorum of the House is present. House Bills, Third Reading. House Bill 2189, page seven of your Calendar, Third Reading. 2189, Representative Nelson. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2189, a Bill for an Act to amend Sections of the Illinois Municipal Code. Third Reading of the Bill."

Speaker Daniels: "Representative Nelson."

Nelson: "Thank you, Mr. Speaker, Members of the House. Yesterday, Governor Thompson signed Senate Bill 59. My Bill is identical to Sections of that Bill that was signed by the

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Governor yesterday and; therefore, I would like to ask leave of the House to table House Bill 2189."

Speaker Daniels: "Lady asks leave to table House Bill 2189. Hearing no objections, House Bill 2189 is tabled. House Bill 2231, Representative J. J. Wolf. Out of the record. House Bill 2234, Representative Matijevecich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2234, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Daniels: "Members of the House please be in their seats. Representative Matijevecich, House Bill 2234."

Matijevecich: "Yes, thank you, Mr. Speaker and Members of the House. First, I want to express my appreciation to Representative Barkhausen who was instrumental in this Bill being pried loose from the House Rules Committee to be heard as an exempt Bill. It is a very important Bill to those areas of the State of Illinois that have school districts that are bound by military bases and establishments. What the Bill would provide would be that the State Board of Education would pro... promulgate rules and guidelines so that school districts may... require that school dist..."

Speaker Daniels: "Excuse me, Sir. Excuse me. May the Gentleman please have your attention? We're on Third Readings. Please give your attention to Representative Matijevecich. Proceed, Sir."

Matijevecich: "So that students who are children of military dependents would pay a fee, which would reflect the loss of federal impact aid funds. Those of you who are, as I am, by the Great Lakes Naval Training Center, for example, you may be near Chanute Field or Scott Air force Base, you are aware that school districts are having a severe loss in federal impact aid funds. Those are the funds that go

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toward the education of military dependent's students. So that those school districts would not have to put that burden on local taxpayers, I've been asked by school districts to introduce this type of legislation. The Illinois Association of School Boards hasn't endorsed this Bill. The State Board of Education cooperated with those school districts in formulating this Bill, and I would urge the Membership to support it. There are other bipartisan Co-Joint Sponsors who need this type of legislation, so they are not seriously distressed by loss of those funds. I urge your support."

Speaker Daniels: "Gentleman moves for the adoption and passage of House Bill 2234. Any discussion? Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Brummer: "John, I don't really have any opposition to this Bill. I'm curious, though, if you have an opinion concerning the constitutionality of it, inasmuch as the Illinois Constitution specifically provides the constitutional right to a free public education with regard to... I think it's either K through 12 or 1 through 12, and I know the State Board of Education has just recently promulgated some rules regarding some collateral different issues concerning that... constitutional right to a free education."

Matijevich: "Well, I... All I can say is that the State Board of Education is the one that assisted in the drafting of this Bill for those school districts who felt they needed it."

Brummer: "Did they... Did you have any discussion with them about the constitutional issue of a constitutional guarantee of a free public education?"

Matijevich: "No, I... I didn't, but I'm sure that, if they were careful that it didn't need a constitutional test, that



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they would not have drafted this language."

Brummer: "This provides that the student pay tuition. Is that right?"

Matijevich: "A type of... a tuition fee which would reflect the loss of federal impact aid funds. It's not a flat, total tuition for education, but it would reflect the loss of dollars per capita for those military dependent children in that school district."

Brummer: "Okay, thank you."

Speaker Daniels: "Further discussion? Gentleman from Lake, Representative Barkhausen."

Barkhausen: "Mr. Speaker, Ladies and Gentlemen of the House, I just wanted to second the remarks that have been made by Representative Matijevich on this Bill and urge the support from my side of the aisle. I think, if we are going to give flexible federalism a chance to work, then we have to give our state agencies, in this case the State Board of Education, the opportunity to make it work; and, for that reason, this Bill, as Representative Matijevich explained, gives the State Board of Education the discretion to come up with rules providing for partial, not total, but partial fees or tuition payments to make up for the loss of federal aid. I think the state has to be in a position where we can adjust to some of the losses of federal aid that are bound to occur in this and other areas, and I think... I think this legislation is a good opportunity for us to move in that direction. And I would urge all of you to vote for this Bill."

Speaker Daniels: "Further discussion? Being no further discussion, Gentleman from Lake, Representative Matijevich, to close."

Matijevich: "Mr. Speaker, I believe the issue has been adequately discussed, and I would appreciate your favorable support."

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Thank you."

Speaker Daniels: "Gentleman's moved for the passage of House Bill 2234. The question is, 'Shall House Bill 2234 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open."

Unknown: "Turn me off."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question there are 145 'aye', 9 voting 'nay' and none voting 'present'. House Bill 2234, having received the Constitutional Majority, is hereby declared passed. House Bill 20...Representative Wolf, for what purpose do you rise, Sir?"

Wolf: "Yes, Mr. Speaker, to help you clear off the Calendar, I'd like to have leave of the House to table House Bill 2231."

Speaker Daniels: "Gentleman has asked for leave to table House Bill 2231, as the principal Sponsor. Are there any objections? Hearing no objection, House Bill 2231 is tabled. Representative Kosinski, for what purpose do you rise, Sir?"

Kosinski: "Mr. Speaker, do I have permission to make an announcement?"

Speaker Daniels: "Proceed, Sir."

Kosinski: "It's less than one week 'til the annual Grid Iron Dinner. I understand a lot of us will be roasted for a lot of reasons. It's May 19, Wednesday, and...and I've been asked to make an announcement that tickets are available with any of the media people."

Speaker Daniels: "House Bill 2238, Representative Birkinbine. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2238, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Daniels: "Representative Birkinbine."

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Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2238 changes the name of the Cook County Board of Appeals to the Cook County Board of Tax Assessment Appeals, and the reason for it is that, as it's presently named, most people don't know what the Board does or what you can appeal there. The idea of the Board is that property owners, who feel that they have been incorrectly assessed, can go and make an appeal. It's a purely informational, designed to make the Board... the Board's title self-explanatory, and I know of no opposition to it."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves for the passage of House Bill 2238. Question is, 'Shall House Bill 2238 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 159 'aye', none voting 'no', none vot... 3 voting 'present'. House Bill 2238, having received a Constitutional Majority, is hereby declared passed. House Bill 2242, Representative Barkhausen. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2242, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Daniels: "Representative Barkhausen."

Barkhausen: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2242 is a Bill that has strong bipartisan support. It has been put together and recommended by the Illinois Retail Merchants' Association. We've discussed this Bill a couple of times, most recently on Second Reading where the Bill was amended. The Bill provides a new remedy for victims of retail theft and allows them to go after the perpetrator of these crimes, while giving them

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a civil remedy; such that the court can award damages between a hundred and a thousand dollars, as well as attorneys fees and costs. It provides for parental responsibility or liability, but such responsibility and liability will be limited by the existing Parental Responsibility Law to 1000 dollars. I'd be happy to answer any questions."

Speaker Daniels: "Any discussion? Gentleman from Will, Representative Leinenweber."

Leinenweber: "Yes, I do have some questions for the Sponsor."

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

Leinenweber: "What does it... Does this Bill distinguishes between adults and minors, is that correct?"

Barkhausen: "In what sense, Representative? No, I don't think it really does, not in terms of the perpetrator of the crime."

Leinenweber: "Alright. A minor... Well, an adult... The Bill provides that, if an adult is convicted of retail theft, then the shop owner has a cause of action against the adult, or does it only apply to minors?"

Barkhausen: "Representative, there doesn't need to be a conviction, and there is equal treatment, as I understand, of both minors and adults."

Leinenweber: "Well, really what I'm driving at is that the Bill provides for a remedy against an adult who commits retail theft. Is that right?"

Barkhausen: "Yes, but not just an adult."

Leinenweber: "Well, but as far as a minor is concerned, the minor's parents are responsible. Is that correct?"

Barkhausen: "They could be, within the limits of the existing Parental Responsibility Law."

Leinenweber: "Alright. Now, originally as the Bill was introduced, there was no limit to the ..."

Barkhausen: "No limit on parental responsibility. That's right."

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Leinenweber: "And now what is the limit?"

Barkhausen: "Now the limit is the same as it is under the existing statute, which is a thousand dollars."

Leinenweber: "So, if a minor shoplifts, the store can sue the parents of the minor and recover of the... what the cost... the value of the goods up to 1000 dollars?"

Barkhausen: "They could recover, yes, the value of the goods. There could be this civil penalty, which is provided for, imposed and/or attorneys fees and costs with the total limit on all three being a thousand dollars."

Leinenweber: "A total of a thousand for everything, or a thousand for a punitive, a thousand for the value of the goods and a thousand for attorneys fees?"

Barkhausen: "A total of a thousand for everything."

Leinenweber: "Alright. So, if a minor, let's say, took a diamond ring worth three thousand dollars, and the store sought to recover the value of the diamond ring, then they could recover up to a thousand dollars. Is that correct?"

Barkhausen: "From the parents, correct."

Leinenweber: "Alright. Now, but they could recover the total, say, for the three thousand dollar ring, they could recover the whole thing from the minor himself, if he was responsible."

Barkhausen: "If he were responsible, yes."

Leinenweber: "Is that correct?"

Barkhausen: "Yes."

Leinenweber: "So, the law, right now as I understand it, a storekeeper can sue the person who steals his goods for the reasonable value of the goods. Isn't that correct?"

Barkhausen: "Yes."

Leinenweber: "And they could, the storekeeper could recover, under a proper case, punitive damages now. Is that right?"

Barkhausen: "Theoretically, I suppose he could. As a practical

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matter, that doesn't seem to happen."

Leinenweber: "But... Okay, but right now the storekeeper is not entitled to recover attorneys fees. Isn't that correct?"

Barkhausen: "Yes."

Leinenweber: "So, really the law does... Your Bill does two... essentially two things. It provides for the recovery of attorneys fees in all cases, and it provides for recovery against the minor's parents or... up to a thousand dollars."

Barkhausen: "Yes, and in addition, provides for the civil penalties of between a hundred and a thousand dollars."

Leinenweber: "Is that not less than or more than, or is that just in a proper case?"

Barkhausen: "It's not less than or more than."

Leinenweber: "Okay. So, in other words, if a storekeeper proves a retail theft, and I presume that would be by a preponderance rather than beyond a reasonable doubt..."

Barkhausen: "Yes, ... civil..."

Leinenweber: "And right off the bat they're entitled to a hundred dollars, plus the cost of the goods, plus attorneys fees. Is that right?"

Barkhausen: "Correct."

Leinenweber: "Okay. And... But, as far as the minor's concerned, it's limited to a thousand dollars."

Barkhausen: "Yes, there would be that limitation in an attempt to recover against the parent or guardian."

Leinenweber: "The second question is, who, in addition to a natural parent or an adoptive parent, would be responsible under the... for the minor's theft?"

Barkhausen: "A guardian or one charged with the legal responsibility for the minor by a court of law."

Leinenweber: "Now, a guardian you mean someone who has been appointed by a court. Is that correct? Is that correct?"

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And what was the other class of persons who might be defendants in this case; parents, guardians and what was the other one?"

Barkhausen: "Excuse me one second, Representative. We're talking here about parents and legal guardians. I may have missed part of your question, if you'd care to restate it."

Leinenweber: "I thought you added an additional group who might be responsible. There's the parents and there is the legal guardian, which I assume is a court appointed guardian, and then I thought you said 'other persons responsible'."

Barkhausen: "Well, if I did, I misspoke. It's parents and legal guardians."

Leinenweber: "Okay. So, natural and/or adoptive parents and legal guardians are the only people that can be responsible. Is that correct?"

Barkhausen: "Yes."

Leinenweber: "Thank you."

Speaker Daniels: "Further discussion? Representative Collins, for what purpose do you rise?"

Collins: "With the indulgence of the House, Mr. Speaker, for purposes of an introduction, in the Speaker's gallery, the students from Washburn Junior High School in Winnetka, the district represented by Representatives Birkinbine, Hallstrom and Katz."

Speaker Daniels: "Welcome to the House. Further discussion? Gentleman from Cook, Representative Kosinski."

Kosinski: "Mr. Speaker and Ladies and Gentlemen of the House, or should I say you consumers? Billions of dollars are lost annually throughout the United States by pilfering, sneak theft, savory shoplifting which is ultimately passed on to us. Now, while on occasion some Bills may seem a little harsh and we are justifiably concerned, the billions that are passed on to us and come out of our pockets have to be

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stopped somehow. I support this legislation. I feel it's about time we took this thing in our teeth and do everything conceivable to prevent the theft of merchandise from retailers, merchandisers, wholesalers and so forth, for which we ultimately pay. I think this Bill deserves our support. I think any Bills, in the future, which harden the law deserve our support. Thank you."

Speaker Daniels: "Gentleman from Champaign, Representative Johnson."

Johnson: "Representative Barkhausen, I have a couple of sit..."

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

Johnson: "...situations I want to pose to you. Let's assume, first of all, that a 16 year-old kid steals a 35 cent candy bar. Would the 100 dollar minimum ...the minimum punitive damages apply in that situation?"

Barkhausen: "Yes, if the victim of that particular crime wanted to go after the perpetrator."

Johnson: "So, in other words, the law would automatically require, assuming the shopkeeper wanted to proceed against the child and his parents, would automatically require a minimum of a hundred dollar punitive damages, a maximum of a thousand dollars, plus attorneys fees for stealing a 35 cent candy bar. Okay. Situation number two..."

Barkhausen: "That's correct, Representative, but I... situation..."

Johnson: "Let's assume an individual, rather than being a 35 cent candy bar thief, so it was a big time thief, and stole a number of tires and mechanical parts from an auto warehouse. Big time thieves. Let's say they stole merchandise amounting to 50 or 60,000 dollars, the agricultural, rural theft that we have. Would your Bill, in that case, then limit what the victim could recover to a thousand dollars punitive damages?"



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Barkhausen: "I don't know if the situation you described there is one that one would call shoplifting; but, if it did fall within the realm of shoplifting, yes, the limit would be a thousand dollars, plus attorneys fees and costs, plus the criminal penalties that would naturally result from that kind of a crime."

Johnson: "Are you aware, Representative Barkhausen, I presented an Amendment to this Bill that I thought would address itself to all the concerns that everybody had. Since then, I have researched 'Prosser' on torts in a number of Illinois cases that clearly say that what your Bill says is already the law. You can already recover punitive damages against somebody who steals from somebody else. That's a tort of conversion, and think we're not trying to be hypertechnical. We're not trying to... to help the retail thief. We're trying to make the law work to help people, and the fact is, those two situations that I just gave you are very real situations. If somebody steals 50 or a hundred thousand dollars worth of property from somebody else, diamond rings or watches or whatever they might be, the law now allows you to recover punitive damages, and you could proceed against that thief and recover 20 or 30,000 dollars in punitive damages against him for his actions, plus the value of the equipment. So what your Bill does on the one hand is to unduly limit the ability of the victims of crime to be able to recover for what people steal from them on the other end of the spectrum, the Bill says, automatically, that when a 16 year-old kid goes in, and I admit this is wrong, and steals a 35 cent Milky Way candy bar; that, automatically, if the victim of that crime wants to proceed against he or his parents, automatically, with nothing more, the minimum he can recover is the 35 cents, plus a hundred dollars in punitive damages. Those seem to

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me to be ridiculous extremes. All we need to do is to amend the Bill down, as I propose that we do, to allow recovery of attorneys fees and costs against the perpetrator of a crime and not to put unrealistic minimum and maximum ceilings on recovery that, not only don't serve as a deterrent against crime, but serve as an absurd situation on both ends of the extreme. And, for those reasons and for the reason that I don't think this Bill does what the Sponsor wants it to, I urge at least a 'no' or a 'present' vote."

Speaker Daniels: "Gentleman from Cook, Representative Zito."

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

Speaker Daniels: "Gentleman's moved the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Gentleman from Lake, Representative Barkhausen, to close."

Barkhausen: "Mr. Spea... Mr. Speaker and Ladies and Gentlemen of the House, as a matter of reality, if the... if it was possible for retail merchants, right now, to be covering the punitive damages and if this really was happening, I'm sure that the Illinois Retail Merchants' Association wouldn't be coming to us with a Bill that, as the Representative from Champaign suggests, placed a limit on the amount of punitive damages they can recover. I think, as a practical... as a practical matter, it's because... it is because these damages have not been recovered, and because we need an incentive for the..."

Speaker Daniels: "Excuse me, Representative Barkhausen. Representative Giorgi, what point do you rise on, Sir?"

Giorgi: "Mr. Speaker, I think it might be a point of order."

Speaker Daniels: "State your point of order."

Giorgi: "My point is that this Bill provides for a guarantee of

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attorneys fees. Is that correct?"

Speaker Daniels: "State your point of order, Sir. That is not a point."

Giorgi: "Is that correct so far? That is correct. Now, here's an attorney presenting a Bill that's attempting to guarantee the fees of attorneys. There are about 70 attorneys in the House, and I wonder if a conflict of interest can't be..."

Speaker Daniels: "Your point is out of order. Shut the Gentleman off, please. Representative Barkhausen, please forgive the interruption. Please proceed with your closing statements."

Barkhausen: "I'll try, Mr. Speaker. My point was that there is now no incentive for a retailer, who is a victim of one of these crimes, to go after the shoplifter; because, in very few instances and none that I know of and none that the drafters of this Bill know of, are punitive damages being awarded. The crime of shoplifting..."

Speaker Daniels: "Representative Barkhausen, excuse me. Representative Giorgi, state your point."

Giorgi: "Mr. Speaker, for the record, I think there ought to be an announcement, also, that an attorney is sitting in the Chair making the ruling, which I think further complicates the..."

Speaker Daniels: "That is correct. We're very proud of our profession. Shut the Gentleman off."

Giorgi: "... which further complicates the point I'm trying to make."

Speaker Daniels: "Alright. Representative Barkhausen."

Barkhausen: "I'll forgive the Representative. I understand he may have had a bad night. I understand... Mr. Speaker, the reason for this Bill, as I've been trying to explain while being, from time to time, interrupted, is that these crimes

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are going overlooked; the state's attorneys feel they have much more important things to do than to go after the perpetrators of shoplifting crimes of 50 to 100 dollars. So this is a do-it-yourself remedy for retailers so that they can take these cases out of the hands of state's attorneys, who are unwilling or unable to prosecute all of them, and provide an important remedy that will improve the business climate in Illinois and bring justice to the victims of thousands of crimes that have taken place across this state. I urge your support."

Speaker Daniels: "Gentleman from Lake, Representative Barkhausen, has moved for the passage of House Bill 2242. All those in favor will signify by voting 'aye', opposed by voting 'nay'. The voting is open. Gentleman from Cook, Representative O'Connell, to explain his vote. The timer's on, Sir."

O'Connell: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this Bill. The Retail Theft Act was enacted several years ago to address a very specific and very large problem in the State of Illinois, and that's dealing with shoplifting. The reason why this Bill is here is to amend that statute to put even more teeth into it, and I think I'll stop talking because we have the number of votes."

Speaker Daniels: "Gentleman from Effingham, Representative Brummer, to explain his vote. The timer's on."

Brummer: "Yes, thank you. In explaining my 'no' vote, I think this Bill is not properly limited. It occurs to me that the... one of the recoveries is the actual damage equal to the full retail value of the merchandise. Merchandise, I have Chapter 38 here. It's not in the Bill itself. Merchandise is defined as "any tangible personal property". That would mean, if someone took an automobile, for

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example, worth a value of 8000 dollars, was picked up a day later. The automobile was returned, yet that individual would be liable for the full 8000 dollar value of that automobile, plus the 100 to 1000 dollars, plus attorney fees and court costs. There is an additional item that I don't really understand. Section D says that "judgements arising under this Section may be assigned". I guess that's to enable them to all being assigned to some collection agency or something of this nature. We never did, during the questioning prior to debate being cut off, address the issue of why the specific... (cut off)..."

Speaker Daniels: "Further explanation of votes? Gentleman from Cook, Representative Yourell, to explain his vote. The timer's on, Sir."

Yourell: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I wanted to ask a question of the Sponsor; but, since I couldn't do that, I certainly am in favor of this legislation, but my problem is that it, as I understand it, removes the limitation of parents' liability. Now if that's the case, we've already passed Bills that ... that do that; that provide liability for parents in the case of a minor who has been charged with a criminal offense. Now, if we take... remove the liability of the parents, we're taking a step, in my judgement, backwards and we shouldn't do that. And, if that's in the Bill... I'm going to vote for the Bill; but, if it's in the Bill, we're going to try to amend that out in the Senate, because I think the parents must have liability for crimes committed by minors. Without that, we haven't made any progress at all. So, I'm going to vote for the Bill but with that reservation."

Speaker Daniels: "Gentleman from Cook, Representative Epton."

Epton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As usual, I have a conflict of interest on this

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Bill, as I have probably on every Bill I've voted in this House since I've been here. But I will vote my conscience."

Speaker Daniels: "Gentleman from Winnebago, Representative Giorgi, to explain his vote. Timer's on."

Giorgi: "Yes, Mr. Speaker, I think that the case that Representative Johnson pointed out, where some child has swiped a 35 cent candy bar, and then the attorneys come in for a guaranteed fee, I think that this is kind of a make-work for lawyers. I think it's a fee setting thing for lawyers. I think that you people do pretty well in the marketplace without coming down to Springfield and crying for protection for your fees. I think you're a bunch of cowards, and you ought to get off the Bill."

Speaker Daniels: "Further discussion? Being none, have all voted who wish? Have all voted who wish? Clerk will take the record. On this question there are 134 'aye', 28 'no' and 5 voting 'present'. House Bill 2242, having received a Constitutional Majority, is hereby declared passed. House Bill 2243, Representative Brummer. Out of the record. House Bill 2246, Representative Hallstrom. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2246, a Bill for an Act to amend an Act creating the Board of Higher Education. Third Reading of the Bill."

Speaker Daniels: "Representative Hallstrom."

Hallstrom: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2246 is a very fair, bipartisan-sponsored Bill. It simply amends the Board of Higher Education to add, to the membership of the Board, a representative from the independent colleges in Illinois and a representative of the independent universities in Illinois. The legislation is necessary to give

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representation, on the Board of Higher Education, to the private sector in our state's education community. There are about 30% of our students in this state served through the non-public institutions. I'll be very happy to ask... answer any questions that you have."

Speaker Daniels: "Gentleman from DuPage, Representative Schneider."

Schneider: "Mr. Speaker, Members of the House, first of all, the Board of Higher Education represents all of the students of the State of Illinois, whether they are public or private schools. If we could somehow measure that private schools in the State of Illinois, whether they be my own two or three private colleges, if we could somehow measure that they were being grossly disadvantaged or greatly harmed by the decisions of the Board of Higher Education, then I think the Sponsor of this Amendment would have a just cause. The reality is that the dollars that are flowing to the private sector through the private schools are, indeed, very... very much an enhancement to those schools. They are receiving 60% of the grants that go to those.. that kind of funds that are being made available through scholarships and other... other loans. They are giving some directly to the school, as well as to the pupils. I don't see any need, right now, to go beyond the arrangements that have been made by the statutes that allow the Board of Higher Education to recommend; and, indeed, all it does is recommend policy for us to enact. I don't see why we need to add another member to another board in our state. I do think they are served finely and with a great deal of rational explanations for why the programs exist, and how they're funded. They are not competitive, in many ways, with the universities in Illinois. They get greater funds from the federal base, even on the Reagan

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dollars, which will be greater for private colleges and universities than they are for public. So, I see no reason why we need to expand the Board. It's not a merely change. It's another encroachment. Public schools, private schools offer varying programs. People make those choices, whether to send their child to either one of those kinds of schools. I don't think we are being hurt in either sector. In fact, probably by putting a Board... a person on the Board, would create or exacerbate a problem that does not exist. I think you're unwise to a vote in favor of this kind of proposal. I would encourage you to vote 'no'."

Speaker Daniels: "Gentleman from Morgan, Representative Reilly."

Reilly: "Thank you, Mr. Speaker. I rise in support of the Lady's Bill. It seems to me altogether reasonable in a state that is dedicated and officially dedicated to a variety of approaches to higher education, where we are not saying that all wisdom resides in the state; but, that, indeed, we need a variety of kinds of educational institutions, including the great state universities that we have but also including the great private universities and private colleges. And, particularly, for the very reason that the last speaker gave, it seems to me, turned on its head; that it's particularly because a lot of the decisions the Board makes do affect private higher education. They do, indeed, give a goodly amount of money to private higher education. It doesn't seem to me that's the reason to deny private higher education seats on the Board. It's all the more reason to put them there. We need people influencing those decisions, and those allocations and those suggestions, who understand the needs of private higher education. A lot of us on this floor went to private schools. A lot went to public schools. That's not the issue. The issue is that, in the highest policy-making body that we have dealing with



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education, dealing with higher education, dealing with the future of colleges and universities, we need people there. We need to insure that there are people there who represent and understand and can deal with the somewhat unique problems that private colleges and private universities have. I would think that this is an entirely appropriate measure. The Lady has worked on it hard, has brought it to us. It ought to pass. It ought to go to the Senate, and it ought to become law. I would urge an affirmative vote on House Bill 2246."

Speaker Daniels: "Gentleman from Knox, Representative McGrew."

McGrew: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise to support House Bill 2246. The opposition to this piece of legislation would have you to think that, primarily, the efforts of the BHE would be for the funding of the State Scholarship Commission. I submit to you that there is an independent commission group that is the governing board for that particular aspect of higher education. On the other hand, the Board of Higher Education administers innumerable projects, funds and all sorts of programs. They take care, for example, of the education... Higher Education Cooperative Act whereby various colleges have cooperative programs, such as the well-known graduate center in the quad cities that includes both private, public and independent universities. I ask that you consider that we add these two members as a system of basic equality. Independent colleges in the State of Illinois have almost 23% of the students. By statute, each and every Executive Director of the various systems from the Community College Board, to the Board of Regents, Boards of Governors', University of Illinois and SIU, each have their own member Executive Director on that Board, automatically. As a system of basic equality, I think

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that, if we added two members from the higher education community of independent colleges, that we would, indeed, be serving the system better as they begin to analyze the need for additional programs, for elimination of duplication in some ways, and in all sorts and all facets of higher education in the State of Illinois. And I would ask for an 'aye' vote."

Speaker Daniels: "Gentleman from Champaign, Representative Wikoff."

Wikoff: "Thank you, Mr. Speaker. I hate to oppose my good friend, Dolly, but there are a couple of things, I think, that ought to be pointed out on this. The Board of Higher Education presently consists of ten persons. These are appointed by the Governor, plus the Chairman of the four public university governing boards and the Chairman of the Community College Board as members with full voting privileges. This Bill would add... add to the Board of Higher Education members two individuals proposed to the Governor - and I think this is important - by the Federation of Independent Colleges and Universities. Provisions of House Bill 2246 are harmful to the effective coordination of higher education in Illinois, and I think that it should be defeated. A similar Bill similar to this... or this Bill would delegates the sovereign power to make governmental appointments to a private group. I think many people are overlooking that. In his veto of a somewhat similar Bill in 1977, the Governor stated and I would quote, 'In my opinion, the Bill is unconstitutional. The law in Illinois is well settled that such power cannot be conferred upon a private person or group.' This Bill limits the Governor's power of appointment for two members of the Board of Higher Education or those recommended by the Private College Federation. I believe that the

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interests of private education are already represented on the Board of Higher Education, with several members being alumni of private institutions. The U. S. Department of Education has accepted the Board of Higher Education as appropriately representative of the interests of higher... private higher education, as required by federal law. I believe that private higher education has fared well, under the present structure, because Illinois is one of the leading states in public assistance to private colleges. The State Private College Federation does not include numerous public institutions, which are funded or regulated by BHE. Are these institutions to be given a representative, or are they to be forced to join the Federation to secure a new style of representation? There's no evidence that the current system, in any way, favors public higher education over private education. I would urge a "no" vote."

Speaker Daniels: "Gentleman from Macon, Representative John Dunn."

Dunn, John: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this legislation. If we are going to have the continuation of private colleges and universities in the State of Illinois, and if they are going to, among other things, receive state scholarship funds and to be an integral part of the higher educational system in our state, then they must have input into all the decisions that are made about higher education in the State of Illinois. This Bill would certainly not give private colleges and universities anything like control of the Board of Higher Education, but it would give those facilities, those universities and colleges, a voice and a means of input. This is important to the taxpayers of the State of Illinois; because, in times of declining

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enrollment and increasing college costs, we are finding, of course, that the cost of private education has become prohibited for many, many people. Enrollment is declining faster in the private colleges and universities than it is in the public institutions; and, if we are not careful, we will place in serious jeopardy the wide diversity of excellent education that we have at the higher education level in the State of Illinois. I would respectfully urge an 'aye' vote on this Bill."

Speaker Daniels: "Gentleman from Perry, Representative Ralph Dunn."

Dunn, Ralph: "Thank you, Mr. Speaker and Members of the House. I hate to disagree with two of my friends; one, of the Dunn Party who just spoke. I certainly disagree with his theory, and I also have to disagree with my friend, Dolly Hallstrom. It occurs to me that there's nothing now that keeps the Governor from appointing people who are also affiliated with the independent or community colleges. I agree with the previous speaker who said that we shouldn't, by statutory, say that some group, such as the Independent Colleges, should have the right to name people. I'm a member of the Board... of the Committee on Higher Education in the House, and I know that come before... the next thing we'll have before our Committee will be the AAUP, the American Association of University Professors, or maybe the civil service employees, or perhaps even the students who will want people on the Board of Higher Education. And they all deserve representation on them. There's nothing now that says that the Governor can't appoint, and I understand that he does appoint people who are interested in the independent colleges or in the private schools. I would urge a 'no' vote, so that we will not statutorily say that he has to appoint people named by

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the Independent Colleges Federation. Out of the... They would, in fact, be able to put two people on the Board and the other... There's nothing that says that anyone else has to be on the Board, except them. So I would urge a 'no' vote on this Bill."

Speaker Daniels: "Gentleman from Cass, Representative Findley."

Findley: "Previous question, Mr. Speaker."

Speaker Daniels: "Gentleman's moved the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the Lady from Cook, Representative Hallstrom, to close."

Hallstrom: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. First, I'd like to thank all of my colleagues who spoke so eloquently for House Bill 2246. I also would like to say, I understand that two of you or three of you who voted... or who said that you did not like the Bill. One thing I would like to point out, there has been an Amendment, Representative Wikoff, that does not include the Federation of Independent Colleges and Universities. The way it is set up now in the Bill, it is just the largest organization of independent colleges and universities. We felt that was a fair Amendment. The other thing I would like to point out is that, at the time Section 12.02 of the Federal Higher Education Act was passed, it required the designation of some agency in the state to coordinate the distribution of federal funds; and, when the Governor asked for their approval of the private colleges and universities to the designation of the Board of Higher Education as the appropriate agency, this approval was given, subject to the condition that action be taken to give some representation to the private sector on that Board of Higher Education. I have checked with Members of the other side of the aisle in

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the Leadership who have no position against this Bill. I have checked with the Governor's Office and, at this point, certainly there is no objection from the Governor's Office. Ladies and Gentlemen, all I'm asking for is fair representation for a group that serves - and someone said 23%. Actually, it's almost 30% of the students in this state, and no one needs to be scared about it. There are only two members that are being added. I would respectfully ask for your support of this legislation. Thank you."

Speaker Daniels: "Lady, Representative Hallstrom, has moved for the passage of House Bill 2246. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Gentleman from Lake, Representative Pierce, to explain his vote. Timer's on, Sir."

Pierce: "Mr. Speaker, I rise in support of this legislation. The Board of Higher Education has shown it's bias and prejudice against independent colleges recently, by cutting the request of the Illinois State Scholarship Commission for adequate scholarship funds. Despite the loss of federal funds, the Board of Higher Education recommended a six million dollar cut from the funds requested by the State Scholarship Commission for scholarships for Illinois students. By putting independent college spokesmen on the Board as the Sponsor wants to do, we will make sure it is fair. We have the votes, and I vote 'aye'."

Speaker Daniels: "Gentleman from Cook, Representative Preston, to explain his vote. The timer's on, Sir."

Preston: "Mr. Speaker and Ladies and Gentlemen of the House, I see we have enough votes. I'm rising in support of this legislation. I don't think my comments are necessary."

Speaker Daniels: "Gentleman from Cook, Representative Bullock, to explain his vote. Timer's on, Sir."

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Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Notwithstanding the requisite number of votes and that this Bill is going to pass, I wanted to speak in debate and did not have an opportunity to do so, but I'd like to cite for the record that this legislation is just the beginning of a series of legislation that is going to cut at the heart of public finance education in the State of Illinois. One of the previous speakers, unbeknownst to him I'm sure, admitted that this is the first step in a three-step process to get at the Board of Higher Education, vis-a-vis the Scholarship Commission, to insure that students who seek scholarships in our state; that you no longer rely on need, but you rely on some innocuous variable that others have talked about, which is elitist in nature. I don't think that it's the right... (cut off)..."

Speaker Daniels: "Gentleman from Sangamon, Representative Kane, to explain his vote. Timer's on, Sir."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, one of the previous speakers mentioned the cut of the State Scholarship Commission recommendation. Well, the Board of Higher Education also cut all of the recommendations of all of the public universities at the same time. I think that, under the present Board of Higher Education, the people that are appointed to that Board have represented, fairly, all of the segments of the public... of public and private higher education. The situation that we're going to have here is that there are going to be two members of the Board who feel that they are not on the Board to represent the interests of all of higher education but are there to represent the interests of only a portion of higher education. That is going to force the other members of the Board to reevaluate their position, and I think that, in a situation like this, is that all of the Board members

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should feel, when they are appointed, that they are appointed for the interest and to further the interest of all of higher education and not just a portion of it. And I would urge a 'no' vote."

Speaker Daniels: "Lady from Champaign, Representative Satterthwaite, to explain her vote. Timer's on, Ma'am."

Satterthwaite: "Mr. Speaker and Members of the House, I'm voting in opposition to this Bill, because it would be wrong to place people on the Board who owe their positions to a lobbying group on behalf of only a small segment of our educational facilities within the state. Currently, nine out of the fifteen voting members have attended private colleges and universities. One of these is a private university faculty member, and two are private college or university trustees. And so, while this Bill, in and of itself, does not give a majority, certainly, in combination with those who are currently on the Board, it does, in fact, have a very controlling factor, and it should be defeated."

Speaker Daniels: "Gentleman from Cook, Representative Huff, to explain his vote. The timer's on, Sir."

Huff: "Thank you, very much, Mr. Speaker and Ladies and Gentlemen of the House. I'm supporting this measure, quite simply, because I have nothing but the highest regard for the fine sponsorship of this Bill. Congratulations, Representative Hallstrom."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question there are 123 'aye', 43 'no', 2 voting 'present'. House Bill 2246, having received a Constitutional Majority, is hereby declared passed. House Bill 2261, Representative J. J. Wolf. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2261, a Bill for an Act to amend the



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Commission on Health Assistance Programs. Third Reading of  
the Bill."

Speaker Daniels: "Representative J. J. Wolf."

Wolf: "Thank you, Mr. Speaker, Members of the House. This Bill  
seeks to extend the... the reporting and repeal date from  
October 31, '81 to March 1, 1983. That's the repeal date,  
and the reporting date from February 1, '81 to January  
15th, 1983. These dates were successfully amended last  
year, and then the... what happened is there was an  
appropriation for the Committee last year and the date  
expired and so the money was not spent. We would like to  
just reinstate it and extend the reporting date, and that's  
all the Bill does."

Speaker Daniels: "Any discussion? Gentleman from Cook,  
Representative Ronan."

Ronan: "Thank you, Mr. Speaker. I wholeheartedly support this  
Bill sponsored by Representative Wolf. The Health Care  
Assistance Commission worked very diligently, during the  
last year, meeting with representatives of the insurance  
industry's various medical groups trying to come up with a  
program that's going to do something about escalating  
health care costs. It was a very active Commission;  
however, because of a minor problem, the budget did get  
hung up. We had support from both sides of the aisle and  
from the Governor's Office, and I urge everyone to vote  
this Bill so we can continue the work of this fine  
Commission."

Speaker Daniels: "Further discussion? Gentleman from Cook,  
Representative Lechowicz."

Lechowicz: "Mr. Speaker, will the Sponsor yield to a question?"

Speaker Daniels: "He indicates he will."

Lechowicz: "Was House Amendment #1 adopted on this Bill?"

Wolf: "Yes, Sir, it was."

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Lechowicz: "Then I believe your explanation to the Body was the Bill that was originally introduced and not the Bill, as amended. Actually what you did, I believe you recreated the Commission and you changed the ... made it effective up to and including March 1st of 1983, in your original explanation."

Wolf: "You're correct. I did. I was reading on the top of the analysis that was technically incorrect as the Bill was drawn. Amendment #1 does make that correction."

Lechowicz: "Thank you."

Wolf: "Thank you, Sir."

Speaker Daniels: "Further discussion? Gentleman from Rock Island, Representative Darrow."

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

Speaker Daniels: "Indicates he will."

Darrow: "Representative Wolf, who were the members of this Commission?"

Wolf: "Okay. At the present time, they're not. There are four from the House, four from the Senate, six appointed by the Governor. The ex officio director... The exofficio members, the Director of the insurance... Department of Insurance and the Director of the Department of Public Health. Total membership of 16 members."

Darrow: "Do you know the names of the individuals the Governor appointed?"

Wolf: "Well, because of the fact of the expired date, there are currently no members. They must be reappointed."

Darrow: "And what is the appropriation that's going to accompany this Commission?"

Wolf: "150,000 for FY '83. The 130,000 of which was expended.. which was appropriated in the last fiscal year, was not expended because of the difficulty in the expiration date. So, actually, none of the money is expended."

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Darrow: "Now, are the funds, in the accompanying appropriation, are those in the Governor's budget?"

Wolf: "Yeah, well that is... none of these Commissions are in the Governor's budget. None of them. They never have been."

Darrow: "So, what you're saying, we'll have to move funds somewhere else in order to fund this Commission? Move them from Education or some other item?"

Wolf: "It's difficult to hear. Mr. Speaker... I can't hear."

Darrow: "Alright. I'll speak a little louder. In order to fund this Commission..."

Speaker Daniels: "Gentleman please have your attention."

Darrow: "In order to fund this Commission which is not, as I understand it, in the Governor's budget, it will then be necessary to remove funds from public aid, education, law enforcement, prisons or some other department. Is that correct?"

Wolf: "Well, I find it difficult to correlate. No more than we have to take away to support our Reference Bureau or our Legislative Council or any other Commissions that fall under that. None of those are in the Governor's budget, our research Bills, none of those things, and this falls in that particular category."

Darrow: "Thank you, very much."

Speaker Daniels: "Further discussion? Being none, the Gentleman from Cook, Representative J. J. Wolf, to close."

Wolf: "Just to ask for a favorable vote, Mr. Speaker."

Speaker Daniels: "Gentleman moves for the passage of House Bill 2261. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 119 'aye', 42 'no', 3 voting 'present'. House Bill 2261, having received a Constitutional Majority, is hereby declared passed. House

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Bill 2274, Representative Tuerk. Out of the record. House Bill 2276, Representative Bradley. Out of the record. House Bill 2277, Representative Deuchler. Out of the record. House Bill 2280, Representative Stearney. Out of the record. House Bill 2281, Representative Stearney. Out of the record. 2282, Representative Conti. 2282. Out of the record. House Bill 2284, Representative Levin. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2284, a Bill for an Act to amend the Condominium Property Act. Third Reading of the Bill."

Speaker Daniels: "Representative Levin."

Levin: "Mr. Speaker, if I may have leave to take this back to Second Reading for a technical Amendment."

Speaker Daniels: "Gentleman asks leave of the House to take this... House Bill 2284 back to Second Reading for a technical Amendment. Are there any objections? Hearing none, leave is granted. House Bill 2284, Second Reading. Any Amendments?"

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

Speaker Daniels: "Representative Levin, on Amendment #3."

Levin: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, there was a technical problem in language that was passed into law last year in House Bill 1168, which was then picked up in this Bill. Amendment #3 corrects that technical problem and also corrects a bad reference in 2284, which again is picked up from last year's language but was not changed to conform with the change in the Bill."

Speaker Daniels: "Gentleman moved the adoption..."

Levin: "It's been cleared with both sides of the aisle."

Speaker Daniels: "Gentleman's moved for the adoption of Amendment #3. Any discussion? Being none, all those in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it,

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and Amendment #3 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading."

Levin: "Mr. Speaker."

Speaker Daniels: "Representative Levin."

Levin: "Yes, may I have leave to have this Bill heard at this point?"

Speaker Daniels: "Gentleman's asked leave of the House to have House Bill 2284 heard at this point. Are there any objections? Hearing none, unanimous leave is given. House Bill 2284, and we'll use the Attendance Roll Call for that purpose. House Bill 2284, Third Reading. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2284, a Bill for an Act to amend the Condominium Property Act. Third Reading of the Bill."

Speaker Daniels: "Representative Levin."

Levin: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The genesis of House Bill 2284 came, initially, from an article that appeared in the Chicago Daily Law Bulletin which pointed out some problems with legislation that we passed last year amending the Condominium Property Act, House Bill 1168. This Bill is aimed, first, to deal with these particular problems. First, last year, we guaranteed, in law, that all condominium unit owners shall have the right to attend Association board meetings. The Bill we passed provided for no exemptions of any kind. The situation has developed where the Condominium Association wants to sue a unit owner, for example, for unpaid assessments, and that unit owner is demanding the right to attend the meetings where the board and the attorneys consult, in connection with the lawsuits. There are at least 25 instances where this has come up. In a number of cases, they've had to go into court to get the advice from

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the Judge, in terms of how to proceed. 2284 corrects this situation by picking up the exemption language which is in the State Open Meetings Act for consultation with attorneys so that, in that situation, there would be an exemption to the condominium open meetings procedures. Secondly, last year we required, in 1168, that there be posting of notice of Association board meetings in elevators and entrance ways, at least 48 hours in advance of the Association board meetings. This is very practical, if you live in a high-rise in the city, but it's been pointed out that, in the suburbs where there are a lot of townhouse condominiums, this... where they have individual entrances for each unit, this imposes a substantial burden when you have 500 or a thousand townhouses in one condominium. This legislation would ameliorate that situation as well. Thirdly, this Bill deals with two other situations, which are suburban problems, which were called to my attention. First of all, it provides a method for having easements for cable television by authorizing a vote of unit owners in that... declaration so authorizes; and secondly, it deals with the situation where a Condominium Association wishes to dedicate its streets or utilities to the city or village so that they would maintain it, rather than the Condominium Association. Finally, the Bill extends certain requirements that exist in terms of providing of information to unit owners from buildings that were... Condo Associations formed after January 1st, '78 to all Condominium Associations. This Bill has been run by the Realtors' Association. I know of no opposition to this legislation."

Speaker Daniels: "Any discussion? Being none, the Gentleman, Representative Levin from Cook, moves for the passage of House Bill 2284. All those in favor will signify by voting

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'aye', opposed by voting 'no'. The voting's open.  
..Vinson. Have all voted who wish? Have all voted who  
wish? Clerk will take the record. On this question there  
are 156 'aye', 1 voting 'no', 5 voting 'present'. House  
Bill... Record Representative Glen Bower as 'aye'. 157  
'aye', 1 'no', 5 voting 'present'. House Bill 2284, having  
received a Constitutional Majority, is hereby declared  
passed. House Bill 2285, out of the record.  
Representative Zito, for what purpose do you rise, Sir?"

Zito: "For the purpose of an introduction, Mr. Speaker. If can  
beg the indulgence of the House, I have a group down from  
my hometown, Jane Adams School in Melrose Park,  
representative...represented by Representative Leverenz,  
Representative Smith and myself. They're on the Democratic  
side of the... of the gallery, and we would like to wish  
them well in Springfield, welcome them to Springfield, the  
capitol city."

Speaker Daniels: "House Bill 2286, Representative Telcser. Read  
the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2286, a Bill for an Act to amend the  
Illinois Pension Code. Third Reading of the Bill."

Speaker Daniels: "The distinguished Majority Leader,  
Representative Telcser."

Telcser: "Mr. Speaker, Members of the House, House Bill 2286  
allows the Cook County Deputy Sheriff to transfer service  
credit from the State Employee Retirement System to the  
Cook County Employees Fund. We took two Amendments to  
House Bill 2286 from Representative Terzich, the first of  
which put the time constraints on their ability to do so;  
and, the second Amendment raises the mandatory retirement  
age from 65 to 67... I'm sorry, from 67 to 70 for the...  
for the... I think it's the Metropolitan Sanitary District.  
I think that's the essence of the Bill. Appreciate a

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favorable vote."

Speaker Daniels: "Any discussion? Gentleman from DeWitt, Representative Vinson."

Vinson: "Will the Gentleman yield for a question, please?"

Speaker Daniels: "He indicates he will."

Vinson: "Mr. Telcser, I understand that there is some discussion about rate review going on a variety of other Bills that you're a Sponsor of or that you're related to, and I wonder, is there anything on rate review in this Bill?"

Telcser: "No, there isn't, Representative."

Vinson: "Thank you."

Speaker Daniels: "I see what happens when I'm up in the Chair and not between the two of you. Further discussion? Being none, the Gentleman, Representative Telcser, moves for the passage of House Bill 2286. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 126 'aye', 25 'no', 17 voting 'present'. House Bill 2286, having received a Constitutional Majority, is hereby declared passed. House Bill 2287, Representative Findley. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2287, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Daniels: "Representative Findley."

Findley: "Thank you, Mr. Speaker, Members of the House. House Bill 2287 amends the Municipal Code to provide that, for certain small Illinois municipalities who, through a modest growth in population over the preceding decade, find a not inconsiderable increase in the cost of government. The Bill provides that any community whose population was under 3000 for the previous 'dicennium' would, if their



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population went above 3000, might elect, by ordinance, to keep the size of their city council at six members rather than increasing it to eight numbers. In the smallest municipalities, the cost of increasing the number of alderman is a rather significant expense. I know one municipality in my Legislative District is very interested in seeing that their council remain at its present size. The Bill is entirely permissive. It does not require that the council size be kept at six. It merely allows them to do so by ordinance, and I would request a favorable Roll Call."

Speaker Daniels: "Gentleman's moved for the passage of House Bill 2287. Any discussion? Gentleman from Cook, Representative Bullock."

Bullock: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Findley, will you yield for a question?"

Speaker Daniels: "Indicates he'll... He will."

Bullock: "Representative Findley, I understand, in theory, what you're trying to do. I have some concerns, however, that you might be disenfranchising a large percentage of people when you restrict the number of aldermen in a particular city, when, traditionally, the population has been based on one man-one vote, and the fact that population expands and the power structure decides it does not want to further shift that power. So, therefore, you simply come up with arithmetic and keep the population, at least elected population, the same by increasing the census population. I'm wondering if you are not disenfranchising people with this. It does affect Chicago, obviously, but there are downstate communities that you would be disenfranchising voters. Would you respond to that?"

Findley: "Yes, Sir. I believe that is an incorrect assumption,

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Larry, because the Bill does not say that the districts would not have to be reapportioned. It merely says that they might elect to keep six aldermen. So, the one person-one vote consideration that concerns you would not be affected, because the ward would perhaps, if there were population shifts, still be have to kept... still be kept at the same size. And I want to emphasize that this would affect only those municipalities under 3000 people who, through this census, have seen their population increase to more than 3000 people."

Bullock: "Well, Representative, I'm reading the synopsis, analysis here, and it shows that several Amendments went on. I don't have a copy of those Amendments. Did one of your Amendments take out the provision which, in effect, required eight aldermen is increased from 3000 inhabitants to 4000 inhabitants? Did an Amendment clarify that inequity?"

Findley: "The Bill, as we vote on it today, Representative, is intact, within the Amendment that you... that was approved on the floor, but that increase from 3000 to 4000 was ... was a mistake on my part and I had that deleted from the Bill."

Bullock: "Okay. So an Amendment did correct that? Which Amendment, Representative?"

Findley: "Yes, Sir. The Amendment, I believe, #4 presented here on the House floor last week."

Bullock: "Mr. Speaker and Ladies and Gentlemen of the House, with the assurance that that inequity was resolved, I have no objections to the Bill."

Findley: "Thank you, Larry."

Speaker Daniels: "Further discussion? Gentleman from Cook, Representative Getty."

Getty: "Will the Gentleman yield?"

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Speaker Daniels: "He indicates he will."

Getty: "Representative, the language of the existing Act, Section 3-4-7, refers to cities, in cities not exceeding 3000 inhabitants and so forth. Now, in Amendment #3 in line 7 thereof, you changed the language from 'cities' to 'municipalities'. For what reason did you choose to change the language 'city' to 'municipality'?"

Findley: "Representative, I was unaware that it had been changed. Perhaps you can enlighten me."

Getty: "Well, it would seem to me that, at least as I understand it, that municipality would be a much broader term which would encompass villages, would encompass other municipal corporations and that the lack of using the term of large cities, wherein you have aldermen, might lead to some difficulty were you to pass this in the present form and it were to become law. I would respectfully suggest to you, you might want to take this out of the record and clear that up."

Findley: "Okay. I'll take it out of the record. We're coming back aren't we? Take it out of the record."

Speaker Daniels: "Gentleman requests leave to take it out of the record. Leave is granted. House Bill 2294, Representative Bower. Out of the record. House Bill 2303, Representative Sandquist. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2303, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Daniels: "Representative Sandquist."

Sandquist: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I'd like to ask leave of the House to take this back to Second for the purposes of agreed to an Amendment."

Speaker Daniels: "Gentleman asks leave of the House to take 2303 and move it to Second Reading. Any objections? Leave is granted. 2303, Second Reading. Any Amendments filed?"

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Clerk O'Brien: "Amendment #3, O'Connell, amends House Bill..."

Speaker Daniels: "Representative O'Connell, Amendment #3."

O'Connell: "Mr. Speaker, I would ask leave of the House to table  
Amendment #3."

Speaker Daniels: "Gentleman moves to table #3. Withdrawn.  
Further Amendments."

Clerk O'Brien: "Floor Amendment #4, O'Connell."

Speaker Daniels: "Representative O'Connell, Amendment #4."

O'Connell: "Mr. Speaker and Ladies and Gentlemen of the House,  
this Amendment is an agreed upon Amendment from the... with  
the Sponsor which provides that pharmacists would receive  
reimbursement from the Department of Public Aid for  
professional dispensing fees along with the acquisition  
costs of the prescribed drug. The purpose for the  
Amendment is to assure that the list price that is  
designated by the Department will be, in fact, a current  
cost. One of the problems that pharmacies have had in the  
past is outdated pharmacy costs that have been submitted to  
the pharmacist in payment. This Amendment will merely  
provide that the Department's formulary will be kept  
contemporary with current costs. It is agreed upon with  
the Sponsor, and I know of no opposition to the Amendment."

Speaker Daniels: "Any discussion? Being none, the Gentleman,  
Representative O'Connell, moves for the adoption of  
Amendment #4. All those in favor will signify by saying  
'aye', opposed 'no'. The 'ayes' have it and Amendment #4 is  
adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Representative Sand... Third Reading.  
Representative Sandquist."

Sandquist: "Yes, Mr. Speaker, I'd like to ask leave of the House  
to have this Bill heard at this time to suspend the  
appropriate rule."

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Speaker Daniels: "Gentleman requests unanimous leave to have this Bill heard at this time. Are there any objections? Hearing no objection, unanimous leave is granted. The Roll Call will be used for that purpose. Third Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2303, a Bill for an Act to amend Sections of the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Daniels: "Representative Sandquist."

Sandquist: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, this Bill is sponsored by myself, Representative White and Representative Oblinger and what it does, it is.. it says that we should have an open formulary, in the Department of Public Aid, for the dispensing of drugs to people who are entitled to them. And what it really is, it's one of the situations where we will admit that the initial saving, by having a closed formulary, does save a little bit of money, but it's one of those where it's penny-wise and pound foolish; because, what it does, it means that more people then go to the hospital, more people go to nursing homes and this is where the expensive part of the cost of Public Aid is. So that what this does, it will... says that all drugs that are approved by the... the Federal Food and Drug Administration will be allowed to be used by the Department of Public Aid; that they cannot close it out. And we had wit... before the Committee, where there was witnesses presented testimony, it showed that those states, where they did have the closed formulary... formula, that it did cost them more in the long run. And I think that it now has the support of all elements of the industry, and I would ask a favorable Roll Call."

Speaker Daniels: "Any discussion? Lady from Cook, Representative Pullen."

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Pullen: "I'd like to ask the Sponsor a question or two."

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

Pullen: "Is it your belief that closing the formulary, as the Department of Public Aid is proposing to do, would cause an increase in expenditures for additional doctor visits and hospital stays, over and above what would be saved in prescription medicine?"

Sandquist: "Yes, that is very definitely true."

Pullen: "So, you believe that, if this Bill is not passed, Medicaid costs will actually rise?"

Sandquist: "That is correct."

Pullen: "Thank you."

Speaker Daniels: "Further discussion? Gentleman from Cook, Representative Ronan."

Ronan: "Thank you, Mr. Speaker. I just want to reiterate some of the comments made by the Sponsor of this Bill. We had an extensive hearing in the Health and Family Services Committee concerning this legislation. There was a lot of controversy at that point, because there was some concern on the part of the Pharmacists' Association concerning the Bill; however, the Amendment that's been added has alleviated any concerns that we've had, and this legislation is needed at the present time, in order for the recipients of the Department of Public Aid to receive the kind of medical assistance and medical care that they deserve. And I urge everyone to support the legislation. Thank you."

Speaker Daniels: "Gentleman from Bond, Re... Senator (sic, Representative) Watson."

Watson: "Thank you, Mr. Speaker, I'd like to ask the Sponsor a couple of questions."

Speaker Daniels: "Indicates he'll yield."

Watson: "Representative Sandquist, I'm a little confused here. I

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understand the Department has issued a memorandum saying that this is going to cost in the neighborhood of 20 million dollars. Is this correct or incorrect?"

Sandquist: "I don't believe that's true. I do say there will be an added cost, originally, for the first few months, but all of the evidence has showed that, in the long run, this is one the situations that's penny-wise and pound foolish. And they will not save money in the long run on Medicaid costs."

Watson: "Well, I'm...I have to disagree with that, because I just... I can't buy the concept that this is going to save money in the long run, by use ... opening the formulary. I just, personally, feel that there's enough comparable medication available; that a physician has ample supply and use that he would not have to open up the formula. I just think this is a wrong idea, wrong concept and a wrong direction to be heading in economic times that we have now. If the Department's figures are anywhere near correct, since we're talking about 20 million dollars, again, with the General Revenue Fund problems we're having and the economic conditions of our state, I just think this is the wrong time to be expanding a program such as this, and I would... I would urge a 'no' vote."

Speaker Daniels: "Further discussion? Lady from Cook, Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. I think this Bill will not save a cent in... taxpayer dollars from the Department of Public Aid. It will cost, as the Department of Public Aid suggests, an additional 20 million dollars; dollars that have not been expended in previous year budgets. We do not presently have an open formulary in the Department of Public Aid. One of the cost-containment measures that Department has proposed this

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year is to limit the use of Valium and Darvon, two very expensive drugs, two of the most abused drugs in the United States today. This Bill would not only prevent the Department from limiting access to Valium and Darvon, it would open the present Public Aid formulary to many drugs that presently are not covered by the Department of Public Aid in the state. The United States Food and Drug Administration formulary lists drugs according to their therapeutic value. That formulary does not say anything about cost effectiveness. At issue is not whether a Public Aid client or any other individual can get treatment for some kind of medical ailment. That issue is not raised presently or in House Bill 2303. The question is whether the Department will have to authorize payment for the high-cost alternative, rather than the relatively lower... lower cost generic drug... drugs. This Bill is not a Bill for the taxpayers. It's a Bill for the pharmaceutical companies. It makes a difference to the people who put together the little packets of Valium and Darvon; that it's prescription drugs under those names that are attractive to patients and attractive to dispensing, not to dispensing druggists, but to the people who are writing the prescriptions to the doctors. There are many less expensive alternatives to treat the conditions for which Valium, or Darvon or any number of other drugs are presently available, and those options should be available to patients. If we do not have House Bill 2303, individual doctors can still determine that, for an individual patient, it is important to have the high-cost name brand drug. They can do that either prospectively or retrospectively, depending on the individual need of the individual patient. We're not talking about increasing doctor visits. We're not talking about increasing hospital



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bed costs. What's at stake here is whether the Department of Public Aid can encourage doctors and patients to use low-cost, equally therapeutic alternatives to the high-cost brand name drugs. I think this Bill is a mistake. I think anyone who cares about whether the hospitals are going to get adequate funding in the next fiscal year, people who care about whether Public Aid recipients are going to get adequate funding in the next fiscal year had better vote 'no' on House Bill 2303. The only special interest that cares about this Bill are the pharmaceutical companies, the manufacturers of those drugs that carry the fancy brand name and that cost us, the taxpayers, very high prices."

Speaker Daniels: "Further discussion? Lady from Cook, Representative Topinka."

Topinka: "Yes, Mr. Speaker, Members of the House, I'd like to rise in support of this Bill, especially representing a district which has a high percentage of senior citizens and the kind of name brand drugs that they are prescribed for specific illnesses that come with old age. And, at this point, those drugs are not necessarily available to them on the formulary; yes, there are generic drugs, whether they indeed be the equivalent of what a physician is prescribing is questionable. My question always is, is, if a doctor prescribes for you a specific drug and someone else tries to talk you out of it and tell you that there is something else which can take the place of it, I, personally would question this for my grandmother. I would think these people would question it as well. I do support this. I think it will save money in the long run."

Speaker Daniels: "Further discussion? Lady from Cook, Representative Balanoff."

Balanoff: "Will the Sponsor yield?"

Speaker Daniels: "Representative Balanoff."

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Balanoff: "Mr. Sandquist, under this Bill, if a doctor prescribes a drug and it was not under the Federal Maximum Allowable Cost Program, would the Department of Public Aid deny the reimbursement?"

Sandquist: "If... If the doctor prescribes a drug that is approved by the Federal Food and Drug, they would... they would not be able to deny reimbursement, but, you know, there are a number of drugs that are...have a maximal cost under the Federal Program; and, the Department still would have that right to limit that maximum cost under the Federal Program."

Balanoff: "How would they do that, by saying you have to prescribe something else?"

Sandquist: "Because the Bill...the Bill says in there that they have the right to do it; that's part of the Bill. So, some of these drugs, like Representative Currie talked about, Darvon and that that does have a limitation, that same limitation would be in there."

Speaker Daniels: "Further discussion? Lady from... Gentleman from Cook, Representative Sandquist, to close."

Sandquist: "Yes, I think you understand what's involved here. I do admit that, at the start, there will be a little added cost, but the evidence in the Committee, as Representative Ronan pointed out and Representative Topinka, in California, where they made the change, in Michigan and Louisiana, it always costs considerably more. So, that's what we're talking about, and I think it's a ... it's a good Bill for all of the people; and, I ask an 'aye' vote."

Speaker Daniels: "Gentleman moves for the passage of House Bill 2303. Question is, 'Shall House Bill 2303 pass?'. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this

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question there are 131 'aye', 27 'no' and 9 voting 'present'. House Bill 2303, having received a Constitutional Majority, is hereby declared passed. House Bill 2334, Representative Irv Smith. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2334, a Bill for an Act to amend Sections of the Bingo License and Tax Act. Third Reading of the Bill."

Speaker Daniels: "Representative Smith, Irv Smith."

Smith: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2171 amends an Act... or the Bingo Act... 2334, excuse me, amends the Bingo Act, as the Amendment would make it possible for counties under 200,000 people to have a special Bingo license that would be sold to senior citizen centers; and, the definition is written within the Act that the senior citizen centers must have 50% or more people living in them. The centers are defined within the statute. The Bingo would be played in the centers only, and the... the license would be a 25 dollar fee."

Speaker Daniels: "Any discussion? Gentleman from Cook, Representative Getty."

Getty: "Will the Gentleman yield?"

Speaker Daniels: "He indicates he will."

Getty: "Representative, what is the revenue loss to the state, if this were to be passed and become law?"

Smith: "To the best of our estimates, there wouldn't be a loss. The... Most of the places that we're looking at have not had Bingo, because they wouldn't pay the 200 dollar fee or couldn't pay the 200 dollar fee. So, if anything, it appears that there would be some revenue gain, perhaps."

Getty: "Did you, by Amendment, take out the provision that exempted the 200 dollar fee?"

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Smith: "The 200 dollar fee, yes. The fee has been changed to 25 dollars, but the point is, the centers we're talking about do not have... are not using... are not playing Bingo."

Getty: "Well, the Fiscal Note filed by Mr. Johnson, the Director of the Department of Revenue, filed in the House of Representatives at 2:00 p.m. on May 6th, 1982 relative to House Bill 2334, as amended, indicates that the loss to the state would be eight to ten thousand dollars. Does it not?"

Smith: "The.. That's correct. The..."

Getty: "Did I misunderstand you then when you said that there would be no loss to the state?"

Smith: "Well, my understanding, Representative Getty, is that the... the 25 dollar fees that would be picked up in exchange would cut that loss out."

Getty: "Representative, this only affects certain counties. Is that not right?"

Smith: "That's correct. It's in counties under 200,000 people."

Getty: "Okay, and why... why do you feel that this should apply to counties under 200,000 people but should not apply to Cook County, for example?"

Smith: "During the hearing, we were in agreement with amending... amending the Bill to include counties of larger size but understood that there could be problems with it, and there was a good deal of discussion concerning the matter. We decided that the limitation of 200,000 people would suffice for the counties that we were concerned about."

Getty: "Do you... Do you feel that there is some basis upon which we should discriminate against senior citizens who live in one part of the state but not senior citizens who live in another part of the state?"

Smith: "Personally, I think it would be wonderful if we... if this Bill would cover all senior citizen centers; but,

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because there seemed to be objections from some parts of the state and those people were opposed to it, we voluntarily left the limit at 200,000 people. I would not be opposed to amending that to include Cook County."

Getty: "Thank you. Mr. Speaker, may I speak to the Bill?"

Speaker Daniels: "Proceed, Sir."

Getty: "Mr. Speaker and Members of the Assembly, I believe that, when we learn that the revenue losses already to the state are very serious; the estimates are always on a downward trend; we're not able to pay for things that we're already obligated to pay for; I find it hard, no matter how compelling the issue, to vote for something which will probably be another revenue loss to the state. I'm also concerned on the basis of fairness and equal protection to all of our citizens. It just strikes me as odd that we would want to give some sort of benefit to senior citizens in one part of the state but not give an equal benefit to senior citizens in another part of the state. I think, at this time, this Bill is inadvised. I'm going to vote against it."

Speaker Daniels: "Further discussion? The Gentleman from St. Clair, Representative Flinn."

Flinn: "Would the Sponsor yield, Mr. Speaker?"

Speaker Daniels: "Indicates he will."

Flinn: "Representative Smith, would you be willing to correct the previous speaker's complaint to the extent that when the Bill... if the Bill does pass and gets to the Senate, to make the Bill apply to the whole state?"

Smith: "I'd be very happy to; and, as I said before, I had... I had made that concession in...in Committee, and it wasn't accepted at that point. But I, frankly, think it would be a... it would be a good change."

Flinn: "Well, Mr. Speaker, to the Bill. I see nothing wrong..."

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Speaker Ryan: "Proceed."

Flinn: "...with the Bill from the standpoint of causing revenue loss to the state. It does not. There are a number of senior citizen centers around the state who could run a Bingo, if they could get the license cheap enough. It's more for fun than the fund raisers anyway. It's for something for them to do. Right now, it's illegal for them to play Bingo for prizes or money without any license, and all we're trying to do is let those people have the opportunity to play Bingo and not have a big gambling hall like some of them are now. So, I think, although I'm reluctant to disagree with Mr. Getty. He's a very knowledgeable and well-respected person on this side of the aisle and knows what he's talking about most of the time. I think he's made a mistake in this case. I think we ought to vote 'aye'."

Speaker Daniels: "Further discussion? Gentleman from Sangamon, Representative Kane."

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

Speaker Daniels: "Indicates he will."

Kane: "To one of the other provisions of the Bill, indicates that a licensee may... is limited in whatever premises that licensee rents to renting from an organization that also can be licensed. Why do you have that provision in there and what is the effect of that?"

Smith: "I'd like to... that was an Amendment, Representative, that we put to it. Representative Miller put that Amendment on. Is he here to speak to it? Steve?"

Speaker Daniels: "Representative Kane."

Kane: "I'm waiting for an answer to the question."

Smith: "Yeah, Representative Miller, that was his Amendment. He will speak to it."

Speaker Daniels: "Representative Miller."

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Miller: "Would you be kind enough to repeat the question, please?"

Kane: "Yes, there's a provision in this Bill which requires that the owner of the premises, from which the licensee rents presumably, to run the Bingo game, also has to be eligible to have a ... meet the license requirements for Bingo, and I'm wondering why that provision is in there, Steve, and what effect it will have."

Miller: "The effect will be that, when a licensee, Bingo licensee, holds a game on a municipal property, they will still have to disclose the location, and they will still have to pay their fee. But, presently, the fee that the municipality is obligated to pay will be removed, and they will not have to. In those cases, these municipalities do not now charge, for example a Lions' Club fish fry at Labor Day or something of this sort. The municipalities, because they don't generally charge, really don't want to have to pay the fee. They receive no revenue, and a lot of times the organization has done a great deal to improve the municipal property, particularly if it's a park; and, they relatively, generally don't make much money, and they can't afford to pay the municipality's fee. This would relieve them of that. It's something the Lions' Club throughout the state are very interested in seeing put in, and that's where it came from me."

Kane: "But the... The indication is that the Amendment goes much further than that."

Miller: "I really don't think it does. It certainly was not intended to do that. It would simply relieve the municipality of having to have the license, because they are not the ones conducting the game. They're only providing the location. The Department of Revenue is in support of the Amendment."

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Kane: "What about the latter part of that Amendment which says that any licensee may... the premises that the licensee rents, any licensee, not just a not-for-profit or a municipal, is that that property must be owned by an organization which also can be licensed."

Miller: "Right. This was to tie in with the earlier provision so that a municipality, which was exempt, could rent to a Bingo licensee. That's the purpose of that language on line 20, page two."

Kane: "But doesn't that limit all licensees and not just the municipality?"

Miller: "No."

Speaker Daniels: "Further discussion? Lady from Sangamon, Representative Oblinger."

Oblinger: "Mr. Speaker and Members of the House, I just want to make two very brief points. Number one, I don't see how there's going to be any revenue loss, because these organizations, senior citizens and high-rises, don't have a license now. We're actually gaining a 25 dollar license fee from each one of them. And secondly, if you've lived in a high-rise for ten years, I'm sure by now you have all the shaving cream and all the dusting powder you'll ever need that you've won in these prizes. All the people want to do is be able to put in five cents or ten cents a game and play for something really concrete, and this is why we've asked that they be allowed to have this kind of pleasure."

Speaker Daniels: "Representative Irv Smith, to close."

Smith: "Thank you, Mr. Speaker. I think Mrs. Oblinger probably said it as well as it can be said. Number one, there should be no revenue loss; and, frankly, we think there would be an additional revenue gain. And secondly, this is something that senior citizens can... all of them cannot



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get out to do, and it's recreation that many have done for a good part of their life. And, I see no reason why we should, in this effect, be discriminating towards them. And it's a good Bill. We have agreed to amend it in the Senate, and I would ask for your favorable vote."

Speaker Daniels: "Question is, 'Shall House Bill 2334 pass?'. All those in favor signify by voting 'aye', opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 137 'aye', 8 'no', 16 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. 2335, Representative Sandquist. Read the Bill, Mr. Clerk. Record Representative Lechowicz as 'aye' on the last Bill, from 'present' to 'aye'. That's 138 'aye', 8 'no', 16 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Clerk."

Clerk Leone: "House Bill 2335, a Bill for an Act to amend an Act in relationship to state finance. Third Reading of the Bill."

Speaker Daniels: "Representative Sandquist."

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2335 is one that comes from the Sunset Commission and what it asks, it asks for a one-time appropriation from the Public Utility Fund for the purposes ... use of the Sunset Commission, and the reason for it is this. As you know, under the Sunset Law, which we passed, the Commission... the Select Committee on Regulatory Review has to review certain agencies that will go out of existence on April... I mean on October 1st of each year, each other year if the Legislature does not act. This is an involved procedure for many of the professions, and we do that and we do have hearings throughout the state.

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However, one of the agencies set for review is the Illinois Commerce Commission, which will go out of existence on October 1 of 1985. It is the feeling of the Commission that there is no way that we can really do an adequate job in the... in the... between '83 and '85 if we do not... if we wait until then to start. Therefore, we feel, because of the importance of the Illinois Commerce Commission, that we start that review in Fiscal Year '83. So what we're doing, and we also know that the state of the General Revenue Fund is limited this year. We're asking for this one-time appropriation out of the Public Utility Fund which is fin.. financed by an assessment against all companies that are regulated by the Commerce Commission; and, at the present time as you know, it finances the cost of the Commerce Commission, and it also finances the Department of Energy and National (sic) Natural Resources. So, we think that this is something that's important so that we can get the jump and get the appropriate job done in examining the Illinois Commerce Commission as to whether it should be extended after 1985, or whether it should be modified or what should be done about it. It just cannot be done in the short period of time, if we do not have this. We have an appropriation Bill that's been approved by Committee which would follow, if we get this authorization, and I ask for an 'aye' vote."

Speaker Daniels: "Any discussion? Gentleman from Cook, Representative Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Cullerton: "You indicated that the money is going to come from contributions from the regulated agencies throughout the state, the regulated utilities throughout the state?"

Sandquist: "It is going to come from the Public Utility Fund."

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That's what we're asking."

Cullerton: "Where does that come from?"

Sandquist: "That comes from all... all companies that are regulated by the... come under the Illinois Commerce Commission..."

Cullerton: "So the regulated..."

Sandquist: "... including trucking companies. They have an assessment each year... I mean every other year, and that assessment cannot go back to the General Revenue Fund."

Cullerton: "So, the regulated companies are going to pay for a study as to whether or not the Commerce Commission should be abolished."

Sandquist: "The funds will come from that. We just feel that it's important to do it, and we don't want to tap the General Revenue Fund."

Cullerton: "These regulated companies will have no influence, even though they're paying for the study, over the outcome of the recommendation. Is that right?"

Sandquist: "They cert... They certainly will not."

Cullerton: "Okay. Thank you."

Speaker Daniels: "Further discussion? Gentleman from Cook, Representative Birkinbine."

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

Speaker Daniels: "He indicates he will."

Birkinbine: "Roy, what would... what would these funds otherwise be used for if... if they weren't taken from the Fund?"

Sandquist: "Well, as I said, at the present time, the cost of running the Commerce Commission comes from this Fund. All of the costs."

Birkinbine: "I heard that. If... I assume there's a surplus in this Fund and there's money just sitting there."

Sandquist: "No, there is a... a credit is given, and the last

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credit was given in November of 1981 against the next assessment, if the funds are not used up. We feel there will be... there's approximately three million that has not been appropriated for by the Energy and Natural Resources and the Commerce Commission. So, there is excess funds in there now."

Birkinbine: "Thank you."

Speaker Daniels: "Further discussion? . Gentleman from Peoria, Representative Schraeder."

Schraeder: "Mr. Speaker, I wonder if the Member would yield?"

Speaker Daniels: "He indicates he will."

Schraeder: "Mr. Sponsor, this Fund you're talking about, doesn't that come from a utility payment, as well as the truckers? Utility payments? Yes, aren't they a part of that fee?"

Sandquist: "I say, everybody who comes under the Illinois Commerce Commission does pay a ... a small assessment that goes into this Fund, yes."

Schraeder: "Aren't you aware that the ultimate payer of that fee is the consumer, and that is through a tax payment that is assessed on a consumer's fuel bill and electric bill? Aren't we, in effect, saying that we're going to attach another tax to the poor consumer?"

Sandquist: "No, I'm not saying there's another tax, because this is not a tax. This is an assessment, which is already on the books, and we just think that it's so important to have this review; that we have to get the money somewhere, and we don't want to go to the General Revenue Fund. And we think that this money is there, and we think that's why it should be used."

Schraeder: "What is the present appropriation for the Sunset Commission?"

Sandquist: "I believe it's 200 and... Just a minute. I'll get that. The appropriation that's gone through the Committee

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- we're actually cutting back a little bit. It will be 280,000."

Schraeder: "280,000 under the Committee... excuse me.. the Committee recommendation. What was it last year?"

Sandquist: "It was approx... just a little bit higher, slightly higher."

Schraeder: "A thousand dollars, five thousand?"

Sandquist: "I believe it was about 300,000 last year. So, this is almost 20,000 lower."

Schraeder: "But... Alright. So, you're saying, in effect, that now that the state's got problems with the General Revenue Fund and your Commission cannot come up with the... the additional 50,000 dollars, you're asking now that we appropriate money from the taxpayers' pockets which is going into the fee, because they use electricity and gas, to fund this Sunset legislation. It just seems to me, Mr. Speaker, that this is a little bit ridiculous. We're trying to hold costs of government down. We're trying to make it easy for the taxpayer to get by on these dryer-tight budget years, and now we have an appropriation for an agency that can't get it through the Committee system. So, they're going to go around the Committee system and ask for an appropriation right out of the taxpayers' pockets. And, Ladies and Gentlemen, it seems to me that this is a poor way of doing it. Let this Commission ride on its own merits, come through the General Revenue system; and, if they've got merit to their Commission, let them get it through the regular system. And I would say that this should be defeated on its very face."

Speaker Daniels: "Further discussion? Gentleman from Cook, Representative Levin."

Levin: "I think the Sponsor is to be applauded for this

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legislation. I just wish the Illinois Commerce Commission itself took advantage of the monies available to it, in terms of hiring an adequate number of auditors to look at the utilities, to scrutinize their expenses, but they don't seem to want to do it; and, when they do hire auditors, they don't hire the best-quality people. But, this Commission wants to take a good look at the Illinois Commerce Commission to see if we're getting our monies worth, see if they're standing up for the consumer and being fair; and, if the Commerce Commission doesn't want to spend this money itself for the protection of the consumer, I'm glad to see that this Commission would like to use its money for what I think is a very noble purpose of seeing whether or not we are getting our monies worth, from the point of view of the consumer. I applaud this legislation and intend to vote for it."

Speaker Daniels: "Further discussion? Gentleman from Cook, Representative Zito."

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

Speaker Daniels: "Gentleman's moved the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it and, before you close, let me recognize our former colleague. Senator Geo-Karis is in the chambers. Welcome back to the House. She's on the phone again, as she was when she was here. Representative Sandquist, to close."

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, this is not an added tax. This is an assessment that's based upon the gross receipts of the companies which do come under the Illinois Commerce Commission. What Representative Levin said is so true. We've got to take a very good look at the Illinois Commerce Commission. There's just no question about it. You cannot do it in

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that one and a half years that we will have with the next appropriation. We think this is the way to do it. We've got to hire some people who know what they're doing so that we can compete with the vested interest, and I think that this will not raise anybody's taxes. And it's better coming this way than out of the General Revenue Fund, and I ask for an 'aye' vote."

Speaker Daniels: "Gentleman's moved for the passage of 2335. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Gentleman from Lake, Representative Pierce, to explain his vote. Timer's on, Sir."

Pierce: "Mr. Speaker, Representative Sandquist is absolutely right. This Legislature, this General Assembly directed the Sunset Committee to review the Illinois Commerce Commission in the next fiscal year. In order to do that and to decide whether this very vital Commission should be sunsetted (sic), reformed, restructured, it requires funds so that the Sunset Committee will be on equal parity with the utilities. The Public Utility Tax is paid in. It's there. It can't be used as General Revenue. It can't be used for education. Here is a good purpose for using it, the Sunset Committee, directed by us to review the Illinois Commerce Commission, and I vote 'aye'."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question there are 135 'aye', 24 'no', 2 voting 'present', and House Bill 2335, having received a Constitutional Majority, is hereby declared passed. Representative Wikoff, for what purpose do you rise, Sir?"

Wikoff: "Thank you, Mr. Speaker. I would like to ask leave for the Governor's Advisory Committee... Commission on Tourism to meet today. They're scheduled to meet today. It's

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made of, basically, public members, but both Representative Richmond and myself are appointed to that, but our presence isn't needed for a quorum."

Speaker Daniels: "Gentleman's asked leave for the Governor's Advisory Committee on Tourism to meet during the time the House is in Session. Are there any objections? Hearing none, leave is granted. House Bill 2340, Representative Nelson. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2340, a Bill for an Act to amend Sections of the Real Estate Brokers' and Salesmen's License Act. Third Reading of the Bill."

Speaker Daniels: "Representative Nelson."

Nelson: "Thank you, Mr. Speaker and Members of the House. House Bill 2340 places interest and dividends earned by the Real Estate Research and Education Fund back into that very Fund. The Real Estate Research and Education Fund was established by us last year and was used to fund the Office of Real Estate Research at the University of Illinois. Last year the Fund's total was 170,000 dollars. The Bill also clarifies that the monies in the Fund may be invested in a similar manner as other state funds that are controlled by the State Treasurer. One Committee Amendment was put on the Bill, and that Amendment will permit the Director of the Department of Registration and Education to establish reimbursement costs to Examining Committee members, to pay them a per diem. There are no opponents to this legislation that I know of. It is a Bill that was offered by the realtors, and I would very much appreciate your support. Thank you."

Speaker Daniels: "Gentleman from Cook, Representative Getty."

Getty: "Will the Lady yield?"

Speaker Daniels: "She indicates she will."

Getty: "Representative, you... you said the realtors support



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this. Is that correct?"

Nelson: "That's correct, Representative Getty."

Getty: "Okay. I'm just curious about the one aspect of the Director determining the amount of the per diem. The Director could, I suppose under this broad language, determine that the per diem was to be a thousand dollars a day. There's no upward limit. Is there anything or is there any reference to any other statute or Act that you could give us today that would indicate what that per diem limit would be?"

Nelson: "Representative Getty, I cannot reference the specific statute, but it is my understanding, from staff, that there are limitations on the amount of the per diem that the Director could set."

Getty: "Well, it's my recollection that, in most Acts that we have passed, the Act itself has included some limitation for members of various boards to meet and to receive as compensation. I'm not going to oppose this, but I am going to suggest to you and I hope you would agree to amend this in the Senate to have at least an upward limit, as to the amount of per diem that would be paid in addition to necessary expenses."

Nelson: "I would be most agreeable to adding such an Amendment, in the Senate. That seems to be very reasonable."

Getty: "Thank you."

Speaker Daniels: "Further discussion? Gentleman from Cook, Representative Bowman."

Bowman: "Question of the Sponsor."

Speaker Daniels: "She indicates she'll yield."

Bowman: "You indicated that the realtors were in favor of this Bill. That doesn't surprise me since, you know, I presume that it would help them, but there's someone else I am interested to see if you have discussed this with. Have

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you discussed this with the Bureau of the Budget?"

Nelson: "No, I did not."

Bowman: "Doesn't this affect the amount of money in the general fund?"

Nelson: "Yes, it does."

Bowman: "And you did not discuss it with the Bureau of the Budget?"

Nelson: "No, I did not."

Bowman: "Why? If this disc... If this affects the General Revenue Fund, it seems to me that it would be appropriate, before we take action, to find out exactly where the Bureau stands on this. You know, we are having a problem right now, but more than that. I think for the long term it would be very, very difficult for the state, if we were to prohibit free transfers from the various special funds into the General Fund. We have over 250 special funds in the state, and.. and yet half of the State Government is funded through the General Revenue Fund. And I think it, in no small way, helps the state services to be able to draw upon surpluses in the various funds. Now, I know that licensees are supposed to, you know, cover just the cost of the program and nothing more, but these programs sometimes generate small surpluses; but, the interest accrues on those surpluses, and with the very high interest rates and every expectation they might go higher that is... that is money that, in no way, comes out of the hides of the people who are being ... having to pay the bill. And it is money that could be used very possibly for general purposes. So, I would stand in opposition to the Bill, and I think everybody who is concerned about state finances ought to be equally concerned that we do not know from the Bureau of the Budget exactly what the impact of this will be."

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Nelson: "In... Thank you, Mr. Speaker. In reply to Representative Bowman, I would say that the money that is in the Fund is paid for by the realtors themselves, and we are only asking that the Fund... that the interest that is earned on that Fund remain in the Fund. It's not a great deal of money, and that is part of the reason that I did not go to the Bureau of the Budget. We're talking, I think, probably in the neighborhood of something less than 10,000 dollars."

Bowman: "Well, Mr. Speaker, if the amount of money is so small, I wonder why the need for the Bill. In any event, it strikes me that is a very poor precedent, since we have many, many funds. I indicated over 250 funds in the State Treasury, and I'm very concerned that what we might do here is slip into a policy of simply locking in those monies wherever they may be found. In any event, as the Lady points out, this is the interest on the Fund and, consequently, the interest surely does not come out of the hides of those people who paid their fees in the first place. However, it seems to me that it ties the hands of the General Assembly in making appropriations, if we cannot use the interest that is earned on those monies for general purposes. I see no reason why we should tie the hands of the General Assembly in making appropriations, especially when it's the interest payments that we're talking about. It is not the fees. The fees were indeed paid by the realtors, but the interest, it seems to me, ought to accrue to the general public benefits. It should not tie the hands of the General Assembly, and it starts a bad precedent. Thank you."

Speaker Daniels: "Gentleman from Cook, Representative Vitek."

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

Speaker Daniels: "Gentleman has moved the previous question. The

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question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Representative Nelson, to close."

Nelson: "Thank you, very much. I would simply say that, in this case, we are not breaking precedent; that of the five dedicated funds administered by the Department of Registration and Education, three of those do have the interest earned on the fund to go back to that fund itself. So, in answer to that question, we are absolutely not doing that. I would appreciate a favorable vote on House Bill 2340. Thank you."

Speaker Daniels: "Lady moves for the passage of House Bill 2340. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 155 'aye', 9 'no', none voting 'present', and House Bill 2340, having received a Constitutional Majority, is hereby declared passed. House Bill 2344, Representative Collins. Out of the record. House Bill 2348, Representative Hastert. Out of the record. House Bill 2357, Representative Grossi. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2357, a Bill for an Act to create the Third Party Prescription Programs Act. Third Reading of the Bill."

Speaker Daniels: "Representative Grossi."

Grossi: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2357 creates the Third Party Prescription Program Act. Very simply speaking, the Third Party Prescription Program is simply, at least in general terms, an insurance plan which pays all or part of prescription charges for persons enrolled within the Program. Under this Bill, these Third Party Programs,

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basically insurance plans, would be registered with the Director of Insurance, and each of these Programs would be required to have a fiduciary account or at least some type of bonding in order to insure payment to the medical provider. The Department, or at least the Director of Insurance would be required to set out the rules and regulations for these plans. This Bill also provides that those persons that are enrolled within these plans, would be issued ID cards, and these ID cards would be used in the obtaining of those medical prescriptions. There is a technical error within the Bill which we intend to correct in the Senate, and that error is that the Director of Insurance is incorrectly named in the Bill as the Commissioner. I'd be happy to answer any questions."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves for the passage of 2357. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. There are 164 'aye', 2 'nay', 2 voting 'present', and House Bill 2357, having received a Constitutional Majority, is hereby declared passed. House Bill 2366, Representative Birkinbine. Out of the record. House Bill 2367, Representative Epton. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2367, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Daniels: "The distinguished Majority Whip, Representative Epton."

Epton: "Thank you. Mr. Speaker, I ask leave of the House for the last time to bring this back to Second Reading for the purposes of an Amendment."

Speaker Daniels: "The Gentleman requests leave of the House to bring the Bill back to Second Reading. Are there any

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objections? Representative Dunn of Macon has registered his objection."

Epton: "I'll ask..make it a Motion then."

Speaker Daniels: "The Gentleman moves that House Bill 2367 be returned to the Order of Second Reading for the purposes of an Amendment. All those in favor signify by voting 'aye'. Representative Greiman on the Motion."

Greiman: "Doesn't that have to be on the Calendar? Is that correct, that it has to be on the Calendar, Sir?"

Speaker Daniels: "No, Sir."

Greiman: "No, you can make that Motion any time?"

Speaker Daniels: "That's the ruling of the Chair and the advice of the Parliamentarian. It takes 89 votes. The Gentleman has moved to return House Bill 2367 to the Order of Second Reading. It takes 89 votes. All those in favor signify by voting 'aye', opposed by voting 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 96 'ayes', 43 'no', 2 voting 'present'. And the Gentleman's Motion prevails. House Bill 2367, Second Reading. Are there any Amendments?"

Clerk Leone: "Amendment #1, Epton, amends House Bill 2367..."

Speaker Daniels: "Representative Epton, Amendment #1."

Epton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Amendment is a rather simple one. In preparing this Bill relative to insurance fraud, we inadvertently failed to include employer's sponsored benefits and workers' compensation plans to the list of entities, the list of bodies which, when defrauded, will qualify under the, quote, 'insurance fraud treatment'. And that's the sole purpose of the Amendment. I would ask favorable approval."

Speaker Daniels: "Any discussion? The Gentleman from Effingham,

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Representative Brummer."

Brummer: "Yes, I guess I didn't understand the explanation. workers' compensation is clearly in the original Bill. I thought the Sponsor indicated that was what was being added."

Speaker Daniels: "Representative Epton."

Epton: "It was not in the actual listing of the Bill. In other words..."

Brummer: "Well, it's on line 14 of page one, workers' compensation."

Epton: "Apparently, according to the advice given to me, this applies in the case of self-insured, which was not included in the Bill. So it would, I suspect, Representative Brummer, that perhaps we could accomplish it without that, but it certainly does no harm. Definitely, it is necessary to include the employer's sponsored benefit plans as well as the workers' compensation plans."

Brummer: "Now, on the second page of the Amendment, and it adds a civil cause of action, and I see that....There's a civil cause of action recover compensatory damage which includes all cost of investigation and litigation including attorney fees."

Epton: "That was in the original Bill. We just included it in the Amendment so it would fit the proper..it would fit into the Bill itself in the proper place."

Brummer: "Well, the ...That is new language though. On page two of the Amendment, lines seven through thirteen, that portion dealing with ...Okay, I'm sorry. It is on page three of the original Bill. Is there...is there a similar provision in here, if the action is not successful that the person who defended that is entitled to recover their reasonable litigation expenses and investigation costs and attorney fees in defending themselves?"

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Epton: "Not in this Amendment."

Brummer: "Is it in the Bill?"

Epton: "No, it's not in the Bill. However, we're discussing the Amendment at this time."

Brummer: "Okay, so it is a one-sided right of recovery with regard to the attorney fees and litigation. The person who successfully defended himself by a suit by the insurance company would not be able to recover their investigation expenses and attorney fees. Is that right?"

Epton: "Well, that's correct. But I would answer that..."

Brummer: "Okay, thank you."

Epton: "...At the reading of the Bill itself."

Speaker Daniels: "Further discussion? The Gentleman from Macon, Representative John Dunn."

Dunn: "We're on the Amendment now, are we not, Mr. Speaker? Does the...I think I have a question on the Bill, so I'll withdraw this."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Epton, to close."

Epton: "I would appreciate a favorable vote on the Amendment."

Speaker Daniels: "The Gentleman moves the adoption of Amendment #1. All those in favor signify by saying 'aye', opposed 'no'. All right. The Gentleman moves for the adoption of Amendment #1. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. Representative Stiehl, for what purpose do you arise? Record Representative Cissy Stiehl as 'aye'. Representative Telcser, 'aye'. Representative Balanoff, I mean, Satterthwaite. Record Representative Satterthwaite as 'no'. Representative White as 'no'. Representative Cissy Stiehl, 'aye'. Telcser, 'aye'. Satterthwaite, 'no'. White, 'no'. Emil Jones, 'no'. Representative Epton?"



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Epton: "Mr. Speaker, I think there's been some confusion. There certainly is some proper controversy as to the Bill itself. But apparently they're reading it into the Amendment. The Amendment certainly does not warrant the adverse treatment it's getting because it simply includes organizations which should be included in the Bill itself. I think the speakers who have spoken may well have justification in speaking against the Bill. But it's displaced on part of the Amendment, and I would appreciate a favorable vote for those who have not yet ...vote."

Speaker Daniels: "Record Representative McMaster as 'aye'. Representative DiPrima as 'no'. The Gentleman requests a Poll of the Absentees."

Clerk Leone: "Poll of the Absentees: Barnes. Bartulis. Bradley. Capparelli. Donovan. Ewell. Griffin. Katz. Martire. Pullen. Stearney. E. G. Steele. Tuerk. Vinson. Mr. Speaker."

Speaker Daniels: "Record E. G. Steele as 'aye'. Representative Hudson from 'no' to 'aye'. On this Amendment there are 82 'ayes', 80 'no'. The Amendment's adopted. Further Amendments."

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading."

Epton: "Now, Mr. Speaker, I would ask leave of the House to proceed to Third Reading. In view of the multiple discussions, it might be just as well to get this over once and for all. It's your privilege."

Speaker Daniels: "There are objections. It would take 107 votes...."

Epton: "I have no objection. I just thought they'd like to have their arguments heard now. I'll be happy to wait until tomorrow."

Speaker Daniels: "Okay. Third Reading on 2367. 2377,

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Representative Miller? Representative Miller, 2377. Out of the record. 2381, Representative Pullen? Out of the record. 2391, Representative Telcser? Out of the record. 2394, Representative Epton. Representative Epton? 2394? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2394, a Bill for an Act to amend the Property Fire Loss Act. Third Reading of the Bill."

Speaker Daniels: "Representative Epton."

Epton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I don't believe that this Bill will generate the controversy the previous one did. This is one that's requested by the Department of Insurance and the Insurance Study Commission and the Fire Marshall. Very simply, what our previous Bill does, has done, in combatting arson we have allowed information to be passed while the insurance companies are in the process of investigating. What we have overlooked, the fact is that they may have completed their investigation, and this Bill simply allows the insurance companies to turn over to the authorized officials the results of their completed investigation. It does nothing further, and I would appreciate a favorable vote."

Speaker Daniels: "The Gentleman moves for the passage of House Bill 2394. Is there any discussion? The Gentleman from Macon, Representative John Dunn."

Dunn: "A question of the Sponsor."

Speaker Daniels: "Indicates he'll yield."

Dunn: "To whom...What information is to be gathered and what information is to be turned over...is to be turned over and to whom?"

Epton: "In a previous Bill, we have authorized insurance companies and their representatives to turn over information to any properly authorized authority. For

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example, the Fire Marshall, the State's Attorney, Federal Bureau of Investigation; any properly authorized authority which is listed in the previous legislation we passed last year. What we did, however, is we indicated that that information could be turned over while the insurance company was in the process of investigating. In many instances the investigation of the insurance company is complete and at that time they get a request for information. Under the previous Bill they were not allowed to do so without fear of a possible litigation. This Bill allows them to turn over their completed investigation to properly authorized authorities."

Dunn: "What kind of litigation could result from supplying information to the proper authority?"

Epton: "Well, this deals entirely with arson. So that conceivably you might have a situation where someone has successfully passed a civil suit or passed a ...collected money in an arson area, but some criminal action might lie. Information that was uncovered through the insurance company, coupled with that with the Fire Marshall or the FBI or the State's Attorney, would then bring forth criminal action against an individual who committed arson."

Dunn: "Doesn't anyone who has knowledge that ought to be turned over to an investigating authority have the right to do that free of worry and concern about doing so?"

Epton: "No, they do not have the right..."

Dunn: "...Unless of course there is an intentional or fraudulent misrepresentation."

Epton: "No, they do not have the right to turn it over without..without the possibility of adverse litigation being filed against them. Frequently you could have statements in an insurance file which might be difficult to verify. And, not only an insurance company, but an

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individual would be hazardous...the....the Arson Reward Committee in Chicago in the State of Illinois finds that very often people have information that will lead to the discovery of an arson, but they're reluctant to produce it."

Dunn: "This sounds somewhat confusing to me. Is there some reason why this Bill wasn't heard in Committee? I noticed in the Digest that the Committee on Insurance was discharged with regard to this Bill."

Epton: "Yes, you will recall that was the time when I ineptly curtailed the hearing of all Bills in Committee, as I explained to the House, and any of these Amendments would have been, in this case they weren't on, but they would have been presented to the House in Committee at that time. Unfortunately, it did not get a fair hearing which explains the reason for the Digest."

Dunn: "Well, I think this is a perfect example of what happens when ..when we do not use the Committee process which was put in place for the kind of discussion that we're having now and additional input from interested members of the public and witnesses. And I think that in view of the fact that we've not had Committee discussion on this Bill, and it does seem to have some confusing aspects to it, we're premature in our consideration of it now. And I think the Sponsor should take this Bill out of the record and send it back to Committee and have a full hearing on it like every other Bill that belongs in that Committee. And short of that, I think we should defeat the Bill."

Epton: "I think in response to that I can simply say that we had eight other Bills in a similar position. The discussion that you're referring to is what we've had on the floor of the House, and all of the witnesses who were prepared to testify on this Bill were prepared to testify in favor. We

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have those witness slips. So it really is the discussion you have raised, is exactly the discussion we would have had in Committee. I see no reason why this Bill should be treated any differently from the other eight Bills which passed the House."

Dunn: "Well, Mr. Sponsor, I don't pretend to stand here and speculate about who might have filled out a witness slip in a Committee hearing on any Bill. What I do stand here in support of is the Committee system and the opportunity for any member of the public to come forward to fill out a witness slip and to register as a proponent or an opponent, provide their oral/written testimony if they choose, and I think that's the backbone of this legislative system. And there are a number of Bills that are on the floor of this House which did not receive that kind of treatment and I think it's a shortcoming of our process, and this is a perfect example of it. And I hope that the Members of the General Assembly will be somewhat reluctant to proceed with this legislation until it does have a good Committee hearing."

Speaker Daniels: "Further discussion? Being none, the Gentleman from Cook, Representative Epton, to close."

Epton: "I ....the comments about a full Committee hearing. I think that it would have been well if all of these Bills that I previously discussed could have been heard in Committee. But it would be a terrible error to blame the citizens or to cause the citizens, residents of Illinois to suffer because a Committee Chairman failed to act properly. This Bill is not a complicated Bill. It simply allows exactly what the Synopsis says. It allows the authorities, the insurance companies, or any group to turn over to a properly authorized investigating group, investigations which may have been closed. We previously passed Bills

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which allowed them to pass information which they were presently investigating. So that I think we are making much fuss over this Bill which perhaps might have had a better place on previous Bills. And again, I would ask for your favorable vote."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 2394. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Vinson? Have all voted who wish? The Clerk will take the record. On this question there are 152 'ayes', 5 'nos', 9 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2...Excuse me. For what purpose do you arise, Representative Collins?"

Collins: "Yes, Mr. Speaker, for the purpose of an introduction. In the Speaker's gallery are the members of the Governor's Advisory Committee on Tourism. The Chairman, 'Mr. James Shieron', and the public members, 'Myron Levee', 'Thomas Meeger', 'Roger L. Street', 'Edith Korshack' and the Executive Director, 'Linda Simon'."

Speaker Daniels: "House Bill 2397, Representative Bell? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2397, a Bill for an Act to amend the Bank Holding Company Act. Third Reading of the Bill."

Speaker Daniels: "Representative Bell."

Bell: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2397 is basically a piece of clean up legislation. Last year, as you will recall, we passed and the Governor signed Senate Bill 578 which authorized multi-bank holding companies. Under the multi-bank holding company law there was a provision prohibiting the acquisition of a bank chartered after the effective date of

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the Act from being acquired by any holding company for a period of ten years. This Bill clears up that technicality concerning the acquisition of a failed bank. Now, if a bank fails, the Commissioner of Banks and Trust Company revokes the bank's charter and reorganizes the bank under a newly issued charter, so that actually the bank is now a new bank. They have to do this in order to sell the bank. Since the bank is issued a new charter it technically becomes a new bank and therefore, cannot be purchased by a multi-bank holding company. This Bill would allow the holding company to acquire this failed bank. We passed Amendment #1 on the floor on Second Reading which was given to me by the Independent Community Banks of Illinois and it simply said that the same boundaries in the original Act would also apply to a failed bank. And I would appreciate a favorable vote."

Speaker Daniels: "Any discussion? Being none, the Gentleman has moved for the passage of House Bill 2397. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. The Gentleman, Representative Bower, to explain his vote. The timer's on, Sir."

Bower: "I believe that I heard the Sponsor say that the Bill was given him by the independent community banks. And our analysis indicates that they are opponents. I was wondering if he could shake his head as to whether or not the ICBI supports this legislation or not."

Speaker Daniels: "The Gentleman, Representative Bell, to explain his vote. Timer's on, Sir."

Bell: "In explanation of my vote, this Bill was given to me by AMBI. Amendment #1 was given to me by the Independent Community Banks in Illinois which had to...what they told me cleared up any opposition they had to the Bill."

Speaker Daniels: "Have all voted who wish? Have all voted who

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wish? The Clerk will take the record. There are 153 'aye', 3 'no', 8 voting 'present'. House Bill 2397, having received the Constitutional Majority, is hereby declared passed. House Bill 2406, Representative Watson? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2406, a Bill for an Act to amend the Illinois Architectural Act. Third Reading of the Bill."

Speaker Daniels: "Representative Watson."

Watson: "Thank you, Mr. Speaker. This Bill addresses the problem with architects' seal on housing plans. Current law requires that architects' seal be present on a housing plan when the home is 2000 square foot or larger. What this legislation will do... What this legislation will do, takes out that 2000 square-foot requirement and simply adds that, 'a detached single-family residence on a single lot'. Therefore, no architect's seal will be required on a single-family residence. A seal will still be required on commercial or multi-family dwellings. Also, current law exempts the requirements for persons who build or construct for their own use. This has been abused somewhat in recent times, and we're trying to tighten up this area; and, the legislation will simply add, 'when title of such property is held by the person's mechanics or builders for at least two years'. If they're really going to use this for their own use, at least they're going to have to have it for two years, and the abuse will be tightened up. This is supported by the Illinois Homebuilders' Association and the Illinois Council on American Institute of Architects, Illinois' largest group of 1700 architects support this legislation. I would urge your support and would ask that Representative Mautino, the hyphenated Cosponsor, be allowed to close."

Speaker Daniels: "Any discussion? Being none, Representative



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Mautino, to close."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This legislation addresses a question of obsolete language, basically, at 2000 square feet and 10,000 dollars for repair of an individual facility. It basically eliminated the need and additional cost for certification. I'm sorry, if I didn't hear Representative Watson's earlier remarks, and all I do is ask for a favorable Roll Call on a Bill for homebuilders in the State of Illinois."

Speaker Daniels: "The Gentleman's moved for the passage of House Bill 2406. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 152 'aye', 11 'no', 2 voting 'present'. House Bill 2406, having received a Constitutional Majority, is hereby declared passed. House Bill 2412, Representative Terzich. Out of the record. House Bill 2413, Representative Kustra. Representative Kustra? Gentleman in the chambers? Out of the record. House Bill 2416, Representative Rigney. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2416, a Bill for an Act to create conservation tillage risks share program. Third Reading of the Bill."

Speaker Daniels: "Representative Rigney."

Rigney: "Mr. Speaker, House Bill 2416 creates a conservation tillage risk share program. What it does is to allow the Illinois Department of Agriculture to work with the various soil and water conservation districts throughout Illinois to set up small demonstration plots, anywhere from five to twenty acres in scope, to encourage farmers to try no-till kind of planting. Of the 28 million acres of tillable land in the State of Illinois, currently about nine to thirteen

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million does not meet acceptable soil loss tolerance levels. So what we're trying to do is to ask Illinois farmers to put aside their present tillage practices and to try a new and rather unfamiliar system. We feel that this system will work. They have a guarantee here. It guarantees up to \$50.00 per acre in the event of failure on any of these crop acres. I assure you that this is the number one concern of all groups that are concerned about conserving our soil."

Speaker Daniels: "Any discussion? The Gentleman from Macon, Representative John Dunn."

Dunn: "Is there a...A question of the Sponsor."

Speaker Daniels: "Indicates he'll yield."

Dunn: "Is there a Fiscal Note filed on this and what will this cost the taxpayers?"

Rigney: "There is. There is. There is an accompanying appropriation Bill for one million dollars. Now that one is in the Senate. But that...that would be the outside cost figure on this. Actually, if the conservation tillage works as well as we think it's going to work, there's not going to be any pay out."

Dunn: "Is..Is this in the Governor's budget?"

Rigney: "This is not in the Governor's budget."

Dunn: "Thank you."

Speaker Daniels: "The Gentleman from Knox, Representative McMaster."

McMaster: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I want to rise in support of this Bill. I think that many of you here do not realize the thinness of the layer of top soil that produces a bountiful crop in the State of Illinois. And we are losing it at a very high rate each year through erosion. I think that something must be done and this is a start towards doing something to

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maintain that thin layer of top soil. I do want to add that my son, who is farming, did buy a no-till planter this year and is planting or has planted his corn in the no-till method. Let me point out that in a year such as this where we have had dry weather for several weeks up in our immediate part of the state, that the chance for the herbicides to work under those conditions are very dreary. And I think that the farmers must be protected in the effort that they are making to conserve the soil. I think it's a very good Bill and I would certainly urge your support of it."

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

O'Connell: "A question of the Sponsor?"

Speaker Daniels: "Indicates he'll yield."

O'Connell: "Representative, I'm from an urban area. However, several years ago there was an extensive series of articles in the Chicago Tribune regarding soil erosion in the State of Illinois. And it was written by an individual who was a resident of my district, 'John Usarp'. Is this Bill addressing that problem that was addressed in that series of articles that....I don't know if you're familiar with that or not."

Rigney: "Well, I'm not particularly familiar with the series of articles that you're talking about. We know right now, as I mention today, that there's at least nine million tillable acres in the State of Illinois that are not meeting acceptable soil tolerance levels. The Federal Government has determined that an acceptable soil loss in most cases is anywhere from about three to five tons per acre per year. The left over crop residue will generate that much new soil every year. So this becomes an acceptable soil tolerance level. There's a lot of this

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acreage in the State of Illinois that will be able to meet an acceptable soil tolerance level if we merely change our tillage practices. We don't have to go into enduring type of structures and things of that nature. Just merely changing the tillage practices will work. And what we're trying to do is to set up a series of demonstration plots that make this evident to the farmers."

O'Connell: "Is this a program...Is there a program similar to this in Nebraska?"

Rigney: "I can't answer that question."

Speaker Daniels: "The Gentleman from Peoria, Representative Tuerk."

Tuerk: "Will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Tuerk: "You mentioned a million dollar appropriation. Where's the money come from, out of General Revenue?"

Rigney: "It will come from the Horse Race Act."

Tuerk: "The Ag Premium Fund, in other words?"

Rigney: "Yes, it will."

Tuerk: "Is this a voluntary program or is it..."

Rigney: "It certainly is."

Tuerk: "Thank you."

Speaker Daniels: "The Gentleman from McHenry, Representative Hanahan."

Hanahan: "Well, I'm going to defer some of the questions for my colleague, Representative Giorgi, on the Agricultural Premium Fund. But I'm always curious by people who campaign continually about being a conservative, talking about government getting off our backs and having no government intervention on our free enterprise system; and I'm always curious that when it comes to a little farming Bill like this, that they're real willing and able to get government on their backs and involved in their problems.

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It seems contradictory, Representative, to introduce Bills like this that get government into the farming business when I hear all those conservatives up in McHenry tell me they want government off our backs. I hear this time and again that we shouldn't have government intervention in free enterprise. What are you asking for here in this Bill?"

Rigney: "Strictly a voluntary program."

Speaker Daniels: "Further discussion? The Gentleman from Wayne, Representative Robbins."

Robbins: "The Federal Government has mandated upon the farmers in a community that they start some program on conservation tillage. One thing that I think is important is that as you drive from here to Chicago, look out your window in the wintertime and see the black snow. See the soil that can be saved by this type of tillage and think how much better it will be for you people who are environmentalists because this soil won't be in your creeks and in your streams and you will be in ..benefited greatly."

Speaker Daniels: "Further discussion? The Lady from Marshall, Representative Koehler."

Koehler: "Mr. Speaker and Ladies and Gentlemen of the House, as one of the Cosponsors of this legislation, I would like to point out that we are very hopeful that the entire appropriations will not be paid out. The point about this Bill is that if we are successful in our conservation tillage not one dime will be paid out. This is only in the event of a loss if you are using conservation tillage. And I want to remind the Members of the House, that we, according to the Illinois Future's Task Force, we are losing one inch of top soil here, in the State of Illinois, every 17 years. This is an incentive to save our soil. And, if we are really serious about saving our prime

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agricultural farm land in Illinois you will vote for this good Bill. Thank you."

Speaker Daniels: "The Gentleman from Kankakee, Representative McBroom."

McBroom: "I move the previous question."

Speaker Daniels: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye'. Opposed, 'no'. The Gentleman from Kane..er..Sangamon, Representative Kane."

Kane: "Would the Sponsor yield for a question?"

Speaker Daniels: "Indicates he will."

Kane: "This Bill indicates that you're going to pay the farmer for potential loss or not producing as much if they use a particular type of tillage?"

Rigney: "That's correct."

Kane: "How are you going to be able to tell the difference? Or how are you going to calculate the loss?"

Rigney: "To participate in the program, the farmer would set up two identical sized plots. One of them would be farmed by conventional tillage methods. The other would be farmed by a no-till system. These would be harvested under the supervision of the Soil and Water Conservation District to determine really what is the total yield on both plots. So it's really going to be very simple to determine whether or not in fact there has been any type of a loss."

Kane: "Okay. So these would really be demonstration plots.."

Rigney: "They are demonstration plots."

Kane: "And would they have to be next to each other?"

Rigney: "Yes, they would. They have to be comparable, laid out together and farmed under the supervision of the Soil and Water Conservation District."

Kane: "Is there a limit on the size of the plots?"

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Rigney: "From five to twenty acres."

Speaker Daniels: "Further discussion? The Gentleman from Lake, Representative Deuster."

Deuster: "If the Sponsor would yield, it's my understanding ..is the tillage techniques that we're hoping to encourage farmers to use are, for example, in the fall, not plowing. But say, in the spring then coming around, and plowing, planting, fertilizing, doing everything on one sweep, and that way that you would avoid the risk of having the soil turned up all year long and running off into the streams. And my understanding, Representative Rigney, is the reason most farmers don't do that, even though they realize it might make sense and might retain their soil, is that they don't have the equipment. So I'm wondering, isn't the ..won't the prime purpose of this demonstration project to be to finance the purchase of equipment for farmers so they can follow this good technique."

Rigney: "No, Representative Deuster. This..The amount of money that any farmer conceivably could get under this program is going to be small enough that really it's not going to finance any equipment. The largest acreage that could be included would be 20 acres. The largest payment would be \$50.00 per acre. So no one can get anything more than \$1,000.00. I assure you that would only be a drop in the bucket towards any type of equipment purchase. We really, about all we're trying to do is give a little encouragement to some of our farmers to try a different system of farming. And I point out to you the specific instance you mentioned, you're really talking about conventional tillage, only you're doing it in the spring of the year instead of the fall of the year. What we're really hoping for is a no-till system."

Deuster: "Well, does that mean you...Well, how can you have a

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no-till system? You have to till the ground to put the seed in, don't you?"

Rigney: "No, you certainly do not. You can just simply go out there and plant with a no-till planter and put your herbicides and insecticides on and if done correctly, you can probably realize a yield just as good as you can under conventional tillage."

Deuster: "Thank you."

Speaker Daniels: "Further discussion? Representative Giorgi?"

Giorgi: "Mr. Speaker, there seems to be quite a bit of concern on this side of the aisle that the Representative from Stephensen County isn't telling us where this money is coming from really. He's not telling us that it's laundered money coming out of the gambling skim and going into the Agricultural Premium Fund. Now, the reason I bring that up is this, I understand farmers now are signing up for set aside land. Is it possible that you're getting double payment here, one for set aside lands and the other for the..."

Speaker Daniels: "Excuse me, Representative Giorgi..."

Giorgi: "...Conservation tillage?"

Speaker Daniels: "Representative McGrew, for what purpose do you arise, Sir?"

McGrew: "On a point of order, Mr. Speaker."

Speaker Daniels: "State your point, Sir."

McGrew: "As the Gentleman is very well aware and loves to point out to other Members, he has spoken once in debate and I think the rules are limited to the..."

Speaker Daniels: "Representative Giorgi."

Giorgi: "Yes. Would you tell the Member that I didn't speak in debate, Mr. Speaker? But anyway, it doesn't matter. Can it be possible that you put some set aside land that you're being paid twice for then by putting it in the tillage risk



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share Act (sic, program)?"

Rigney: "Number one, you don't get paid for set aside acres.."

Giorgi: "What do you get?"

Rigney: "You get nothing for it. You simply set those acres aside at no compensation. This is a demonstration project where you would actually be farming both these plots. So, you know, you really can't compare them that way."

Giorgi: "Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Rock Island, Representative Darrow."

Darrow: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is not a bipartisan matter. I'm also a Cosponsor...At times you look at Harlan Rigney and you figure, 'Where did he get such a good Bill?', knowing Harlan. And yet you can realize that this is a Farm Bureau Bill, that the State Farm Bureau is backing this legislation and has in fact drafted most of it. What we're looking at is a conservation measure. Most of us, as we drive down to Springfield, in January, February and March, oftentimes the dust from the fields is so thick we have to turn on our headlights. That's due to the plowing in the fall. What this is aimed at is a conservation measure to conserve our top soil, one of our greatest natural resources in the State of Illinois. And when we talk about a one million dollar appropriation that doesn't mean we're going to be spending that million dollars, as Representative Rigney has pointed out. Hopefully, we won't have to spend any of that money. Hopefully, no-till and the other conservation measures will produce yields equal to the present form ..method of farming. I would therefore solicit an 'aye' vote for this good Bill that Harlan's come up with. Thank you."

Speaker Daniels: "Excuse me. Representative Vitek, for what

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purpose do you arise. Sir?"

Vitek: "Mr. Speaker, I hate to break in. I know it's against the rules. But I get up once a year to announce that Sisters Margaret and Therese and their parents, students of the Immaculate Conception School of Chicago are up in our gallery. And I hope I have leave to welcome them to Springfield. They are represented by Bob Krska, Bill Margalus and myself."

Speaker Daniels: "Welcome to Springfield. The Gentleman from McLean, Representative Ropp."

Ropp: "Mr. Speaker, would the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Ropp: "I have just a couple of questions, Harlan. What is the cost of a minimum tillage piece of equipment for planting of corn?"

Rigney: "Well, I would imagine six row planter, in the range of about ten or eleven thousand dollars."

Ropp: "Okay. Do you feel in anyway that this is kind of a precedent setting move to encourage people to get involved in some kind of business that, in fact, has been rather successfully proven by demonstrations at the University of Illinois College of Agriculture?"

Rigney: "Well, certainly. I think this is an extension of some things that we are beginning to study and learn about in our various land grant colleges. But obviously, the thing we've got to do is to take that information and get people to use it out on the farm. It's a practical application and that's what we're attempting to do here."

Ropp: "And is it true that if we take a million dollars out of the Ag Premium Fund and put it in the Department of Agriculture, that probably a million dollars from some other portion of that department's budget will have to be cut?"

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Rigney: "I have no knowledge of that, Representative Ropp."

Ropp: "That's the normal practice that sometimes happens in government. Then, one more final question. It has been stated, I have heard, that if we comply with some of these conservation programs, that we'll get matching monies from the Federal Government, which I think is absolutely true. And that if we don't comply with these programs, and we don't get our fair share of the matching monies from the Federal Government that Iowa or Indiana or Ohio will pick up these federal monies and we will lose them. Is that true or not?"

Rigney: "Well, I don't know. As far as this program is concerned, really we conceive it as being an Illinois' program. Frankly, I don't know whether we could get matching money or not."

Ropp: "Okay, then, Mr. Speaker, just on the Bill just for a moment. I generally think that the good farmers in Illinois are attempting to produce crops to the very best of their abilities and in a timely manner with recommendations by proven demonstrations at the College of Agriculture, University of Illinois. One of the problems that's facing Illinois agriculture is high interest rates. And what we're encouraging here is a program which if you get involved with, you're going to have to go out and buy a piece of equipment to the tune of eleven thousand dollars and pay sixteen to eighteen per cent interest just to prove to yourself that what the University of Illinois has already done has been successful. And you might make up to \$50.00 if that program does not prove to be efficient. It's also been stated, and I have heard a number of times, that if we don't take advantage of the federal monies that are available to us, other states will get them. I think this is one of the major problems that this country is

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facing, is that because of the federal debt being so high, that interest rates continue to be high. I can assure you that the best thing that could happen to Illinois agriculture and agriculture in general would be to reduce the interest rates by four to ten percentage points. This will provide a greater incentive and provide for more take-home dollars to the Illinois and American farmer. And I would hope that we, in fact, would take the lead in showing other states that we don't need to get every swinging dollar that is a handout by the Federal Government, so hopefully, the federal debt will be reduced so that we, in fact, could see lower interest rates which would not only help Illinois agriculture, but Illinois business, Illinois housing and every swinging citizen in the State of Illinois. I think this is a precedent that we do not need to start on because we have the proven facts already before us, as so clearly demonstrated a number of times at the College of Agriculture and other state institutions throughout the State of Illinois. I urge a red vote."

Speaker Daniels: "The Gentleman from Will, Representative Van Duyne."

Van Duyne: "Thank you. Thank you, Mr. Speaker. My main worry, Harlan, is the fact that we're circumventing the whole appropriation process and when you're writing it into the legislation, it will stay there permanently. Now, I'm not worried about the million dollars. That's peanuts in terms of, you know, the appropriations totally. Once you get it written into legislation, into law, then you turn...we are completely out of it. The Department of Agriculture has the authority. It says so right here in the Bill, in the back of the Bill, line eleven, number sixteen, '...for the Department of Agriculture for grants to Soil, Water

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Conservation Districts for the purposes of Conservation Tillage Reduced Share Act...". This means that...and in the Synopsis this says that they can negotiate for these grants. So what you're doing is you're taking it completely out of the purview of the General Assembly."

Speaker Daniels: "Representative Rigney."

Rigney: "First of all, in reply, it's a three year program. A farmer that wants to sign up for this program has to agree to try it for two successive years. But when that...When the three year program is up, that's it as far as this program is concerned."

Van Dwyne: "Well, then one quick question. Could it be extended?"

Rigney: "Well, I suppose an Act of the General Assembly can always extend anything. But I mean as far as the way their legislation is prepared, it's a maximum three year program."

Speaker Daniels: "Is there further discussion? The Lady from Cook, Representative Balanoff."

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

Speaker Daniels: "Indicates he will."

Balanoff: "Yes, Mr. Rigney, isn't it in the self-interests of a farmer to preserve and conserve his land? So why shouldn't he just go ahead with the non-tillage program on his own? It's in his self-interests to do that, isn't it?"

Rigney: "It's in the self-interest of a farmer to farm as profitably as he can. You've got to realize that you've got a lot of highly successful farmers out here that are using conventional tillage that are reaping the profits of that system. What we're talking about here is a system that's going to save the soil for future generations. That farmer living and operating on that land today doesn't have to change a thing to be successful. But future generations

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can perhaps suffer because he did not care for his land adequately. So, we're thinking in terms of the future generations with this legislation."

Balanoff: "Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Knox, Representative McGrew."

McGrew: "I move the previous question."

Speaker Daniels: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. And the Gentleman from Stephensen, Representative Rigney, to close."

Rigney: "In closing, Mr. Speaker, I think we've had adequate discussion on what I thought was a rather simple little Bill and I think it's rather obvious that if we're concerned about our soil and its future for America, we're going to be thinking about what we can do to save that soil for future generations. I think this is a worthwhile first step."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 2416. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. The Gentleman from Cook, Representative Greiman, to explain his vote. The timer's on, Sir."

Greiman: "Thank you, Mr. Speaker. Yesterday, I noticed the Department of Labor and now it's the Illinois farm land under Governor...while Governor Thompson has been the Governor, dropped from an average value of about \$2200 to about \$1900, and that farm income for the third year in Illinois under Governor Thompson's leadership has dropped and been a loser. So I think I'm going to vote to help the farmers because it appears that the administration here certainly is not giving them a heck of a lot of help."

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Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. There are 142 'aye', 19 'no', 2 voting 'present'. And House Bill 2416, having received a Constitutional Majority, is hereby declared passed. House Bill 2417, Representative Yourell. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2417, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Daniels: "Representative Yourell."

Yourell: "Yes, thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 2417 completes some work that Representative Lechowicz and I started some years ago in bringing the tax sale provisions of the Revenue Article up to date by adjusting the interest charges for county tax sales to attract bidders. The problem has been that the revenue to the tax bidders has been too low and we haven't been able to sell the tax delinquent property. It also provides for additional revenues paid for by the tax buyers for the Indemnity Fund that we created in 1969. It increases the fee to the county collector from \$10.00 to \$20.00 for each item sold and that fee is paid for by the tax buyers. It also increases the Indemnity Fund to meet the current needs administering the fund and when each of the county fund's Indemnity Funds reaches the statutory limit, the county goes..the revenue goes into the General Fund of the county. It's good legislation; it's supported by all of the county treasurers and collectors in the State of Illinois and I'll be glad to answer questions if you have them."

Speaker Daniels: "The Gentleman moves for the passage of 2417. Any discussion? Being none, the question is, 'Shall House Bill 2417 pass?'. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have

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all voted who wish? Have all voted who wish? Representative Tuerk. Have all voted who wish? Clerk will take the record. On this question there are 158 'aye', 2 'nays', 6 'present'. House Bill 2417, having received a Constitutional Majority, is hereby declared passed. House Bill 2432, Representative Jaffe? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2432, a Bill for an Act to amend Sections of the School Code and the Illinois Administrative Procedure Act. Third Reading of the Bill."

Speaker Daniels: "Representative Jaffe."

Jaffe: "Yes. Let me first say, Mr. Speaker, that the Synopsis of the Bill is incorrect. The Bill is now Amendment #1 and Amendment #4 and basically what Amendment #1 does is it eliminates one of the exceptions as it pertains to the State Board of Education from the Illinois Administrative Procedure Act. What had happened at a Joint Committee on Administrative Procedure meeting of November 17, 1981, 'JAYCAR' objected to a rule set out in the State Board of Education document entitled Certification Bulletin. 'JAYCAR' objected to the Board's rule because it was never adopted as a rule pursuant to the Illinois Administrative Procedure Act. And, of course, the State Board of Education came back and said that that was...that came under exception (b) of the law and that particular exception says, '...statements, guidelines or policies which do not have the force of law...'. After everyone looking at it, everybody sort of thinks that it's redundant anyway and there's duplication so we filed this Bill to eliminate Section (b). In addition to that, Section 4 (sic, Amendment 4) merely is clean up language, that provides that the ...that the Regional Superintendent shall retain the collective bargaining agreement for the life of



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each such agreement. That's what the Bill is about. It passed out of Committee on a 12 to 4 vote and I would urge an 'aye' vote."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves for the passage of House Bill 2432. All in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Representative Smith, would you push Representative McCormick's button as 'aye'? He's right over here; requested you do that. Thank you, Sir. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. There are 129 'ayes', 32 'no', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2437, Representative Karpel? Out of the record. House Bill 2439, Representative Terzich? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2439, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Daniels: "Representative Terzich."

Terzich: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2439 amends the Chicago Park District Annuity and Benefit Fund. These changes were recommended by the Board of Trustees of the Park District Pension Board and also approved by the Commissioners and the Pension Laws Commission. They make very minimal changes. One, it provides that employees who are required to join the fund under legislation passed two years ago the option of contributing for all services prior to the date of entry so they may participate in an IRA Fund; provides for surviving spouses of 50 per cent minimum pension based upon the amount of the pension at the time of the death, rather than the amount of pension at the time of retirement. And it increases the maximum benefit payable on account of a death

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of an active employee with ten or more years of service from \$6,000 to \$10,000. Again, these Bills were passed last year. However, due to a Conference Committee Report, they did...they were not called, but they did pass both houses of the General Assembly. At the present time it does have the State Mandate exclusion on there. The Park Districts is one of the best funded public pension systems in the state with approximately 62 per cent funded. And at the current time they're earning's in excess of revenue is ten million dollars and I would move for your support of House Bill 2439."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 2439. Is there any discussion? Being none, the question is, 'Shall House Bill 2439 pass?'. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. There are 113 'aye', 45 'no', 6 voting 'present'. House Bill 2439, having received a Constitutional Majority, is hereby declared passed. House Bill 2440, Representative Terzich. Out of the record. House Bill 2442, Representative Macdonald. Out of the record. House Bill 2443, Representative Macdonald. Out of the record. House Bill 2450, out of the record. House Bill 2462, Representative Capparelli. Out of the record. House Bill 2466, Representative Stearney. Representative Telcser? Out of the record? Out of the record. Representative Griffin, for what purpose do you arise, Sir?"

Griffin: "Mr. Speaker, for the purpose of an announcement. I would like to thank the Members of the House and the Leadership of the House as well as the Senate, Members of the Senate, for fine cooperation in making our first Legislative Fitness Day a success. We had over 50 Members

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of the House come down to be tested and learn what opportunities were available for improving their fitness and over 15 Members of the Senate. So, this time next year if we have another Legislative Fitness Day, I'm sure we'll have people in even better condition and hope to have even more Representatives and Senators out. So, I want to thank you again for your fine cooperation."

Speaker Daniels: "House Bill 2473, Representative C. M. Stiehl. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2473, a Bill for an Act to amend Sections of the Criminal Code. Third Reading of the Bill."

Speaker Daniels: "Representative Stiehl."

Stiehl: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2473 increases the penalty for killing a person while driving while under the influence of alcohol or drugs. It changes the penalty from a class 4 felony to a class 3 felony. Our present law is a sham and a charade. You can receive a stiffer penalty for shoplifting than for killing ten people while driving while intoxicated. This is an effort to put some value on human life and I would ask for a favorable vote."

Speaker Daniels: "The Lady moves the adoption...for the passage of House Bill 2473. Any discussion? Being none, the question is, 'Shall House Bill 2473 pass?'. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 161 'aye', none voting 'no', 1 voting 'present'. House Bill 2473, having received a Constitutional Majority, is hereby declared passed. House Bill 2474, Representative Telcser. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2474, a Bill for an Act to amend the Illinois Health Finance Authority Act. Third Reading of

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the Bill."

Speaker Daniels: "Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, I'm sure the Members recall House Bill 2474. It's the one which we debated at great length on Second Reading a couple of days ago. House Bill 2474 would extend the life of the Illinois Health Finance Authority for an additional five years. Under current law it is to expire October 1st of 1982. The Authority was created some three years ago in order to help Illinois stem the accelerated rising tide of hospital costs. It is my opinion that this Authority has acted in a responsible fashion in getting started up. It is ready to begin its actual work at this time. It is an agency whose life extension is supported throughout the State of Illinois. It's supported by the Illinois State Chamber of Commerce; it's supported by major labor organizations; it's supported by senior citizen organizations, and it is my sincere belief that for those of us who are interested in the delivery of health care systems in this state, we would be supporting the extension of this Commission. When we originally created this organization, we gave it a charge. We charged it with the responsibility of keeping down or reducing the accelerated level of health care costs. I believe that this is the only way possible to make health care available to Illinois citizens at some rational, reasonable cost. I don't have to tell any Member of this House just what it means in terms of your own peace of mind to know that you and members of your family can obtain health care at a reasonable cost. I say to you, Mr. Speaker and Members of the House, that House Bill 2474 will help us to continue the work of this agency as it stands on the threshold of beginning to reduce further hospital costs and/or the rate at which they accelerate. House Bill 2474

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is a piece of legislation which I believe we owe to the constituents whom we represent to support. I believe that this Bill is entitled to your support; it merits it, the work of the Commission does, its responsibility does; and I sincerely hope and believe that this Bill will receive a sufficient number of votes to pass this afternoon. I appreciate an 'aye' vote."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 2474. Is there any discussion? The Gentleman from Marion, Representative Dwight Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Friedrich: "Isn't it true that this agency has been in operation three and a half years?"

Telcser: "Yes, about three, three and a half years, Representative."

Friedrich: "Isn't it also true that during that time they haven't fixed one rate, even though they've had the authority to do it?"

Telcser: "Representative, as you know, this agency, as others, has gone through an expected start up stage. They've got your computer programming in order. They had to go through the Joint Commission of Administrative Rules which this Assembly makes them do, which you know is a very time consuming process. You also know that it took a number of months for the Board to be organized, for the legislation to be signed and in my opinion, Representative, this agency has taken the normal start up time in order to function, just as any other state agency does when we create it, very normal, very common, from my point of view."

Friedrich: "It seems that three and a half years is inordinately long. The other question is, a number of states have tried this. Do you have any evidence that this is substantially

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controlled or reduced hospital costs in those states which have this?"

Telcser: "Yes, Representative. In our view, rate regulation has worked in other states. Studies by the 'GAO', by the Department of HHS and by commercial insurance companies show that rate regulation does work in terms of slowing the increase of rates in states that are regulated. So it's my opinion, Representative, that indeed, those states that do have regulation have considerably, considerably slowed hospital cost increases."

Friedrich: "Well, Mr. Speaker, to the Bill, just briefly. The information that's come to me indicates number one, that the ...in 1980 the per capita hospital expenditures in regulated states exceeded expenditures in unregulated states by \$43.00. It also shows that since that time, the annual growth per capita has been about the same either way. So what I think we're doing here is putting on and encouraging another layer of regulation in government and all this cost has to be paid by somebody and you and I know who that is. That's the guy that goes to the hospital. That's the guy that pays the insurance. None of these agencies operate for free. This agency has already spent thousands of dollars and that's been right on your hospital bill, because those costs and charges have been made to the hospitals to support this agency."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative O'Connell."

O'Connell: "A question of the Sponsor please."

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

O'Connell: "Representative, I, like many others of us, not all of us, have received a great deal of information, and calls, and inquiries regarding either supporting or opposing this Bill. As a preface to my questions, I, for one, have sort

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of narrowed the issues down. One, the issue that was raised by Representative Friedrich, regarding the three and a half year period where no activity occurred, I think is specious specifically because number one, the Governor did not make his appointees to the finance authority until March of '79, I believe and secondly, the United States Government did not grant the waiver for the Medicare and Medicaid payments until December of 1981. So, as regards to the inactivity of the three and a half years, I do not feel that that should be a reason to oppose this Bill. Secondly, with regards to the question of competition; it has been said by hospitals that the free marketplace should be the element that would keep prices down, keep hospital costs down. I do not feel that the hospital industry is ..should be compared to a normal marketplace such as a retail marketplace where there is a drugstore on every corner. The hospital patient is primarily referred to a particular hospital by the doctor, and it would be my opinion that there is little, if no, competitive element in which hospital is decided. I have narrowed my decision to vote on this Bill into two questions, Representative Telcser, and I'd like to direct these questions to you at this time. Mr. Speaker? Can we keep it down a little please?"

Speaker Daniels: "Do you want to keep it down?"

O'Connell: "I'd like to get some order."

Speaker Daniels: "Oh, okay. Order please."

O'Connell: "Thank you. Representative Telcser, with regard to the question of contingent liability, there has been concerns raised by a specific hospital in my district that the ...because there is a contingent liability, that the hospitals may have to pay back after a period of five years a certain amount of reimbursement if the hospital costs

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exceeded the rates that were proposed by the finance authority. They have indicated that the contingent liability factor has...will prove to be a dilatorious effect on a capital development project. Is there...How would you respond to that concern?"

Telcser: "Well, Representative, I could respond in two ways. First of all, by telling you that in those states that do have an authority similar to this, the bond sales have not been effective, nor am I aware at this point, Representative, of any danger of bond ratings in those states for hospitals who are seeking bond financing."

O'Connell: "Secondly, there's a question of discounts. One of the concerns that the hospitals have raised with me is that the private payer will be locked in to a differential with the Medicare, and that Medicaid is a 12 per cent discount and Medicare at a 10 per cent discount, and that in effect, the private payer will be subsidizing the Medicare recipient. Can you address that argument, please?"

Telcser: "Representative, the reason that commercial insurance supports this legislation is that we have cut the discount to which you refer in half. And that, I believe, would ameliorate the concern which you may have regarding this portion of the legislation. That discount is in half right now."

O'Connell: "Thank you."

Speaker Daniels: "Further discussion? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, like Representative Telcser, believe virtually everybody on this floor understands what the issues are in respect to the Health Finance Authority and this extension at this time. That was the purpose for the debate that we went through two days ago. The agency has spent three



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million dollars over a four year period and accomplished nothing. After four years of work, regulations proposed and adopted for regulation..for rating hospitals, the agency backs off and postpones its regulation of hospitals until after an election in an election year. That tells you something about the desirability of those regulations. When they're afraid to do it before the election you wonder whether it should be done after the election. Cost shifting is one of the major issues in this agency and whether it should be extended. People argue to you that their costs for health insurance are increased because the state is under-compensating hospitals for hospital services. And that is certainly the case. But don't you view it on its face as preposterous that a proposal advanced, proposed and advocated by the Governor and Director Mandeville is in some way designed to increase the cost to Public Aid? There is no way they're going to get the money for that and there is no way they can spend that money and they know that. What this agency is, is an attempt to preserve a campaign issue. It ought to be seen as that. And I think people ought to consider the ramifications of that. I would certainly be for it if it were just a campaign issue. But it's going to come back to us and it's going to haunt us in the next five years. Hospitals are going to come to you constantly and consistently with all of the problems that this agency is going to create in the next five years. I suggest that you consider very carefully whether voting for something like this just because there has been a hard lobbying effort for it, just because it's an agency in being and because of that it's easier to let it go on, whether that is worth wrecking the health care system in the State of Illinois. And I would urge a 'no' vote on this Bill, and Mr. Speaker,

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if it gets the requisite votes I would request a verification."

Speaker Daniels: "You'll be recognized for that purpose, Sir, if it gets the requisite number of votes. The Gentleman from Winnebago, Representative Giorgi."

Giorgi: "Mr. Speaker, I'm going to support this because...I don't know, reasons just to explain to myself, I think. But this is probably the most inept, inane, nonproductive Commission we've ever put together. But the reason I want to speak on this is because again - I didn't want to get into this subject, but it has to do with the subject because ...I have the names of all the members on this finance authority. And again, the Governor shows his disdain for downstate representatives of citizens on his Commissions and his disdain for the selection that he makes. All five of the voting members are ..four are from Cook County, one from downstate. The nonvoting members (are in) the same..the same vein. This isn't the only Commission made up this lopsided. You can go down the list of Commissions. The Prison Review Board has no one from our area. The State Board of Elections has no one from our area. The Environmental Protection Agency has no one from our area. The Governor seems to have disdain for downstate appointees for the various Commissions that can make some decisions, that understand what the problem is. The Health Finance Authority has been an abominable bust and I expect it to be an abominable bust, but my ...seems to ....a vote of support."

Speaker Daniels: "The Gentleman from Henderson, Representative Neff."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2474 as has been brought out here extends an agency that's been operating three and a half

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years, and has accomplished evidently little if nothing. They have set no rates whatsoever on any hospital. Also it has been brought out here about it would lower the rates. Well, from the figures that I can gather, that this isn't true, that the hospitals that have controlled rates have had higher costs and faster increases in hospital expenses than nonrate review states. So, therefore, I think we're passing something here and adding five years to an agency that hasn't showed it's able to..be able to accomplish one thing. And I think it's ridiculous to extend the life of it. Thank you."

Speaker Daniels: "The Gentleman from McHenry, Representative Hanahan."

Hanahan: "Mr. Speaker, I'd like the Gentleman yield for a question?"

Speaker Daniels: "He indicates he will. (Microphone problems) Is that good enough?"

Hanahan: "Heaven."

Speaker Daniels: "Is that good enough. He indicates he will."

Hanahan: "Representative, back in 1968, I think, or '69 we passed a Bill concerning health care finances of hospitals and medical centers so that if you wanted to remodel 'em or you want to put additions in or put cobalt in or you, you know, to stop the competition, is this the outgrowth of that original legislation?"

Telcser: "Representative, it may be a distant cousin. What you're talking about is an agency that regulates, if a hospital wants to add a wing or buy equipment, there isn't duplicitous spending of money for equipment that may not be utilized to its full extent. This agency deals with setting up rates."

Hanahan: "But isn't the rate, that's what I'm getting to, isn't the rate predicated upon the ...."

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Telcser: "...I would say...Yes, I'd say there was a relationship."

Hanahan: "And what I'm confused on, and I think some Members that, you know, have been here that long, are confused on is what is the inter-relationship between this authority and that authority as far as setting the rates?"

Telcser: "Well, I think the relationship that perhaps you're trying to point out is that the level of rates would be a...obviously, a factor that's put into the level of rates, would be the cost, and cost would be a reflection of purchasing of equipment, paying off bonds and debts service for the purchase of equipment. And before you can build or buy equipment, you have to go to the agency to which you refer. So there is that type of a relationship. And I agree with your point. I think it's very well made."

Hanahan: "Well, the reason why I wanted to bring that up is I'm in support of the legislation proposed and I'm hoping that this authority will spend some of its time in this direct question of what we're going to do with the ...with the proliferation of hospital care particles, such as cobalt treatments, items that cost millions and millions of dollars that have to be figured into the rate of hospital and medical care, that somehow this General Assembly is charged and this authority should be charged with watching over the waste of money in the competition, that if XYZ hospital gets its cobalt, they want their cobalt treatment. And it seems to me that the end result is that the taxpayer or the consumer ends up getting hit in the neck with a high bill and hundreds and hundreds of dollars a day costs in a hospital when he's not even using some of the equipment that the hospital has charged to repay thru its bonds. So I'm hoping that in direction of this Bill, that you, as a Sponsor, will help direct that the finance authority work

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together to keep down hospital care costs by watching the construction costs and the proliferation of the needs in a hospital so that we don't have a high bill."

Telcser: "You're absolutely right, Representative. And the agency is right now working on an inter-agency agreement to do exactly what you are saying."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Griffin."

Griffin: "Mr. Speaker, Ladies and Gentlemen of the House, I would just like to, in the midst of this debate, comment that I don't think any of us are talking about purely the issue of whether we are for or against the cost containment of hospitals. I would hope that people who may stand on either side of this issue share a concern about hospital cost containment. But I think it's a question of how to achieve that and in my district there are hospitals which are valiantly trying to operate within very tough economic conditions in creative ways to meet the needs of their people, whether they be poor, middle class, wealthy. They're trying to meet the same kind of economic conditions that I think this authority is addressing itself to. But they tell me that if the further bureaucracy and restrictions are placed on them, it's going to be more difficult for them to meet the needs of the patients in a direct human service way. So, although I applaud the concern of the state, the Governor and all others involved to try to contain hospital costs for the benefit of our citizens, the question is whether this will really do that. With these difficult economic conditions, perhaps the very conditions or economy are going to cause hospitals, the responsible hospitals across the state, to find new ways to meet patient needs. And I have heard many examples of this. So I believe that voting against this extension, in

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effect, is going to put the onus on the hospitals to continue creative thinking and to put the responsibility on them to contain costs. So it's with that understanding and that understanding alone that I would have to vote against this extension. Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Bullock."

Bullock: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, as was indicated previously in earlier debate on this Bill at the Amendment stage, it is in fact an agency that is needed in the state. It's an agency that has gone through growing pains, partially attributable to the fact that 'JAYCAR', the Joint Commission on Administrative Rules, saw fit, not once, but twice, to ask this agency to go back to the drawing board and design regulations that were acceptable by the hospitals. Part of the authority's inactivity is directly attributable to the fact that the State of Illinois and the Federal Government did not see fit to participate in the perspective rate review process. It's brought to my attention now that the State of Illinois and the Governor of the State has now seen fit to make commitments that the state will participate in the Health Finance Authority's activity and that the Governor has asked the authority to delay until December of this year its activity. And honoring the request from the Governor, the authority has, in fact, delayed or postponed its process until then and until the Legislature could act. In response to questions raised by Representative Friedrich, with regard to what the finance authority will actually do for the citizens and for the health consumers, I cite, Representative Friedrich, for your consideration, two separate case experiences in the State of Seattle, Washington and in the State of Maryland. Let's take, for

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example, the State of Maryland that had such an authority and that state saw refund of premiums to insured carriers, Blue-Cross, Blue-Shield, in excess of 15 million dollars. That state also recognized that hospitals who had been bordering at the break even point, in three or four years realized three to four percent net earnings in those very institutions that had, yes, submitted to the perspective rate review process. I think we can realize from those two experiences, in Washington, Seattle and in Maryland, that yes, rate review does work. But I think we can look on the other hand at some of the institutions in our state that are private and non-for-profit facilities and some of those very facilities are realizing nine and ten percent profit margins in those institutions that are really supposed to be non-profit. Where does that profit margin come from? It comes from inflated hospital costs. It comes from inflated charges. And this very Commission, this very Health Finance Authority, attempts to get at inflated health care costs within hospitals. I think the issue here is quite simple. It is one whether or not we want urban hospitals to survive. Many of them today are dumping patients on the street or sending them to Cook County Hospital, where the county taxpayers have to pay for the charity care and where this Body has not seen fit in prior years to look favorably upon the request for deficiency appropriation to Cook County Hospital. And so I think what we see with this measure if we pass 2474 and support the Majority Leader, we're going to see urban hospitals achieve some solvency, solvent because the state will participate in rate settings, solvent because there won't be some mechanism to put a cap on rising hospital costs. I think the issues are clear. I think the message is clear, that the consumers want this Body to respond favorably and vote

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'aye' on House Bill 2474."

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

Ropp: "Yes, Mr. Speaker. Would the Sponsor yield?"

Speaker Daniels: "The Sponsor indicates he will. Representative Telcser?"

Ropp: "Representative, just for some clarification in my own mind, does this particular Bill deal with anything that brings together the different costs between what Public Aid recipients get and private pay patients?"

Telcser: "Yes, Representative, it narrows the difference between the two."

Ropp: "It doesn't bring it together though, does it?"

Telcser: "Not entirely. Perhaps it will in the future. At least we're narrowing the gap. A step in the right direction."

Ropp: "Well, it may be a start. Let me say though that many of our state's hospitals in response to the needs of their communities provide services besides and beyond acute care services. These include skilled nursing facilities, home health agencies, hospice, and other forms of out-reach programs which are usually created in direct response to a need existing in the community which they serve. In many of these instances, the hospital represents the only source of these services in the community and in some cases, even the county in which they are located. Usually these activities are created as hospital treatments and therefore they should be treated as such in this rate setting process. They are exempt under the current proposal which means that ultimately these services will either be lessened or deleted or, in fact, will have to be charged to those recipients that get the service, which means their cost will go up. It seems to me that having had three and a half years of government experience in this particular



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area, and at a cost of some excess of three million dollars, and requesting more than a million dollars again this year, it is clear evidence that once again government has not been very astute to the legislative intent that this Body set out some three years ago. I hope that this particular Bill, even though it speaks very favorably and has a lot of general support, because of what it may do, it has fallen far short. Therefore, I urge a red vote."

Speaker Daniels: "The Lady from Cook, Representative Pullen."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, I would like to remind the House that last year around this time we passed House Bill 116 which repeals the Health Finance Authority. The fact that that Bill has languished in the Senate doesn't make the Health Finance Authority any better this year than it was when we all agreed it should go last year. In fact, I think it's a little bit worse that the Health Finance Authority, knowing that that Bill was pending, still hasn't got its act together a year later. In fact, last year the one thing the Health Finance Authority had to do in the spring in order to be able to start setting rates was to apply in a timely fashion for a Medicaid waiver from the Federal Government. And this fine agency that has done such a good job of getting prepared over three and a half years even managed to blow the deadline on getting its application in by one day. That is how really prepared and good and strong this agency is. Ladies and Gentlemen, we agreed last year that it was not functioning. It hadn't done anything for two and a half years then. Now it hasn't done anything except spend money for three and a half years. And the whole philosophy behind the idea of government setting health care rates does not do anything to contain hospital costs. It contains hospital rates. That is, Ladies and Gentlemen, it

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addresses the symptom and not the cause of rising health care costs. Until the cause is addressed, nothing is really going to work. To put a Band-Aid or a tourniquet on the symptom is not going to do any more good than any of the other government regulation schemes that have been shown so many times in the past not to work. I urge you to vote 'no' on the Bill to continue this bureaucratic mess. Thank you."

Speaker Daniels: "The Gentleman from Cook, Representative Kornowicz."

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

Speaker Daniels: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?'. All those in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Gentleman from Cook, Representative Telcser, to close."

Telcser: "Well, Mr. Speaker and Members of the House, it seems to me that the bulk of the debate that we had a few moments ago from the opponents centered around the time period in which it took the agency to begin their start up program. Frankly, it doesn't surprise me and it should not surprise any Member of this Body. The time period which it has taken this agency to begin its work, in my view, is very normal, very typical and frankly, I am not surprised at all. I was in this chamber at the time this agency was created. I had anticipated a time period about this length and frankly, this is just what has happened. When we created this agency, we made a promise to Illinois citizens to help them receive hospital and medical care at a reasonable cost as is possible. The vehicle for accomplishing this is the agency to which we address ourselves this afternoon. The agency has gone through its preliminary start up process and it is now ready and able

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to begin regulating the hospitals one by one. I have confidence in this agency and I have confidence in this Assembly, the Assembly which created the agency, and I say to you that because of its start up preparation and because of the just recently approved federal agreements, we are on the threshold to begin to do the work for which this agency was designed and we are going to begin to fulfill the promises which we have made to all of Illinois' 11 million plus citizens. I can't ...I'm positive in my own mind that the Members agree that one of the most critical services that Illinois citizens need and ought to have at a reasonable cost is health care. What could be more important? Mr. Speaker and Members of the House, House Bill 2474 deserves your support. It's the right thing to do and I sincerely hope you give us an affirmative vote."

Speaker Daniels: "The Gentleman, Representative Telcser, has moved for the passage of House Bill 2474. The question is, 'Shall House Bill 2474 pass?'. Excuse me. Representative Vinson, for what purpose do you arise, Sir?"

Vinson: "Mr. Speaker, I think it might be expeditious in voting on this issue to have an Oral Verified Roll Call."

Speaker Daniels: "We will run the usual Roll Call and then if it receives the requisite number of votes, you will be recognized for purposes of a verification, Representative Vinson. The Gentleman, Representative Telcser, moves for the passage of House Bill 2474. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. To explain his vote, the Gentleman from Cook, Representative O'Connell. The timer's on, Sir."

O'Connell: "Mr. Speaker, several questions were raised by me specifically regarding this issue and it was indicated to me that the State of Maryland has not had any problems. I took it upon myself to telephone the John Hopkins

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University Hospital in Baltimore, Maryland. And I spoke to a 'Dr. Gaytnor'. He indicated to me that for 80 years the hospital was in the red and they have now been in the black..."

Speaker Daniels: "Excuse me. Excuse me, Sir. Representative Ebbesen, for what purpose do you arise?"

Ebbesen: "Well, I stand corrected, but I think he addressed himself during debate. Shouldn't he..."

Speaker Daniels: "Did the Gentleman speak in debate?"

O'Connell: "Mr. Speaker, I'm trying to clarify a question I'd raised on a point of..."

Speaker Daniels: "I'm sorry, Sir. You did speak in debate. My error. Excuse me. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 86 'aye', 70 voting 'no', 10 voting 'present'. The Gentleman from Cook, Representative Telcser?"

Telcser: "Mr. Speaker, would you poll the absentees?"

Speaker Daniels: "Requests a Poll of the Absentees. Mr. Clerk?"

Clerk Leone: "Poll of the Absentees: Abramson. Barnes. Breslin. Capparelli. Deuster..."

Speaker Daniels: "Excuse me. Representative Breslin?"

Breslin: "I'd like to be recorded as being 'present', please. I'd like to be recorded as being 'present', please."

Speaker Daniels: "Record Representative Breslin as 'present'."

Clerk Leone: "Continuing with the Poll of the Absentees: Deuster. Giglio. Dick Kelly. Oblinger. Stearney. Winchester. And, J. J. Wolf."

Speaker Daniels: "Representative Smith?"

Smith, Irv: "How am I recorded, Mr. Speaker?"

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

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

Smith, Irv: "Vote me 'aye'."

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Speaker Daniels: "Change Representative Smith from 'present' to 'aye'. Representative McBroom?"

McBroom: "'Aye'."

Speaker Daniels: "Change..."

McBroom: "'Present' to 'aye'."

Speaker Daniels: "Change Representative McBroom from 'present' to 'aye'. Representative Ewing?"

Ewing: "Vote me 'aye'."

Speaker Daniels: "Change Representative Ewing from 'present' to 'aye'. Representative Levin?"

Levin: "'Aye'."

Speaker Daniels: "Record..Change Representative Levin from 'present' to 'aye'. Has everyone voted? Mr. Clerk, record Representative Oblinger as 'present'. There are 90 'aye', 70 'no', and 8 'present'. The Gentleman from DeWitt, Representative Vinson?"

Vinson: "Mr. Speaker, I would request a verification."

Speaker Daniels: "Requests a verification of the Affirmative Roll. Will all Members please be in their seats? All those not entitled to the floor, please retire to the gallery. Mr. Doorkeeper. The Gentleman from DuPage, Representative Hoffman, for what purpose do you arise, Sir?"

Hoffman: "I'd like to request verifi..I be verified."

Speaker Daniels: "Representative Vinson, Representative Hoffman requests leave to be verified. Does he have leave? Leave is granted. Representative Stanley, do you request leave to be verified? Representative Vinson, Representative Stanley? And Balanoff? You request leave to be verified, Ma'am? Representative Younge, you request leave to be verified? Representative Terzich requests leave to be verified. Representative Yourell requests leave to be verified. I'm keeping a record of these for you, Mr.

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Vinson. Representative Carey. Ewell. Okay.  
Representative Piel, for what purpose do you arise, Sir?"

Piel: "Leave to be verified."

Speaker Daniels: "Representative Piel. Christensen and Leverenz.  
All right. All Members please be in their seats. All  
right. Representative Leverenz, you are recorded as voting  
'no', so we are not verifying you on this, on this  
particular Roll. Mr. Clerk, proceed with a verification of  
the Affirmative Roll. We're starting with a count of 90  
'aye' and 70 'no'."

Clerk Leone: "Alexander. Alstat. Balanoff. Beatty. Bell.  
Bianco. Birkinbine. Bower. Braun. Bullock. Carey.  
Catania. Chapman. Christensen. Collins. Conti. Currie.  
Daniels. Darrow. DiPrima. Domico. Doyle. Jack Dunn.  
Epton. Ewell. Ewing. Giorgi. Greiman. Grossi.  
Hallstrom. Hanahan. Hastert. Henry. Hoffman. Huff.  
Huskey. Jaffe. Jones. Kane. Karpiel. Katz. Keane.  
Kociolko. Kornowicz. Krska. Kucharski. Kulas. LaHood.  
Laurino. Lechowicz. Leon. Levin. Margalus. Martire.  
McAuliffe. McBroom. McCormick. Roland Meyer. Mulcahey.  
Murphy. O'Connell. Olson. Pechous. Peters. Piel.  
Pierce. Pouncey. Preston. Rea. Rhem. Rigney. Robbins.  
Saltsman. Sandquist. Schneider. Harry Smith. Irv Smith.  
Margaret Smith. Stanley. Swanstrom. Telcser. Terzich.  
Van Duynes. Vitek. White. Younge. Yourell. Zito.  
Zwick. And, Mr. Speaker."

Speaker Daniels: "All right. Representative Vinson,  
Representative Leon asks leave to be verified and leave was  
granted. All right. Questions of the Affirmative Roll.  
Will the Members please be in their seats? The Gentleman,  
Representative Vinson, on a verification of the Affirmative  
Roll."

Vinson: "Representative Alexander?"

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Speaker Daniels: "Representative Alexander is in her chair."

Vinson: "Representative Birkinbine."

Speaker Daniels: "Representative Birkinbine? Representative Birkinbine? Is the Gentleman in the chambers? How is the Gentleman recorded?"

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

Speaker Daniels: "Remove him. He has been removed, Sir."

Vinson: "Representative Chapman."

Speaker Daniels: "Representative Chapman is in her chair."

Vinson: "Representative Christensen?"

Speaker Daniels: "Representative Christensen had leave to be verified, Sir."

Vinson: "Representative Domico?"

Speaker Daniels: "Representative Birkinbine...Excuse me, Sir. Representative Birkinbine has returned to the chambers. Return Representative Birkinbine to the Affirmative Roll. Proceed, Representative Vinson."

Vinson: "Representative Hanahan."

Speaker Daniels: "Representative Hanahan is by his chair."

Vinson: "Representative Jones?"

Speaker Daniels: "Representative Jones? Emil Jones? Is the Gentleman in the chambers? How is the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Vinson: "Representative Katz?"

Speaker Daniels: "Representative Harold Katz? Representative Katz? Is the Gentleman in the chambers? How is the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Vinson: "Representative Margalus."

Speaker Daniels: "Representative Margalus is by his chair."

Vinson: "Representative Martire."

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Speaker Daniels: "Representative Martire is in the center aisle."

Vinson: "Representative Roland Meyer."

Speaker Daniels: "Representative Roland Meyer is in the rear of the chamber. He's back in the rear, Sir."

Vinson: "Representative Preston."

Speaker Daniels: "Representative Lee Preston? The Gentleman is over here on the Democrat side."

Vinson: "Representative Schneider."

Speaker Daniels: "Representative Glen Schneider, is right here by the door. See him, Representative?"

Vinson: "Representative Van Duyne."

Speaker Daniels: "Representative Van Duyne is in his chair."

Vinson: "Representative Zito?"

Speaker Daniels: "Representative Zito is by the distinguished Minority Leader."

Vinson: "Representative Ozella?"

Speaker Daniels: "Representative Ozella? Representative Ozella, is the Gentleman in the chambers? How is the Gentleman recorded?"

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

Vinson: "Representative Catania?"

Speaker Daniels: "Representative Catania? Is the Lady in the chambers? Representative Catania? How is the Lady recorded?"

Clerk Leone: "As 'aye'."

Speaker Daniels: "Remove her."

Vinson: "Representative Braun?"

Speaker Daniels: "Excuse me, Sir. Representative Bianco, for what purpose do you arise, Sir?"

Bianco: "Yes, Mr. Speaker. Can I have leave to be verified?"

Speaker Daniels: "The Gentleman have leave to be verified? Leave is granted, Sir. Further questions, Representative Vinson?"



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Vinson: "Representative Braun?"

Speaker Daniels: "Representative Braun is in the back of the chambers."

Vinson: "Representative Vitek?"

Speaker Daniels: "Representative Vitek is in the rear of the chambers. Representative Hoxsey, for what purpose do you arise, Ma'am?"

Hoxsey: "Mr. Speaker, change my vote to 'aye', please."

Speaker Daniels: "Change Representative Hoxsey from 'present' to 'aye'."

Vinson: "No further questions."

Speaker Daniels: "Representative Kelly, for what purpose do you arise, Sir?"

Kelly: "Please record me, Mr. Speaker, as 'no'."

Speaker Daniels: "Record Representative Kelly as 'no'. Representative Wolf, J. J. Wolf? Record Representative J. J. Wolf as 'aye'. Representative Winchester?"

Winchester: "How am I recorded, Mr. Speaker?"

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

Clerk Leone: "The Gentleman's not recorded as voting."

Winchester: "Very reluctantly I vote 'aye'."

Speaker Daniels: "Record Representative Winchester as a very reluctant 'aye'. What's the count, Mr. Clerk? On this Bill there are 90 'ayes', 71 'no' and 7 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Telcser."

Telcser: "Mr. Speaker, having voted on the prevailing side by which House Bill 2474 passed, I move to reconsider that vote."

Speaker Daniels: "The Gentleman, having voted on the prevailing side, moves to reconsider the vote by which House Bill 2474 passed. Representative Sandquist moves that that lie upon the table. All those in favor of Representative

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Sandquist's Motion signify by saying 'aye', opposed 'no'. The 'ayes' have it and the Motion's tabled. Representative Karpziel, for what purpose do you seek recognition? Representative Karpziel?"

Karpziel: "Yes, Mr. Speaker. I'd like...the nature of an introduction. To introduce some people in the balcony that are from the Illinois School Board Members and citizens from DuPage County and Cook County and 'Heidi Biederman' who is a legislative coordinator for the Legislative Education Network of DuPage County, up there in the balcony right up there."

Speaker Daniels: "Welcome to Springfield. Speaker Ryan in the Chair."

Speaker Ryan: "Messages from the Senate."

Clerk Leone: "A Message from the Senate by Mr. Wright, Secretary, 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of Bills of the following titles, to wit; House Bill 2211, together with attached Amendments hereto in adoption of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Amendment #2 to House Bill 211(sic 2211), and Senate Amendment #3 to House Bill 211 passed the Senate as amended May 13th, 1982.' Kenneth Wright, Secretary."

Speaker Ryan: "Under the Order of Supplemental Calendar #1, under the Order of Concurrence appears House Bill 2211. Representative Wolf. Representative Wolf."

Wolf, J. J.: "Thank you, Mr. Speaker. I would ask, Mr. Speaker, that the...move that the House do concur with Senate Amendments #1 and 2 to House Bill 2211. Pardon me, Senate Amendments 2 and 3. Senate Amendment #2 makes a 19.7 million dollar transfer within the Department of Public

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Aid. The transfer is from the group care line item into the general assistance to cover grant payments for the remainder of Fiscal Year '82. Senate Amendment #3 makes supplemental appropriations to the Department of Revenue of 1,296,243 dollars to pay for the 120 auditors, collectors and 11 support personnel for the remainder of FY'82. This Amendment also includes a 20,000 dollar transfer to fund the state share of supervisors' assessments salaries and a 100,000 dollar lottery fund transfer into the lottery refunds line. I would move, Mr. Speaker, that the House do concur with Senate Amendments #2 and 3 to House Bill 2211."

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

Madigan: "To...Mr. Speaker, pursuant to rule 60(D) I request a division of this question so that there would be a separate Motion on Senate Amendment #2 and then a separate and second Motion on Senate Amendment #3."

Speaker Ryan: "That's certainly within the rules, and you're rights, Representative. Representative Wolf, would you take these one at a time, please? The Gentleman's asked for a division of the question. Start with Senate Amendment #2. Or 3."

Wolf, J. J.: "Yes, Mr. Speaker, I would ask leave also to suspend the appropriate rules to consider these Amendments at this time."

Speaker Ryan: "Gentleman asks leave to suspend the appropriate rules to hear these Amendments at this time. Are there any objections? Hearing none, leave is granted. Now, Representative Wolf, will you proceed with Senate Amendment #2?"

Wolf, J. J.: "Yes, Mr. Speaker...May I proceed, Mr. Speaker? Mr. Speaker and Members of the House, this transfer Bill will provide Public Aid with enough money to pay general

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assistance for May and June, 1982 with the payment for single adult cases in Chicago, where the Department administers the program using the state funds, at the payment level of 144 dollars."

Speaker Ryan: "Is there any discussion? The Gentleman from Cook, Representative Levin."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, I am intending on voting in favor of concurring on Amendment #2. But I would like to make clear, at least as far as my intention, is this is not intended to indicate any support for the funding at 144 dollar level. I believe the general assistance should be funded at 162, and I think that we should be complying with the court decision; otherwise, we're going to be in contempt of court. But, by voting for this, I recognize that right now there is no money, that we need this. And, I would think, that we'd be able to come back in June, because I understand there will be an AFDC supplemental in June. And, if the court can force payment at 162 level and we can come back with an additional supplemental so that the 162 can be maintained. But I did want the record to be clear, at least as far as my intention, that this should not be construed as supporting 144. We need the money, so I'm going to vote for it."

Speaker Ryan: "Is there any further discussion? The Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I've joined Representative Levin in his remarks regarding Amendment #2. I want to say to all of you, and...because this issue will come up again; there is no way in the world that any Member of this Assembly could live on 144 dollars a month. There is no way in the world that that could happen. And that amount of...that grant amount is so woefully inadequate that I believe we have an

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obligation to make sure that, even in these tight financial times, the poorest among us are not the ones who suffer first and most. Because that's what 144 dollars, in the context of a 15 billion dollar a year budget means. I'm going to vote for this Amendment because it appears we have no choice at this time; but I want to say to you when this issue comes up again to consider the plight of the neediest people in the State of Illinois when we vote for money for general assistance."

Speaker Ryan: "Is there any further discussion? The Lady from Cook, Representative Currie."

Currie: "Thank you, Mr. Speaker. Questions of the Sponsor."

Speaker Ryan: "Indicates he'll yield."

Currie: "Thank you. Representative Wolf, how much were general assistance recipients receiving under this program in the month of April 1982?"

Wolf, J. J.: "Yes, 162."

Currie: "So, the 144 we're talking about represents a substantial decrease in funding for the program. My understanding, Representative Wolf, is that there is presently a court suit involving the amount, the benefit level, that general assistance recipients should receive. I am concerned. I wonder if you are, that our Director of the Department of Public Aid, Jeffrey Miller, might well find himself in contempt of court if we are not transferring more than the 144 dollar level. I understand too, Representative, that the Dir...the Department of Public Aid has hired outside legal help to aid them in that lawsuit. My understanding is that they have hired an expensive legal firm, 'Hopkins and Sutter', to aid them. Can you tell me how much that firm charges our Department of Public Aid per hour?"

Wolf, J. J.: "I have no idea."

Currie: "Well, my expectation, Representative Wolf, is that the

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lawyers who are...the outside lawyers who are helping the Department of Public Aid argue before the circuit court that it's legitimate to pay as little as this Amendment would offer; but those lawyers are receiving more dollars per hour than these general assistance recipients will receive per month under your transfer Amendment. This is, I think, worth pointing out to the House. A transfer Amendment, we are not appropriating any new dollars for Public Aid. We are appropriating at a level that is inadequate to sustain life in the City of Chicago and in the County of Cook. 144 dollars a month won't pay anybody's rent, as far as I know, anyplace in the state, certainly not in the City of Chicago in the County of Cook. And there is no way that 144 dollars a month, even if it's stretched as far as to cover rent, would cover car fare, a meal on the table, a new pair of socks or a pair of shoes. The level the Governor is proposing in Amendment 2 to House Bill 2211 is unconscionably low, and it is in direct violation of an order of the circuit court. It is a decrease in the amount of money that this General Assembly approved a year ago. Because this is an appropriations Bill, there is no way that our action on Amendment #2 affects the substantive language of the Public Aid Code, Section 12-4.11. We have no choice, however, but today approve this concurrence vote. The checks are waiting to be mailed. If we do not offer the 144 dollars that's at stake in this Amendment today, general assistance recipients will get zero next week and in the forthcoming one. There's no doubt in my mind that we will be back here in the middle of June adding additional dollars, transferring more money to pay for the actual requirements of the general assistance program. This is all the Governor's willing to offer the general assistance people.

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That's all he's prepared to offer us today. On the basis that there is no choice, but to give them something rather than nothing, I encourage everybody to vote 'yes'."

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

Friedrich: "Would Representative Wolf yield to a question?"

Speaker Ryan: "Indicates he will."

Friedrich: "What is the level of a payment for a similar case in Missouri?"

Wolf, J. J.: "The level of payment in Missouri?"

Friedrich: "Yeah. What...What would a person in Missouri get for similar assistance?"

Wolf, J. J.: "I can't give you a direct answer, Representative. I believe it varies from...depending on the area of the state."

Friedrich: "Then, you couldn't give me the answer then for Kentucky or Indiana or any of the surrounding states, then? It's not...Well, the reason I ask the question...I'll just make the statement. It is my understanding we're already paying higher than all the surrounding states, and that's the reason we end up with more public aid cases than any other state around here."

Speaker Ryan: "Is there any further discussion? The Lady from Cook, Representative Stewart."

Stewart: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this, reluctantly in support of concurrence in this Amendment; however, I think it's important for those of us in the House to realize that 144 dollars is unacceptable. I think it's important to realize that, regardless of what payments may be in surrounding states, we are concerned with the people here in Illinois. And we want to be able to make sure that they are able to live a half-way decent life. I think that it's ridiculous

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that this issue has gotten so intertwined with the other issue of the revenue agents. I think that, however, at this point, it's my understanding that we have no choice but to...but to vote 'yes' on this to make sure that the needy in this state do receive some kind of...of support to live on. However, I think it's important for us to still think again about the...the needs of people. I'm sure that most of us in this chamber could not get along on a few days, let alone a month on 144."

Speaker Ryan: "Is there any further discussion? Gentleman from Cook, Representative Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I just wanted to correct a misconception that one of the previous speakers carelessly thrust upon this Body. There are a half million people in the State of Illinois that are unemployed today. We know that we are at an unprecedented rate of unemployment across the nation. And for someone to get up on the floor of this House and mistakenly address general assistance as ordinary public aid, I think, is disgraceful. The people on general assistance are people who are out of work; people who have families like you and I do; people who have mortgages like you and I do, and who are trying to find a bridge between unemployment and re-employment. And I think all of you know that this general assistance amount that we are discussing is going exactly to those people who've earned it. They're not welfare cheats. They're not deadbeats. They're people who find themselves, unfortunately, out of work. And certainly in a state like Illinois, which is not comparable to a state like Kentucky either in personal income or per capita income. And I don't think any of us on this floor would dare stand up and make such a reckless statement. I would urge an 'aye' vote. I'm not satisfied



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with 144, but I learned a long time ago, it's better to have a half a loaf than no loaf at all. And maybe the Governor's not going to give us all that we want, but at least he's giving us something to take to the people of our districts, the majority of whom are in Cook County; obviously some are downstate. And I can assure you, those people would be delighted to receive whatever is offered up on the table at this difficult time in their life. I would urge an 'aye' vote. I hope that you will join with the Members of this Body who have spoken previously in support of this Amendment."

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

Bowman: "I just wish to point out that there has been a lot of discussion about the benefit level. But the benefit level is not specified in this legislation. This is an appropriation Bill. We do not substantively amend Section 12-4.11 of the Public Aid Code. This particular Amendment does not specify anything with regard to the benefit level. I would trust that the Governor will keep faith with the people of the state, and provide a proper, adequate funding at 162 dollars, and continue to pay at that level. I, for one, I am voting, at this time, with the gun to my head and with the wolf at the door, and we'll be voting for this appropriation, but I will point out that there is no substantive language in here setting the benefit level. Thank you."

Speaker Ryan: "There any further discussion? Representative Wolf to close on Senate Amendment #2 to House Bill 2211."

Wolf: "Thank you, Mr. Speaker, Members of the House. It appears that, even those who would question the amounts are in support. I would just like to point out, in case someone possibly got the wrong impression, that this is not a

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family assistance. We're not talking 144 dollars per family. We're talking of, basically, single adults. They are also eligible and receive energy assistance payments for the utilities. They are eligible for food stamps. They are eligible for medical and...free dental and medical assistance, plus transportation, cab fare to go to and from. So there is really a little more than just the basic 144 dollars here involved. And those, of course, with families are entitled to AFDC payments, Aid to Dependent Children. So, we're talking not about large families, so in case someone is...got the idea that that would...a family of four, which is generally used...is getting for support, they are mistaken. I would just, then, ask for a 'yes' vote on the Amendment, Mr. Speaker."

Speaker Ryan: "The question is, 'Shall the House concur in Senate Amendment #2 to House Bill 2211?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 161 voting 'aye', 7 voting 'no' and 1 voting 'present'. And the Senate...or the House concurs in Senate Amendment #2. Representative Wolf in Senate Amendment #3."

Wolf, J. J.: "Thank you, Mr. Speaker and Members of the Assembly. I would just ask for the same Roll Call vote on the concurrence with Senate Amendment #3."

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

Madigan: "Mr. Speaker, has the Gentleman moved to concur in Amendment #3?"

Speaker Ryan: "I don't think he has yet, but I think he's getting ready to."

Madigan: "Well, when that...when that question is before the House, I have a few well-chosen words to offer."

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Speaker Ryan: "I can hardly wait. Representative Wolf."

Wolf, J. J.: "Yes, Mr. Speaker, I would not want to deny the House that great speech that the distinguished Minority Leader has prepared, so, now, Mr. Speaker, Members of the House, I now move you that the House do concur with Senate Amendment #3 to House Bill 2211."

Speaker Ryan: "All right. The Gentleman moves that the House concur in Senate Amendment #3 to House Bill 2211. Now, is there discussion? Representative Madigan for a few choice words."

Madigan: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the Gentleman's Motion. This question was thoroughly considered by the House Appropriations Committee, and then later thoroughly considered by the full House. At that time, a Bill which would have appropriated this money failed to pass the House. At the time of its failure, there was no effort by the Sponsor to place the Bill on the Order of Postponed Consideration. The Bill was simply allowed to die. Subsequently, Governor Thompson chose to link the subject matter of this Amendment with the subject matter of the previous Amendment, which meant that he chose to link the question of support for public assistance in Illinois with the revenue collectors in the Department of Revenue. It is my judgment, corroborated by the Democratic Members of the House Appropriations Committee, that the Department of Revenue had failed to prove the need for the additional auditors and collectors that it hired, without legislative authorization. I think it's important to understand the history of this legislative authorization. One year ago, at the time that the Fiscal Year 1982 appropriation for the Department of Revenue was under consideration in the House Appropriations Committee, the Department was specifically asked by

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Representative Matijevich, 'Do you seek appropriation for the additional auditors and collectors?'. And the response was 'No'. Subsequently, we were in Session during the Veto Session. There was no request forthcoming from the Department of Revenue for authorization for these additional auditors and collectors. We were here at the time of the Governor's State of the State address in January. We were here at the time of the Governor's Budget message in March. On neither of those occasions was there any request from the Department of Revenue for the authorization to hire the additional auditors and collectors. And yet, despite a history where there was no request for the authorization, despite repeated opportunities for the Department of Revenue to appear before the House of Representatives and ask for that authorization, there was no request forthcoming. And despite all of that, the Department proceeded in January of this year to hire the auditors and the collectors. It was because of this action, in complete contravention of the appropriations process of the Legislature, that they now come before us seeking a supplemental appropriation; that they now come before us and say, 'If you do not pass this authorization, then we will be required to lay off over 700 employees for 30 days'. The issue is not, are we responsible for the lay-off of 700 employees. The question is, 'Why did they hire without legislative authorization?'. That is the question. They have failed to prove that they should be exonerated for their complete lack of regard for the appropriations process. And if they are required to lay off 700 employees, then it's because of their poor budget management in that Department; and it is because they have repeatedly failed to come before this legislative Body, on many opportunities, and ask for that

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authorization. For all of these reasons, I stand in opposition to a Motion to concur in Senate Amendment #3 to House Bill 2211."

Speaker Ryan: "The Gentleman from Cook, Representative Telcser."

Telcser: "Well, Mr. Speaker, Members of the House. As always, the Minority Leader has very succinctly set forth his reasons for taking his position on a Bill. The Gentleman said, in his remarks, that this...that, quote, this was the issue, and he went on to talk about the Revenue Department failing to come before the Legislature on a number of occasions to request the revenue agents or the new employees. The Minority Leader stated that that was the issue. Well, Mr. Speaker and Members of the House, I say to you, that is far from being the issue. The issue with which we are dealing today is the solvency of Illinois. We are, now, dealing with whether or not Illinois, unlike many neighboring states, is going to maintain its fiscal integrity. Now, I think everybody knows, you can't spend money that you do not have. The Minority Leader and I and other Leaders took part in a meeting yesterday, and it was made abundantly clear to us how much it will cost Illinois to lose these employees in the Department of Revenue. It would cost some 15 million dollars in the next six weeks. Three million of which would go to local government. Twelve million dollars, to the general revenue fund. If we fail to appropriate money into the next fiscal year, we could lose even more. And what's more, we will lose employees who are working for us out-of-state. Employees whom we can't just let go for a few weeks, then rehire; but employees we would lose, perhaps, for good. So, Mr. Speaker and Members of the House, I say to you that the Minority Leader is missing the point, and is not talking about the central issue. The central issue is

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responsibility; not only the responsibility to fund and pay for citizens in Illinois who need help from government, but the responsibility to raise the money so that we may serve those citizens in Illinois who need help. If we cannot generate and collect the money owed to Illinois by taxpayers, we will be short funds to service our needs. And so, Mr. Speaker and Members of the House, I say to you, again, that is the central issue. That's the question before us. Fiscal integrity to meet Illinois' obligations to its citizens. And that's what you ought to be voting on today. Mr. Speaker and Members of the House, I think everyone ought to vote 'yes' on the Gentleman's Motion."

Speaker Ryan: "The Gentleman from Lake, Representative Matijeovich."

Matijeovich: "Yes, Mr. Speaker and Members of the House, House Bill 2211, as coming over here from the Senate, can now be characterized as a two-part Bill; a two-part Bill which could be called 'The Poor and the Politics'. If you will recall, Jake Wolf had a Bill regarding the revenue agents, the revenue collectors. That Bill went down. And I could just see, after that Bill went down and it was called a defeat, the wheels just spinning saying, 'How can we pass this Bill?'. It's been done before you know. You pass a Bill that you can't otherwise do by tying it in with an issue that the Legislature just has to pass. And Art Telcser and everybody knew that we weren't going to leave this Legislature without those welfare checks being paid; without the recipients getting the monies due them, even though we were funding it at a lesser level than we appropriately should. So, the logical, political thing to do was to tie it in with that issue. And then, you found out that some of us weren't going to buy that. That we knew you were playing politics with the poor, and we didn't

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think it was right. So, evidently, the Governor thought, well, he'll work something out with the Senate; but still tying the two issues together. He did say yesterday, 'Oh, we're separating them. We're putting them in two separate Amendments.'. But all...all of us know that that really doesn't divorce the issue, because if he really wanted to separate the issues, this Bill could come here with only Senate Amendment #2 on it. The Bill was referring to the revenue collectors is in Jake...Jake Wolf's Bill already. That would really be divorcing the issues. But he, evidently, struck a deal that's been done here many times before, in the Senate. That is another issue altogether that we as the House ought to understand; it's part and parcel of what may be going on here. But let's get on to the main issue, because the Minority Leader had said that the Department, of its own volition...of its own volition last year, when, as some of you know what happens very often with the Senate Committee. They have what they call that 8 percent solution. And the Department had the...it was up to the Department whether they were going to have across the board cut or not. And they opted to eliminate 76 positions from this division. And that was their own choice. And let me tell you also, we...we're talking now about all of this emergency that they have. Let me tell you what their vacancy was as of February 28 in the Department. February 28, this was only a couple of short months ago. They had a vacancy of 306 people in the Department. The Department had vacancies. They weren't even filling their vacancies. And now they're telling us that they need all these personnels to generate new revenue. The Department argues that, by increasing personnel, that we are going to generate new revenue. But, only with good, proper training can we have effective

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auditors and collectors. And my staff analysis tells me that the reverse is true. That they have had a poor record because of poor training and because of poor salaries, too. The morale in that Department is lower than any department in State Government. And maybe that's why some people aren't getting their circuit breaker refunds on time, too. That may be part of it. I don't know. But that is the fact, that the morale is terrible, and that is why we haven't been generating the funds that we should be generating. And the fact is, according to my staff analysis, that many of the auditors were inept and inefficient. And that is why we're...we're not having the collections as we should. So, I think the issue is, Ladies and Gentlemen of the House, that this is a matter not what Representative Telcser has said, the solvency of the State of Illinois. This is the solvency of the Republican Party. It's the only agency that the Governor's got where he can put on patronage people. That's the issue. I commend the Majority...Minority Leader for taking this very hard stand, even though the Governor has tried to put him in a hard place by tying it with public assistance. I like the fact, too, that for once the House could stand firm against any deals made by the Executive and the Senate. No one House knows all the answers. That's why they tied it together; because they know...they knew that they could strike a deal with the Senate. And this tells me something about the Minority Leader; that he's not going to stand for striking those types of deals, and I think that's good for the integrity of the House. But if it were only that, I wouldn't be here speaking on this issue; because, I firmly believe...I firmly believe that this is the way. You know, it was a few years ago, I think all...most of the people of Illinois would believe that the Governor wouldn't play a



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trick like this. But, lately I think, all of the people of Illinois think he's just another politician; that he would do something like this. Well, I'm telling you, I'm standing here firmly and saying that I think that we ought to oppose this. We ought to show that we can divorce the issues and oppose this matter that is political as can be, and it goes nothing with regards to the solvency of the State of Illinois. If we want to talk about the solvency of the State of Illinois, I'll tell you, for two months from now till the end of June, we're going to talk a lot about that, and we're going to tell you why we've got problems in the State of Illinois. We've got problems in the whole country, and we've got to solve those. But it goes not to this issue, there are many other related issues that goes to new federalism and many other. We'll get to those later."

Speaker Ryan: "Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, I've heard an awful lot the last couple of weeks about political patronage. I think the Gentleman on the other end of the aisle had enough press release. They've made their point. How short is your memory, the Members on the other side of the aisle, when I mentioned the other day that the Secretary of State, for the good of the State of Illinois, needed some investigators and they came in with a Christmas tree package that was...had no correlation at all with changing 2600 jobs and locking them in to the Personnel Code. Not one single Member on this side of the aisle got up and screamed about a political grab, a power grab. Well, Mr. Minority Leader, I have belonged to this party for some 35-40 years. The Republican party doesn't know what to do with political patronage when they get it. The last five people that were appointed from my area don't

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even know where the Republican party is in Leyden Township. This has nothing to do...this is definitely correlated with the welfare program. I've heard Representatives get up and complain about the formula from 162 dollars to 144, but they're going to vote for it because they want that and that know they need that to get their checks. This is definitely, by hiring these 700 people, and I'll guarantee you, Mr. Minority Leader, go over that list and see which ones of them will political hacks, if there are any political hacks, on that 700 list. If you want that formula to be brought up, give us these revenue agents so that we could go out and get the tax cheats, and we can bring up that formula to 162...162 dollars. Again I say, you made your point. You got your press release. Now, if you want to play politics with human misery, it's up to you. The Republican Party's doing everything they can to try to collect the 15 million dollars. And, again I repeat, 12 million dollars goes to the State of Illinois and 3 million dollars goes to local government. And I don't have to tell you where that 3 million...90 percent of that 3 million dollars will go to. It will be within the corporate limits of the City of Chicago. And you people know what to do with political patronage. We have still got to learn."

Speaker Ryan: "The Gentleman from Peoria, Representative Schraeder."

Schraeder: "Thank you, Mr. Speaker and Members of the House. It's been apparent for some time now, the Leadership in both Houses and both Parties have been negotiating with the Governor, and, apparently, there's been some movement. But, it's quite apparent to me that the Leadership on my side of the aisle are at complete odds with each other. And I'm tired of getting caught in a political log jam by

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my Party, when my two Leaders can't even sit down and find out what they want to do. Now, I grant you, this is probably patronage in its worse form; but I've advocated for many years that we increase our auditing staff for the Department of Revenue, and we've been unable to do that. This is the first time anybody did it, even in a matter of patronage. But it might be interesting to those of you who haven't seen the vote that took place in the Senate on this particular Bill. Under Amendment...Over there on the two issues, we're not talking about...There wasn't even a Roll Call vote. What does that tell you? On the vote itself on the House Bill 2211, let me tell you how it went. 44 votes for, 5 against. Now, let me say it took 19 Democrats to pass that Bill over there. Now, if you're trying to pass legislation by giving the Senate control and leaving the House sweating in the lurks and finding the grave, then so be it. But, it isn't going to be that way with me. I happen to believe we need the auditors in the Revenue Department, and I'm going to support it. I supported it in the past, and I'm going to support it until my term runs out in January. Like it or not, that's the way it is."

Speaker Ryan: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker. I rise in opposition to this Motion. In response to the Majority Leader on the other side of the aisle, who based his entire argument on the fiscal solvency of the state, I would say that Mr. Thompson, our Governor, has been Governor for six years. He has had the opportunity to beef up the auditing department, in that time, and has failed to do so. I would point out that there has been tax cheating all during that time. There is no evidence that there is any increase in tax cheating. So what is new about this particular situation? What is new is that the fiscal condition of the

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state has been permitted to deteriorate by the same kind of mismanagement that has lead the administration to neglecting the auditing department of the Department of Revenue. I could add only one thing to the remarks of the Minority Leader. That is that not only did the Democrats in the Appropriations Committee last year question the Department of Revenue about their...the level of their auditing staff, but we offered an Amendment to add 10 additional auditors last year. That Amendment was added...was offered to beef up the auditing department by the Democrats last year, and it failed on a partisan Roll Call. It was rejected by the Republican Party. It was rejected by the Administration. Suddenly, miraculously, the Governor woke up to the desperate condition of the state. He is pinning his hoax for avoi...averting a fiscal crisis on a few additional auditors in the Revenue Department. That is a desperate gamble, Ladies and Gentlemen. That is a desperate hope. He is praying that those people will be able to bring in enough money to forestall a genuine fiscal crisis. Well, let me tell you, Ladies and Gentlemen, according to the best estimates of the Economic and Fiscal Commission, the gap is much, much greater than these auditors can fill. It would require a staffing level several time what this Amendment provides. I suggest to the Governor, I suggest to anyone who proposes to vote for this that this will not do the job that the Majority Leader suggests that it will do. I am voting 'no' as a protest to the mismanagement that has brought us to the brink of financial crisis. I vote 'no' as a protest to the Governor's tardy recognition of this, to his addition to the Revenue staff, without regard to the appropriation level, without regard to the appropriation process. He added those people without any authorization from the

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Legislature; and now he seeks to backtrack to get authorization after the fact. That is a lousy way to do business, Ladies and Gentlemen. I vote 'no' because that this is the very worst of business practices at the very perilous...most perilous of times. I vote 'no'."

Speaker Ryan: "Representative Piel."

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

Speaker Ryan: "Gentleman moves the previous question. All in favor will signify by saying 'aye', all opposed 'no'. They 'ayes' have it, and the Gentleman's Motion prevails. You really want a Roll Call on that Motion, Representative Darrow? Do you want a Roll Call on the Motion? Absolutely, you'll have an opportunity to explain your vote. Representative Wolf to close."

Wolf, J. J.: "Well, thank you, Mr. Speaker and Members of the House. We have, once again, been treated to the election year political harangue from the other side of the aisle. What we're looking for is about a million two or a million three to hire revenue collection officers and auditors. When we discussed this Bill under...earlier time, all the great discussion was made about hiring all these people from out-of-state. Well, the reason we have out-of-state auditors is because there are a lot of corporations, the big corporations it's always said on that side of the aisle, the big Republican money people is the way we hear it all the time. We've heard this ever since the Depression days in 1931. And I guess, like Goebel said over in Germany, if you tell a lie big enough and often enough, eventually there are enough people who are going to believe it. The fact of the matter is, these corporations from outside the State of Illinois, doing business in the State of Illinois, are not paying their fair share of taxes to the State of Illinois; and that's why it is necessary to

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have auditors to go out and audit these people to make sure that they paid the taxes to the State of Illinois to which we're justly entitled to. And, without that money, the people on that side of the aisle can't keep voting for all the spending measures. Now, we heard about the Appropriations Committee, which I happen to chair. Let me tell you what's happened in the Appropriations Committee. The Democrats have offered...by the way, they don't vote for any appropriations, they either vote 'no' or 'present' because of the political baloney out there that the Governor's budget is unbalanced, and it's 145 or 150 million dollars too high. So, what kind of help are we getting. Out of those 22 Amendments, 20 Amendments that the Democrats have offered would add 163.8 million dollars more to the budget, more spending which they contend is already out of balance by 150 million dollars; and two Amendments which would decrease it by a million seven. So, you tell me, Mr. Speaker and Members of the House, who is acting responsible and who is giving a lot of election year bull? I think this is a good Amendment. We ought to join the Senate who has acted responsibly, and only 5 dissenting votes in the Senate. We ought to join the Republican Members of this House and the enlightened Gentleman from Peoria and vote 'yes'."

Speaker Ryan: "Representative Darrow, one minute to explain your vote. Oh, Roll Call. Roll Call. The question is, 'Shall the House concur in Senate Amendment #3 to House Bill 2211?'. All in favor will signify by voting 'aye', all opposed 'no'. Now, Representative Darrow, you got a minute. You took...You got Darrow on?"

Darrow: "I'm not on...there. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I don't always see eye-to-eye with the Minority Leader. Last week I voted in favor of this

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appropriation. Today I read the Amendment more carefully. I see that this money comes from the motor fuel tax. 4,168,000 dollars from the motor fuel tax. Representative Neff says it costs 100,000 dollars to resurface one mile of road. That's 40 miles we could resurface. C. L. McCormick would tell you route 149 east and west, Frankfort needs resurfacing. Representative Reilly would say route 4 between Litchfield and Gillespie needs resurfacing. Hoxsey will say route 30 north in LaSalle County needs resurfacing. We can use this money to resurface roads. We ought vote 'no' or 'present', and use this motor fuel tax for what it's meant for, for resurfacing. I would ask for a verification should this receive the needed votes. Thank you."

Speaker Ryan: "Representative Birkinbine, one minute to explain your vote."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. There's only one person on the other side of the aisle who has talked turkey so far. This boils down to nothing more than an in-House fight between the President of the Senate and the Minority Leader here in the House, and you know it. This passed out of the Senate on a vote of 44 to 5. Only 5 Democrats voted against this Bill. That's the only reason we're down here. Now, there's a myth that the press like to perpetuate that there's such a thing as an independent Democrat on the floor of the House. Go ahead, try and find some of these so-called independents up there. Any time the Minority Leader snaps his fingers, they all fall in line on almost any hack Bill you want. Now, out of the...out of those so-called 4 million dollars of revenue funds, only 140,000 of them come out of the motor fuel tax. I don't know why you're concerned about the patronage. You know how the second floor works.

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Chances are, a majority of those 700 people are Democrats. And, to get the job, they all probably had to go through Al Ronan."

Speaker Ryan: "Representative Henry, one minute to explain your vote."

Henry: "Thank you...Thank you, Mr. Speaker, Ladies and Gentlemen of the House. If I had the opportunity, I had some questions for the Sponsor; because I wanted to know where is the affirmative action program for this Department. I am concerned about that, because we have high unemployment among minorities. I'd like to know how many blacks and how many hispanics are you hiring? Then, how much money are you spending downstate and upstate? I'd like to know...I'd like to know why the deals are made to tie to people hungry food, G. A. and everything else in public aid. I'm supporting the Leader, and he's not leading me. I think he's right. I think Mike Madigan is correct on this issue; that you're cheating and your checking and you think you're tricking the people. You're not tricking all the people all the time. You may trick some, some of the time. In 1983, you may not be here."

Speaker Ryan: "Gentleman from Marion, Representative Friedrich, one minute to explain your vote."

Friedrich: "Mr. Speaker, Members of the House, I think the Minority Leader is being very childish in this matter. The question is simply, 'Do we need these men out there bringing in this revenue to the State of Illinois from the tax cheaters?'. It's that simple. If this does not pass, we won't have them. Now, one more thing about the patronage part. I've been around here a long time, and I've got my first guy walk...working for the Department of Revenue to make a contribution to my campaign or offer to work in the county campaign. That may work that way in



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Chicago, but down here I've never known of an employee at the Department of Revenue to get out and work politics in the Republican Party."

Speaker Ryan: "The Gentleman from Macon, Representative Dunn, one minute."

Dunn, John: "Mr. Speaker, just a point of inquiry. I wonder if our temporary rules still provide that there shall be no T. V. light on during explanation of vote."

Speaker Ryan: "Your point's well taken. No T.V. during explanation of vote, no picture taking. Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 84 voting 'aye', 75 voting 'no' and 5 voting 'present'. Representative Wolf."

Wolf, J. J.: "Yes, Mr. Speaker, could we poll the absentees, please?"

Speaker Ryan: "Gentleman requests a Poll of the Absentees. Poll the absentees, Mr. Clerk."

Clerk Leone: "Poll of the Absentees. Abramson. Barnes. Capparelli. Deuster. Getty. Greiman. Jones. Katz. Laurino. Lechowicz. Martire. Stearney and Stewart."

Speaker Ryan: "Representative Jones, do you wish to be recorded 'no'? Record the Gentleman as 'no'. Representative Greiman wishes to be recorded as 'no'. Are there any other changes, additions, deletions? On this question there are...how many, Mr. Clerk? Will you give me a count? Representative Meyer, for what purpose do you seek recognition? Record the Gentleman as 'aye'. Representative Lechowicz, for what purpose do you seek recognition?"

Lechowicz: "Record me as 'no'."

Speaker Ryan: "Record the Gentleman as 'no'. Representative Vitek."

Vitek: "How am I recorded?"

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Speaker Ryan: "How is the Gentleman recorded?"

Clerk Leone: "Gentleman's recorded as voting 'present'."

Vitek: "I want to change it to 'no'."

Speaker Ryan: "Record the Gentleman 'no'. Now, what's the count, Mr. Clerk? On this question there are 85 voting 'aye', 78 voting 'no' and 4 voting 'present'. And the Gentleman's Motion fails, and the House refuses to concur in Senate Amendment #3 to House Bill 2211. On the Calendar under...on page 10 under the Order of House Bills Third Reading appears House Bill 2482, Representative Kustra. Out of the record. Representative Peters in the Chair."

Representative Peters: "Representative Madigan, for what purpose do you seek recognition?"

Madigan: "Mr. Speaker, to...to ask if we should not call again the previous Bill, House Bill 2211, for the purpose of offering a Motion to non-concur in Senate Amendment #3? The normal procedure..."

Speaker Peters: "Just a minute. Mr. Clerk, 2482 will be taken out of the record. The order of the House will be to return to House Bill 2211. The Chair recognizes Representative Madigan for the purposes of a Motion."

Madigan: "And, Mr. Speaker, in light of the failure of the Motion to concur, I now move that the House do not concur in Senate Amendment #3 to House Bill 2211."

Speaker Peters: "The Gentleman moves that the House not concur in Senate Amendment #3 to House Bill 2281(sic - 2211). Those...All in favor will say 'aye', opposed... The opinion of the chair, the 'ayes' have it. The House does not concur. House Bill 2486, Representative Bell. Out of the record. House Bill 2495, Representative Sandquist. Read the Bill, Mr. Clerk. Will those not entitled to the floor please leave so that we can conduct what business we have to conduct and, again, get out of here at a reasonable

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hour? Those not entitled to the floor, please remove themselves. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2495, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Speaker Peters: "Representative Sandquist."

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I hope this is not controversial. I don't think it is. What this Bill does is two things. First of all, it...it provides for a penalty for the late filings on insurance returns. This was something that was brought out by the auditor of the...by the audit of the Department of Insurance, and the Auditor General suggested that they should have in order to expedite the audit process, they recommended that taxpayers who file late returns should be subject to a penalty. So, that's one part of the Bill. The second part of the Bill provides for a separation of the privilege tax with the retaliatory tax. And the reason for that is, there is a suit pending right now which...in which the out-of-state insurance companies are challenging the privilege tax, which is... And, in addition, the...the retaliatory tax is in the same part of the Section as the privilege tax. And, if they should be successful, then the state would lose the retaliatory tax. So, to make sure of that...that they both couldn't happen, the...it is separated. In addition, Amendment #1, which was put on the Bill, provided that the Director...the Bill, as it was originally drawn, said that the Director shall have estimated payments on this tax. And what Amendment #1 did just made it that he could have it instead of that it was mandatory. I do...I don't believe there is any opposition to it, and be happy to try to answer any questions."

Speaker Peters: "Any discussion? Representative John Dunn."

Dunn, John: "Question of the Sponsor."

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

Dunn, John: "Was this Bill heard in Committee?"

Sandquist: "No. No, this is one of the Bills in a series that were before the Insurance Committee on the day that we did not have the hearing."

Dunn, John: "Thank you, Mr. Sponsor. I think the Membership should take that fact into consideration when voting upon this piece of legislation."

Speaker Peters: "Further discussion? Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Brummer: "Is there any insurance premium tax increase in this Bill?"

Sandquist: "No, there is not."

Brummer: "Could we have your assurance that if that went on in the Senate, you would move to non-concur with regard to that?"

Sandquist: "You have my assurance."

Brummer: "Thank you."

Speaker Peters: "Further discussion? Representative Sandquist to close."

Sandquist: "I just say, this is an important Bill that...so we don't lose the flow, the cash flow, of the receipts on the retaliatory tax if that case should be upheld. And, therefore, I ask a favorable Roll."

Speaker Peters: "The question is, 'Shall House Bill 2495 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. The voting is open. No. Representative Ewing. Representative Ewing, at Representative Peters and Wolf's request, would you vote 'yes', please? Thank you. Have all...Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 159 voting 'aye', none

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voting 'nay', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2496, Representative Ryan - Meyer. Out of the record. House Bill 2498, Representative Telcser. Representative Telcser. Out of the record. House Bill 2499, Representative Telcser. Out of the record. House Bill 2500, Representative Stiehl, C. M. Stiehl. Out again. Out of the record. House Bill 2502, Representative Bower. Read the Bill, Mr. Clerk. Out of the record? Representative Bower, did... Out of the record? Out of the record. House Bill 2504, Representative Reilly. Will the Gentleman in front of Representative Reilly please... Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2504, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill."

Speaker Peters: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. House Bill..."

Speaker Peters: "Excuse me. Give the Gentleman your attention, please."

Reilly: "House Bill 2504 simply takes care of an auditing problem with the Department of Commerce and Community Affairs. Both the Auditor General of the State of Illinois and the federal department that gives grants to this agency has indicated that there ought to be established a state trust fund for the purpose of properly accounting for funds received from the general service administration of the Federal Government. Previously they had them in some kind of federal trust funds. Those are gone. And, for accounting purposes, Mr. 'Cronson' and others have suggested that a state trust fund should be set up. That's all this does. I would be glad to answer questions; but, otherwise, I would ask for a favorable Roll Call."

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Speaker Peters: "Any discussion? Representative Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Cullerton: "Won't this Bill only serve to decrease the agency's accountability to the state and to the Office of the Comptroller?"

Reilly: "No."

Cullerton: "Why not?"

Reilly: "Well, because the...these funds have to be, as I understand it, these are funds...In essence, the state administers these programs. And the state must be reimbursed for the cost of administration from the Federal Government. These are not, to begin with, state funds. The Auditor General has suggested that the best way to have the accountability you're concerned with and still get the state reimbursed for the...for the cost of administering what are really federal programs, is to have the state trust funds. The accounting procedures, the auditing procedures and so on, as I say, have been approved by his offices. And his office is usually very careful about things. The state ought to have the accountability you're concerned about."

Cullerton: "Well, as I understand it, the..."

Reilly: "Provi...Provides the audit trail, as Representative Leverenz was just indicating."

Cullerton: "All right. As I understand it, the Department has indicated the Bill's necessary because of the elimination of several federal trust funds. Is that right? That has gone into the block grants instead."

Reilly: "That's correct."

Cullerton: "Okay. As these categorical programs go into the block grants, there shouldn't be a problem with the agency in...with allocating the cost. The problem is with the

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admini...the administrative costs, the block...the grants, themselves, will go through the regular...as, indeed, these funds, will go through the regular appropriations process. The problem is, you've got to have some way, when they...whatever the costs are, secretaries, adding machines, whatever they may be of administering those grant programs, you somehow have to have some way to get the state department reimbursed for that. And it is precisely to provide an audit trail that we need this...this kind of trust fund. Otherwise...Otherwise, you get reimbursed and you get no accountability at all. It's not, in any way, an attempt to get around that. Quite the opposite."

Speaker Peters: "Further discussion? Representative John Dunn."

Dunn, John: "Question of the Sponsor."

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

Dunn, John: "If...If this Bill becomes law, does money wind up in the general revenue fund which wouldn't wind up in the general revenue fund now?"

Reilly: "No."

Dunn, John: "Thank you."

Speaker Peters: "Representative Reilly."

Reilly: "Well, I would close if there are no further...Are there further questions?"

Speaker Peters: "Representative Brummer, do you have a questions? Representative Bowman."

Bowman: "Yes, a question of the Sponsor."

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

Bowman: "Does not the block grants obviate the need for this?"

Reilly: "No."

Bowman: "Are any of these particular..."

Reilly: "Because they also receive...The reason the block grants don't is because there are several other funds, the Urban Planning Assistance Fund, the Economic Opportunity Fund. I

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have a list, here, of nine other kinds of funds that...that are involved, and that, I am told, is the reason it doesn't obviate the need for this."

Bowman: "Okay. Have you discussed this with the Comptroller of this state or his staff?"

Reilly: "I have not, but this Bill has gone through the regular process. The Comptroller knows who the Auditor General of the state is. He knows who the Sponsor of the Bill is. At no point in that process, and there's been no particular rush on this Bill, at no point in that process have any people from his office indicated any problems. And, as I...as I say, the Auditor General is usually very protective and, I think, has been in this case, of the need for accountability. There's really nothing controversial about this Bill. I think you're looking under rocks to find things that aren't there."

Bowman: "Well, my concern, Representative, is that the...the Auditor General's report was...was published prior to the block grants program being put into place. Was it not?"

Reilly: "Yes."

Bowman: "Okay. That being the case, my concern is whether there is still a need for the Bill; and...and, that being the case, I would think that it would have been quite appropriate for you to have discussed this with the Comptroller. Have you discussed it further with the Auditor General?"

Reilly: "Yes, and they are...they think the Bill is in the form they have suggested."

Bowman: "Thank you."

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

Reilly: "Yes, Mr. Speaker, I think this has been adequately discussed. There...There's been no objection raised by the



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Comptroller or anyone else, as we've gone through the process. This is needed. It is suggested by the Auditor General, and I would ask for a favorable Roll Call."

Speaker Peters: "Question is, 'Shall House Bill 2504 pass?'. Those in...Those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This question there are 153 voting 'aye', 2 voting 'nay', 9 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2505, Representative Robbins. We'll get to you, Representative Stiehl, and then Deuchler. Representative Robbins. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2505, a Bill for an Act to amend the Uniform Commercial Code and the Civil Administrative Code. Third Reading of the Bill."

Speaker Peters: "Representative Robbins."

Robbins: "20...2505 addresses a problem of grain bankruptcies. This gives the farmer priority over all other credit holders. This Bill has...It is now amended...has no opposition, that I know of."

Speaker Peters: "Any discussion? There being none, the question is...Oh, Representative Leinenweber."

Leinenweber: "I noticed by the Digest, it says that the Bill amends the Uniform Commercial Code. Does it still do that?"

Robbins: "Yes, Sir."

Leinenweber: "In what respect does it amend the Uni..."

Robbins: "In...In the case of a bankrupt elevator, this gives a...a farmer prior...on his own grain. As happened in Missouri, a farmer had warehouse grain which was mortgaged to the government, stored in the elevator, and he went in

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to take his own grain back and now he's in jail. So, we have bypassed that so the far...set that up so the farmer can get his grain back."

Leinenweber: "So...But, specifically, I noticed the Bill amends the...the Civil Administrative Code. Does it still do that, or is it strictly the Uniform Commercial Code, now?"

Robbins: "I believe you...If you will...The Bill does, as it says in the Digest. Would you care to open your Digest and read the Bill? Open your book and read the Bill?"

Leinenweber: "I've got the Bill in front of me."

Speaker Peters: "Further discussion, Representative Leinenweber?"

Leinenweber: "Well, there's...there's...We have a, along with almost every other state in the Union, a Uniform Commercial Code. And this Bill, to the extent that it changes that Code, would put Illinois somewhat out of...in conformity with the Uniform Commercial Code. And, I would have hoped to have had a better discussion as to what effect...how this would affect the commercial interest in the state. However, inasmuch as there does not appear to be any opposition, at least hasn't arisen to date, then I suppose that whatever lack of conformity will exist will be somewhat minimal."

Speaker Peters: "Representative Van Duyne."

Van Duyne: "The Gentleman answer a question?"

Speaker Peters: "He indicates he will."

Van Duyne: "Well, now, he's putting the farmer ahead of everybody. Who else do you cut out? What other people would be entitled to some kind of settlement? Because we had this...this very case happen in Joliet. The grain elevator in Joliet went bankrupt last year. What other creditors are we talking about? For example, if I was a trucker and I worked for the Joliet Grain, would I be also cut out if they owed me money for my trucking? And if

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you...if that's true, if I would be cut out and the farmers would be put ahead of me, how can you rationalize or justify that...that they are entitled to more than I, when they do owe me a bona fide amount of money?"

Robbins: "Basically, because of the fact that most of the grain that is stored in the elevator is put in there and put in there on a warehouse certificate; whereby, they are paying the elevator for storing the grain, yet, they retain title to the grain."

Van Dyne: "Well, I live in a farm community. In fact, I farm myself, and some of the far...some of the fellows that come out to the farm and haul that stuff in to the grain elevator for...for me or for the grain elevator when the transaction is made, don't necessarily work for me or...but they do work for the grain elevator. Now, even though...even though I didn't hire the person, I have some kind of a...an obligation to this trucker; because he did come out and haul my grain, and it's supposed to...the hauling is supposed to be deducted from my grain...my storage price."

Robbins: "When...When your grain is priced, it is priced before the hauling is paid. You are paid for the grain and you can surely pay your own trucker."

Van Dyne: "Well, I think there are still arrangements made with the grain elevator for that type of service, though; where I can say, 'You just go ahead and collect from the grain elevator, and that stuff is deducted from my...from my total price before I ever get my check'."

Robbins: "In...In a bankruptcy proceedings, you will receive the full price of your grain, regardless of what kind of an arrangement you have made with your trucker. Then, you can pay the obligation to the elevator or to the trucker."

Van Dyne: "Well, I'm not talking about..."

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Robbins: "But...But...But, your ownership of the grain will be recognized. You will be paid in full, and the trucker will...will wait in line with the other people as far as assets are concerned."

Van Duynes: "Well, I...as I take your answer, I think that you are putting the guy that owns the grain ahead of everybody else, and I think that, probably, they should be on an equal parallel. I think I have as much right to file a claim against a bankrupt corporation as...as the guy that owns the grain. If he deserves his money and I don't, I think there are provisions already in the law for that. I'm really in a quandry as to whether to vote for this or not. I don't think I will."

Speaker Peters: "Further discussion. Representative Greiman."

Greiman: "Well, I have just a couple of questions, if the Gentleman will yield. There's a reference here in the end that, 'in the event of a failure, the lien shall be assigned to the Illinois Department of Agriculture for liquidation to satisfy claims'. And failure just says, the...it defines a number of places, but it says, 'a failure to pay claimants in the ordinary course of business'. How about...or the denial of a license renewal'. What if the fellow has the license renewal denied, and he is appealing it? Or, what if he paid...can't pay one week, but could pay the next week? Doesn't the Department of Agriculture have to do anything? Do they just come in, or what do they do? Take over?"

Robbins: "The Department of Agriculture requires a bond, and if you, according to the laws of the State of Illinois on any kind of an agricultural commodity, if you fail to make proper payment, then the Department of Agriculture has a right to call your bond, whether it is from grain or livestock or whatever. And this gives them the right to

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collect, after they have paid you, anything that is due."

Greiman: "Well, okay. On the Bill, I...even if it were a good idea, and I'm not...I'm not sure that Representative Van Dyne hasn't really raised a serious issue with it, it seems to me to be very sketchily drawn. It seems to me there is no time when one would know when a failure, in fact, occurs; no time and no mechanism for the state, really, to come in and make the determination; no notice provision, at all, to either the person who owns the grain dealer...or the grain assets, or, as a matter of fact, to any of the people who are ot...additional creditors to develop their...their claims. This is a complicated arrangement which has been simplified into a page or so. I recall we had some corn banks and what not last year that were deep in detailed statutes. This is just too sketchy. I'm fearful that anything that would be done here would end up in litigation and would be counterproductive. I think I'm going to, probably, vote 'present' or 'no', just because I don't think this is ready to be done."

Speaker Peters: "Representative Vinson."

Vinson: "Mr. Speaker, I would just like to make an introduction. A former House Member, Republican Leader, Representative 'Gil' Deavers, who is on the floor."

Speaker Peters: "Welcome, Representative Deavers. Anyone who's interested in coal-mining land in Wyoming, swampland in Florida, bayou country in Louisiana, anything that's good and wholesome, Representative Deavers has it. Representative Brummer, do you have a question of the Sponsor?"

Brummer: "No, just briefly in...in support of this legislation, Mr. Speaker. Contrary to the prior speaker, and I know he isn't on the Ag Committee, we had extensive testimony on this Bill, I think on three different occasions. One was

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an informal hearing, the Illinois Bankers Association, the Illinois Grain Dealers, the Farm Bureau, the other farm organizations were involved in this. It does create a priority with regard to claimants; with regard to, number one, claimants are those holding warehouse receipts; number two, are those who have sold and delivered grain within 30 days prior to the failure; number three, those who have sold and delivered grain more than 30 days prior; and, number four, the general creditors. I would hasten to point out that that priority only applies with regard to the grain assets itself, which are defined in the Bill. It does not apply to the other assets of the...of the failed elevator. It only applies to the grain assets of that elevator. And the rationale is that the...the farmer selling those grain assets were the ones that brought them in there, and that's the rationale of the Bill. I think it has been well researched, and ought to be supported."

Speaker Peters: "Representative Alstat."

Alstat: "Mr. Speaker, I rise in support of this Bill. A lot of you have probably read in the papers where, in southern Missouri, there was a grain elevator bankruptcy. And a gentleman by the name of Wayne 'Crites' went in and took his grain out of this elevator. It was stored grain. The title had not passed. This would be the same thing as if any of you had furniture stored in a warehouse. It's your furniture. The warehouse goes broke, and a judge says that it now belongs into the bankruptcy court. This is what a judge ruled, in this particular case. The title had not passed on this grain. It still, plainly, belonged to Mr. 'Crites'. This gentleman today is in jail because the Judge ruled it contempt of court that he would not divulge who helped him take his grain out. This Bill would prevent a judge from making a ruling to take away a persons

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property, grain in this case, and would clearly establish the property owners right to his grain. I urge a 'yes' vote on this."

Speaker Peters: "Representative Flinn."

Flinn: "Well, Mr. Speaker, in the interest of moving right along, I move the previous question."

Speaker Peters: "The question is, 'Shall the previous questions be put?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Robbins to close."

Robbins: "I appreciate the concerns of the people on the floor of the House. This legislation has caused me to make several trips. It is not exactly the way I would like to have it, but I think that we have reached a consensus after many hours of committee hearings, and I would appreciate a favorable Roll Call. Thank you."

Speaker Peters: "The question is, 'Shall House Bill 2505 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? Representative Friedrich to explain his vote."

Friedrich: "Mr. Speaker, despite the lopsided Roll Call, I think you're playing with fire. You think you're going to help these small elevators and the farmers. What you really do is putting them all out of business; because they won't be able to get any credit from the local banks. Who, in a bank, is going to loan money to an elevator when they become a second-class claim, as opposed to anyone that comes...walks in with some grain? I can tell you now, that in our area, they live because they're able to get bank loans, and they won't be able to after this Bill. You can sell your grain to Cargill. They've got plenty of money,

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and you can take their price."

Speaker Peters: "Representative Hoxsey to explain her vote."

Hoxsey: "Just...Just to clarify a little bit for Representative Friedrich. That is no longer true. This Bill does not interfere with the credit the farmer's going to get, and we've gone through that whole route in the Agriculture Committee. And, at this point in time, the Bill does not...it protects the farmer, but it does not interfere with their ability to get credit; and it is not going to be a detriment to either the banker or the elevator. And that's not easy to do, Representative. But I think we took care of it in the Agriculture Committee."

Speaker Peters: "Take the record, Mr. Clerk. On this question there are 156 voting 'aye', 8 voting 'nay', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. With leave of the House, the Chair would like to pick up House Bill 2500. Is there objection? There being none, House Bill 2500, Representative Stiehl. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2500, a Bill for an Act to authorize the Department of Transportation to convey certain parcels of land. Third Reading of the Bill."

Speaker Peters: "Representative Stiehl, C. M."

Stiehl: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2500 conveys 5.2 acres of land in St. Claire County. This land was purchased in 1967 by the Department of Transportation for the price of 7,850 dollars. It is no longer needed by the state; and, therefore, the state is selling it for 18,300 dollars. A..."

Speaker Peters: "Any discussion?"

Stiehl: "...Amendment #1 to the Bill is also a conveyance. This conveys three acres of land to the village of Oswego for



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public purposes. The land is no longer needed."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House 2500 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 164 voting 'aye' none voting 'nay', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. For what purpose does the Lady from Kane, Representative Deuchler, seek recognition?"

Deuchler: "...Speaker, I request leave to go back to my House Bill 2277."

Speaker Peters: "The Lady asks leave of the House to go back to pick up House Bill 2277. Is there objection? There being none, leave is granted. Representative Deuchler on 2277. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2277, a Bill for an Act to amend an Act relating to composition election of county boards. Third Reading of the Bill."

Speaker Peters: "Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House, this Bill is a permissive Bill. It allows the salaries of county board members to be determined on the basis of a combined per diem and annual basis, instead of...and permits more flexibility with the combined per diem and salary, instead of, as is now the case, on an either/or proposition. It is permissive. It exempts Cook County, and I think that, from my experience serving on the Kane County Board, this would be a far fairer way of recompensive county board members."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 2277 pass?'. Those in favor will

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signify by voting 'aye', those opposed by voting 'nay'. 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 162 voting 'aye', 4 voting 'nay', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2506, Representative McAuliffe. Out of the record. House Bill 2507, Representative Mays. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2507, a Bill for an Act to amend various Acts relating to assignment and unemployment insurance benefits."

Speaker Peters: "Representative Mays."

Clerk O'Brien: "Third Reading of the Bill."

Mays: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This legislation implements Sections 2335 of...of...under the Budget Reconciliation Act of 1981, which requires Departments of Public Aid and Labor to exchange information regarding each active parent receiving unemployment insurance benefits who is under court order to pay child support to the state for a child or children receiving AFDC or for other children on whose behalf an application has been made and approved for life support service. This is compliance legislation. We've had the Bill sitting, now, on Third Reading for ample review by all parties concerned. In our mind, I think, we've got it pretty well tied down. We've run it by both side of the aisle, and if there's any questions I'll entertain them at this point."

Speaker Peters: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Cullerton: "Your Act, I believe, on page 5 refers to the Social Security Act, referring to Section 454. Is that correct?"

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Mays: "That's page 4?"

Cullerton: "Page 5."

Mays: "Yeah."

Cullerton: "We couldn't find a Section 454 of the Social Security Act. I believe it might be 654. Could you double-check that?"

Mays: "Hold on for a second. All right. Representative, did you say you could not find Section 454 of the Social Security Act."

Cullerton: "Well, I think...I think you're supposed to refer to Section 654."

Mays: "654? If that's the case, we will amend that in the Senate."

Cullerton: "I don't know, I think we've heard something like that before."

Mays: "You're too kind, John."

Cullerton: "Sure you want to take a chance. You know, the Senate, we don't know what they're going to do next. Why don't you just bring it back to Second and amend it, and we can pass it out tomorrow?"

Mays: "Well, just one second. It is Section 2335, Section 454 of the Social Security Act, as amended."

Cullerton: "Does that Section relate to mandatory child support?"

Mays: "It relates to child support, intercept and unemployment benefits."

Cullerton: "Thank you."

Speaker Peters: "Further discussion? There being none, the question is, 'Shall House Bill 2507 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? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 163 voting 'aye', 4 voting 'nay', 1 voting 'present'.

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This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2508, Representative Ewing. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2508, a Bill for an Act to amend the Illinois Horseracing Act. Third Reading of the Bill."

Speaker Peters: "Representative Ewing."

Ewing: "As my good friend, Representative DiPrima would say, this is a good Bill, vote for it. ...Anybody has any questions."

Speaker Peters: "The question is...The question is...Any discussion? Representative Kane."

Kane: "I would say, if that's all he's going to say about it, we ought to vote 'no'."

Speaker Peters: "Response, Representative Ewing?"

Ewing: "If anybody has any questions, I'd certainly be glad to answer them. I think that the Bill speaks for itself. It raises the maximum annual fee from ten to 25 dollars and it raises the license fee. This money is going to provide better testing for the racing industry, and I believe that it's pretty well accepted by the industry that the costs have to go up to provide these state services."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill...Well, your light isn't on, Zeke, I can't...it's not on here, Mr...Mr. electrician. Pardon? Well, it's not on here."

Giorgi: "It's on now. Representative Ewing, from whence did this Bill originate? Representative Ewing, the fellow with three...with three county fairs in one county. From whence did this Bill originate?"

Ewing: "This would be an administration Bill."

Giorgi: "Did it...Was it from the racing board or just the Bureau of the Budget or a couple of you guys in the back room?"

Ewing: "Well, late one night somebody came to my door and handed

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it to me. No, I..."

Giorgi: "Was there an envelope?"

Ewing: "It just came from the administration, and I don't know that it came from the racing board, Representative."

Giorgi: "Well, it's a tax increase. You know, when some of us are squeamish about voting for tax increases, we'd like to know the reason for the increase."

Ewing: "Well, it is not a tax increase. It's a fee increase. These services are provided to...to that industry, and I think that, unless you want your taxpayers back home to subsidize the racing industry, you'll vote 'no'. If you want the working men and women of this...this state not to subsidize the racing industry, you'll vote 'yes'."

Giorgi: "I don't know about how many...you know, I don't know how many people from my area go to the tracks as compared to the people from your area..."

Ewing: "Quite a few."

Giorgi: "...But I know that you're one of the areas that has three county fairs in one county. You're the only county...You're the only county that takes advantage of that skim at the track to fund your county fairs. I don't know. Maybe you're trying to justify that by increasing the fees."

Ewing: "No. I don...These two are not connected."

Speaker Peters: "Rep...Further discussion? Representative Bradley."

Bradley: "What's...I was just wondering if he might respond as to what the amount of money will be raised through this if this becomes law."

Ewing: "About 400,000 annually."

Bradley: "All right. And as...you said something about it, but I didn't hear whether you indicated that the racing board is in favor or opposed to this. Or are they taking a

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position?"

Ewing: "It is...It is the racing board's Bill."

Bradley: "It's the racing board's Bill?"

Ewing: "That's right."

Bradley: "Thank you."

Speaker Peters: "Further discussion? There being none, the question is, 'Shall House Bill 2508 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. 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 143 voting 'aye', 16 voting 'nay', 2 voting...Bower 'aye'. What? 144 voting 'aye', 16 voting 'nay', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative McAuliffe. The Gentleman asks leave of the House to return to hear House Bill 2506. Is there objection? There being none, leave is granted. House Bill 2506, Representative McAuliffe. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2506, a Bill for an Act in relation to the use of false and fictitious names by law enforcement officers. Third Reading of the Bill."

Speaker Peters: "Representative McAuliffe."

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House, Representative Getty has an Amendment on this Bill, and I'd like to take it back to Second Reading. I think Representative Cullerton's going to handle it for Representative Getty. I'd like to have leave to take this Bill back to the Order of Second Reading."

Speaker Peters: "Are you asking for leave, Representative McAuliffe? Representative McAuliffe asks leave to take House Bill 2506 back to the Order of Second Reading for the purpose of Amendment. Is there objection? There being

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none, leave is granted. Mr. Clerk, Second...Second Reading."

Clerk O'Brien: "Floor Amendment #1, Cullerton, amends House Bill 25..."

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

Cullerton: "Thank you, Mr. Speaker. This Amendment will remove any provisions of perjury of trial, and will require approval by the State's Attorney of the county, Director of Law Enforcement of the state and the Superintendent of the Police for the City of Chicago. That's what the Amendment does. It's an agreed Amendment with the Sponsor, and that's where it's at."

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

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Representative McAuliffe now asks leave that the House Bill 2506 be considered on the order of Third Reading and voted on. Is there objection? There being none, leave is granted. Mr. Clerk."

Clerk O'Brien: "House Bill 2506, a Bill for an Act in relation to the use of false and fictitious names by law enforcement officers. Third Reading of the Bill."

Speaker Peters: "Representative McAuliffe."

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House, this would just make legal what has been going on for a long time in Illinois. When police officers are engaged in undercover investigations, sometimes they obtain fictitious drivers licenses or other identification under an assumed name. This would clarify their legal status, and I'd ask for a favorable Roll Call."

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Speaker Peters: "Any discussion? Fine. The question is, 'Shall House Bill 2506 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? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 164 voting 'aye', none voting 'nay', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2513, Representative Reilly. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2513, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Peters: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. All this does is make practical the Bill that we passed last year to allow and encourage the Department of Public Aid to be...do a better job of collecting child support payment. What this does is provide a quick and practical way to get the payment that the Department succeeds in collecting to the proper party; that is usually the mother who has custody of the child. I'd be glad to answer questions; otherwise, I'd ask for a favorable Roll Call."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 2513 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? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 166 voting 'aye', none voting 'nay', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2516, Representative Daniels. Out of the record. Out of the record. House Bill 2520, Representative Daniels. Out of the record? Out



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of the record. House Bill 2521, Representative Griffin.  
Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2521, a Bill for an Act relating to  
rights of crime victims and witnesses. Third Reading of  
the Bill."

Speaker Peters: "Representative Griffin."

Griffin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
House. House Bill 2521 is concerned with two things.  
First, making sure that victims and witnesses of violent  
crimes will be treated like human beings; have their  
concerns about possible violence done to themselves by  
those who are accused be prevented. And secondly, that the  
prosecutions will be furthered by encouraging witnesses to  
step forward and testify in court. The basic idea of this  
Bill is to guarantee that notification will be provided to  
those victims and witnesses who want the same. And there  
have been some Amendments offered. We've gone through a  
process of deliberation on this. I think people on both  
sides of the aisle are satisfied. All Members of the  
Judiciary Committee, that I know of, go along with this  
Bill in its present form. And I would welcome any  
questions, and hope that you would support this  
legislation."

Speaker Peters: "Any discussion? Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of  
the House. I rise in support of this very fine piece of  
legislation, of which I am the Cosponsor. I compliment  
Representative Griffin for bringing this to our attention.  
Many times, victims are really caught up in the system.  
They think that the State's Attorney is their lawyer, but  
he really is not. And, many times, the State's Attorneys  
become very busy and they make some deals with defense  
lawyers, and they don't get back to the victims and let the

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victims know what...what happened to the case. People some...frequently may be the victim of a robbery, a purse snatch and they don't know whether the defendant copped a deal and got out, was found not guilty or whatever. So, this...this Bill is designed to keep the victims informed as to what their rights are and what the status of their case is. And, for that reason, I think it's an excellent idea."

Speaker Peters: "Further discussion? Representative Vitek."

Vitek: "Just a question of the Sponsor, a clarification."

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

Vitek: "Mr. Sponsor, I got to...getting bad. I've got to get new eyeglasses. My synopsis here shows that the Act applies only where the victim is the holder of a retailers' occupation tax number. Now, I don't have a retailers' tax oc..."

Griffin: "No, that is not related to this Bill, Representative Vitek. This...This Bill doesn't have any relationship to that. These are victims of violent crimes, and that...it's restricted to that."

Vitek: "That clears me up."

Griffin: "Okay."

Vitek: "Thank you."

Speaker Peters: "Yeah. Representative Van Duyne."

Van Duyne: "Yes, thank you very much, Mr. Speaker. Will the Gentleman..."

Speaker Peters: "He indicates he will."

Van Duyne: "Does this, also, apply to automobiles that are impounded in drug raids?"

Griffin: "No. It does not."

Van Duyne: "Why not? You see, I had this Bill myself about seven years ago, and I think it's an unnecessary...well, indiscretion on the part of the...on the part of the people

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that impound the cars. Whenever a person has a car stolen from him and someone uses it in a...some kind of a...a drug-related crime, the Sheriff will usually...the State's Attorney will usually impound the car. Whether it be federal or whether it be county, they will usually impound the car. Sometimes, they...they keep these things for evidence for even as long as a year; and, in that intervening time, the car sometimes is demolished. And the guy that owns the car really has a heck of a time getting reimbursed for that. In fact, he doesn't do it."

Griffin: "Representative Van Duyne, this legislation does not relate, in any way, to that situation, to drugs. It's strictly victims of violent crimes, and...Okay?"

Van Duyne: "Okay. All right, thank you very much. I'm...I'm going to support the legislation. In fact, I wish I was one of the Sponsors. I just wish it had gone a little further, because I was involved in this myself some years back. And I wish you would have incor...incorporated that in the Bill."

Griffin: "Well, other Members of the House have taken a part of this and made Bills of their own of it. So, I'm sure, in the future, you're welcome to do that."

Van Duyne: "Thank you."

Speaker Peters: "Representative Kosinski."

Kosinski: "Will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Kosinski: "Redd, I remember the original Bill, but describe to me what Amendment #1 does."

Griffin: "Well, there was objection in Committee to the incorporation of that reference to replacing...using photographs in place of physical evidence; and, the same thing that was done for the retail merchants last year. So, on objection from the Judiciary II Committee, we struck

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that entire Section; and, when we brought it up for Second Reading, we had...we had support. So, we amended that entire Section out."

Kosinski: "In other words, what we passed last Session, in terms of admission of photographs rather than retain merchandise of dealers, has been stricken from the statute by the Amendment which you are not guilty of, but which occurred in Judiciary. Is that it?"

Griffin: "It...Not from the statute, no. But, just from our Bill."

Kosinski: "Oh, just from your Bill. But, will it remain in the statute?"

Griffin: "Absolutely. That hasn't affected that at all."

Kosinski: "Thank you. Then I can support your Bill."

Griffin: "Thank you."

Speaker Peters: "Further discussion? Representative Beatty."

Beatty: "Would the Sponsor yield for a question?"

Speaker Peters: "He indicates he will."

Beatty: "Mr. Sponsor, you still have the provision in the Bill that the witness has to be notified every month as to what's going on?"

Griffin: "I'm very happy you asked that question. We dealt with that, and we eliminated that from the Bill in its current form. That was the Amendment #2."

Beatty: "Did you also eliminate the...the business about providing a translator?"

Griffin: "Hold on a minute, please. There was no objection to that, but let me say that, as I understand the language of the Bill, it's only where feasible. So, it makes very clear that it's not a mandatory requirement."

Beatty: "Thank you."

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

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Griffin: "Representative Cullerton described eloquently, I think, what the impact on people will be of this Bill. And that's my main concern is how we'll help victims in this state and witnesses protect their dignity, have an opportunity to be protected in court and afterwards from those people who may do violence to them. I've known instances in my own community of people who have been reluctant to step forward to testify, and have lived in constant fear of their lives and those of their loved ones because of not knowing the whereabouts of people who are accused of criminal acts, acts of violence. So, I think this Bill is really for the victims of crime in the State of Illinois; and it's a great step forward. And I appreciate having Representative Miller and Cullerton as Cosponsors. I hope that you'll all support this worthy Bill. Thank you."

Speaker Peters: "Question is, 'Shall House Bill 2521 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? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 164 voting 'aye', none voting 'nay', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2531, Representative O'Brien. Out of the record. You'll have to fill out a slip, Representative Satterthwaite. Sorry. Repre...House Bill 2535, Representative Fawell. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2535, a Bill for an Act to amend an Act in relation to the Department of Law Enforcement. Third Reading of the Bill."

Speaker Peters: "Representative Fawell."

Fawell: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. House Bill 2535, first of all I want to make

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clear, is basically a fee Bill. The Department of Law Enforcement already has the authority that I'm about to talk about. And what this Bill does, this Bill allows the Department of Law Enforcement to furnish records of convictions to units of government and to businesses for help in making hiring and job assignment decisions for security sensitive positions, and charge a fee to the businesses for this service. They already can give this information to the businesses; but because of the load that has been placed upon them by the local governments, they have not been able to furnish this service. These convictions must be felonies, and the following felonies have been taken out of this Bill by the third Amendment that we adopted the other day."

Speaker Peters: "Any discussion?"

Fawell: "Wait a..."

Speaker Peters: "Oh, I'm sorry."

Fawell: "Felonies such as aggravated battery, compelling organization membership to persons under 17, compelling...compelling confessions or information by force or threat, eavesdropping, criminal damage to property, including fire apparatus, trespassing, trespassing land to vehicles, damage to the state-approved property, criminal trespass to state-supported land and unauthorized possession or storage of weapons or criminal trespass to restricted areas. None of those will be included in this Bill. The reason this Bill is needed is, although the Department of Law Enforcement can give this information; as I said before, they are swamped by the local governments. Under this Bill, this information will only be given to persons involved in hiring background investigation job assignment or license approval, of the person whose job is in...is up. These jobs must be those that include working

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in or near dwellings without immediate supervision, custody or control over access to secret processes, trade secrets or other confidential information, and knowledge or access to secret processes or cash. Let me give you a few examples of where this information is needed. Abbott lab has called me and told me that they have a warehouse full of drugs. They need security guards, and they would like to make sure that these security guards do not partake in their wares before they leave. The reason this Bill is so important, it came out of a...a case not too long ago, where the Avis drivers' school inadvertently hired a convicted rapist who, then, took a young girl out, raped her and the girl managed to collect 800,000 dollars from the Avis drivers' school. They claim that they had no knowledge that this man was a convicted felon. Also, public service needs guards for their nuclear plants. This is the type of security position that I'm speaking of. I believe this is a good Bill. I think it is needed. A number of the businesses are very interested in it. And I ask for a favorable vote, and I will answer any questions."

Speaker Peters: "There's...There are, now, eight Members seeking recognition, Representative Fawell. Representative Kosinski."

Kosinski: "Representative Fawell, refresh my memory from Committee, will you please? Was there a fee connected with this if such information was desired?"

Fawell: "Yes, there will be a fee to the businesses, just to cover the costs, and the fee will be put in this Department. So, it's..."

Kosinski: "Does the fee go into the general fund or does it go to the Department of Law Enforcement."

Fawell: "Department of Law, under Amendment 1."

Kosinski: "It goes to the Department of Law Enforcement."

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Fawell: "Yes."

Kosinski: "How was the fee established?"

Fawell: "It's Amendment 2. I'm sorry."

Kosinski: "How was the fee established? How did they know what it would cost? Wouldn't it be different in varying cases?"

Fawell: "No, it would be a reasonable fee which will be set by the Director."

Kosinski: "The Director set the fee."

Fawell: "Yes."

Kosinski: "A flat fee in all instances."

Fawell: "I assume so, yes, Sir."

Kosinski: "Thank you."

Speaker Peters: "Representative Bullock. Gentleman here?"

Representative Preston. There he is. I'm sorry, Representative, I've been castigated by Representative Giorgi to insure that I follow the rules, Representative. So, I...that's what I was attempting to do. I'm sure you understand that. Representative Bullock."

Bullock: "Well, Mr. Speaker, as you know, I sit here at your sufferance. Ladies and Gentlemen of the House, well, first of all, I'd like to ask Representative Fawell a question. You started out by saying that this was a merely Bill. It merely was a fee Bill."

Fawell: "Yes, Sir, because the Department already can give this information out. They just have not been able to because they don't have the personnel to...to give it out."

Bullock: "Representative, my reading of the Bill, this Bill's been amended three times. Is that correct?"

Fawell: "That's correct, Sir."

Bullock: "And each Amendment attempted to...to correct a flaw or to, at least, restrict the Department in some way. Could you tell this Body, and I didn't hear that in your...in your dissertation; could you tell this Body why this Bill



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is necessary?"

Fawell: "Because there are certain businesses that need this type of information before they can hire anyone. As I...The examples I gave, for instance, was Abbott lab has a warehouse full of drugs. They want to make sure that they don't hire a...a known drug dealer. Avis driving school inadvertently hired a rapist, who, then, took one of their passengers out to teach her how to drive and, unfortunately, other things."

Bullock: "Well, I..."

Fawell: "This is...This is the kind of...of businesses that needs this information."

Bullock: "Well, you know, I'm not for rapists, gang rape or any type of rape; I'm not for robbers. I'm really supportive of business trying to get good employees, but I think...I think, in several instances, we can't ask government to do everything for business. And I'm sure you agree. One of..."

Fawell: "I'm sorry..."

Bullock: "Mr. Speaker, the Bill."

Speaker Peters: "Proceed."

Bullock: "You know, the Representative represents the party that continuously reminding us that we need less government interference. And, at the same time, she's saying that the private sector firms would like for the Department of Law Enforcement to do their policing for them. Now, the police records are there. Their attorneys are on retainers. As Zeke Giorgi would tell you, 150 dollars an hour, some of them 5000 dollars a month, and all they have to do is to hire a 15 dollars an hour investigator and get this information on convictions. The law that was passed last year, Public Law 82-634, dealt with information about a person's conviction. Now, what the Representative proposes

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to do here with this bad Bill is that she'd like for us to give authority to the Department of Law Enforcement to go into the files and to invade the privacy of every citizen who applies for employment; not just those people who are convicted of a crime, but those people who plead nolo contendere, those people who are placed on probation. It's not true staff? You took that one out? All right, let's try something else, then. What she'd like us to believe is that the revenue that's collected from these firms who are going to pay for this investigation, I presume, is going to be awash between the hours spend by Department personnel. Now, if you could indicate to me that this little merely Bill is going to allow the State of Illinois to break even providing this information, perhaps I'd be inclined to support it. I doubt that you can do that. But the Bill, I suggest, Ladies and Gentleman of the House, you ought to take a close look at it. As I said, there's been several Amendments proposed to clean it up, and I think they all, perhaps, missed the mark. But the Bill is terrible. It's a throwback to Gestapo KGB investigation out in Des Plaines. And if you represent Glenview and Des Plaines, you ought to look at this Bill, because I think it will reek havoc with all those private sector firms that make big contributions to the Republican Party, and you don't want to vote for anything that's bad. So, I urge a 'no' vote."

Speaker Peters: "Representative Preston. Representative Preston."

Preston: "Thank you, Mr. Speaker. Would the Lady yield for a questions? Representative Fawell, does the provisions of the Bill, in its present form, restrict the number of years that the Department of Law Enforcement can go back in reporting convictions to a prospective employer?"

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Fawell: "Yes...Yes, Sir, it does. It goes...It restricts it to eight years."

Preston: "And, could you tell...state...state one more time the employers who are eligible to get this information from the Department of Law Enforcement?"

Fawell: "Yes. It's on...It's on line 15 on page one...14, I'm sorry. 'Employees or prospective employees whose job duties include 1) working in or near dwellings without immediate supervision, 2) custody or control over or access to cash, security or valuable items, 3) knowledge of, or access to, secret practices, trade secrets or other confidential information, or 4) insuring the security or safety of other employees, cust...customers or property of the employer.'"

Preston: "And...Representative, is it your intention, then, since almost every job includes working around valuable items or around residential areas; doesn't this basically mean that any employer, virtually any employer, can get information on any prospective employee concerning a conviction seven years ago for which that applicant has already paid his price to society?"

Fawell: "In the first place, I don't believe every job does have that kind of duty. In the second place, I don't think most employers are going to go out and seek this information unless they need it; because they're going to have to pay for it. These records are all records of public information already. It's just a matter of getting them."

Preston: "Does the Bill, in its present form, limit the types of crimes for which information is to be disseminated?"

Fawell: "Yes, Sir."

Preston: "And what types of crimes does the Bill presently say the Department of Law Enforcement has to reveal to an employer seeking that information?"

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Fawell: "Felonies outside of the ones that I have already enumerated."

Preston: "I...I'm sorry. Could...Could you enumerate them? I didn't hear. The House was quite noisy when you were initially presenting the Bill, and I didn't hear it."

Fawell: "Aggravated battery is exempt. Compelling organization membership of a minor is exempt. Compelling confession is exempt. Eavesdropping is exempt, and trespassing dam...and damage to property is exempt."

Preston: "So, then, you're talking only about felonies."

Fawell: "Right."

Preston: "Does the language of the Bill, in its present form, have any wording to include felonies involving moral turpitude or Class X felonies and other felonies involving moral turpitude?"

Fawell: "No, it does not. That would be included, though, of course."

Preston: "I thought we had...we had discussed that in Committee. That's the reason I'm asking that question. I thought that was discussed, and that language was agreed to, to limit..."

Fawell: "Those are the felon..."

Preston: "...To limit the information that could be revealed by the Department of Law Enforcement to felony convictions of applicants for employment where such convictions involve crimes of moral turpitude."

Fawell: "Right. Those are the crimes that are left. Those are the crimes that are left in the Bill."

Preston: "Thank you."

Speaker Peters: "Representative Leverenz."

Leverenz: "Thank you. The Sponsor yield?"

Speaker Peters: "She indicates she will."

Leverenz: "You indicated that the information was of public

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record currently."

Fawell: "Yes, Sir."

Leverenz: "I understand these firms have access to credit type bureaus that can produce that type of information already. Isn't that true?"

Fawell: "In some cases, yes."

Leverenz: "Then it's just a matter of applying to the right bureau, isn't it?"

Fawell: "No, Sir, it's more complicated than that."

Leverenz: "What about the small grocery store in my home town that wants to access this information and check out a 21 year old or an 18 year old that they're going to use to stock shelves? Can they get this information if this passes and is signed?"

Fawell: "They will not get any juvenile crimes, Sir. That's...That's under the juvenile courts."

Leverenz: "All right, if they were 21."

Fawell: "If they were...If they had committed a felony outside of the ones that I have listed, when they were 18 or 19, and they came in for a job when they were 20, yes, Sir."

Leverenz: "And what would it cost the grocer, do you think?"

Fawell: "It would be a reasonable fee. That's all I can tell you."

Leverenz: "What's reasonable? My little grocery store doesn't have the...the P&L that Abbott labs has."

Fawell: "Okay, it would...all they have to do is go into the computer. So, it shouldn't be that much."

Leverenz: "Well, how...Will you give us an estimate?"

Fawell: "No, Sir, I cannot."

Leverenz: "And how will those...How will those fees be established?"

Fawell: "By the Director."

Leverenz: "Do you not feel that this will be only accessible to

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large companies?"

Fawell: "No, Sir. No. It...It's not going to be a money-making proposition. It's a service that we're trying to offer to the average man in...in small or large business to make sure that he hasn't hired somebody he doesn't want."

Leverenz: "Can you explain the reason for Am...the Amendment #1 that you accepted on the Bill or we put on the Bill?"

Fawell: "I...I believe I put that one on, because originally when I..."

Leverenz: "Why'd you...Why'd you do that? I mean, if the Department of Law Enforcement gives a bad report out, there's...there's no way to get back at them for giving out bad information."

Fawell: "No, the original Bill said that...that we could not...they were not going to be legally responsible. I told them that..."

Leverenz: "Don't you think they should be?"

Fawell: "Yes, that's what Amendment 1 does. That's exactly what it does."

Leverenz: "That's what...That's what it does. Okay. Now, what happens if the Department of Law Enforcement gives the information to an employer that says the person is clean, no record, when, in fact, they might have a felony, two felonies or what is normally termed a sheet? What happens then? Does the company have recourse against the Department of Law Enforcement?"

Fawell: "I don't know."

Leverenz: "You don't know."

Fawell: "Nope."

Leverenz: "Well, could the...could you take the Bill out of the record until we find out?"

Fawell: "The company, at least, will be in a better position than they are, right now."

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Leverenz: "How do you know?"

Fawell: "We assume that our...our state employees have enough brains to be able to decipher this information out and give it out properly."

Leverenz: "That is a bad assumption about state employees or private sector employees. But, can you explain what type of recourse...I mean, are we...is it like we are bonding them for giving out that information?"

Fawell: "No. I have just been informed by an attorney on my side that, unless it's willful and wanton..."

Leverenz: "Who determines willful and wanton? Don't you, then, cause a large court suit over something like that?"

Fawell: "If you are talking about suing, you're talking about a court suit, anyway. But, Sir, I'm...I'm trying to tell you, I would assume, I would hope we would have people in our Department who are smart enough not to give out the wrong information."

Leverenz: "Well, I trust the ones I know in there. One other question, would this include the Department of Registration and Education, which seems to have difficulty getting information from the Department of Law Enforcement, also?"

Fawell: "Yes, it includes state agencies."

Leverenz: "And they would pay a fee?"

Fawell: "No. No, not the government agencies will not, just the businesses."

Leverenz: "Well they get...They would get it free."

Fawell: "Yes, Sir, like they do right now."

Leverenz: "Thank you. Thank you. They don't get it now."

Speaker Peters: "Representative Hoffman. Hoffman."

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

Speaker Peters: "Question is, 'Shall the previous question be put?'. Those in favor will signify saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes'

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have it. Representative Fawell to close."

Fawell: "I believe this Bill has been adequately discussed. I'm sure all of us have got businesses in our districts who would, perhaps, like this information before they go hiring people that they're not too sure of. I think this will open a lot of doors for a lot of people, and I ask you for a favorable vote. Thank you."

Speaker Peters: "Questions is, 'Shall House Bill 2535 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. The voting is open. Representative Alexander to explain her vote. One minute."

Alexander: "Thank you, Mr. Speaker and to the House in general. I wanted to ask the question that I have asked staff to give me the benefit of. They couldn't answer it. We've asked the our appropriation person, Representative Matijevich. He could give me no explanation dealing with Amendment #2 on page 8, 10 through 16. And, it deals with the money that's going to be deposited with the Law Enforcement division. And it's just a conglomeration here, and I haven't been able to get anybody to give me an explanation of what it's really saying. It sounds as if the money is just going to be laying there. And I was hoping to ask Representative Fawell what it did mean. However, the Bill...speaking to the Bill itself, the Bill does not take away...it does leave in probation, those persons who's put on probation. It's very cleverly worded, however. It means that if I have a probation and do 18 months..."

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

Henry: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I see that the Bill is dying, as it should, and I'd just like to remind those who are putting the green up



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there that the records become the property of a private business, and you never know what goes on in private business."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 53 voting 'aye', 93 voting 'nay', 14 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared passed...lost? Let me have the rule book. On this question there are 53 voting 'aye', 93 voting 'nay' and 14 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared lost. Representative Daniels, 2516. House Bill 2516. Gentleman asks leave to go back and pick up House Bill 2516. Is there objections? There being none, leave is granted. House Bill 2516. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2516, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Peters: "Representative Daniels. Karpriel. Representative Karpriel."

Karpriel: "House Bill 2516 is the legislation that has come out of the Illinois Study Commission on Public Pension Investment Policies. This Commission was set up in March of '81 to study the investment policies of our public pension system and was consisted of 28 members representing pension and investment experts, labor, public employee unions, retired people, business community organizations, the public and the Legislature. This Bill broadens the investment authority for the State Pension Fund by defining such authority in accordance with the prudent person rule, rather than the list of specific investment restrictions. The funds that are affected by this Bill are the state universities, the downstate teachers, the State Board of

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Investments which includes state employees, Judges retirement, General Assembly, and it also includes the IMRF. The Bill provides the appropriate flexibility for fiduciaries to use a greater range of investments and investment strategies consistent with the need to safeguard the interest of beneficiaries. This will give the trustees the opportunity to... opportunity to improve the financial performance of the fund. At present, the total rate for return.. of return for the five state pension funds for the past five years has been... 4.7%, while pension funds throughout the United States averaged 8.6%. This is a lot lower than what might have been achieved if the funds were not subject to some of the current restrictions we have in our statutes. If the state funds had achieved the U. S. average of 8.6% over the last five years, the total resources for the retirement systems would have been approximately 875 million dollars greater. This Bill was... has been endorsed by several of the newspapers. The editorial in today's Sun-Times recommends this Bill. The Crane's Chicago Business recommends this Bill; and, in testimony before the House Committee, the AFSCME, IEA, IFT, AFL-CIO, Homebuilders', Realtors', State Chamber, State Universities and the IMRF all were in favor of this Bill, and I ask for a favorable vote."

Speaker Peters: "Any discussion? Representative Greiman. Greiman."

Greiman: "Thank you, Mr. Speaker. I wonder if the Lady would yield for a question or two?"

Speaker Peters: "She indicates she will."

Greiman: "You may recall yesterday when this was on Second Reading, I raised the issue of the addition of the word... an Amendment that it was sole... investors would be solely in the interest of the beneficiaries and participants. At

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that time, you indicated that that didn't limit or narrow the investment opportunities and the investment choices and the factors in which the trustees could make determinations. Your staff people made the same suggestion. Now, I wonder, if an investment if reasonably safe and secure, can the trustees of fiduciaries take into account that it is an Illinois investment, under.. in light of the words 'solely in the interest of the beneficiary?'"

Karpiel: "Yes, Sir."

Greiman: "So, you say that they can. Can they take into consideration that the company may be a notorious polluter and that they would not want to, therefore, invest Illinois pension funds in that company?"

Karpiel: "Yes, they can take any criteria into account."

Greiman: "Well, you know, I'll ask again then. You're saying that they can. Can they consider that the company is a violator of fair employment practices of the State of Illinois and not invest in a company? Can that be raised in a meeting of fiduciaries, when they're discussing whether they should make an investment?"

Karpiel: "Representative, the trustees could take in... they could have an internal policy to take any of that into account if they wish, but the sole or the primary regard that they must have is for the beneficiaries."

Greiman: "Well, I... So, you are saying, if I am correct and you're, in a sense, the drafter of this, that it is your intent that those factors may lawfully be considered by a fiduciary, factors such as investment in Illinois property or Illinois corporations, the history in terms of environmental factors of a corporation, the violation of fair employment practices by a company; that those are issues that they could take into consideration in choosing

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or in rejecting an investment in a public open discussion of investments, and that they would not thereby subject themselves to any liability. Is that right?"

Karpiel: "They can consider any of those, as long as their sole consid... or their primary consideration is the prudent investment of the beneficiaries funds."

Greiman: "So, that in a sense then, as you use the words 'solely in the interest', that's really primarily in the interest is what you're really saying. Is that right? Well, you say it... because they don't pick up the..."

Karpiel: "Well, some of the language..."

Speaker Peters: "One... Excuse me. One question at a time. Representative Karpiel."

Karpiel: "... language in the... that you're referring to is part of the definition of the prudent person rule and taken from ARISA, the federal... the federal Act. They can take the rest of those considerations under advisement also."

Greiman: "So, that they could take them and consider then and that, in essence, then they can...their test really, although it may not indicate it directly, is that, while they primarily must always be concerned with the beneficiaries, they can take these other things into consideration, other social policy decisions into consideration. Okay. What... Thank you, very much, for the record. I appreciate that."

Speaker Peters: "Further discussion? Representative Ebbesen."

Ebbesen: "Yes, would the Sponsor yield?"

Karpiel: "Yes."

Ebbesen: "Yes, I have a rather lengthy report here from the actuary for the Pension Laws Commission, and does the Bill, in its present form now relative to their analysis... Well, just let me read this to you and then perhaps you can respond to me. I..."

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Karpiel: "Well, before you go on though, Representative, I believe... Are you referring to Senator Goldstein's report? He has told us that he is writing a revised report, since the Amendment has gone on."

Ebbesen: "He is. Then, I would suggest you take it out of the record 'til we get a chance to see that report."

Karpiel: "I'd rather..."

Ebbesen: "You'd rather run with it now. Is that the idea?"

Karpiel: "The Amendment was designed..."

Ebbesen: "It would appear to me that, since that Amendment... if the actuary for the Pension Laws Commission wants to give you a revised report, it might help more of us to cast a more intelligent vote, and I would just recommend that you take it out of the record or suggest that you do."

Karpiel: "We did the Amendment to comply with his original report. I just as soon not take it out of the record, Sir."

Ebbesen: "Well, let me ask you some questions then, if I might. It says in here that, if the restrictions on investments are eliminated, the trustees of the retirement system, of course, are under a lot of pressure as to where those dollars are invested; and, for the benefit of the Members of the Assembly, you know, you're talking somewhere, you know, hundreds of millions of dollars for these various systems that are included, and it says in here that the wider use of pooled and co-mingled funds in all aspects of real estate development. Does that provide, with your Amendment, that they can take these and start speculating in real estate, with the revision of this Bill?"

Karpiel: "I don't believe that you could use the word, necessarily, speculate in real estate. They can use it."

Ebbesen: "They can use it for that purpose."

Karpiel: "They can invest in real estate."

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Ebbesen: "Well, without getting into a long dissertation, I...

You know, this Bill is very complicated. The fact that the actuary for the Pension Laws Commission, Senator Goldstein, is coming up, based on the Bill as amended, with a new analysis and opinion; but, in my opinion, all over this country, in every state in the Union, you know, everybody... the most... the greatest reservoir of dollars available are with pension funds. And it's not just the State of Illinois. They're in the 49 other states and the Federal Governments and to me to have legislation like this, without the Sponsor being willing to take it out of the record so we can get an Actuary's viewpoint, another analysis based on what the Pension Laws Commission and their posture with something of this magnitude, at this point and time, I would encourage a 'no' vote, because I think that the Bill may be very well intended, but I'm not so sure, in the final analysis, that the cracks and the loopholes in there where that money could go...would be well intended for the people who would be the recipients of those dollars when they step across that threshold for retirement. And I think we're asking an awful lot of these members on these various boards to make these decisions; and, to me, I just think that the Bill should be defeated today and put on Postponed Consideration."

Speaker Peters: "Further discussion? Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, yesterday, on Second Reading, I asked the Sponsor a series of questions regarding the Amendment placed on the Bill. My concern was to make sure that, in putting the prudent person rule in here and making definitions with regard to the fiduciary responsibilities of the trustess and of investment managers, that we weren't overstepping the bounds of the legislation that we passed in the last year, in two cases

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particularly; the first of which was an expansion of the authority to invest in mortgage security pass-through agreements and secondly, and most importantly, the recodification of the investment authority of virtually two-thirds of the systems in the state. That was accomplished in the fall of the year and signed by the Governor in House Bill 795. Now, I don't think, having looked at this Bill and having talked to the Sponsor, having talked to the Governor's Office, having talked to various pension systems and funds and effected parties, I don't think this Bill goes too far. I think, in fact, this Bill is necessary in its application to that Bill... those Bills we passed last year to spell out the prudent person rule, to make it clear that these investments can be made in the type of things we intended them to be made in, to make it clear that the responsibilities, on one hand, are still there on the part of the trustees or in the case where they have investment managers, on their part. But on the other hand, to make it perfectly clear, too, that we're attempting, in a time when it's difficult to put together the necessary money for the pay-outs even of these systems and the necessary money to keep the unfunded liabilities from growing ever increasingly large, to have a source of money at higher interest rates and higher yields than we have now. For too long we've been too restrictive. We've been putting money in seven and eight and the lucky ten percent portfolios when, in fact, the very day we pass the mortgage pass-through agreement for example, we could have invested that day through the systems in fully insured pass-through agreements in a 15.88% portfolio. I rise in support of the Bill for the reasons cited. This is a good Bill. I've served on the Pension Laws Commission. I've had real reservations about this type of idea in the past,

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because it was too open-ended. It had too many loopholes, too many cracks, too many flaws to fall between. I don't think this Bill does. I think this Bill, at this time and place in Illinois, is needed. I think that there have been some scare tactics on the part of some who maybe legitimately feel the Bill goes too far. They scared some of the older annuitants of the systems into writing us letters. I received many in opposition to the Bill. I've written them back to tell them I don't think there are flaws in it. We've looked at this for years and years and years; and, with all due respect to Representative Ebbesen, I think he's got some legitimate concerns, but I think they're overcome in this Bill and it ought to be passed today. For the sake of the systems, the annuitants, the employees already there, it's important that we increase the yield of the systems and it's clear to the public, the pensioners, everyone, the investment managers and the trustees that they have the obligation to do the job to invest in the best securities they can, but they also have the restrictions upon them to do it in the right manner; and, this Bill does that. I ask for an 'aye' vote."

Speaker Peters: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would concur in Representative Stuffle's comments and commend the Sponsor for bringing this Bill before us. The Bill has been criticized from the right and the left. The Bill has been held not to provide for broad enough authority for the pension trustees to invest; and, on the other hand, it's been criticized as having authority that's far too broad. I would suggest that the prudent man rule is a good standard. It is a measurable standard and is a standard that provides adequate protection for the long-term interests of the beneficiaries of the pension



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fund, and I would also argue that, in the long run, the single most important thing that this Bill does, and it could really have a revolutionary impact, because we're simply going to find it extraordinarily difficult to move money in to the real estate market to make it possible to mortgage real estate in this country and in this state. The one financial institution, the one kind of institution that currently has money over a long enough period of time that it can afford to take the short term risks of putting money into real estate mortgage investment are the pension funds; and, unless we provide a way to recycle that pension fund money into the mortgage market, we are going to be very strapped and deprived of money for real estate in the state. So, I would argue that this Bill is the only kind of vehicle that, in the long run, provides some hope for bringing mortgage rates down, and I would certainly urge support on the Bill. I would urge a green vote."

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

Karpziel: "Yes, thank you, Ladies and Gentlemen of the House. I think that House Bill 2516 is an excellent Bill. I think that it will provide for... to help our state's economy by providing for funds to be pumped into local investments, particularly the home... home mortgage market, and I also think that it provides a safe and careful attendance of the funds of the participants in these systems to the prudent person rule. And I would ask for your 'aye' vote."

Speaker Peters: "Representative DiPrima, do you seek recognition? The question is, 'Shall House Bill 2516 be adopted?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. 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 139

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voting 'aye', 17 voting 'nay', 3 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2536, Representative Klemm. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2536, a Bill for an Act to amend the Uniform Commercial Code. Third Reading of the Bill."

Klemm: "Thank you, Mr. Speaker and Members of the House. House Bill 2536 is designed to put a cap on the amount a merchant may collect as a fee for handling dishonored or bad checks without going to court. The General Assembly has already authorized reasonable handling fees, attorneys fees and court costs in court cases associated with bad checks. House Bill 2536 defines ten dollars as the maximum the retailer may charge without going to court. This will eliminate the necessity of a merchant to prove his actual cost each time he collects a fee of under ten dollars for dishonored checks. This is a maximum amount and does not require merchants to charge any specific fee, and I move its adoption."

Speaker Peters: "Any discussion? Representative Kelly, Dick Kelly."

Kelly: "Yes, Mr. Speaker, I would like to ask the Representative to yield to a question or two."

Speaker Peters: "He indicates he will."

Kelly: "Representative Klemm, are these checks you're talking about those that are negotiated or cashed at local business establishments and that come back to the owners of these establishments?"

Klemm: "Yes, it would."

Kelly: "In other words, if an individual were to cash a check at a local grocery store for, say, 50 dollars, it would permit the establishment to... to charge a ten dollar fee or fine to that dishonored check, to that person who negotiated the

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check?"

Klemm: "Well, basically, if a purchaser of supplies were to give a check that doesn't have enough money in the bank, and the retailer has to go out and make collection calls and send letters and everything else, yes, it would allow him to collect up to ten dollars for his cost of doing that."

Kelly: "Why don't they just not cash the check for them next time he comes in?"

Klemm: "Well, sometimes you may pay your purchases with a check. I don't know. Maybe you have a charge account with a merchant; and, if you give him bad checks, of course obviously, he's got to start calling you and collecting, obviously. He probably will collect without charging you any money, because he knows of you. Let's say you do get a bad check as a merchant from somebody who is definitely trying to just rip you off with it. Well, you can go and collect it; and, if not, you can collect your ten dollars, if you will, or you go to court and proceed with attorneys fees and everything else to try to do it as you normally would."

Kelly: "Where did you come up with the ten dollars as an amount? Was that settled on by... initially in the Bill and then the Committee thought that was a proper figure?"

Klemm: "Well, some people really asked for 25 dollars as the actual cost of trying to collect on a bad check. Ten dollars was somewhat of an arbitrary figure of what it would be fair and reasonable."

Kelly: "Thank you."

Speaker Peters: "Representative Kosinski."

Kosinski: "Will the Representative yield to a couple questions?"

Speaker Peters: "Are you on?"

Kosinski: "It was my understanding that presently our statutes contain a provision wherein, if a person issues a check

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without funds to cover that check, knowingly, he is either guilty of a misdemeanor or a felony."

Speaker Peters: "Representative Klemm."

Kosinski: "Is that correct."

Klemm: "Yes, I believe that's correct."

Kosinski: "Alright. In addition, I understand that the Small Claims Court, in situations such as this, will process at no charge."

Klemm: "Well, that's correct."

Kosinski: "Then, if that's the recourse of the merchant to go to the Small Claims Court and, before a Judge, get restitution, what is the charge factor for? I don't understand."

Klemm: "Well, the time expended by the merchant to try to collect prior to going to a Small Claims Court is involved. Right now, he would have to go to the Small Claims Court Judge and say, 'Judge, I made four phone calls. I sent four letters. The cost of my secretary and everything else would be involved.' At least now he could go there and say, 'Judge, ten dollars is the collection fee that I'm asking for, plus the 29 dollars for the bad check', or whatever it may be, and the Court could rule that."

Kosinski: "Well, I just think that, as a merchant, my time is worth about 270 dollars an hour; and, if I have to go down to the Small Claims Court to get.. and then get ten bucks in addition, it doesn't come out."

Klemm: "Well, if he's not a corporation, he possibly could, as an individual proprietor, maybe he could go to a Small Claims on his own and try to collect; otherwise, he would be going. As we say, the Bill now allows, the legislation now allows reasonable expenses, attorneys fees and everything else, to collect now so that, if the expenses were to... you know, the charge for the expense of the check where he,

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subsequently, wanted to hire you to collect for it, the court, in the existing legislation passed by the General Assembly, would allow that. So, it would be far in excess of ten dollars of his expenses."

Kosinski: "Was this a Bill you personally generated or was it generated by some other source?"

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

Kosinski: "How was this Bill generated? Was it your Bill out of your head or did it come from someone?"

Klemm: "No, the retail merchants requested..."

Kosinski: "Retail merchants requested this?"

Klemm: "Yes."

Kosinski: "And they stipulated ten dollars? Times must be tough. Thank you."

Klemm: "It is. Times are tough."

Speaker Peters: "Representative Piel."

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

Speaker Peters: "The question is, 'Shall the previous question be put?'. Those in favor will signify by saying 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The 'ayes' have it. Representative Klemm, to close."

Klemm: "Well, I certainly think nobody wishes that the consumer should pick up the cost of expenses of a merchant trying to collect on bad checks on those who are trying to defraud, if you will, merchants. This, at least, puts the proper charges on those who are passing those poor checks, and I just simply ask for your favorable vote."

Speaker Peters: "Question is, 'Shall House Bill 2536 be adopted?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. Voting is open. Have all voted who wish? Representative Neff, to explain his vote. One minute."

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

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House. This was brought up here to the cost, this ten dollar cost. The average cost of collecting bad checks for any financial institution runs up to 20 and 25 dollars. Therefore, the ten dollar fee is a reasonable fee, and I don't know how we can object to it."

Speaker Peters: "Representative Steczko, to explain his vote."

Steczko: "Thank you, Mr. Speaker. In explaining my 'no' vote, I would just point out that this Bill, although intended to be permissive, actually by reading the synopsis, it seems that we are setting an actual amount of ten dollars. The synopsis in our Digest shows 'the actual cost of ten dollars or whichever is greater'. When I walk into the supermarket at home and they have a sign that says, 'Bad checks - you'll have to pay a charge of \$7.50', and it seems to me, right now, these business establishments can charge anything they wish. So, I really question the necessity of House Bill 2536."

Speaker Peters: "Representative Levin, to explain his vote. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 122 voting 'aye', 26 voting 'nay', 12 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2539, Representative Huskey. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2539, a Bill for an Act concerning tax exemptions. Third Reading of the Bill."

Speaker Peters: "Representative Huskey."

Huskey: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2539 attempts to close a loophole in sales tax. Currently, religious and charitable groups are exempt from paying sales tax. Unfortunately, many so-called churches have sprung up whose main function is solely to provide a tax loophole for its members. I know,

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because as many of you know, I've been ordained in several of these so-called churches. These groups merely require a check, in most cases, to ordain a person as a minister, bishop, or cardinal and etcetera. The title depends on how much a person is willing to pay. They usually provide you with step-by-step instructions how to... how to avoid taxes, such as right here, a booklet Non-profitable Can Be Profitable. All that is required is two more people, a secretary and a treasurer, besides yourself for the so-called church to start taking advantage of tax laws. Your motto is to make the tax laws work for you instead of working against you. This Bill tries to close a loophole to these groups in the sales tax. The sales tax would be amended to define religious organizations as 'a group that exists for predominant purposes of holding or sponsoring religious activities or education, with no member of the religion receiving monetary benefit, except in the form of a reasonable salary for the services rendered'. I realize the difficulty in defining what religion is. The definition... If the definition is too restrictive it would probably be thrown out by the courts. However, the definition is relatively broad. There is no way any established religious organization could be included or be hurt by this Bill. I do not think.. but I do think it would be a first step in closing the door on the people using the word 'religion' solely to take advantage of tax laws for themselves. The language in this Bill is taken from a rule in the Revenue Department in Pennsylvania that was adopted to do the same thing that I'm trying to do. The language is one of the less restrictive provisions I have seen from other states, and I believe it firmly to be reasonable and constitutional. The Illinois Department of Revenue cannot determine how many sales tax exempt... how





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many of these are exempt from sales tax, because they are made to a religious group. However, from my own experiences with mail order churches, I know that the sales tax is being evaded by using the names 'religion' and whatever the amount. For an example, I have here from the Department of Revenue purchases made by title vehicles, such as automobiles. Most of these vans were 24,959 dollars. Several Cadillacs running anywhere from 29,000 down to 16,788. Snowmobiles, motorcycles, trailers, campers, travel trailers and etcetera and on and on, all sales tax exempt, and this would... this was taken from the records of the Department of Revenue by religious organizations. I'm not saying all of these are taken by people that weren't entitled to them. Many of them were, but there also was certain purchases here that are made by the tax cheats. If you fellow Members, my colleagues, will vote 'yes' on this Bill, it will bring in tax revenue that the state's being deprived of by lack of action on our part to start closing some of the loopholes that are wide and open to the sharpies. Mr... Mr. Speaker and Ladies and Gentlemen of the House, I move for your favorable votes."

Speaker Peters: "Any discussion? Representative Jaffe."

Jaffe: "Yes, would the Gentleman yield for a question?"

Speaker Peters: "He indicates he will."

Jaffe: "Yeah, I always have great fear and hesitancy when we start to define religion according to the statutes. One of the things that's sort of interesting over here, Herb, is that you say that it's a 'group of body of persons creatively existing for the predominant purpose of holding, conducting or sponsoring religious activities or education without profit...so officers, members or shareholders, except as reasonable compensation for actual services'. Isn't that the definition that you use?"

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Huskey: "Yes, that's the definition."

Jaffe: "So, if there were a minister that was a getting tremendous amount of money, in fact, we could hold, through the... through this particular Bill if we thought that that amount of money was outrageous, say it was Billy Graham or say it was the Reverend, you know, Falwell, and they get tremendous sums of money. If we don't think that that's actually reasonable compensation for their services, we can, in fact, declare that that was not a religious group, according to your Bill. Isn't that correct?"

Huskey: "No, that isn't correct, because he was performing... We all know that Billy Graham and those type people are performing a religious service."

Jaffe: "Well, let me speak to the Bill. I think that what you're saying is, in fact, false. You say 'except as reasonable compensation for actual service'. That gets the state involved in the business of determining what is actual, reasonable compensation for ministers, or rabbis or anyone else, and I don't think that the state ought to be involved in that, nor do I believe that the state ought to be involved in the business of defining what is a religion and what is not a religion. Well intentioned as your Bill may be, I think it is nonetheless unconstitutional, and I think it would... It really is foolish for us to rush forward into this area and for us to try to define what is religion and what is not religion, what is reasonable compensation for a minister, what is not reasonable compensation for a minister and telling the people out there how they should practice their religion and what religion actually consists of. I think that this Bill is a blatant Bill. It violates the Constitution of the United States, and I think it ought to be defeated."

Speaker Daniels: "Further discussion? Representative Greiman.

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Alright. Representative Preston."

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

Speaker Peters: "He indicates he will. Give the Gentleman your attention."

Preston: "Representative Huskey, would it..."

Speaker Peters: "Representative Preston, excuse me one second.

The Members that making inquiries, let me indicate that the Senate has acted on the legislation that we have sent over. They have refused to recede and ask for the appointment of a Conference Committee. We are now awaiting that particular Message from the Senate so that it can be read into the record, and we will continue on with House Bills, Third Reading and, hopefully as indicated earlier, we'll be out at a very reasonable hour. Hopefully, not too much longer. So, that is where we are. Don't send out, because we will be getting out... in not too long, provided that Message gets here. That is what we are waiting on. Proceed, Representative Preston."

Preston: "Thank you, Mr. Speaker. Representative Huskey, would it be the Department of Revenue's responsibility to determine whether or not the predominant purpose of this organization was the holding of some religious activity or performing religious education?"

Huskey: "Yes."

Preston: "And would the Department of Revenue have to hire additional specialists to make that determination?"

Huskey: "No, they have a legal staff."

Preston: "Well, they have a legal staff, but do they have some religious staff that would enable them to go to an organization and determine, from the carryings-on of that organization, whether or not the activities constitutes religious activities or not?"

Huskey: "The Department is doing that through its legal staff."

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Preston: "So, is it your contemplation that the Department of Revenue would send its lawyers out to observe the activities, purported by an organization to be religious activities, to see whether indeed those are religious activities?"

Huskey: "Well, it's my observation that the Department of Revenue, as much as any other Department, no one wants to interfere with any religious organization. No one wants to interfere with that..."

Preston: "How...how..."

Huskey: "... the only purpose that we want to interfere with and see if it's a fraud, if it's... if they're using the word 'religion', not religion, but if they are using the word 'religion' as a cloak to defraud the state of its sales tax."

Preston: "Okay. I understand that's the purpose, and it's a laudable purpose. My only problem is a means to that end. I'm not sure that this Bill or any Bill could accomplish that without interfering with the... with religious freedoms and constitutional liberties, and my question is pointed at how the Department of Revenue, today, determines, or does any Department determine whether or not there is a religious activity enabling an organization to obtain an exemption."

Huskey: "Well, this is very... these laws are not restrictive on any religion. They're probably, as we checked... checked Texas laws, Missouri laws, all the states are looking into this now, because they're realizing the rip off that they're losing these tax dollars. Even the Federal Government is looking into this. This is probably as least restrictive as we can write a Bill without hurting religion. We're not out to hurt anybody's religion. This is merely a Bill for the Department of Revenue to stop the

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fraud of sales tax, such as in this book and you're welcome, any of you are welcome to look at it and..."

Preston: "Under.... Under this Bill, Representative, could I, tomorrow, state that I have received a vision or I'm hoping to receive some vision from above and start selling my booklet that I write up in a half an hour to people and be able to sell them, without having to pay any sales tax, or could I say, tomorrow, that I'm starting a new church or a new synagogue and I want to sell stones as religious articles to people and, from the sale of those, would I be exempt from sales tax if I called the Department of Revenue and told them that I'm a church?"

Huskey: "Well, it isn't sales tax that you would pay. It's sales tax that the purchaser would pay. When... It doesn't restrict you from selling your articles whatsoever."

Preston: "No, but could I start a church tomorrow and start selling without paying the... start selling articles without paying the state... the sales tax that..."

Huskey: "If it's a church with the purpose of a church for true purpose of religion and it certainly wouldn't be hard to detect. If it's for the purpose of fraud, it wouldn't be hard to detect."

Preston: "Well, my question is really how would the Department of Revenue make this detection? Would they send somebody out to observe what it is I'm doing, or what would they do? I mean, how would this enable... how would this stop fraud beyond what is possible to commit fraudulently now?"

Huskey: "They might or they might detect a pattern from the type of religion like all these ordinations certificates such as I have here that I passed out and showed you people."

Preston: "May I speak to the Bill, Mr. Speaker?"

Speaker Peters: "Proceed, Sir."

Preston: "I... I very much respect the Sponsor of this Bill, and

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I know full well that he has spent long hours and made a very decent and sincere attempt to attack a problem that is of great concern to many people, myself included. Nothing makes me angrier, and I'm sure that others can say the same in this Body, than seeing a large Cadillac or a Lincoln Continental or a Mercedes Benz drive by with CV plates on them, knowing that that charitable organization or individual can afford a very costly means of transportation. I'm sure, in addition to that, those are visible signs of potential abuses. I'm sure there are some invisible signs of very real abuses, and it angers me. It upsets me. It causes me a great deal of concern, especially since there are charities that are going very wanting today, more so than in years passed with the cutbacks at the federal and state level. But the other side of the coin is to permit State Government to delve into what constitutes a religious activity, what constitutes a religious organization and the activities of a religious organization, which ones are legitimate, which ones are illegitimate, which ones are entitled to tax exempt status, which organizations are not entitled to tax exempt status, is an area that the state should not be involved in, because they cannot properly or they could not even hope to do it in a proper manner; because, I don't think the laws of the United States permit any involvement in that area by the state. For that reason, I'm going to vote against this Bill, notwithstanding that I have the utmost respect for the Sponsor, who has made a very real attempt to deal with this problem, and I encourage those of you here who also respect the Sponsor, to not let him do something that, in his heart, he would be doing incorrectly and please vote 'no' on this Bill."

Speaker Peters: "Representative Tuerk."

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Tuerk: "I move the previous question."

Speaker Peters: "The question is, 'Shall the previous question be put?'. All those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Huskey, to close."

Huskey: "Well, Ladies and Gentlemen, this Bill is not designed to hurt anyone's religion. It has no thought of involving itself in the First Amendment. This Bill is designed only to check the tax cheats that are using the word 'religion' to beat the state out of the sales tax that you and I have to make up for for the cheats. So, fellow colleagues, I ask for your favorable vote."

Speaker Peters: "The question is, 'Shall House Bill 2539 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Representative Yourell, to explain his vote."

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen. I understand that the Sponsor of this legislation is now an ordained minister, and I don't know what faith that is in; but, at any rate, I know that he drives a very, very fine Lincoln car, and I certainly don't want to see him going down the highway with a CV plate on that car simply because now he's an ordained minister of some church. And the other thing I think that is important is that the Department of Revenue, according to the statutes, already has the responsibility to ferret out those who are not paying their proper sales tax. Now, I don't know what this Bill will do to enforce the Department of Revenue. We just turned down a Bill to provide more auditors and more tax collectors for the Department; and, if we're going to have the Department going out on the byways and highways in the hamlets of this state to find out what churches are legitimate and what churches are not legitimate, in order

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to find out whether they're paying their fair share of the sales tax, I would suggest that... (cut off)..."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question... On this question there are 90 voting 'aye', 35 voting 'nay', 11 voting 'present'. Representative Koehler, what... no... Representative Koehler votes 'aye'. The vote hasn't been announced yet. Let's not go too far. Klemm 'aye'. Any other additions? Kulas. Kulas 'aye'. Doyle 'aye'. Stiehl 'aye'. Mr. Clerk, do you have all these? Cissy. C. M. Stiehl. Celeste. Barr 'aye'. Ralph Dunn 'aye'. Is that it? Representative Bullock, you're... I'll recognize... Yes, fine. Any other changes before we go to Representative Preston for the verification? Representative Darrow. Darrow. Mr. Clerk, from 'aye'..."

Darrow: "'No'."

Speaker Peters: "... to 'no'. Hold on a second. Darrow. Mr. Clerk, do you have that? From 'aye' to 'no'? Cullerton from 'aye' to 'no'. Representative Kornowicz is an addition. Kornowicz 'aye'. Is that it now? Mr. Clerk, the count. I've got 96. The... Take the record. You got that? There are 96 voting 'aye', 35 voting 'nay', 11 voting 'present'. Representative Preston asks for a verification of the Affirmative Roll. Excuse me. Representative Davis."

Davis: "Thank you, Mr. Speaker. Switch me from 'no' to 'aye'."

Speaker Peters: "Davis from 'no' to 'aye'. It is 97 affirmative votes. Representative Preston. Well, why don't we... Now, we got a Roll Call. I got into trouble doing that once before. Representative Slape. Representative Slape from..."

Slape: "From 'yes' to 'present'."

Speaker Peters: "'Yes' to 'present'. 96. Now, Representative



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Huskey, what is..."

Huskey: "Would you poll the absentees?"

Speaker Peters: "Alright. Alright, we're starting at 96. Poll of the Absentees. Proceed, Mr. Clerk."

Clerk O'Brien: "Poll of the Absentees. Abramson. Barnes. Beatty. Bradley. Capparelli. Deuster. DiPrima. Epton. Farley. Garmisa. Getty. Giglio. Hallstrom. Hanahan. Henry. Huff. Jones. Kane. Katz. Klemm. Martire. McClain. McGrew. McPike. Murphy. O'Brien. Pechous. Ronan. Stearney. E. G. Steele. Telcser. J. J. Wolf. Sam Wolf. Mr. Speaker."

Speaker Peters: "Proceed with a verification of the affirmative. Representative Preston, prepare. The Clerk will move along, as they say. Proceed, Mr. Clerk."

Clerk O'Brien: "Ackerman. Alstat. Barkhausen. Barr. Bartulis. Bell. Bianco. Birkinbine. Boucek. Catania. Christensen. Collins. Conti. Daniels. Davis. Deuchler. Domico. Donovan. Doyle. Jack Dunn. John Dunn. Ralph Dunn. Ebbesen. Ewing. Fawell. Flinn. Virginia Frederick. Dwight Friedrich. Griffin. Grossi. Hallock. Hannig. Hastert. Hoffman. Hoxsey. Hudson. Huskey. Jim Kelley. Dick Kelly. Kociolko. Koehler. Kornowicz. Kosinski. Krska. Kulas. Kustra. LaHood. Laurino. Lechowicz. Leon. Leverenz. Loftus. Macdonald. Madigan. Margalus. Mautino. Mays. McAuliffe. McBroom. McCormick. McMaster. Ted Meyer. R. J. Meyer. Miller. Mulcahey. Neff. Olson. Ozella. Piel. Rea. Reed. Rigney. Robbins. Ropp. Sandquist. Schraeder. Harry Smith. Irv Smith. Stanley. C. M. Stiehl. Stuffle. Swanstrom. Tate. Terzich. Topinka. Tuerk. Van Dwyne. Vinson. Vitek. Watson. White. Wikoff. Winchester. Woodyard. Zito, and Zwick."

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

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O'Brien wishes to be recorded as voting 'aye', and Representative Hanahan wishes to be recorded as voting 'aye'. Representative Ronan."

Ronan: "Yes, Mr. Speaker, how am I recorded?"

Speaker Peters: "You're not recorded. Representative Ronan wishes to be recorded as voting 'aye'. Now, Representative Preston, Representative Steve Miller, Jack Dunn, O'Brien and Hanahan wish to be verified. Do they have your permission? You're verified, Gentlemen. The beginning count, Mr. Clerk?"

Preston: "Mr. Clerk, may I withdraw my verification?"

Speaker Peters: "Gentleman withdraws. Representative Sandquist, Mr. Clerk, wishes to change from 'aye' to 'no', and Representative Henry wishes to be recorded as voting ... Henry."

Henry: "'No'."

Speaker Peters: "'No'. Representative Di... Oh my. Representative DiPrima 'aye'. Representative White. Representative Hudson 'aye' to 'no'. Hudson 'aye' to 'no'. That's it. What the count, Mr. Clerk? On this question there are 98 'aye', 39 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Messages from the Senate. Excuse me. Hold on. Representative... don't leave quick yet. Representative Bullock, for what purpose do you seek recognition?"

Bullock: "Well, Mr. Speaker, I was going to ask to make an announcement. For the purpose of an announcement."

Speaker Peters: "Can we hold that? Messages from the Senate, Mr. Clerk."

Clerk O'Brien: "A Message from the Senate by Mr. Wright, Secretary, 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to recede from your Amendment #3 to a Bill of the following title, to

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wit; House Bill #2211. I am further directed to inform the House of Representatives that the Senate requests a First Conference Committee, action taken by the Senate May 13, 1982.' Kenneth Wright, Secretary."

Speaker Peters: "Resolutions. General Resolutions. General Resolutions."

Clerk O'Brien: "House Joint Resolution 85, Bower; House Resolution 908, Hastert et al."

Speaker Peters: "Committee on Assignments. Agreed Resolutions."

Clerk O'Brien: "Agreed Resolutions. Senate Joint Resolution 91, Griffin; House Resolution 891, Woodyard; 893, Ryan - McBroom; 894, Ryan - McBroom; 895, Ryan - Mc Broom; 896, Ryan - McBroom; 897, Ryan - McBroom; 898, Ryan - McBroom; 899, Currie; 900, Leverenz - Zito et al; 901, Levin et al; 902, Giglio; 903, Irv Smith; 904, Jack Dunn; 905, Bowman; 906, Hallock; 907, Terzich et al; 909, DiPrima et al; 910, Yourell; 911, Yourell et al; 912, Bianco."

Speaker Peters: "Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, I move for the adoption of the Agreed Resolutions."

Speaker Peters: "Gentleman moves the adoption of the Agreed Resolutions. Those in favor signify by saying 'aye', opposed. In the opinion of the Chair, the 'ayes' have it. The Resolutions are adopted. Representative Wolf. The Gentleman... Is he coming up? We can't do that today. Announcements? Representative Pullen."

Pullen: "The Executive Committee will meet immediately after adjournment, rather than a half hour after adjournment in room 114."

Speaker Peters: "Executive Committee meets immediately after adjournment, room 114. Representative Davis, an announcement?"

Davis: "Yes, Mr. Speaker, the State Government Organization

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recessed Committee meeting will meet tomorrow morning,  
one-half hour before Session."

Speaker Peters: "State Government..."

Davis: "Organization Committee one-half hour before Session  
room..."

Speaker Peters: "One-half hour before Session. Announcements.  
Representative Conti."

Conti: "Mr. Speaker, Ladies and Gentlemen of the House, the  
people with the white hats on this side, the people with  
the black hats on this side will have their basketball game  
tonight at 8:30 at the YMCA, and... What time is that?  
8:30? The basketball game."

Speaker Peters: "Further announcements? Mr. Clerk, Death  
Resolutions."

Clerk O'Brien: "House Joint Resolution 84, Irv Smith, with  
respect to the memory of John R. 'Jack' Pettiford. House  
Resolution 882, Ted Meyer, with respect to the memory of  
Monsignor Patrick Gleeson. House Bill 892, Ryan - McBroom,  
with respect to the memory of Mr. Arthur Burch."

Speaker Peters: "Representative Conti, adoption."

Conti: "Oh, I move the adoption of the Resolutions."

Speaker Peters: "Gentleman moves the adoption of the Resolutions.  
Those in favor will signify by saying 'aye', opposed. In  
the opinion of the Chair, the 'ayes' have it. The  
Resolutions are adopted. Representative Wolf, for a  
Motion."

Wolf, J. J.: "Mr. Speaker, I move to advance Senate Bill 1394 to  
the Order of Second Reading, Second Legislative Day without  
reference to Committee."

Speaker Peters: "You've heard the Gentleman's Motion."

Wolf: "This has been cleared with the Democratic Leadership."

Speaker Peters: "Is there objection? There being none, leave is  
granted. Does it need a Roll Call? Gentleman asks leave

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for use of the Attendance Roll Call. Is there objection?  
There being none, leave is granted. The Attendance Roll  
Call is... is... The Gentleman's Motion is adopted."

Wolf: "Could you read the Bill?"

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

Clerk O'Brien: "Senate Bill 1394, a Bill for an Act making  
appropriations. Second Reading of the Bill. No Committee  
Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, J. J. Wolf, amends Senate  
Bill 1394 on page one."

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

Wolf: "Thank you, Mr. Speaker. Amendment #1 transfers 35,000  
dollars from the Mine Subsidence Insurance Program to the  
Insurance Agents and Brokers Testing line item within the  
Department of Insurance's Fiscal Year '82 ordinary and  
contingent expense Bill. This transfer is necessary to  
meet the costs of the June 12th and June 26th licensure  
exam. This is a deficiency and the testing line item  
cannot be remedied by a two percent transfer, because it  
can't be... cannot be transferred into; and, of course,  
they will make this up on the fees that they charge for the  
examination."

Speaker Peters: "Any discussion? Gentleman moves adoption of  
Amendment #1. 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?"

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. Representative Telcser."

Telcser: "Mr. Speaker, Members of the House, let me first  
announce that this evening at 6:30 the Chicago World's Fair  
1992 Corporation is presenting a show which depicts the

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plans for the Fair. This show will be held at the Centennial Building auditorium. Additionally.. Additionally, there will be a reception at Baur's from 5:30 until 8:00 this evening. Everyone is invited to attend. Now, Mr. Speaker, I move the House stand adjourned 'til 9:00 a.m. tomorrow morning, May 14th, giving the Clerk any time he may need."

Speaker Peters: "You've heard the Gentleman's Motion."

Telcser: "9:00 a.m.."

Speaker Peters: "Those in favor... All in favor signify by saying 'aye'. Resounding. Motion is adopted. The House stands adjourned until the hour of 9:00 a.m., Friday. 9:00 a.m.."

Clerk O'Brien: "No further business. The House stands adjourned."