

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

44th Legislative Day

May 17, 1981

Speaker Ryan: "Representative Vinson, do you seek recognition prior to the prayer?"

Vinson: "Well, if you... I thought you were trying to get people in here and I thought I might do something prior to the prayer but if you want to go with the prayer and the pledge first, that would be fine."

Speaker Ryan: "That's the normal procedure. Reverend Flesner from the Grace Lutheran Church will give the prayer."

Reverend Flesner: "Let us bow our heads. Almighty God, Heavenly Father, it is near the end of a day as we invoke Your Presence in our midst. For many of us it has been a day of worship and of rest and for us there is work to be accomplished for we are aware that time is short, deadlines to be met. We ask of God this evening that You would grant us the energy to complete those tasks yet facing us, keep our vision clear, our outlook open, allow us to move forward with determination, strengthen our spirits and give to us a sense of accomplishment in that in which we wrestle. We pray, O God, for the needs of people everywhere, heal the sick, comfort those who mourn, give hope to those in despair. As we strive to be faithful stewards of Your bounty, may we do so with a sensitivity to the needs of those whom we have been called to serve. We pray this in Your Holy Name. Amen."

Speaker Ryan: "Thank you. Representative Leinenweber will do the Pledge."

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

Speaker Ryan: "Roll Call for attendance. Take the record, Mr. Clerk. With 146 Members answering...147 Members answering

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

44th Legislative Day

May 17, 1981

the Roll, a quorum of the House is present. I have a letter addressed to me from the Bishop and I'd like to read it to the group if I may. It says, "Dear George, thank you so much for being present at the Mass. Please convey to the distinguished Members of the House my profound thanks to each and everyone who joined us in prayer. May God bless you and the Members of the House for your thoughtful kindness. Sincerely Yours in Christ, Bishop McNichols of Springfield, Illinois." That's for the record. Representative Vinson."

Vinson: "Thank you, Mr. Chairman (sic), Ladies and Gentlemen of the House, I would like to introduce Chairman 'Luzine' of the Civil Service Commission, a former House Parliamentarian under Speaker Blair, who indicates that she would be quite willing to serve in either Mr. Webb or Mr. Glauberman's role."

Speaker Ryan: "Did your Bill pass, Sam? Representative Davis, do you seek recognition?"

Davis: "Yes I do, Mr. Speaker. While we are getting ready to get going, I would like to ask...request of unanimous leave of the House in order that the posting notice be waived for the State Committee on Government Organization, that it might meet one hour before Session on Tuesday, whenever you determine what that Session time will be. It will be our last meeting on Executive Order Number I."

Speaker Ryan: "I assume you've cleared that?"

Davis: "Well, no I haven't. I don't think there's any objection to it. If there is, we just won't meet, which is okay too."

Speaker Ryan: "You've heard the Gentleman's Motion, or his request. He asks leave that the Committee on State Government Reorganization be allowed to meet one hour prior to..."

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

44th Legislative Day

May 17, 1981

Davis: "...Prior to Session on Tuesday morning."

Speaker Ryan: "Session on Tuesday and to waive the posting requirements for that day."

Davis: "That's correct, that's correct."

Speaker Ryan: "Are there any objections? Hearing none, leave is granted. Representative Leinenweber."

Leinenweber: "Again, while we're waiting, Mr. Speaker, to get moving. Perhaps, I have a Motion on House Bill 202 on the Order of Motions. I wonder if we could have leave to have that Bill taken from the table and placed in the Interim Study Calendar, Judiciary I. It, by mistake, the Bill got sent to sub-committee in the absence of the Sponsor, Representative Huskey, who happened to be ill the day the Bill was posted and he asked to have it put in a sub-committee and we forgot that the Bill would be tabled. So, I would..."

Speaker Ryan: "You're asking leave to take your Motion concerning House Bill 202?"

Leinenweber: "Yes."

Speaker Ryan: "..Upon the table and put it on Interim Study?"

Leinenweber: "Yes, Judiciary I, not II. I think there's...a Calendar is a mistake. I talk to Representative Jaffe..."

Speaker Ryan: "You want it to go back to Committee, Representative, or do you want it to go into Interim Study?"

Leinenweber: "Interim Study."

Speaker Ryan: "Pardon?"

Leinenweber: "Interim Study."

Speaker Ryan: "Are there any objections? Representative Getty."

Getty: "I wonder if we might at the same time, take the same action with House Bill 1887, which due to...was an exempt Bill but due to the inability of the Reference Bureau to get it together, just couldn't be moved and I would join in

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

44th Legislative Day

May 17, 1981

Representative Leinenweber's request and add 1887 with the same request, that it be referred to the...ask leave that it be referred to Judiciary I, Interim Study."

Speaker Ryan: "Representative Getty, are you the Sponsor on 1887?"

Getty: "Yes, both Representative Leinenweber and I."

Speaker Ryan: "And, Representative Leinenweber, are you the Sponsor on 202? Are there any objections to the Gentleman's request? Hearing none, leave is granted. Representative Lechowicz, do you seek recognition?"

Lechowicz: "Thank you, Mr. Speaker. Would the record indicate the reason of my absence yesterday was due to a death of a member of my organization and I'd like to be officially excused."

Speaker Ryan: "The record will so indicate. Representative Madigan, do you have any excused absences? Representative Telcser, do you have any excused absences?"

Telcser: "Yes, Mr. Speaker, Representative Margalus is absent because of illness."

Speaker Ryan: "I might add, Representative Telcser, that Representative Epton has been gone all last week and should be included in that."

Telcser: "Because of illness in the family."

Speaker Ryan: "Representative Getty, do you have any excused absences?"

Getty: "Not that I'm aware of at this time."

Speaker Ryan: "On the Calendar on page two, under the Order of House Bills, Second Reading appears House Bill 228, Representative Schuneman. Out of the record. House Bill 555, Representative Schuneman, want that heard? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 555, a Bill for an Act to amend the Worker's Compensation Act, Second Reading of the Bill.

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

44th Legislative Day

May 17, 1981

Amendment #1 was adopted in Committee."

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

Clerk Leone: "No Motions filed."

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

Clerk Leone: "Floor Amendment #2, Schuneman, amends House Bill 555..."

Speaker Ryan: "Representative Schuneman on Amendment #2. Representative Madigan, do you seek recognition?"

Madigan: "Yes, I do, Mr. Speaker. Would the record show that Representative White is excused because of an illness in the family. Excuse me, Mr. Speaker, a death in the family."

Speaker Ryan: "Is that...that's the only one you have? Representative White?"

Madigan: "The only one I know of."

Speaker Ryan: "The record will so indicate. Representative Schuneman, on Amendment #2 to House Bill 555."

Schuneman: "Thank you, Mr. Speaker. We have a series of Amendments to House Bill 555 to be offered by various sponsors, all of which are acceptable to me as a Sponsor of this Bill. The...I'm a little confused right now as to which Amendment is which, Mr. Speaker. One of these would restore the benefits for pre-existing conditions. One of them would restore the benefits for disfigurement and the others make technical change. Just hang on a minute, if you would, please. Okay, Mr. Speaker, Amendment #2 restores the provision in the Workers Compensation Act that would permit an employee to reopen the case beyond the 30 month period that was allowed in...that was provided for in the Bill and it would restore benefits to the employee and I move the adoption of Amendment #2."

Speaker Ryan: "I would like to interrupt you for a minute if I

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

44th Legislative Day

May 17, 1981

may, Representative Schuneman, to introduce the Governor of the State of Illinois. I just saw in the chamber in the back, Governor James Thompson, in the rear. Have you finished your presentation on Amendment #2, Representative Schuneman?"

Schuneman: "I have."

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

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

Schuneman: "I will."

McPike: "Cal, just so that we can follow these and make sure that we know what they do. It's my understanding that Amendment #2 deletes the new language underlined on page 48 and puts the...and puts House Bill 555 back in the shape of present law. Is that correct?"

Schuneman: "That is correct."

McPike: "Thank you."

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

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

Speaker Ryan: "Yes, he indicates he will, Representative."

Huff: "Representative Schuneman, I didn't hear your explanation and I can't find the Amendment. Will you for my benefit reiterate what that Amendment 2 does, briefly?"

Schuneman: "Okay, I'll be glad to, Representative. At the present time the Workers Compensation Law permits the Industrial Commission to reopen cases after they've once been settled, if medical costs are incurred or if the injured worker is determined to have a disability that the Commission thinks has deteriorated since their original settlement. The Bill would have stricken that language and this Amendment simply reinstitutes that provision so that the law will be as it is now. So in effect, we're reestablishing a benefit for the employee here."

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

44th Legislative Day

May 17, 1981

Huff: "Thank you, thank you very much."

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

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

Speaker Ryan: "He indicates he will."

Darrow: "Why are you doing this? What is the purpose behind offering this Amendment?"

Schuneman: "Well, to reinstitute the benefits, Representative."

Darrow: "Well, why are you doing that now?"

Schuneman: "Because this is when we want to do it. Don't you want it done?"

Darrow: "Well, I think that this Bill came out of Committee on the Republican side of the aisle. They have the Committee, they have the power and they have the majority, I would think that you'd want to go with the Bill as it is."

Schuneman: "Well, thank you for the advice, Representative."

Darrow: "Briefly, to these Amendments, I'd just like to say that this Workmans Compensation Bill that came out of the Labor and Commerce Committee is so bad that the Republican side of the aisle realizes they cannot pass it in its present form. This takes away so many benefits to the working men and women of this State that they are unable to get their own Members to support it. What we are seeing here is an attempt of the Republican Leadership to water down their own Bill, to take away from their own people that they say support them, the Manufacturer's Association, the Chamber of Commerce, so that they can get their own Members to vote for the Bill that their Committee passed out. I'm going to vote against this Amendment and any other Amendments to this Workmans Compensation Bill, hopefully, that we can keep it in its present form, hang it around the Republicans neck and see if they can pass it. I don't think they can get the votes on this House Floor to take these benefits

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

44th Legislative Day

May 17, 1981

away from the working men and women of this State and I'm going to try to keep it just that way. Thank you."

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

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

Speaker Ryan: "Representative Schuneman to close."

Schuneman: "Well, thank you, Mr. Speaker. A vote against this Amendment would be a vote against the benefits for employees and I urge all the Members to vote for this Amendment."

Speaker Ryan: "The question is, 'Shall Amendment #2 be adopted?' All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Jim Kelley, amends House Bill 555 on page one and so forth."

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

Kelley: "Mr. Speaker and Members of the House, Amendment #3 would...Amendment #3 would reinstate pre-existing conditions..."

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

McPike: "Thank you, Mr. Speaker. I would question whether or not these Amendments are now in order. House Bill 555 has been amended and these Amendments seek to amend House Bill 555, they should say, to amend House Bill 555 as amended. So, I would question if they are in order?"

Speaker Ryan: "Just Amendment #3, Representative?"

McPike: "Well, that will be 3 and then when we get to 4 I'll question that also and 5, and 6."

Speaker Ryan: "Representative Schuneman, do you seek recognition?"

Schuneman: "I'd like to take this Bill out of the record, Mr.

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

44th Legislative Day

May 17, 1981

Speaker."

Speaker Ryan: "555 out of the record. House Bill 556, Representative Schuneman. You want to do that one?"

Schuneman: "Yes."

Speaker Ryan: "556. Representative Peters in the Chair."

Clerk Leone: "House Bill 556, a Bill for an Act to amend the Workers Occupational Disease Act, Second Reading of the Bill, no Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Peters: "Third Reading. House Bill 672, Representative Schuneman. Out of the record? Out of the record. House Bill 1225, Representative Stanley. Out of the record. House Bill 1448, Representative Schneider. Out of the record. House Bill 1661, Representative Braun. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1661, a Bill for an Act to amend the Illinois Human Rights Act, Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

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

Clerk Leone: "Motion; I move to table Amendment #2 to House Bill 1661 as I question the germaneness of that Amendment, Representative Beatty."

Speaker Peters: "Representative who? Beatty. State your point, Representative Beatty."

Beatty: "Well, Mr. Speaker, the Bill deals with the Illinois Municipal Code and the Bill amends the Human Rights Act, an entirely different segment of the law. It's completely different Sections of the Statute."

Speaker Peters: "On that question, Representative Friedrich. Your light is on, Sir. Do you wish to... Mr. Clerk, the Motion is to table Amendment #...Amendment #2. On the

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

44th Legislative Day

May 17, 1981

Motion, Representative Braun."

Braun: "Thank you, Mr. Speaker. This Amendment was adopted in Committee. It relates to the same subject. Representative Beatty did not raise any objection or problem with this before and I therefore move that his Motion be defeated. I would very much like to discuss this issue with Representative Beatty, given an opportunity but this is a surprise to me. This is the first I've known about this Motion."

Speaker Peters: "Any further discussion on the tabling Motion? Representative Schneider."

Schneider: "If I...thank you, Mr. Speaker. If I heard..."

Speaker Peters: "Excuse me. Representative Beatty."

Beatty: "Mr. Speaker, this is a question of germaneness. I want a ruling from the Chair on germaneness."

Schneider: "My question, Mr. Speaker..."

Speaker Peters: "The Motion here is a Motion to table. Representative Schneider."

Schneider: "I think the Members heard from the Motion as it was read by the Clerk that within the question of tabling also resided the question of germaneness which I don't think is appropriate. He gave a straight Motion to table, right? If he wants a ruling from you, that's a different question. Now which one are we dealing with?"

Speaker Peters: "We are dealing on a Motion by Representative Beatty to table Amendment #2. Representative Madigan."

Madigan: "Mr. Speaker, regardless of the Motion currently under consideration, I question the germaneness of the Amendment."

Speaker Peters: "Mr. Clerk, will you bring the Bill and Amendment up to the...Representative Madigan, would you indicate for the Parliamentarian and the record your reasoning? Representative Madigan."

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

44th Legislative Day

May 17, 1981

Madigan: "Mr. Speaker..."

Speaker Peters: "It would seem a simpler solution to have the Gentleman to proceed with a Motion to table, discuss that and vote on it."

Madigan: "I was attempting to accommodate Representative Beatty and he tells me that he's prepared to offer to the Chair his arguments regarding germaneness. So possibly, it would be more appropriate for the Chair to recognize Mr. Beatty."

Speaker Peters: "Representative Beatty, you withdraw your Motion to table?"

Madigan: "No, he hasn't done that. He wishes to address the Chair."

Speaker Peters: "Representative Beatty."

Beatty: "Well, Mr. Speaker, my original action here was to ask the Chair if this is a germane Amendment, through the...if it's proper, when the principle Bill is dealing with the Illinois Municipal Code whether you can amend that and on another complete different Section of the Statute onto that Bill, amending the Human Rights Act."

Speaker Peters: "Representative Beatty, excuse me. The Chair is willing to either take your Motion to table and discuss that or have you withdraw that Motion to table and raise the question of germaneness."

Beatty: "I would just want to proceed on the germaneness."

Speaker Peters: "Fine, the Gentleman withdraws his Motion to table and now questions the germaneness of Amendment #2 to House Bill 1661. Representative Braun on that question."

Braun: "Thank you, Mr. Chairman...Mr. Chairman...Mr. Speaker. The Amendment #2 was adopted in Committee and by virtue of a previous ruling of this Chair, germaneness may not be raised as a bar to...as an objection to the Amendment already having been adopted."

Speaker Peters: "Representative Braun, first of all, the Chair is

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

44th Legislative Day

May 17, 1981

not...does not recollect any rulings in regard to germaneness on Second Readings. I'm not sure what you are referring to?"

Braun: "I'm referring to those instances in which an Amendment has already been adopted in Committee. The germaneness, it was my understanding that the Chair had ruled that that may not be raised as a defense to the..."

Speaker Peters: "The only...the Chair has never ruled on that point, on that issue. Germaneness can be properly raised here. Representative Beatty."

Beatty: "The only proper place to raise that issue, is right here on the floor. The Chairman is not in a position to say if a Bill is germane or not."

Speaker Peters: "Representative Reilly."

Reilly: "Thank you, Mr. Chairman...Mr. Speaker. The Amendment, the Bill as it started out was an Amendment to the Human Rights Act and Representative Beatty's....Representative Beatty is certainly correct about that. But the subject matter of the Bill, indeed the identical language that the Bill as it started out put in the Human Rights Act, that identical language appears in Amendment #2. All that's happened is, is that they discovered as they were going through the process, as this Bill originated with the Illinois Realtors and as they were going through the process, they discovered that they also had to add that language to the Municipal Code and that's all Amendment #2 does. There can't be any, as I would see it, any possible question that it deals with a subject matter of the original Bill, more than that, it deals with the identical language of the original Bill and simply puts it also in a separate chapter."

Speaker Peters: "Representative Madigan."

Madigan: "Mr. Speaker, may I suggest that if this Bill were

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

44th Legislative Day

May 17, 1981

temporarily taken out of the record to allow Representative Braun and Beatty to talk as we might solve the problem."

Speaker Peters: "Does the Lady agree? She agrees, out of the record. House Bills, Third Reading, Short Debate, page one. The first Bill to be called, House Bill 406, Representative Everett Steele. Representative Steele. Read the Bill, Mr. Clerk. Two minutes, two minutes opposition. One minute to close. One minute to explain your vote. Representative Cullerton, for what purpose do you rise?"

Cullerton: "Mr. Speaker, we inadvertently passed over House Bill 999 because it was not printed on any Calendar, the other night. I took that up with your Parliamentarian the other day..."

Speaker Peters: "Representative, I suggest you come and discuss that with the Clerk. If they make the proper notations, I will be happy to adjust my Calendar here. Representative Yourell."

Yourell: "Yes. An inquiry of the Chair. Mr. Speaker, what is the position of the Chair relative to Bills that were called on previous days and subsequently taken out of the record?"

Speaker Peters: "The...we are picking up where we left off earlier. Those Bills...there were only three on this Calendar. That's..."

Yourell: "Well, if the...the reason I'm asking the question is that the..."

Speaker Peters: "Representative Yourell."

Yourell: "Yes, the Speaker made a comment several days ago that he would try to accommodate every Member of the House, and have...and give every Member the opportunity to have his or her Bill called at least once prior to the deadline. Now there have been Bills that were called and the

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

44th Legislative Day

May 17, 1981

Speaker...the Sponsors were present but the Sponsors at that time, took the Bill out of the record. Now, is it still the position of the Chair that we're going to not go back to the Bills that were taken out of the record and continue, because if you don't, then you're going to give sponsors two shots at their Bill while others have had not one opportunity."

Speaker Peters: "Representative Yourell, it is our position to start where we left off last time and that's at House Bill 406 on this Calendar and continue down this list on Third Reading, or Third Reading, Short Debate or where ever else. It has been the practice, generally, to pick up where we left off. Now, I would assume that we would generally follow that unless something else happens."

Yourell: "Well, that's all right. I have no quarrel with that. My only question, again, is that in subsequent calls, like you're starting at 406, there are Bills that were called before and taken out of the record and I just want to know if some of those sponsors get two opportunities or not?"

Speaker Peters: "We trust that they are...that everyone will get at least one opportunity, Representative Yourell. That is going to be our intention. We are going to start at 406, where we left off and continue straight down. 406, Representative Steele. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 406, a Bill for an Act to amend the School Code, Third Reading of the Bill."

Speaker Peters: "Representative Steele."

Steele: "Thank you, Mr. Speaker. House Bill 406 amends the School Code allowing notices of dismissal to be sent by certified rather than registered mail. Certified accomplishes the very same record of delivery as registered mail. It costs about two and a half dollars less per each mailing, at a savings throughout our State of thousands of

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

44th Legislative Day

May 17, 1981

dollars. A Floor Amendment sponsored by Representative Getty requiring a return receipt requested was adopted on Second Reading here in the House. Another Floor Amendment was also adopted, sponsored by Representative Schuneman. Changing the requirement from 12 years to 11 years for physical education in elementary and secondary schools. This was adopted on Second Reading. House Bill 406 in its present posture makes common sensical adjustments and I urge your support."

Speaker Peters: "Anyone in opposition? Representative Schneider."

Schneider: "Thank you, Mr. Speaker, Members of the House, the Bill when it came out to the floor was in part innocuous and perhaps amounted to a savings per district of about 30 to \$40.00 a year which for me is inconsequential. As it became, unfortunately, a vehicle for another Amendment, I think we ought to be very much aware of the contents of that Amendment. That Amendment is Amendment #2 which reduces a requirement in physical education in the high school level by one year. The problems I have with that relate to two. Number one again, Representative Hoffman's School Problems Commission and a Commission appointed by the Governor has indicated an interest and a determination to study mandates. Again, whether they be special education, physical education, driver ed, or others, we are committed to addressing that question with much thought and thoroughness. I think the Amendment is the kind of Amendment or the concept that was, as it was originally embodied in Representative Schuneman's Bill, is the kind of proposal that belongs in that sub-committee. My second concern, looking at it without study in terms of what the Mandate Program Study Commission will do, is to really raise the question of why the Bill unfortunately did not

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

44th Legislative Day

May 17, 1981

get studied in Committee. We were able to address the question of physical education but the opposition that established the educational value of a continuing education program was addressed in the Committee and those Bills that were comparable to this Amendment, failed. I suggest to you that this Amendment is a detriment to the proposal. It is an Amendment that should be studied in greater detail. It's one that I think that you ought to consider in voting on the Bill and my vote and my recommendation to you would be a 'no'."

Speaker Peters: "Representative Steele to close, one minute."

Steele: "Thank you, Mr. Speaker. The Bill as passed in the Committee and also the Amendment put upon the floor and voted here by the majority on the floor of the House, I think puts this Bill, a good Bill, it reduces mandates, it saves money for the taxpayers of our State and for our local school districts, and these days and times when money is in short supply, particularly in education, we need every precious dollar we can find and this Bill will help free up several additional thousands of dollars for each school district for precious education that we need so much. We all campaign in this State, on cutting taxes, and on cutting wastes, and cutting costs in government. Well, here's a Bill that gives us an opportunity to put our votes where our words are. It will help cut some costs, and cut some wastes, and cut some mandates that we're trying to reduce in this State. I urge your support for a good Bill, House Bill 406."

Speaker Peters: "The question is, 'Shall House Bill 406 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative Deuster I'm...hang on a second

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

44th Legislative Day

May 17, 1981

here. Representative Deuster, one minute to explain your vote. Excuse me, excuse me. Ladies and Gentlemen, a bit of confusion, if the Assembly would give the Chair leave to dump this and do this once more because we don't want to...there's about four people who wanted to explain their votes here and it's kind of late now. But we'll start all over. They have one minute to do it on Short Debate. Alright, clear it. Now, the question is, 'Shall House Bill 406 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Representative Deuster to explain his vote."

Deuster: "Mr. Speaker, Ladies and Gentlemen of the House, the controversial part of this Bill certainly is the requirement that instead of 12 years of physical education, 11 years is required. Students can still in high school take gym four years but if they want to, in their senior year, they could elect to take geometry or science or something that they really need for their career. This puts just a little bit of flexibility into that physical education mandate. I don't think it needs more study. It's so simple, perhaps a professional student might want to study it forever but I think Members can see that this is good and this is what many of our students need. Students want to compose their own curriculum and decide what they want to do. I think if they take 11 years of P.E. that's fine. They can take another year if they want to but if it conflicts, let them have the choice, let them have the freedom and the flexibility to decide what they're going to take and what's important for their career."

Speaker Peters: "Representative Satterthwaite to explain her vote, one minute."

Satterthwaite: "Mr. Speaker and Members of the House, I agree that physical education is good for all children but I also

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

44th Legislative Day

May 17, 1981

feel that there should be some flexibility to allow a student to graduate with all of the credits they need in the subject matter of their choice. Currently, many of the students are failing to graduate because they can not work into their curriculum all of the requirements for their course studies and still have four years of physical education. I don't think that we should deny someone their high school diploma simply because a shortened schedule within the classroom has now made it impossible in many cases for them to graduate. Some flexibility is needed and I think this is a reasonable alternative to demandate one year and allow them to take it if they can work it into their schedule but..."(cut off)

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

Schuneman: "Mr. Speaker, I think that this Bill is a Bill whose time has come. We have all been running up and down this State talking to our constituents and talking to school boards and agreeing when they tell us that the State mandates programs and then doesn't pay for them. Now this is not a big matter that we're asking for here. We're only asking that you roll back the mandate to the local schools on P.E. from 12 years to 11 years, 11 years of P.E. Now I have a letter from a school superintendent who says, frankly, I find it incredible that the General Assembly requires 12 years of physical education, only three years of English and none of math. We have kids getting out of school who can't read and write. Yet, we mandate that they have to spend one hour every day of every school year in P.E. I think that is absolutely incredible. We should be voting for this Bill. Give our local school districts a little help."

Speaker Peters: "Representative Pouncey, one minute to explain

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

44th Legislative Day

May 17, 1981

his vote. Representative Ropp, one minute to explain his vote."

Ropp: "Thank you, Mr. Speaker, Members of the House, I would just like to point out one example that I think would be good in passage of this Bill; a number of high school students in their senior year take advantage of athletic programs. To me, to be out for football, basketball, track, in many cases, includes girls too, now, I see no reason or I think that they get enough exercise and enough physical development in those athletic programs that that one hour that they would get for P.E. would certainly be better served in the library trying to pass some of the other important educational courses. I urge a favorable vote."

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

Kustra: "Thank you...thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would just point out as the Chairman of the Education, sub-committee on Education Mandates that this Bill was reported out of our sub-committee, and it was the only Bill that dealt with mandates, with demanding any facet of education. It was the only Bill reported out. It was studied carefully, and I think it is an idea whose time has come, that is the idea that by the time a student reaches the end of his or her junior year, he or she can make that determination as to whether or not they want that senior year of physical education. It's a good Amendment to a good Bill and I would urge many of those red votes over there to turn green. Thank you."

Speaker Peters: "Representative Reilly to explain his vote."

Reilly: "Well, thank you, Mr. Speaker. It may that we just can't do anything, we give a lot of speeches, we talk a lot, we campaign a lot, but we're not going to do anything, it

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

44th Legislative Day

May 17, 1981

would appear. If you're ever going to vote for a Bill to in any way lessen or give greater flexibility to the mandates that we impose, this is it. If you don't have the courage to vote for this, you don't have the courage to vote for anything. This Bill does a very simple thing. It simply gives a little more flexibility. It doesn't say they aren't going to have P.E. It just says that they don't have to have it through that senior year. It seems to me that it was heard, it did go through the process. It simply got fouled up in the last minute in the Full Committee, itself. I would hope that people on this side and on the other side of the aisle would see that this is not something to be terrified of politically. It's a good Bill, it ought to receive a lot of 'yes' votes. This is a Bill that you can vote for, vote green on, and be helpful to your school board."

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

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 406 doesn't make the changes that some people seem to fear, again, just repeated here, and I hope everyone will listen. All they're doing on the physical education is dropping one year off. I think that the schools will be better off and I just don't understand the opposition to this. I would think that this would be one of those Bills that would have practically all green lights."

Speaker Peters: "Representative Hoxsey to explain her vote for one minute."

Hoxsey: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I don't know where you've been but those people that are voting red up there, you haven't been listening to your school boards. You haven't been listening to your parents,

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

44th Legislative Day

May 17, 1981

you haven't been listening to the students. I can't believe it. I suggest you change your vote to green on this Bill."

Speaker Peters: "Representative Robbins to explain his vote."

Robbins: "With the adding of coeducational P.E. programs through many of the schools...by mandate, they have lost their effectiveness for being able to develop either the boy or the girl into the proper athlete that they could be. If we're going to waste somebody's time, why not let them waste it with a book instead of setting on the bleachers, which some of the girls have to do because they can't take part but they have to be in class. Now, it's time that we looked at our education and give our kids something to think about. We're not graduating engineers anymore. We need engineers, we need people to use their head and think. So, let's give them something to do besides trying to build bigger biceps."

Speaker Peters: "We have eight more people who wish to explain their vote. Representative Stiehl, one minute."

Stiehl: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Almost every school board member I have ever spoken with, almost every administrator and countless teachers have asked repeatedly for this Bill. It is very important to our schools. It doesn't do anything but allow physical education to be permissive in the last year. The schools want this, the school boards want it, the students want it and the administrators want it. I would ask for a favorable vote."

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

Friedrich: "Mr. Speaker, I find it almost unbelievable that 79 people on the floor of this House think it's more important to have physical education than it is English and math.

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

44th Legislative Day

May 17, 1981

Now, we've got more people in physical education teaching than we do in either math or English. I don't know where your priorities are but I'd like to see the high schools start turning out some people who can read and write and reckon a little bit, and apparently you don't think so and you go back and explain it when you get home."

Speaker Peters: "We have now been on this Short Debate legislation for 20 minutes. Have all voted who wish? Take the record. On this question there are 72 'aye', 81 'nay', none voting 'present'. Representative Steele. This Bill having...Postponed Consideration. House Bill 432, Representative Sandquist. Read the Bill."

Clerk Leone: "House Bill 432, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act, Third Reading of the Bill."

Speaker Peters: "Representative Sandquist."

Sandquist: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I hope this is less controversial. It's a simple Bill. It does what it says in the Digest. It permits when a court in determining the custody arrangement to examine the confidential report of the investigator. At the present time the confidential report of the investigator can only be used for impeachment purposes. This would allow the court to do that. I don't think we have to worry about heresy. It...notice has to be given to both parties and it passed out of Judiciary I Committee 13 to nothing. I'd ask a favorable report."

Speaker Peters: "In opposition, Representative Schraeder. Or is it...your light...Representative Greiman."

Greiman: "Thank you, Mr. Speaker and Ladies and Gentlemen, I rise in very strenuous opposition to House Bill 432. I know of no litigation, no kind of litigation that is as important as a child custody matter, not contracts, not torts, not

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

44th Legislative Day

May 17, 1981

product liability, not any trust, nothing, and in none of those, in none of those would we allow the judge to use a report made by a third party, not subject to cross examination. Why would we possibly then in the most critical kind of litigation that affects human beings, somehow throw away the safeguards against heresy? Why would we substitute the thoughts of a social worker, of a psychologist for that of a judge? I say that evidence that goes into every court...action, but certainly in a child custody should be subject to..."(cut off)

Speaker Peters: "Representative Sandquist to close."

Sandquist: "I'd like to point out that the question of heresy is not important here because we do not have a jury here, we have a judge that's considering the matter. The notice is given, the report is given to all parties and I think if a judge is going to make the proper custodial arrangements, he must have all the information in front of him, and I ask...urge an 'aye' vote."

Speaker Peters: "The question is, 'Shall House Bill 432 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 117 voting 'aye', 20 voting 'nay', 6 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 470, Representative Steele, E.G. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 470, a Bill for an Act concerning public utilities, Third Reading of the Bill."

Speaker Peters: "Representative Steele. E.G. Steele."

Steele: "Thank you, Mr. Speaker. House Bill 470, I believe you'll find is a rather simple Bill. It's corrective legislation. It passed the Public Utilities Committee 14

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

44th Legislative Day

May 17, 1981

to nothing. Several years ago I introduced legislation to prevent utilities companies from cutting off service in the winter months. This passed here with approval of the House. Since that time, the Illinois Commerce Commission has adopted those same rules and regulations and now protect the people any time the temperature is 32 degrees or colder. The Bill that...470 leaves in it the hands of the Illinois Commerce Commission and eliminates a lot of red tape and a lot of paper work that was required by the previous Bill that I put in. It's corrective legislation which we no longer feel is needed and I urge your support for it."

Speaker Peters: "Anyone in opposition? The question is, 'Shall House Bill 470 pass?' Those in favor will vote 'aye', those opposed will vote 'no'. Mr. Clerk, voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 152 voting 'aye', none voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 483, Representative McClain. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 483, a Bill for an Act to amend the Juvenile Court Act, Third Reading of the Bill."

Speaker Peters: "Representative McClain."

McClain: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 483 is a very simple Bill. It is a Bill that requires a guardian ad litem that is appointed to meet, face to face, with the minor prior to the adjudicatory hearing. Many times guardian ad litem are appointed and they don't even know who they represent and they have never talked with the child or know any of the facts or the circumstances of the child. This is a Bill

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

44th Legislative Day

May 17, 1981

that I had last Session. It got caught in the switches at the end of the Session. This Bill, the Illinois State Bar Association has no problem with it and the Committee that heard the Bill passed it out 16 to zero. I ask for a favorable vote."

Speaker Peters: "Anyone in opposition? If not, the question is, 'Shall House Bill 483 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Peters 'aye'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 150 voting 'aye', none voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 486, Representative McClain. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 486, a Bill for an Act to amend an Act in relationship to the adoption of persons, Third Reading of the Bill."

Speaker Peters: "Representative McClain."

McClain: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House, one of the things I'd like to point out is we worked very hard on these pieces of legislation, it includes the help of the Department of Children and Family Services and we have their agreement on this piece of legislation also. House Bill 486 would overturn an appellate court decision of 'Partington' and in 'Partington's' case they said even after a parent severed their right as a natural parent and had placed the child for adoption that that parent would still first...had first option to adopt the child. That seems inconsistent and should not happen and so this Bill would overturn the 'Partington' case and say that if a parent terminates his or her rights and places the child for adoption, that indeed, then the court ought to look what's in the best

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

44th Legislative Day

May 17, 1981

interest of the child on the adoption and lump all people in the same category, including the natural parent that had severed the parental right. It passed out of Health Services Committee 16 to zero and I'd ask for a favorable vote."

Speaker Peters: "Anyone in opposition? There being none, the question is, 'Shall House Bill 486 pass?' Those in favor will vote 'aye', those opposed vote 'nay'. Peters 'aye'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 145 voting 'aye', 2 voting 'nay', 2 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 487, Representative McClain. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 487, a Bill for an Act relating to the placement and medical care of certain minors, Third Reading of the Bill."

Speaker Peters: "Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 487 as amended, there were two Amendments that were put forth by State's Attorney Daley with the advice and consent of the Illinois Department of Children and Family Services. The first Amendment would allow for emergency medical treatment to a minor if there is a possibility that the child might die, so that the hospital can immediately offer the child emergency medical treatment at that point. The second Amendment would say that there can be an emergency shelter care placement if, indeed, there is a life threatening circumstances for the child. This is in the best interest of the children and I would ask for a favorable vote. They passed out of Health Services 15 to zero."

Speaker Peters: "Anyone in opposition? There being none, the

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

44th Legislative Day

May 17, 1981

question is, 'Shall House Bill 487 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Read the Bill...The voting is open. Have all voted who wish? Have all voted who wish? Peters 'aye'. Take the record, Mr. Clerk. On this question there are 152 voting 'aye', none voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Representative Madigan for the purpose of an announcement."

Madigan: "Mr. Speaker, for the purpose of an announcement. I'd like to introduce to the Body a former Member on the Democratic side of the aisle, former Member, Dick Mugalian. Dick Mugalian."

Speaker Peters: "House Bill 488, Representative McClain. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 488, a Bill for an Act to amend Sections of an Act in relationship to the adoption of persons, Third Reading of the Bill."

Speaker Peters: "Representative McClain. Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, in fairness I ought to tell the Membership that this one might be a little controversial, although it passed out of Health Services Committee 15 to 1. What this would provide is once a parent has signed an irrevocable consent to place a child for adoption and to sever parental rights, the present law says that that natural parent has the defense of fraud or duress ad infinitum. This would restrict fraud and duress to only be within 12 months after severing that parental right and placing the child for adoption. I think that if any of you know any adoptive parents, you know that fraud and duress hangs over the adoptive parents year after year after year and it's a

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

44th Legislative Day

May 17, 1981

tremendous mind boggling and pressure on those adoptive parents. I think this is fair. It's a one year statute of limitations, if you will. It passed out of Health Services 15 to 1. It is supported by the Illinois Department of Children and Family Services. I'd ask for a favorable vote."

Speaker Peters: "Any opposition? There being none, the question is, 'Shall House Bill 488 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. The voting is open. Peters 'aye'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 151 voting 'aye', 5 voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 608, Representative Daniels. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 608, a Bill for an Act to provide for the protection of young children, Third Reading of the Bill."

Speaker Peters: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 608 creates the Child Passenger Restraint Act, which would provide for the use of child restraint systems when a child under the age of five is transported by a parent in an automobile which is owned by that parent. I would ask for your favorable consideration of this legislation."

Speaker Peters: "Anyone in opposition? Representative Johnson."

Johnson: "I don't know how this got on Short Debate but I would ask some other people to join me in taking this off. It got beat 135 'no' votes last year. I don't think it's particularly noncontroversial."

Speaker Peters: "There are ten Members joining the Gentleman. It's off Short Debate. Proceed, Representative Johnson."

Johnson: "Well, Mr. Speakers and Members, I hope I'm not correct

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

44th Legislative Day

May 17, 1981

in predicting that the way you get a Bill passed, even though it gets 135 or 140 'no' votes one year, is to get different Sponsors and then have organized groups lobby on its behalf and certainly this is a perfect example of that because there really isn't any organized opposition to that. Politically, you probably ought to vote for this Bill but I think you really ought to look and see what this Bill does and what the ramifications of this particular issue are. I couldn't believe it last year when Representative Dyer called this Bill and apparently other Members of the House couldn't either. It's got a very creditable Sponsor this year and a Gentleman I have a great deal of respect for, but it's just as bad a Bill this year as it was last year. What it does is to make criminals, and Representative Daniels is going to say it's fine only, but it's still in the Criminal Code. It makes a criminal out of a mother or father who has their child of five years of age or under in a car not in a restraint device. Now, perhaps, and I know Representative Daniels is going to say, it's a safety feature, perhaps it's a good idea to have those available in a car. Perhaps it's a good idea for this Legislature and other entities to embark on a public education program and to otherwise conduct acts so the people will be more aware of the situation. But when you are going to make a family, criminals for doing something that for 200 years or 100 years, since the car was invented, it's been a family matter, I think you are encroaching on an area that just is absolutely ought to be beyond the control of the government. Everybody in here, including Representative Daniels has run on the campaign that we need less government. Government unintrude less on the individual domain of the family and the individuals in our society and yet, we come up with this Bill that's

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

44th Legislative Day

May 17, 1981

really 1984, revisited. I want to ask Representative Daniels, although I suppose the statistics aren't available, how many children there are between 0 and 5, and how much extra money this is going to cost, the citizens of Illinois, to buy a \$40.00 device when the child is born, then you buy another \$40.00 device when the child is 3 or 4 years old and at least, 80 or \$100.00 in the course of those 5 years. In addition to that, what about the families that have one or two or more children between 0 and 5 that are on Public Aid? Are we going to appropriate the money to be able to buy these child restraint devices for them or are we simply going to say that you got to pay out another \$100.00 and where you get it from is your own problem? Now, I realize, and I really believe that if this is the problem, we ought to address ourselves to it. But how are we going to enforce this Bill? Are we going to double the police forces of the State, we going to send out the State Troopers when they ought to be looking for rapists and armed robbers and murderers to pick up a parent or to put them in jail or issue them a ticket because they don't have their four year old child in a child restraint device? What about mothers who are breast feeding their children? What about people that simply have too many...too many children to be able to erect these kind of devices in a car? Now, I know Channel 9 or Channel 5 or whatever the Channel is in Chicago has done a feature on this, and I realize when the Chicago media editorialized as they do in favor of something, that a lot of people find it hard to vote no. But if there is ever a Bill, this Session or any other Session, that's an absolute encroachment on the ability of a family to control its own destiny, it's a Bill that makes a mother or a father a criminal for not having a child in a restraint device. And I know we are

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

44th Legislative Day

May 17, 1981

going to hear the statistics there's going to be 100 children die and all that kind of thing. We ought to address ourselves to it but this is just not the way to do it." (cut off)

Speaker Peters: "Conclude Representative ."

Johnson: "..To vote 'no' who did last year when this Bill was overwhelmingly defeated in the Illinois House."

Speaker Peters: "Representative Stewart."

Stewart: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of 608. Originally, I too was opposed because I too wondered exactly how much can we regulate and supervise private...private life in a free society. However, this Bill does speak to the safety of those who don't have the rights and privileges of regular citizens in this country because they're too young. Certainly it is the job of those of us in government to protect those lives. I would urge an 'aye' vote. This is a good Bill. Thank you."

Speaker Peters: "Representative Hastert to explain his vote. I'm ...just Representative Hastert."

Hastert: "Would the Sponsor yield for a couple of questions?"

Speaker Peters: "He indicates he will."

Hastert: "Would...in this law, it's \$25.00 and a petty offense, is that correct? If you were driving down inter-state or I-55 or I-80 at midnight or 10:00 at night, or 2:00 in the morning and you had two children sleeping in the backseat of the station wagon, or in the back of a station wagon, or in the back of a van, would that be a double offense or would that in fact be an offense?"

Daniels: "It would be included as an offense under the law and what the law would say is that you should place these children in an approved restraint device. A device that costs somewhere in the neighborhood of \$15.00 to \$40.00 and

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

44th Legislative Day

May 17, 1981

the petty offense violation which is, by the way, quasi-criminal, Representative Johnson, not totally accurate in what he said before. It's a quasi-criminal offense and it would be required to place those children in a device and I might add to that, sleeping children in a station wagon is probably the most unsafe place they could be, and that's really one of the purposes of this law, to make them safe."

Hastert: "So, just to clear up, a family who had a child sleeping in the back seat of the car or station wagon that would be an offense, correct?"

Speaker Peters: "Give the Gentleman some attention, please. Representative Terzich."

Terzich: "Yes, the Sponsor of the Bill. Does this Bill only apply to Illinois cars?"

Daniels: "Yes."

Terzich: "In other words, if you're traveling from out of state, it doesn't make it?"

Speaker Peters: "Representative Daniels, leave him on."

Daniels: "It would only apply to Illinois residents, when they have their own children, in their own car."

Speaker Peters: "Terzich, put Terzich on."

Terzich: "Then you are only saying that inter-state...then someone from Illinois could be stopped but not someone who had an out of state license plate?"

Daniels: "That is correct."

Terzich: "Would it be a moving violation or a criminal penalty or...?"

Daniels: "The violation would be subject to a \$25.00 fine. The reason that the figure \$25.00 was picked was because that is the approximate cost of the car restraint system. In the six states that already have this law in effect, the experience there has been that when people have produced a

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

44th Legislative Day

May 17, 1981

sales slip that they have purchased a car restraint system that the charges have been dismissed. That has been the experience in Tennessee, that has had this law on its books for a couple of years now."

Terzich: "What happens with rental cars? If you rent a car and.."

Daniels: "You are not responsible for it because it's not your own car and that's all the responsibility you have. When you have your own children, in your own car."

Terzich: "I would think that this Bill is very, very deficient and I personally cannot see anybody voting for this type of legislation, mandating people to put restraints, put them in jail and only applying to Illinois residents. I would urge a 'no' vote."

Daniels: "Well, it doesn't call for a jail sentence."

Speaker Peters: "Representative McMaster. McMaster."

McMasters: "Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, one of my sons has two children under the age of five. One of them four years old and one of them about a year and a half. A daughter of mine has three children under the age of five. And if you are going to tell me that when my sons wife or my daughter drives to town to go grocery shopping, she is going to have to tie those kids, four years old or three years old into a restraining seat. I think that it would be impossible. And if Representative Daniels has children of that age, he should know what I'm talking about. I don't think you can possibly do it and maintain any kind of decorum in the car. I think you are just going to have to tie them up like you were tying up dogs. And I don't believe children should be handled that way. I would urge a 'no' vote on this Bill."

Speaker Peters: "Representative Hannig."

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

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

44th Legislative Day

May 17, 1981

Speaker Peters: "The question is, 'shall the main question be put?' Those in favor will signify by saying 'aye'. Those opposed by saying 'nay'. The Gentleman's motion passes. Representative Daniels to close."

Daniels: "I'm happy that Representative Johnson removed this from Short Debate. I personally didn't ask it to be placed on that, but I'm also very happy that we've had an opportunity to debate the subject. Now, let me list for you, since this debate has been spirited, and take the time to list to you some of the organizations that support this legislation. The Rehabilitation Institute of Chicago is the major and prime mover behind this legislation. And I agreed to sponsor this Bill at their request, and proud to do so because they are the people that receive the children when they are injured and damaged and permanently suffer damage to their bodies as a result of being thrust forward in an automobile against the dashboard or the windshield. And some of you may say, my gosh, here we go, governmental interference again. And yes, I would say to you, and I might agree that it would be, if we were talking about requiring people to wear seatbelts, an adult like you or like me. Adults that have the conscious ability to make a decision, on whether or not they should strap themselves in. But we're talking about kids, we're talking about young people. And do you know that at 20 miles an hour at impact, a 15 pound child is equivalent to a force of 300 pounds, 300 pounds surging against a dashboard or a windshield damaging that young child. And do you know that in Illinois alone in 1979, 4,383 children suffered severe damage as a result to the automobile accident. Now, when somebody tells me that they're worried about placing their child in a car restraint system, I say to you, don't you take your child to a doctor and get immunization against

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

44th Legislative Day

May 17, 1981

measles? Don't you take your child and get a shot against polio? Aren't you concerned about your child and that child's safety, when that child can be thrust against a dashboard, when you cannot hold that child in your arms upon an impact? And if you talk to people, like the 'Saidders', people whose child at three weeks old, riding in the backseat, being held by her grandmother was thrust against the seat in front of her and crushed into that seat and now is totally disabled and will be a vegetable for the rest of that child's life. When you talk to parents like this that testified in Committee, then you too, would be a believer in this legislation just as the Illinois Chapter of American Academy of Pediatrics, the Illinois Hospital Association, Childrens Memorial Hospital of Chicago, the Illinois Nurses' Association and above all the Illinois Department of Law Enforcement. The Illinois Department of Law Enforcement through the troopers will have primary responsibility of enforcing this law, have said that they will do all that they can, to support this legislation and enforce this law. I'm proud to join those people. I'm proud to join the Chicago Police Department that has endorsed this legislation in the interest and the safety of children. Six states today have this law. This Bill is pending in 39 other states in the country. It is reasonable legislation and using and paraphrasing the terminology and the statements of Milton Freedman. Milton Freedman, who says, 'One of these subjects, legitimate subjects of governmental regulations deal with children's safety.' It is an area we all have a right to be concerned with. Yes, I'll join in supporting this legislation and happily sponsor it. I'm asking you to join me in the interest of safety of children under five, who cannot vote or could not make a decision on their own without our

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

44th Legislative Day

May 17, 1981

assistance. I ask you to vote 'yes'."

Speaker Peters: "The question is 'Shall House Bill 608 pass?'

Those in favor will vote 'aye', those opposed will vote 'nay'. Representative Brummer to explain his vote."

Brummer: "Thank you Mr. Speaker. I think this is the grossest violation and intrusion of the family life. There are several inconsistencies and I can't point them all out in one minute, I suppose. Number one, there's nothing that requires parents to strap up their children who are between five and eighteen years of age with already existing seatbelts. All this does is require parents to buy additional devices which may be very expensive. Public Aid people may not be able to afford them, I may not be able to afford them with three children under the age of five years. I raised the question previously, there was no exception with regard to mothers who breastfeed their children. My wife does regularly, maybe it's not a good safety practice, when she's finished she puts the child back in the seat but while she is feeding the child she cannot do that in the child restraint device. There has been reference made to the Tennessee law. I would point out that the Tennessee law has the exceptions that if an adult is holding the child in his arms, they don't need to have them in the child restraint device. That is an exception in the Tennessee law, it's not an exception in this Bill. The further major deficiency is, there is nothing in here that would require me to have a child in the safety...child restraint device when I'm driving my wife's car. It's only when I'm driving my own car. If a wife is driving a husband's..."(cut off)

Speaker Peters: "Representative Pullen."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, there are a lot of problems in society and many of them we try to

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

44th Legislative Day

May 17, 1981

solve here. But there are some problems that simply can't be solved by government and in some of those instances government only makes the problem worse. I think this is such an instance. I think that people's liberty to take care of their own children in the way that they see fit is very important and will be totally trampled upon by this Bill. It received only 35 or 40 votes last year, it's too bad it's receiving more than that this year but I certainly hope it does not receive 89. It is absolutely wrong. Thank you."

Speaker Peters: "Representative Ronan to explain his vote."

Ronan: "Thank you Mr. Speaker, Members of the House. I'm amazed at listening to some of this debate. This is one of the real peoples Bill we got before us in this General Assembly. Who else worries about little kids but us? This is the kind of thing that we should be passing because we're the protectors for little kids. I hear these Legislators talking about getting government off their backs. Alright, let's get government off our backs, let's close the the schools, let's close parks, let's close the day care centers, let's have the little kids born, let's just leave them there and forget about them. This is the only way we can protect them when they're in the automobile and I urge Members on this side of the aisle to get up and vote for this fine piece of legislation because that's where we belong, on the right side of the issue, protecting the little kids."

Speaker Peters: "Representative Catania to explain her vote."

Catania: "Thank you Mr. Speaker and Members of the House, I rise in support of this Bill. You can buy any of a wide variety of child safety restraint seats in second hand stores and thrift shops for just a few dollars. You don't have to go out and buy them brand new. They come in all varieties,

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

44th Legislative Day

May 17, 1981

the kind that's on the little green and white sticker that you've seen is a little high impact, plastic seat. It's called a loveseat because it faces the back of the front seat and the child can be strapped in and contrary to what Representative Johnson and Representative Brummer, who really don't have first hand experience have told you, you can breastfeed a baby in one of these. It's not as comfortable as having them in your arms but it can be done and the child is much safer in this situation than in any other kind of situation and just last week there was an overwhelming vote here, to interfere in people's private sex lives and say that we were going to discriminate against them on the basis of their private sex lives. So, why on earth are we now so hesitant..."(cut off)

Speaker Peters: "Representative Chapman to explain, one minute."

Chapman: "Mr. Speaker and Members of the House, since we've heard Mr. Ronan tell us that we should vote for this Bill for children, I'm tempted to say that you should vote for this Bill for the doctors. The doctors are for this Bill and a study that they have done shows that a reduction of 90% of fatalities, fatalities and 67% of disabling injuries will be expected if this Bill is passed. Let's not only be against child abuse that comes under the present law, let's be against child abuse that can fall on any child if he is not taken care of when he rides in the family car. I hope that this Bill is going to pass..."(cut off)

Speaker Peters: "Representative Oblinger to explain her vote."

Oblinger: "Mr. Speaker and Members of the House, I just have two things that I want to answer those people who've already spoken. I've kept hearing how expensive it's going to be. The medical society has already started a fund where they will be purchasing these restraining seats on a revolving basis. People will use them when their children are five,

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

44th Legislative Day

May 17, 1981

they will return them and they can be used again. So, this great expense is not true. Number two, I heard one of our Representatives say we should leave the parents at liberty to take care of their children. We haven't done it with child abuse. If we had, we certainly would have a lot of abused children. We can't leave the parents always at liberty to take care of their children."

Speaker Peters: "Representative Cullerton to explain his vote."

Cullerton: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. Last year when this Bill came up, I voted 'present'. That's because I don't feel that I had the facts. I also didn't have a two month old baby as I do right now, and I can tell you that when I brought her home from the hospital I didn't know the facts and I didn't have her in a restraining...car. But now that I have learned about what can happen, I don't even start that car until I put that baby in that chair. The real good effect of this legislation will be information. People who leave hospitals will know, with their infants, will know what the law is and that's the real advantage of passing this legislation."

Speaker Peters: "Representative Vinson to explain his vote."

Vinson: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. Previous speakers have suggested that this is mandatory law. Well, right now a child can't fit in a safetybelt because the safetybelt is dangerous to their health. This is the only opportunity to give a child a choice. I'd like to suggest that Representative Johnson, when he spoke against this Bill probably didn't realize that in the '76 to '79 period, six children died and 377 suffered significant injuries in his district alone because these seats..restraints weren't required. The same statistics are present in the instance of Representative

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

44th Legislative Day

May 17, 1981

Brummer's district. And in Tennessee those figures were cut 50% and 75%, respectively, when an act like this was enacted. I would urge it's adoption. I would urge you to vote 'yes'."

Speaker Peters: "Representative Alexander to explain her vote."

Alexander: "Thank you Mr. Speaker. May I say to this House and my illustrious colleagues, that many parents at present don't know the danger of not having a child under restraint. I have only one other thing to say. How can we in this House weigh the words L-O-V-E against cost. I'm sure each of you love your children, your grandchildren, your nieces and nephews. The cost versus L-O-V-E."

Speaker Peters: "Representative Robbins to explain his vote."

Robbins: "After hearing all these fine people speak for this Bill, I must say that I'm glad my grandchildren have...part of them rode around in these seats but part of them have been fortunate enough to have mothers who thought enough of them to hold them and love them and let them know that they are loved and they are cared for. Now, if this is what you wish to mandate more programs, we need a fiscal note filed on this Bill, which has not been, because the State isn't equipped with these seats and I'll sure hate to think of sending the mother to jail for not being able to pay a \$25.00 fine and Public Aid will have to pay it, if we don't."

Speaker Peters: "Representative Fawell to explain her vote."

Fawell: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. If you were in the same position that I am and you became a guardian of a young boy who had his head smashed against a windshield and is now tied into a wheelchair with brain stem damage, never able to walk again and never able to speak again, I think you would vote for this Bill. I ask for a favorable vote."

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

44th Legislative Day

May 17, 1981

Speaker Peters: "Representative Ewing to explain his vote."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. There's been many, many arguments made, most of them good on both sides. I think something that we should keep in mind and something that helped affect my vote here is the enforceability of this, the amount of police that will take to really police this and what are we going to do about courts that are over crowded already. I don't think it's workable. Oh, it may be very desirable, I don't think it's workable."

Speaker Peters: "Representative Emil Jones to explain his vote."

Jones: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. The Lord take care of those who take care of themselves but government help those who cannot, and children cannot take care of themselves. Those of us who ride the highway back and forth to Springfield you see these little children jumping up and down in the back seats and the front seats of automobiles. In the event that automobile was involved in an accident those children could be hurt very seriously and maybe even killed. I can't understand the people on this House floor fighting against protection for children. This is a very good piece of legislation and it should pass."

Speaker Peters: "Representative Breslin to explain her vote."

Breslin: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this Bill because the statistics are very telling. Many years ago the leading cause of child fatality in this country was muscular dystrophy, today it's auto accidents. Enactment of the Tennessee statute..."

Speaker Peters: "Excuse me, Representative Breslin. The debate is lengthy, it would most people have their minds set up but the Lady has a right to be heard. It is especially

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

44th Legislative Day

May 17, 1981

difficult because the microphones in front here are open so that those of you who are in the well speaking adds to the noise level of the place. Please give the Lady your attention. Representative Breslin."

Breslin: "Ladies and Gentlemen, Mr. Speaker, I would urge more 'aye' votes on this Bill because in my view these statistics are telling. Today the leading cause of child fatalities happens to be caused by auto accidents. It used to be muscular dystrophy, today it's auto accidents. Many other states already have this Bill, Tennessee, Rhode Island, Minnesota, Kansas and West Virginia. Since 1978, when Tennessee enacted its statute, that has resulted in a greater than 300% increase in the usage of the car safety seats and reduced the fatality and serious injuries in that state by over 71%. Only one unrestrained child has died in Tennessee since that Bill was enacted. Let's do the same for our children."

Speaker Peters: "The Chair will recognize the five lights that are on and no one else. Representative Kelly to explain your vote."

Kelly: "Yes, Mr. Speaker I might buy the arguments made by the opponents that it isn't practical when there is more than one child but the fact remains that there is a great many of these deaths and accidents that have been pointed out and the percentages I think, show that we would be better off to protect the large majority then worry about not being able to have the issue being practical. My concern, also we're talking about cost, which was brought up here and I think that's totally ridiculous because gasoline alone is costing everyone of us. I know it cost me about \$3,000 last year and I'd say the average citizen at least 1,500, the deterioration on the car, automobile insurance..." (cut off)

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

44th Legislative Day

May 17, 1981

Speaker Peters: "Representative Macdonald for one minute."

Macdonald: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I didn't vote for this Bill last year because I was uneducated and didn't realize the impact and the seriousness of the results of these accidents that are happening on our highways every day. It's very seldom that a doctor will not rely only on the medical society and will take the time out from his busy or her busy practice to call you on the telephone and lobby you for a Bill and I will tell you that I had five pediatricians call me and tell me and urge me to please vote for this Bill. They, themselves are so concerned that they are giving their own money and raising funds for poor families who cannot afford these seats in their cars and they are going to have a lending closet that they, themselves are putting their own money into this fund to make that possible. So, I say that if the pediatricians are that concerned that they will take this action and call us..."(cut off)

Speaker Peter: "Representative Slape to explain his vote."

Slape: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this legislation and I'd like to just relate to the House here an article under Sidney Harris' byline, it says that 'a detailed ten year study in the State of Washington has found that if all the children in their first five years had been placed in adequate auto restraint systems, 91% of them would have been spared fatal injuries. That's 9 out of 10, 9 out of 10 children that are involved in fatal accidents today, can be saved by the parents using them and restraints. Most...Many of the parents are uninformed about this. When we pass this legislation, I guarantee you that the hospitals will be telling the parents before they take their children home about State law. There will probably be brochures printed

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

44th Legislative Day

May 17, 1981

at the hospital for information for parents and the people will be prepared when they go out in their car to have a safety restraint for that child. And I'd urge everyone in the House to vote 'yes'."

Speaker Peters: "Last speaker, Representative Friedrich, then we'll get to you Representative Polk."

Friedrich: "Mr. Speaker, Members of the House, I can't believe that 87 people in this room are willing to make a criminal out of a woman who's holding her two year old child, a sleepy child, when they are going down the road trying to put him to sleep. Now, you surely know what the attitude of a two year old sleepy child is and putting him into restraints is not the answer. Holding it in the mother's arm is the answer and you've made this a..made the mother a criminal for doing it."

Speaker Peters: "The question is, but before that Representative Polk for the purpose of an introduction."

Polk: "For the purpose of an introduction. Ladies and Gentlemen of the House, we had a Legislator here a couple of years back and served four, and came with the Freshman class with me and served four years. He had an exemplary voting record here. In fact, his claim to fame of all allegedly introduced, he only passed one Bill and that changed the name of his hometown from Bourbonnais to Bourbonnais. I'd like to introduce Representative Jack, former Representative Jack Beaupre."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Johnson."

Johnson: "Well, I'm going to request a verification if this stays at 89 votes."

Speaker Peters: "Have all voted who wish? On this question there are...take the record. On this question there are 89 voting 'aye', 68 voting 'nay', 3 voting 'present', the

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

44th Legislative Day

May 17, 1981

Gentleman requests a verification of the affirmative vote. Representative Daniels has asked for a poll of the absentees. But before that Representative Madigan for the purposes of an announcement."

Madigan: "Mr. Speaker, to announce another former Member, standing in the center aisle, former Representative Jack Beaupre, from the Kankakee area."

Speaker Peters: "Mr. Clerk, on a poll of the absentees."

Clerk Leone: "Alstat. Epton. Garmisa. Hanahan. Hoffman. Katz. Klemm. Laurino. Margulas. Matijevich. McAuliffe. Pierce. Preston. Redmond. Margaret Smith, and White."

Speaker Peters: "Verification of the affirmative vote. Representative Johnson."

Johnson: "Let me ask the Clerk how many votes we are starting out with, I think I can save us some time. With leave of Representative Daniels, I'll just give you two or three names of people who aren't here and we can save the whole verification."

Speaker Peters: "If that's your wish."

Johnson: "I have to have Representative Daniels leave to do that. Okay, Representative Jane Barnes."

Speaker Peters: "Is the Lady in the Chamber? How was she recorded? Representative Barnes."

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

Speaker Peters: "Remove her from the roll."

Johnson: "Representative Darrow."

Speaker Peters: "Representative Darrow. Is the Gentleman in the Chamber? How is he recorded?"

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

Speaker Peters: "Remove him from the roll."

Johnson: "Representative Domico."

Speaker Peters: "Representative Marco Domico. Is the Gentleman in the Chamber? Is the Gentleman in the Chamber? How is

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

44th Legislative Day

May 17, 1981

he recorded?"

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

Speaker Peters: "Remove him from the roll."

Johnson: "Representative Lechowicz."

Speaker Peters: "Representative Lechowicz. How is the Gentleman recorded?"

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

Speaker Peters: "Remove him from the roll."

Johnson: "Representative O'Brien."

Speaker Peters: "Representative O'Brien. Is the Gentleman in the Chamber? How is he recorded?"

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

Speaker Peters: "Remove him from the roll."

Johnson: "Representative Ralph Dunn."

Speaker Peters: "Representative Ralph Dunn, is the Gentleman in the Chambers? How is he recorded?"

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

Speaker Peters: "Remove him from the roll."

Johnson: "Representative Ray Ewell."

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

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

Speaker Peters: "Remove him from the roll."

Johnson: "Representative Farley."

Speaker Peters: "Representative Farley? He's in the Chamber."

Johnson: "Representative...okay, that's all I need."

Speaker Peters: "What's the count Mr. Clerk? Representative Johnson we'll announce this...Representative Barnes is on her way. Can we put her back on the Roll Call? Restore Representative Barnes to the Roll. What is the count, Mr. Clerk? On this question there are 83 'ayes', 68 'nays', 3 voting 'present'. Representative Daniels? Postponed Consideration. House Bill 617, Representative Kociolko."

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

44th Legislative Day

May 17, 1981

Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 617, a Bill for an Act to amend the Illinois Horse Racing Act, Third Reading of the Bill."

Speaker Peters: "Representative Kociolko."

Kociolko: "Mr. Speaker, Ladies and Gentlemen of the House, the purpose of my Bill is to permit those municipalities which have race tracks for horseracing located entirely within their boundaries the power to levy an admission tax of up to 25% per head on the patrons attending those race tracks. Currently, the statutes of the State of Illinois limits such an admission tax to 10% and that limit has been on the books for several years. The language of this proposed Bill is permissive so it would be up to the discretion of the corporate authorities to make the decision of any amount up to 25%. It would affect six race tracks in the State of Illinois, four of which are located in Cook County. I would be available to answer any questions and I would respectfully ask for a favorable vote on this legislation."

Speaker Peters: "Anyone in opposition? Representative Cullerton."

Cullerton: "Yes, does this apply to the towns of Cicero, Representative Kociolko?"

Kociolko: "Pardon?"

Cullerton: "Would this apply to the town of Cicero?"

Kociolko: "Yes, that would be one of the municipalities effected, Representative?"

Cullerton: "And then go from 10% to 25%?"

Kociolko: "Well, it's currently 10% it would then be at the discretion of the town board of the town of Cicero to determine if they wish to increase it."

Cullerton: "Thank you very much."

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

44th Legislative Day

May 17, 1981

Kociolko: "You're welcome."

Speaker Peters: "Representative Kociolko to close."

Kociolko: "I would simply, respectively ask the Members of this House for a favorable vote on this Bill."

Speaker Peters: "Question is, 'Shall House Bill 617 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Peters 'aye'. Have all voted who wish? Have all voted who wish? Representative Huff to explain his vote."

Huff: "Well, Mr. Speaker, wasn't so much a request as to explain my vote. I wanted to ask the Representative a question."

Speaker Peters: "Ted Meyer 'aye'. Excuse me, Representative. Ted Meyer 'aye'. I'm sorry, proceed, Representative."

Huff: "But I'll use this opportunity to ask that question, nonetheless. Representative, could you tell me who this tax is going to accrue to? Would it accrue to the municipality in the area of the racetrack or will this tax accrue to the State?"

Speaker Peters: "Representative Kociolko to explain his vote."

Kociolko: "Well, the revenues derived from this tax would go to the municipality in which the racetrack was located. It would have no impact favorably or unfavorably on the amount of revenue derived by the State of Illinois."

Huff: "Alright, thank you."

Speaker Peters: "There are nine individuals wishing to speak on this. Please be guided by the vote. Representative Leverenz to explain his vote. Representative Leverenz."

Leverenz: "No thank you."

Speaker Peters: "Well, miraculously the lights are off. On this question, they're not off. Representative Terzich."

Terzich: "You know, at least the Sponsor can vote for the Bill."

Speaker Peters: "'Kim Bark' wouldn't forgive him for that. Take the record, Mr. Clerk. On this question there are 124 voting 'aye', 27 voting 'nay', 9 voting 'present'. This

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

44th Legislative Day

May 17, 1981

Bill having received the Constitutional Majority is hereby declared passed. Representative Kociolko, you did so well in the tax increase situation, you might want to talk to some people about the RTA situation. House Bill 676, Representative Henry. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 676, a Bill for an Act to amend various Acts to permit disclosure of county jail inmates medical records without their consent, Third Reading of the Bill."

Speaker Peters: "Representative Henry."

Henry: "Yes, thank you, Mr. Speaker and Members of the House, I rise to ask your support of House Bill 676. The purpose of this Bill is to provide for transfer of prisoner's medical records, and one of my major concerns, it allows for the transfer of records where the proper care be taken to assure that the prisoner's records do not fall into the wrong hands and to provide for such confidentiality. I had asked Judiciary I Committee to adopt Amendment #1. I was then informed by the Department of Correction that the Amendments and other was not necessary because they already had an administrative restriction rule that I have in my hand here that take care of that particular problem. One of the...one that is unfamiliar with the law enforcement of corrections and facility, I might ask why transfer of medical records without consent of prisoners. The answer is, that there is a large number of prisoners who refuse to sign a waiver to allow their medical records to be transferred to the State Department of Corrections. These inmates then become a responsibility of the State of Illinois and we need the waiver so that we might modernize the system by transferring these records by computer. There are roughly 5,000 inmates per year that come from Cook County alone. The Bill is sponsored by...is supported by the State of Illinois Department of Corrections, the

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

44th Legislative Day

May 17, 1981

Correction Facility and Service Committee of the Illinois Bar Association, the John Howard Foundation, the Illinois Sheriff's Association and a former member of this chamber, Dick Elrod, the Sheriff of Cook County, presently, the Department of Mental Health, Environmental and Disabilities and it passed out of Committee 13 to 1. I know of no known opposition. The Bill protects the Department of Corrections and also the inmates and I have co-sponsors from both sides of the aisle. I ask your total support of House Bill 676."

Speaker Peters: "Anyone in opposition? There being none, the question is, 'Shall House Bill 676 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 154 voting 'aye', 1 voting 'nay', 1 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. With leave of the House, House Bill 688, Representative Preston, with leave Representative Getty will handle the Bill. Representative Getty. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 688, a Bill for an Act to amend Sections of the Criminal Code, Third Reading of the Bill."

Speaker Peters: "Representative Getty."

Getty: "Mr. Speaker, Members of the House, House Bill 688 amends the Criminal Code and Credit Cards Act and permits the limit to be raised to differentiate between the misdemeanor and felony levels from 150 to \$500. This is in keeping with inflation. Similiar Amendments have been added to many other pieces of legislation during this Session. It has passed out of the Judiciary II Committee with its support, and I would ask for adoption of this Bill."

Speaker Peters: "Anyone in opposition? No one is standing. The

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

44th Legislative Day

May 17, 1981

question is, 'Shall House Bill 688 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 121 voting 'aye', 28 voting 'no', 2 voting 'present'. This Bill having received the Constitutional Majority...having received the Constitutional Majority is hereby declared passed. House Bill 696, Representative Levin. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 696, a Bill for an Act to amend the School Code, Third Reading of the Bill."

Speaker Peters: "Representative Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this is the third Bill in a package sponsored by Representative Hallstrom and myself relating to the special education due process appeals procedures. Due process appeals procedures involved with adjudication of disputes between public schools and parents with respect to the type of services and education to be provided to their handicapped children. The hearing officers to adjudicate these disputes come from a pool that currently has two-thirds employees of public schools. They...people in this pool do this aside from their full time job. Now this establishes a potential conflict which was raised at our Committee. It turns out that there is currently no active recruitment of hearing officers, either of public or nonpublic school employees and the only ones that find out about this are public school employees through the superintendent memo. As amended, this Bill would require the State Board to actively recruit from nonpublic as well as public school employees. It passed out of Committee 20 to nothing and the language is acceptable to the State Board. I urge an affirmative Roll Call."

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

44th Legislative Day

May 17, 1981

Speaker Peters: "The question is, 'Shall House Bill 696 pass?'

Is anyone in opposition? There being none, all those in favor will vote 'aye', those opposed 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 148 voting 'aye', 3 voting 'nay', 1 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 751, Representative Leverenz. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 751, a Bill for an Act to amend the Civil Administrative Code, Third Reading of the Bill."

Speaker Peters: "Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 751 would implement Executive Order number two. It transfers the Office of Fiscal Management, Risk Management from administrative services to the Department of Personnel, effective July 1, 1981. I would ask for your 'aye' vote."

Speaker Peters: "Anyone in opposition? There being none, the question is 'Shall House Bill 751 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 151 voting 'aye', 2 voting 'nay', 1 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 821, Representative Reilly. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 821, a Bill for an Act to amend Sections of the Illinois Administrative Procedure Act, Third Reading of the Bill."

Speaker Peters: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. House Bill 821 simply provides

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

44th Legislative Day

May 17, 1981

for the publication in the Illinois Register of the receipt by the Joint Committee of the second notice beginning the Joint Committee notice period and for charging for copies of materials received. I would ask for a favorable Roll Call."

Speaker Peters: "Anyone in opposition? There being none, the question is 'Shall House Bill 821 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk, voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 150 voting 'aye', none voting 'nay' and none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 991, Representative Keane. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 991, a Bill for an Act to amend the Revenue Act, Third Reading of the Bill."

Speaker Peters: "Representative Keane."

Keane: "Thank you, Mr. Speaker. House Bill 991 allows where a real estate indexing system is used to expand the use of that to include more than the legal description. Presently by statute, the index system can only be used for the legal description, real estate street code. This would allow the assessors to use other indices, use the index system for other indices and I ask for..."

Speaker Peters: "Anyone in opposition? There being none the question is, 'Shall House Bill 991 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 152 voting 'aye', 2 voting 'nay', 2 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1007, Representative Hallstrom. Read the Bill, Mr.

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

44th Legislative Day

May 17, 1981

Clerk."

Clerk Leone: "House Bill 1007, a Bill for an Act to amend the Illinois Human Rights Act, Third Reading of the Bill."

Speaker Peters: "Representative Hallstrom."

Hallstrom: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1007 simply brings the Illinois Human Rights Act into compliance with the Federal Age Discrimination and Employment Act Amendments. The effect of this for most employees was to change mandatory retirement from 65 to 70 and at the time these Amendments, Federal Amendments were under consideration there was a major discussion concerning the effect of this change on universities. The Congress took note of the special protracted...contractual relationship between a university and the tenured faculty member. At the time we passed out Illinois Human Rights Act and this was enacted without any discussion of this issue, so what this only does now is to allow the universities until July 1, 1982 before they have to comply with the Federal Amendments."

Speaker Peters: "Anyone in opposition? There being none, the question is 'Shall House Bill 1007 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? Mr. Clerk, take the record. On this question there's 156 voting 'aye', none voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1029, Representative Daniels. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1029, a Bill for an Act to amend the Civil Practice Act. Third Reading of the Bill."

Speaker Peters: "Representative Daniels."

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

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

44th Legislative Day

May 17, 1981

Bill 1029 amends the Civil Practice Act to require proof that the result obtained from treatment would not have ordinarily occurred in the absence of negligence in order to invoke the res ipsa loquitor doctrine in medical malpractice actions. I ask for your favorable support."

Speaker Peters: "Anyone in opposition? Representative Stearney."

Stearney: "Mr. Speaker, I think this Bill merits some debate so we would like to take it off the non-contest Calendar."

Speaker Peters: "Is the Gentleman joined by ten individuals? He is. Alright. Proceed."

Stearney: "Would the Gentleman yield?"

Speaker Peters: "He indicates he will."

Stearney: "Mr. Daniels, I note by looking at the Bill it consists only of ten lines, However, the analysis is three and a half pages. And one of the points mentioned is that apparently this appears to be somewhat of a substantial change in the law and that now you would require some testimony, some expert testimony in order to invoke this doctrine. Am I right?"

Daniels: "You're not completely right, Representative. I have talked to the staff person who analyzed this Bill and he stated that in order to give the Judiciary Committee the complete background of the legislation in the three cases that the Supreme Court ruled on, he went into a very extensive analysis of the Bill. So, it is not because of the length of the analysis that makes it a difficult doctrine. Secondly, this is not a radical departure in the law. This is a correction of a case that came down, namely the 'Spidell' decision which came down dealing with the rare result and the fact that this case was handed down on the res ipsa loquitor theory after there was a rare injury to somebody utilizing the res ipsa doctrine. Now, this Bill would require proof and testimony showing the

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

44th Legislative Day

May 17, 1981

negligence of a doctor in the case of rarity as in the 'Spidell' decision. So it does not radically change the res ipsa doctrine."

Stearney: "Well, let me just give an example so all Members of this General Assembly will understand what we're doing. This Bill, first of all, is only meant to protect the medical practitioners, am I right? Because it's entitled, 'Medical Malpractice'."

Daniels: "No, it's not meant to protect..."

Speaker Peters: "Representative Stearney."

Stearney: "Yes. It deals only in those areas where you have alleged medical or dental malpractice. True?"

Daniels: "It is not meant to protect anybody from committing an act of negligence."

Stearney: "First of all, first of all my question is, it deals only in those cases alleging medical or dental malpractice."

Daniels: "This Bill... Yes, in the area of medical malpractice."

Stearney: "Yes, that's what the Bill states. Second of all, this doctrine that res ipsa loquitur developed, for those situations where a person could not prove that someone was negligent. Let me give you an example. Someone goes into the hospital for an operation on the abdomen. A year or two years, three years later he develops some stomach cramps and lo and behold an X-ray is taken and we found that the clamp has been left in the abdomen and he's developed some serious injuries as a result thereof. Perhaps, one of his organs is affected. That's where the doctrine that res ipsa loquitur would apply. Am I right?"

Daniels: "Somewhat."

Stearney: "Somewhat? It would. Let me... Ladies and Gentlemen, I think you should listen very carefully to what this one does because this is a zinger."

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

44th Legislative Day

May 17, 1981

Speaker Peters: "Give the Gentleman your attention, please."

Stearney: "You know, this doctrine, *res ipsa loquitur*, developed for those situations where we've had this conspiracy of silence amongst the medical practitioners, and it's developed somewhat over the last thirty or forty years where you couldn't get medical testimony and that is for those situations where you go into the hospital simply for a simple operation like some young lady did in which there was a verdict returned. She went in for a simple, little cosmetic surgery on her nose. She came out a complete vegetable. She can't talk. She can't walk. She has no movement of her arms and legs. And now that's where the situation of *res ipsa loquitur* developed because the instrumentality was completely in the hands of the doctors, namely the scalpel or the anesthesia, or whatever it may be was in the hands of the doctor or the nurse, the scrub nurse or the hospital. Now, this situation, if you read the analysis, and this was prepared on the Republican side. It shows that if you go into this hospital and you have one of these simple operations and you come out a vegetable, now, no longer could you sue on *res ipsa loquitur* because it prevents you from suing the hospital and the doctor jointly. Wait one moment. Let me finish my comments and then you can answer."

Daniels: "The Gentleman is either intentionally or through his lack of understanding of *res ipsa* misrepresenting what this Bill does."

Stearney: "I'm quoting. If you read the analysis, you will see what I'm saying."

Speaker Peters: "The Gentleman will make his point."

Daniels: "I have the staff man right here, Representative Stearney and he says that what you're saying is not true."

Stearney: "Well, what he says today is different than what he

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

44th Legislative Day

May 17, 1981

wrote. Okay, let me finish."

Stearney; "Well, the situation is thus. If you're totally unconscious, you're under anesthesia. Now you wake up. You're a vegetable. How do you show who was negligent? The doctor, the nurse who works for the hospital, the anaesthesiologist who is somewhat separate and apart from the surgeon? You can't. That's why you have this doctrine and I show you, the analysis says that the Bill would require proof that the result would not have ordinarily occurred in the absence of defendants. That is, the individual defendant's negligence. Well, you can't show it because you were unconscious at the time. Now, this doctrine of res ipsa has developed over a period of a great number of years. Sure we have decisions that have interpreted it to be such that you show a specific negligence along with res ipsa and that's what he's talking about. But let me say this here to you. If you come and you say the doctor did this or the hospital that, A, B, and C wrong and you also say, 'Well, if they didn't do that wrong, I'm using the doctrine res ipsa because I came in a healthy man and I came out a vegetable and they did something wrong to me', they're saying by this Bill here you're precluded from doing so. They're trying to overrule a Supreme Court decision that says that you do not have to prove that specific act. This is wrong. This is horrendous. Now mind you, the Illinois Trial Lawyers Association has not come out in opposition to this, but I think that the Bill is wrong. I don't believe that someone, some entity, some profession should be getting that great a protection that an individual, under this Bill, would have to show, quote, 'proof of an unusual, unexpected, untoward medical result without proof that such result would not have ordinarily occurred in the

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

44th Legislative Day

May 17, 1981

absence of negligence precludes you from invoking that doctrine. What this is doing is saying that because you're unconscious, you cannot show who's negligent. You cannot get at the records. You cannot get that doctor to testify. You cannot hire even medical testimony because of the conspiracy of silence. You go out as a vegetable and you will never be compensated. This is another, another arrow in that great quiver of the medical society to take away the rights of the people of Illinois. This Bill is wrong. It's horrendous and it should be defeated like all the others sponsored by that great organization. Thank you."

Speaker Peters: "The Chair will recognize in this order Representatives Jaffe, O'Connell, Johnson and Braun and that will close the debate and then we'll go to Representative Daniels for close. Jaffe, O'Connell, Johnson and Braun. Representative Jaffe."

Jaffe: "Yes, Mr. Speaker, Members of the House, I rise in opposition to this Bill. I think Representative Stearney is absolutely correct. I mean, you know, this Session of the General Assembly is going down as the Session that belongs to the medical society. I don't mind that in most Bills, but I think this Bill is absolutely outrageous. Let's talk about the doctrine of res ipsa loquitur for a second. What res ipsa loquitur means is that the facts speak for themselves. Now, this doctrine does not come into effect automatically. This doctrine only comes into effect when all the elements, mind you, all the elements that could have caused the injury are under the control of the defendant. The plaintiff has absolutely no control of the elements that could have caused the injury. And when all those elements that could have caused the injury are under the control of the defendant, the law merely says that the burden then shifts to the defendant and he must

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

44th Legislative Day

May 17, 1981

show that there was no negligence. If the defendant can show that there's no negligence, nothing happens to him, but if he cannot show that there is no negligence then, of course, the judgement would be rendered against him. Take the Illinois State Medical Society's own bulletin on it. I think it's sort of funny one is to talk about. Here's what it says, it says, 'A prime example has been applied as the example of one of foreign objects...'

Speaker Peters: "Representative Jaffe, excuse me. There are Gentlemen in the rear who cannot hear. This is a very vital subject matter. Please, give the Gentleman your attention. Proceed, Sir."

Jaffe: "Okay. As I was saying that the Illinois State Medical Society's own bulletin is really funny if you listen to it. It says, in the medical malpractice area the prime examples in which the doctrine have been applied is the example in which a foreign object, like a sponge, has been left in the persons' body. Since there is no proof that it can be shown absent someone coming forward and admitting they were negligent, it would be difficult for the plaintiff to be successful in this type of law suit. That's absolutely correct. But what does the medical society want you to do? They want the person who has been out under anesthetic, who's unconscious, who suddenly wakes up with a sponge in their body to tell you what happened while he was on the table. Now, if that isn't ridiculous I don't know what is. I think that this Bill is such a preposterous Bill. When the Sponsor says that there have been changes in the theory of res ipsa by three new cases, that's absolutely false. This doctrine hasn't been changed since 1930. The 'Spidell' case that he talks about is about a woman who goes in for a hysterectomy and she comes out with a vaginal 'feco vistula'. The other cases that he talks about is

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

44th Legislative Day

May 17, 1981

where a person goes in for a spinal operation and comes out a quadraplegic. Another one is where a person has some radiation treatment and comes out with cancer. My God, these are really terrible cases and the fact that the medical society would come forward with this type of concept at this time if this House votes for it, I think we're taking our duties as Legislators and just throwing it out the window. They're saying that the medical society and all the special interests of this state can have anything that they want and I would urge a 'no' vote on this particular House Bill."

Speaker Peters: "Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Peters: "He indicates he will."

O'Connell: "Representative Daniels, does this merely codify common law?"

Daniels: "It codifies traditional common law because what this is aimed at is a Supreme Court decision that, in essence, modifies existing res ipsa loquitur law and that's one of the concerns that we have right now that this legislation deals with the rare case like the 'Spidell' decision which was totally out of line. It does not modify res ipsa loquitur as the previous speakers have been saying."

O'Connell: "Well, can you explain to us in what way it does not modify existing common law or better, let me place it in the affirmative. In what way does it differ from common law?"

Daniels: "Alright. In the 'Spidell' decision, the court held that the injury complained of was a rare and unusual complication but equivocated on the issue of whether negligence normally preceeded such an occurrence, whether or not negligence normally preceeded such an occurrence. The court held that this testimony coupled with evidence of

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

44th Legislative Day

May 17, 1981

specific acts of negligence was sufficient evidence that the injury would not have occurred absent negligence. This is a radical departure from traditional notions of res ipsa loquitur. Since in almost every negligent action based upon alleged malpractice, it would be possible to meet the requirements of 'Spidell'. That's where the departure of the Supreme Court took place on the res ipsa loquitur. Now I can go through the various elements of res ipsa and tell you that this has not modified the elements of res ipsa."

O'Connell: "Representative Daniels, if I may give an example, can you tell me how this Bill would apply? If I underwent an operation and following the operation it was discovered that there was a sponge left inside of me, would I have to offer any proof other than the fact that indeed that there was a sponge left inside of me before being able to invoke the doctrine of res ipsa loquitur?"

Daniels: "This Bill doesn't change what you would normally have had to offer in answer to your question."

O'Connell: "Then in answer to the question, I would not have to offer any other proof other than the fact that the sponge was left inside of me."

Daniels: "That's the traditional sponge case and that's correct because in that case you'd only have to show that the occurrence would not ordinarily have happened in the absence of negligence and that's the traditional sponge case that comes out of your text books."

O'Connell: "Then let me ask you, the last five lines, four lines of the Bill read, 'proof of an unusual, unexpected or untoward medical result without proof that such result would not have ordinarily occurred in the absence of negligence on the part of the defendant will not suffice for the application of the doctrine'."

Speaker Peters: "Bring your questioning to a close,

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

44th Legislative Day

May 17, 1981

Representative."

O'Connell: "Who would offer the proof then?"

Daniels: "That case or the sponge case is a regular negligence case. You would just have to prove that there was a sponge inside of you and it would be known that in that case there was ordinary negligence involved and there was no question about the fact that somebody had to be negligent."

O'Connell: "Only because of res ipsa. It is not a normal proof case, it is a res ipsa case."

Daniels: "This does not change the results in such a case."

Speaker Peters: "Representative O'Connell, on the legislation itself."

O'Connell: "Mr. Speaker, Ladies and Gentlemen of the House, I must speak in opposition to this Bill. I don't quite follow the Sponsor's explanation of how this differs from common law. It seems to me that you're adding an extra element into the otherwise common law theory as res ipsa loquitur. For that reason, I would have to oppose this legislation."

Speaker Peters: "Representative Johnson."

Johnson: "Mr. Speaker, first I want to ask a question of the Sponsor and then..."

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

Johnson: "And then I want to address the Bill. Representative Daniels, I take it this Bill addresses itself to the problem of increasing medical malpractice insurance costs. Is that right?"

Daniels: "That was not the testimony offered in Judiciary Committee nor the evidence that we are going after. I would think that would be a result of it if that's what you're speculating on now."

Johnson: "Mr. Speaker, Members of the House, I said for five years that I would never do this on the House floor and I'm

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

44th Legislative Day

May 17, 1981

really reluctant to but I really think this is probably as appropriate as any Bill that I can think of. Unlike Representative Stearney, I certainly don't have anything against the medical society. In fact, I've supported them on a good many things. Mr. Speaker. Mr. Speaker. Could we have just...."

Speaker Peters: "Please give the Gentleman order."

Johnson: "On July 8 or July 5 after Session adjourned last time..."

Speaker Peters: "Excuse me. Representative Giorgi, will you ask the Members on your side to take their seats and will Representative Polk on our side do the same? Thank you. Proceed, Representative Johnson."

Johnson: "In early July, right after we adjourned last time. We have a fifteen year old daughter and I don't want to go into a description of my daughter other than to say that she's a very lovely girl or she was and she still is in many ways. She had had problems for the course of two or three weeks with a variety of problems. We took her in two or three times to the doctor. The last time we took her in, they didn't take any tests or anything else and they sent her home and she went to sleep and she's never woken up. We took her in that night to the doctor. My wife and I took her in that night to the doctor. They finally decided that what had happened for the last three weeks before that, even though no tests had ever been done, was that she had diabetes and nobody knew it. No tests were ever done to indicate that. She also, when we took her in, she lay for four hours with potassium count below what's necessary to sustain life and finally after four hours something was administered but it was too late, because she had heart arrest and she went into a coma and she's never come out a coma ever since then. She's a vegetable the

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

44th Legislative Day

May 17, 1981

rest of her life, and I know I am critical sometimes in my own mind of Legislators who talk on issues and use personal examples and I'm not going to make a judgement and I think that's the course we'll make at some future point because I have the highest respect for the vast majority of the members of the medical profession, including ones involved in that case. But a lot of people, including doctors and analysts and lawyers and I'm not my own lawyer think that something went wrong. And if there's ever a classic example of where a person, a consumer, or a child has been at least potentially injured by the fact that everybody's human and everybody makes mistakes, that's it. I have every respect as I say for doctors, but when people come to us and they're concerned because their malpractice rates are going to go up a thousand dollars or two thousand dollars a year and the average doctor makes more than five Legislators here put together and we have a daughter who's been in a coma for a year, I find it somewhat hard for my heart to really bleed for that profession or to bleed for House Bill 1029. I've supported 95% of the Bills that come in here for the medical society and I suppose I will in the future. But I think this is one, Mr. Speaker, Ladies and Gentlemen of the House, that you ought to look at real closely because sometime, whether it's now or in the future and God willing it won't ever affect you but it could and I'm not saying that because I care about money or I care about a cause of action; I am saying it because I think all of society benefits when we at least have some concern for what happens to peoples lives. I've been negligent as a doctor, I mean as a lawyer and other people have been negligent in other things they do. And when they are and when people suffer, then that's the reason we have insurance and that's the reason we have coverage and I

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

44th Legislative Day

May 17, 1981

appreciate your taking time to listen to me. I don't mean to be a cry baby. I'm not. We've lived with it for a year and we'll live with it probably for the rest of our lives and the rest of her life. But it's something that I think about real strongly, particularly when a Bill like this is considered. Thank you."

Speaker Peters: "Representative Braun, do you wish to speak?"

Braun: "I did originally, Mr. Speaker, but I think I'll move the previous question."

Speaker Peters: "Representative Daniels, to close."

Daniels: "Well, what do you say after a moving comment about a Gentleman that I respect highly. I've, of course, known about his daughter and I'm sure that all of us have our hearts go out to him in the trauma that he has faced. And it's very difficult to stand up and talk to you on any legislation that would affect any kind of result in recovery and correct any kind of malpractice action, if that's the case. Mr. Speaker, Ladies and Gentlemen of the House, there are things in life that happen that we don't know why they happen such as the case in Representative Johnson's daughter. Tim, I have a daughter who's 16 years old who is handicapped who has cerebral palsy who is confined to a school or an institution and will be for the rest of her life. She had a normal birth. Shortly after birth, she went into distress, stopped breathing, was then brought back to life again and now for the rest of her life, she will be a quadraplegic suffering severe brain damage. I also lost two children shortly after birth. My first 24 hours after birth and the second one 36 hours after birth. When we talk about losing children, I'll match that and the pain and the sorrow against any that any of us have experienced but that's not what we're talking about right now. If you look at the legislation what the

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

44th Legislative Day

May 17, 1981

legislation is talking about is proof of an unusual, unexpected or untoward medical result. And I can't explain how things happen in life. I can't explain the trauma that we've all experienced but I wouldn't stand up here, Tim, and Sponsor a Bill that I think would take away any liability for your daughter's injury or even for my daughters and my two sons that I lost. I don't care what group has asked us to but in good conscience I wouldn't, Tim, and I'm telling you as the Sponsor of this legislation that this attacks a rare result in three Supreme Court decisions that did affect, did affect our medical profession and is tying their hands and you should not allow the doctrine of res ipsa loquitur to be modified because of a rare result. And the Gentleman that analyzed this Bill who's right over here on my right who's listened to the debate who I've turned to and said, 'Is what Representative Stearney said correct?' and he said, 'No.'. And, is what Tim's problem... Art... What Tim's facing right now, is that something that I should say, 'Table this Bill?' because I don't want to affect the heart break that you've experienced and he said, 'No, we're talking about an unusual', and it's in the Bill. Line 17, 18, 19, 20, and 21, proof of an unusual, unexpected or untoward medical result and that's the change in res ipsa loquitur and I don't expect a single one of you that hasn't practiced law or gone to law school to understand res ipsa loquitur. It speaks for itself. But, Tim, I want to tell you something. If I thought this would have affected your situation or mine or any other Member on this floor, I wouldn't Sponsor the Bill and I'd table it now. But I'm telling you that I'm standing up and I'm asking you to vote 'yes' on it. I'm asking every one of you to vote 'yes' because I think it's reasonable and I think the Supreme Court decision was

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

44th Legislative Day

May 17, 1981

wrong. And I feel comfortable in asking you that, and I ask for your 'yes' vote."

Speaker Peters: "Question is, 'Shall House Bill 1029 pass?'. Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 103 voting 'aye', 26 voting 'nay', 18 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1047, Representative Keane. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1047, a Bill for an Act to amend Sections of the Revenue Act, Third Reading of the Bill."

Speaker Peters: "Representative Keane."

Keane: "Thank you, Mr. Speaker. We passed this Bill last Session. It was lost in the Senate Rules Committee and I'm bringing it back again. It merely includes the two different kinds of courses for the certified Illinois Assessor Certificate and those are courses in mass appraisal techniques and property tax administration."

Speaker Peters: "Anyone in opposition? There being none, the question is, 'Shall House Bill 1047 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 149 voting 'aye', none voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1049, Representative Ewing. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1049, a Bill for an Act to create the Illinois Department of Revenue Sunshine Act, Third Reading of the Bill."

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

44th Legislative Day

May 17, 1981

Speaker Peters: "Representative Ewing."

Ewing: "Ladies and Gentlemen of the House, this Bill would provide that the Department of Revenue must make public their private letters of opinion on tax issues. Up to date, they have not allowed other taxpayers to see what opinions they have issued upon request of other taxpayers. The Federal Government does this all the time. It's a great help to those in the tax field. I would point out that any opinion which is released by the Department of Revenue would have removed from it any identifications or names so that no one would know whose opinion they're getting but it would require the Department of Revenue to publish these for use by all taxpayers, and I would ask for a favorable vote."

Speaker Peters: "Anyone in opposition? There being none...there being none, the question...Representative...there being none, the question is, 'Shall House Bill 1049 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 154 voting 'aye', none voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. An announcement from the Chair. For those who have gone home over this last weekend, the Comptroller's Office requires a signed statement from each Representative who went home over the weekend, either signed by your spouse or mother or other dear and close friends like the ward committeeman. The forms are up here in front. So, please pick up, sign and return the form provided for you. It's on this end here before you leave the chambers here today, otherwise, the Clerk or the Comptroller's Office will not be able to process these before Wednesday.

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

44th Legislative Day

May 17, 1981

Representative Davis, for what purpose do you rise, Sir?"

Davis: "An inquiry, Mr. Speaker, I'm one of those who went home to see my wife and for those who went home for that purpose or others, what must be included on this form? What kind of information must be included?"

Speaker Peters: "A warranty. House Bill 1184. It might be helpful if those of you who are coming up if you would grab one or two and just handed one to your seatmate or somebody around you. It would help facilitate things. House Bill 1184, Representative Vinson. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1184, a Bill for an Act to amend Sections of the Use Tax Act, Third Reading of the Bill."

Speaker Peters: "Who is it? Representative Vinson."

Vinson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. 1184 would place enforcement of the revenue laws in the position they were in prior to October of last year. At that time the Department of Revenue issued a letter ruling which would have the effect of driving railroad repair facilities out of the State of Illinois and have the effect of placing a tax on grain cars located in the State of Illinois. What would happen is that in the case of any car leased to somebody other than a railroad, that car would now become conceivably eligible for taxation in the State of Illinois even though it was very rarely used in the State of Illinois. It would destroy the railroad replacement car operation in the State of Illinois which has some 19 sites in the State. The Bill is supported by the Taxpayers Federation, the Illinois Agricultural Association, and a variety of car leasing and car operating businesses. It came out of the Revenue Committee 17 to 0 and I would solicit your 'aye' vote."

Speaker Peters: "Anyone in opposition? Representative Getty."

Getty: "Not opposition. I think just maybe to clear up a

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

44th Legislative Day

May 17, 1981

possible legislative intent question. Representative Vinson, as I understand that leases for one year or more would already be exempt, is it your intent to now exempt leases for less than one year?"

Vinson: "No, Representative. What the problem is, is that currently under the Department of Revenue's interpretation you have to lease directly to a railroad company to be exempt. The intent of the Bill is that if you lease to a nonrailroad company, for instance, a farmer cooperative, a private business, Orchard Annuals Midland, somebody of that sort, that you would still be exempt. That's the function of the Bill."

Getty: "Would the Department of Revenue be required to do any additional duties in order to keep track of this?"

Vinson: "No, because they were following the practice that would be assumed under the Bill until October of last year."

Getty: "Thank you."

Speaker Peters: "Any further discussion? Representative Vinson. Representative Kane."

Kane: "Would the Sponsor yield?"

Speaker Peters: "Well, he really shouldn't. This is Short Debate, but go ahead."

Kane: "Okay. We had a Bill in last year that just sort of clarified some things and took about 180 million out of the sales tax. What is this estimated to cost the State?"

Vinson: "Well, it is very difficult to estimate because we're not...we're not taking away revenue that was previously collected, and it's hard to estimate how much business you would drive out of the State by adopting the new ruling. But the best guess is about two million dollars."

Kane: "What was the new ruling and when was it issued?"

Vinson: "In late October of last year."

Kane: "By whom?"

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

44th Legislative Day

May 17, 1981

Vinson: "By the Department?"

Kane: "To take into account the additional kinds of services?"

Vinson: "Yes."

Kane: "And would you explain very simply what the new ruling covers?"

Vinson: "Okay. There are companies...there are companies that lease railroad cars..."(cut off)

Speaker Peters: "Representative Vinson."

Vinson: "There are companies that lease railroad cars which are neither railroad companies or other businesses that just lease railroad cars."

Kane: "For example?"

Vinson: "Union Tank Car, would be one example. There are a number of others but Union Tank Car would be one example."

Speaker Peters: "Representative Kane bring this to a close, it is over the time limit. Go ahead, finish it up."

Vinson: "The companies that lease those railroad cars, if they lease them to a railroad, they're not subject to taxation no matter what they do in the State of Illinois. If they lease them to somebody else like 'Growmart', the IAA cooperative, under the ruling they would then be subject to tax in the State of Illinois if they created a sufficient annexes with Illinois which would occur in certain cases where they were loaded or in certain cases where they were repaired by a railroad repair operation in the State of Illinois. That interpretation had never been applied before. This Bill would repeal that interpretation."

Speaker Peters: "Gentlemen, I'm going to ask that you bring this to a close. It was supposed to be two minutes, we extended that time. Representative Kane to close, on your...alright. Representative Vinson to close, one minute."

Vinson: "The testimony of the chief of transportation for the

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

44th Legislative Day

May 17, 1981

Illinois Agricultural Association indicates that this Bill if it's not passed, this Bill...the revenue ruling could cost \$2.75 per bushel of grain in the State of Illinois. If it's not passed we could drive 19 railroad repair car facilities out of the State of Illinois. I would solicit..."

Speaker Peters: "The Gentleman asks...the question is, 'Shall House Bill 1184 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Peters 'aye'. Have all voted who wish? Representative Bowman to explain his vote."

Bowman: "Well, Mr. Speaker, the last time we had a simple little Bill that amended this Act to help clarify something, I mean Representative Kane was quite right, it cost us hundreds of millions of dollars and I think that the present precarious state of our finances we can ill afford to pass over something so lightly. I think the only safe vote on this is a 'no' vote."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 141 voting 'aye', 8 voting 'nay', 1 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1235, Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1235, a Bill for an Act to amend Sections of the School Code, Third Reading of the Bill."

Speaker Peters: "Representative Schneider asks leave to handle that for Hoffman, is there objection? There being none, proceed Representative Schneider."

Schneider: "Thank you, Mr. Speaker, Members of the House. It's a recommendation of the sub-committee in which I chair in the transportation..." (cut off)

Speaker Peters: "Proceed."

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

44th Legislative Day

May 17, 1981

Schneider: "Thank you. It's a recommendation of the School Problems Commission. It's from the sub-committee on transportation. Basically what it does, it allows us to transfer funds from the Working Cash Fund to the Transportation Fund. The reason we need that change is that it's customarily being done now by passing it through the Education Fund and then into transportation. This makes it possible to be done directly. It's of no great moment, it does on the other hand make it very clear as to the authority of that particular transfer and I would solicit an 'aye' vote."

Speaker Peters: "Any opposition? There being none, the question is, 'Shall House Bill 1235 pass?' Those in favor signify by voting 'aye', those opposed by voting 'nay'. Peters 'aye'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 150 voting 'aye', 1 voting 'nay', 2 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1365, Representative Daniels. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1365, a Bill for an Act to amend an Act to provide for..."

Speaker Peters: "Excuse me. Representative Keane."

Keane: "On my Priority of Call..."

Speaker Peters: "I'm sorry, you're right. I crossed you out too quickly. Hold that one back, Representative Daniels. I can't read it now. What is it? House Bill 1297, Representative Keane. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1297, a Bill for an Act to amend the School Code, Third Reading of the Bill."

Speaker Peters: "Representative Keane."

Keane: "Thank you, Mr. Speaker. House Bill 1297 provides that when two schools enter into an agreement to share special

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

44th Legislative Day

May 17, 1981

education of either facilities or professional workers, such agreement shall provide that any full-time teacher employed by a joint agreement who spends over 50% of his or her time in one school district shall not be required to work a different teaching schedule than the other teachers in that school."

Speaker Peters: "Any opposition? There being none, the question is, 'Shall House Bill 1297 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Peters 'aye'. Have all voted who wish? Representative Daniels on...to explain your vote on this. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 132 voting 'aye', 17 voting 'nay', 3 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1365, Representative Daniels. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1365, a Bill for an Act to amend an Act to provide for the confidential character of certain medical studies, Third Reading of the Bill."

Speaker Peters: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 1365 amends the Medical Studies Act to include medical staffs of hospitals among the data generating entities whose reports are protected by confidentiality. The Medical Studies Act was passed last Session by the General Assembly in order to provide some protection and immunity for physicians who are involved in medical research and who serve on committees. Several cases have come out which cause concern on the confidentiality of it. This Bill is meant to attach to those problems and is merely the addition of four words to include medical staffs and confidentiality. I ask for your favorable support."

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

44th Legislative Day

May 17, 1981

Speaker Peters: "Anyone in opposition? Representative Stearney."

Stearney: "Would the Gentleman yield? Was Amendment #1 adopted to this Bill?"

Daniels: "Yes."

Stearney: "Okay, well the Amendment seems to do more than what you've said now. It not only, it gives them not only confidentiality which they had, it says that all information is privileged. True?"

Daniels: "In those committees, that is correct."

Stearney: "And on line 16 of the Amendment it says, 'that all this information shall not be admissible as evidence nor discoverable in any action of any kind in any court or before any tribunal board, agency or person'. Now, the question that comes to mind, even General Motors would not ask for this protection. What justification is there to allow these medical staffs of accredited hospitals or of the other individuals enumerated here to be completely immune from having any of this evidence, not only not produced in court but even from being discovered in any action? What is the justification?"

Daniels: "It's first of all, it's not evidence, Representative. I know that you are aware of the language of the Medical Studies Act and I'm sure you reviewed the law very carefully that we enacted into law last year, and the purpose of that was the underlying rationale of this Act, is to promote full, frank and complete communication considering the quality of medical care in the committees and in the staffs that are discussing this. This is not an evidentiary Body what it is, is a peer review group and what we're trying to do is to encourage that full, frank and complete communication and without an assurance of confidentiality the quality control functions of medical peer review committees would be greatly impeded."

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

44th Legislative Day

May 17, 1981

Stearney: "But in another words, very simply what they would do.."

Daniels: "But what is the reason for the discussion?"

Stearney: "If you had confidentiality....?"

Speaker Peters: "Gentlemen, we're...remind the Members that we are on Short Debate, two minutes, the proponents two minutes in opposition."

Stearney: "Under the existing law, why do you add by this Amendment not only that the information is altogether privileged but now it can neither be discoverable in a civil proceeding but even going a third step further, you're saying it could never be used in evidence before any court or any tribunal?"

Daniels: "The peer review group discussions could not be and the reason we've done that, very frankly, is one of the results that was reached, the implication under the Walker versus Alton Memorial Hospital and the implication was that if the opposing party finds some material that may be helpful that they're going to be able to use this in some proceeding. Now our problem was that if you take away this peer review discussion and you put it into evidence in some court, they're going to stop talking about functions, they're going to stop talking about reviewing their own doctor, and..."

Stearney: "True."

Daniels: "And no longer are they going to have any discussion on it. That'll be..."

Stearney: "Representative, I see your point. But just to give you an example, an analogy in that Ford Pinto case..."

Speaker Peters: "Representative Stearney, you'll have to bring your remarks to a close."

Stearney: "In the Ford Pinto case where Ford was sued because they failed to spend that extra \$14.00 to protect the gas

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

44th Legislative Day

May 17, 1981

tank and it burned and immolated some girls. They did...the plaintiffs lawyers were able to discover through the documents that were in Ford's possession that they didn't want to spend that \$14.00 to give added protection. Now, if General Motors were to come forward and ask for the same kind of protection, every other industry would come forward and everything would be protected from discovery, as well as being from introduced in court. Can you, in my closing remarks, let me just ask you, is there any other industry, any other business, any other type of association in the entire United States of America that has this protection that is being granted to the medical society and to the medical profession?"

Speaker Peters: "Representative Daniels to close."

Daniels: "In closing I guess I should answer the Gentleman and say that we're dealing with the medical profession not General Motors. General Motors doesn't have a peer review group. General Motors doesn't have an organization that sits down and reviews this making of the Pinto case and they knew of the potential results in that case, Representative Stearney, and I'm sure they were aware that they could, as a result of an impact in the rear of the Pinto, cause damage and injury to people and that's the result in that case. In this case, what we're talking about is a confidentiality in medical peer review groups so that we can protect the people within that group, not withhold evidence, not withhold evidence that could come out in a trial but only to encourage the quality of the review of those peer review people so that we don't have any problem in dealing with the doctors that review themselves. And I think it's a reasonable piece of legislation and that's why I feel that there will be favorable support of it."

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

44th Legislative Day

May 17, 1981

Speaker Peters: "The question is, 'Shall House Bill 1365 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 143 'aye', 9 voting 'nay', 1 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1435, Representative Pierce. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1435, a Bill for an Act to amend the Illinois Income Tax Act, Third Reading of the Bill."

Speaker Peters: "Representative McPike asks leave to handle the Bill. Is there objection? Representative Ewing."

Ewing: "Mr. Speaker, this is a very far reaching Bill. It's got two very bad Amendments on it and I certainly object."

Speaker Peters: "Representative McPike, only..."

McPike: "I just want to make sure that Tom has the right Bill. This has one Amendment on it and it came through your Committee and they said it would be held on Second Reading until this Amendment was adopted and I thought in Committee that it was pretty much assured that...that the Amendment would be cleared through you before it was put on. It came out of Committee as a shell Bill. The Sponsor admitted that it was a shell Bill and he explained in Committee what it was going to do. I want to make sure that you're not confusing this with some other Bill."

Speaker Peters: "There's one question the Chair must now settle. Representative Ewing, do you persist in your objection of Representative McPike handling the Bill?"

Ewing: "Mr. Speaker, could we go on to the next Bill and then I'll give him the answer and then we can go back or whether I object or not? I would like to have just a minute to check it."

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

44th Legislative Day

May 17, 1981

Speaker Peters: "That's fine with the Chair. House Bill 1447, Schneider. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1447, a Bill for an Act to amend the School Code, Third Reading of the Bill."

Speaker Peters: "Representative Schneider."

Schneider: "Thank you, Mr. Speaker, 1447 is a Bill which is a product of the Chicago Investigating Committee. It's a very simple concept. All it requires is that a school district that has two consecutive years of an imbalanced budget report that to the State Board of Education within seven days. The context of 1447 should probably be seen in connection with the other four or five Bills that are coming before us eventually on longer debate but this one, the essence of it is, the reporting time of seven days. The other portion of the imbalanced budget will appear also in 1445. I request its adoption."

Speaker Peters: "Anyone in opposition? Representative Ropp."

Ropp: "Yes, Mr. Speaker, just for a question. Why did they do that, Representative Schneider?"

Schneider: "Why did they do what?"

Ropp: "Why is it seven days? Why wouldn't one day or a year or...?"

Schneider: "Well, we tried to settle...working with the State Board of Education and other groups that were connected with the investigation, we tried to settle on a time that was timely as well as a way in which that information could be made valid and interpretable within a short time. So, seven days allows the State Board to have...begin findings which will take place under 1445. This item of the imbalanced budget is one of eight items that will be included in a kind of a triggering device which shows that a school board is beginning to approach financial difficulty. What we discovered in Chicago was that we

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

44th Legislative Day

May 17, 1981

didn't have that kind of mechanism. Now what we're thinking is that this idea of the imbalanced budget, the seven day triggering will help them alert the State Board to action."

Speaker Peters: "Question is, 'Shall House Bill 1447 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, voting is open. Peters 'aye'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this...on this question there are 153 voting 'aye', 1 voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1450, Representative Schneider. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1450, a Bill for an Act to amend the School Code, Third Reading of the Bill."

Speaker Peters: "Representative Schneider."

Schneider: "A continuation of the package, Mr. Speaker and Members. 1450 just allows the Board, the School Board to delegate to the General Superintendent of Schools by resolution the authority to approve contracts of \$10,000 or less. What that does, is to take the School Board away from the trivia of kind of determining whether or not you ought to buy BIC pencils or other pencils. I think what we ought to do is allow the Board to make significant decisions and that's the thrust and intent of this proposal. I ask its endorsement also."

Speaker Peters: "Anyone in opposition? There being none, the question is, 'Shall House Bill 1450 pass?' Those in favor will vote 'aye', those opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This question there are 137 voting 'aye', 11 voting 'nay', 2 voting 'present'. This Bill having received the Constitutional Majority is hereby declared

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

44th Legislative Day

May 17, 1981

passed. House Bill 1507, Representative Kane. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1507, a Bill for an Act to amend Sections of an Act to provide for the management, operation, control and maintenance of Southern Illinois University, Third Reading of the Bill."

Speaker Peters: "Representative Kane."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 1507 is in response to recommendations of the Legislative Audit Commission and the Auditor General and it allows the Southern Illinois University School of Medicine to do what it is presently doing and has done for the last several years and that is to operate a medical services and research plan. And I would urge the adoption of this Bill."

Speaker Peters: "Anyone in opposition? There being none, the question is, 'Shall House Bill 1507 be adopted?' All those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This question there are 155 voting 'aye', 1 voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority...this Bill is hereby declared passed. House Bill 1536, Representative Jaffe. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1536, a Bill for an Act to add Sections to the Personnel Code, Third Reading of the Bill."

Speaker Peters: "Representative Jaffe."

Jaffe: "Yes, Mr. Speaker, Members of the House, House Bill 1536 creates a protection mechanism for code employees desiring to reveal illegal or improper actions within State government that could have a harmful effect on the public welfare. The public disclosure protection provided for in

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

44th Legislative Day

May 17, 1981

this Bill are similar in nature to those currently provided employees subject to the Federal Civil Service Commission and I might say that there has been a case handed down recently with regard to the private sector and they have also instituted this type of relief for the private sector as well. And we're merely extending this type of protection to State employees and I would urge an 'aye' vote."

Speaker Peters: "Anyone in opposition? The question is, 'Shall House Bill 1536 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Peters 'aye'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 142 voting 'aye', 5 voting 'nay', 6 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1614, Representative Keane. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1614, a Bill for an Act in relationship to audits of units of local government. Third Reading of the Bill."

Speaker Peters: "Representative Keane."

Keane: "Thank you, Mr. Speaker. This Bill comes out of the Local Government Finance Study Commission and what it does is it allows...It's merely permissive. It allows local government...governing bodies of local governmental units to establish an Audit Committee to review the audit reports and other fiscal reports of local government. I would ask for a favorable Roll Call."

Speaker Peters: "Anyone in opposition? Any opposition? There being none, the question is, 'Shall House Bill 1614 be adopted (sic)?' Those in favor will signify by saying 'aye'; those opposed by ...by voting 'aye'; those opposed

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

44th Legislative Day

May 17, 1981

by voting 'nay'. Mr. Clerk? The voting is open. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 152 voting 'aye', 2 voting 'nay', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1750, Representative Pullen. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1750, a Bill for an Act to amend various Acts relating to backdoor referenda. Third Reading of the Bill."

Speaker Peters: "Representative Pullen."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, the Digest is accurate on this Bill. It addresses the provisions in the statutes relating to backdoor referenda. It requires that when an authority takes an action that is subject to a backdoor referendum, the notice that is published must include the number of signatures necessary for the people to petition for a backdoor referendum and the length of time they have to circulate the petition and the date of the prospective referendum. It also requires the unit of government to furnish a petition form to an individual requesting one so that people would not have to spend several days of their very limited time in drawing up a proper legal petition. It passed out of the Revenue Committee 22 to nothing and I urge your favorable consideration."

Speaker Peters: "Anyone in opposition? There being none, the question... Representative, put your light on, Representative. Representative Brummer."

Brummer: "Yes, I'd like to ask one brief question. Did the Sponsor amend every Section of every Chapter that deals with backdoor referendums so the attorneys can find these provisions? Or is this just one change that blankets all

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

44th Legislative Day

May 17, 1981

of the Illinois Revised Statutes?"

Pullen: "It's a 91 page Bill that amends every backdoor referendum Section."

Brummer: "Thank you."

Speaker Peters: "The question is, 'Shall House Bill 1750 pass?'

Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question....What happened? Once more. House Bill 1750, the question is, 'Shall this Bill pass?' Those in favor will vote 'aye', those opposed 'nay'. Take the record, Mr. Clerk. On this question there are 137 voting 'aye', 8 voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 183, Representative Jaffe. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 183, a Bill for an Act to amend the Illinois Pension Code, Third Reading of the Bill."

Speaker Peters: "Representative Jaffe."

Jaffe: "Mr. Speaker, this is a Bill approved by the Illinois Public Employees Pension Laws Commission, and it amends the Chicago Municipal Employees Article of the Pension Code to make a child conceived out of wedlock eligible for a child's annuity. If it's father is a member and the paternity is acknowledged or established by a court proceeding or other clear and convincing proof. This merely puts that particular Pension Code into conformity with the other Pension Codes in this State, and I would urge an 'aye' vote on this."

Speaker Peters: "Anyone in opposition? The question is, 'Shall House Bill 183 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish?"

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

44th Legislative Day

May 17, 1981

Take the record, Mr. Clerk. On this question there are 130 voting 'aye', 15 voting 'nay', 2 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Anyone handling 187 for Representative McCourt? Who? Representative Stearney. House Bill 187, McCourt. Does Representative Stearney have leave to handle the Bill? Is there any objection? There being none, Representative Stearney."

Clerk Leone: "House Bill 187, a Bill for an Act to amend the Criminal Code, Third Reading of the Bill."

Speaker Peters: "No wait a minute, 187. We got the same Bill? Alright."

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

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

Bowman: "Well, just a parliamentary inquiry. Since Representative McCourt is no longer a Representative and no longer a Member of this Body, who will be the Sponsor of record? I have no objection to Representative Stearney handling the Bill but who's the Sponsor of record?"

Speaker Peters: "Tuerk."

Stearney: "Mr. Tuerk is a joint Cosponsor of the measure."

Bowman: "Okay, and he's not on the floor?"

Speaker Peters: "He's here but Representative Stearney was asked to handle it."

Bowman: "Okay, thank you."

Stearney: "Mr. Bowman, simply because it came through the Judiciary Committee."

Speaker Peters: "Proceed, Sir."

Stearney: "Yes, this Bill would provide that financial institutions need not have a security force of 30 to come within the exemption for security guards. As it is, the present state of the law requires an institution to have 30

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

44th Legislative Day

May 17, 1981

or more guards. This here provision would exempt that for a smaller financial institution, banks and things of that nature that have less than 30 security guards but who are desirous of carrying handguns simply for the protection of the institution or when they have to travel to different institutions."

Speaker Peters: "Anyone in opposition?"

Stearney: "I'd be glad to answer any questions."

Speaker Peters: "There being none the question is, 'Shall House Bill 187...? There is no opposition. The question is, 'Shall House Bill 187 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? Take the record, Mr. Clerk. On this question there are 150 voting 'aye', none voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 219, Representative Ropp. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 219, a Bill for an Act to amend Snowmobile Registration and Safety Act, Third Reading of the Bill."

Speaker Peters: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. House Bill 219 is a piece of permissive legislation that states in townships of 5,000 population or less when township road commissioners choose to post signs that snowmobiles may use township roads. There have been some indication where this previous law has been very difficult to administer by police authorities. It is permissive legislation and I urge a favorable Roll Call."

Speaker Peters: "Anyone is opposition? There being none, the question is, 'Shall House Bill 219 pass?' Those in favor will signify by voting 'aye', those opposed by voting

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

44th Legislative Day

May 17, 1981

'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 133 voting 'aye', 18 voting 'nay', 2 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 226, Representative Richmond. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 226, a Bill for an Act to amend the Criminal Code, Third Reading of the Bill."

Speaker Peters: "Representative Richmond."

Richmond: "Thank you, Mr. Chairman (sic), Ladies and Gentlemen of the House, House Bill 226 was heard in Judiciary II Committee and it came out with a vote of 13 to nothing. It would...it deals with Section 16-3 of the Criminal Code and provides that a person...commits theft when after renting or leasing a motor vehicle under a written agreement fails to return the vehicle at a specified time and place when served with a written or oral demand to return the vehicle. If convicted it constitutes a Class IV felony. In addition to motor vehicle, House Bill 226 would add, 'or any other type of personal property exceeding \$500.00 in value the offense will remain a Class IV felony'. I'd ask your favorable consideration."

Speaker Peters: "Anyone in opposition? There being none, the question...Representative Hastert."

Hastert: "Yes, could I...would the Sponsor yield for a question?"

Speaker Peters: "To expedite matters, he will although he shouldn't. Go ahead."

Hastert: "If the car...if you rent a car, Avis or whatever, and the car stalls or breaks down, who determines 'willful', what's the terminology there?"

Speaker Peters: "Representative Richmond."

Richmond: "This language was added in the Committee at the

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

44th Legislative Day

May 17, 1981

recommendation of some of the Committee members in Judiciary II. It must be willful violation if further clarification of that be needed, I would suggest, yes, if it's purposefully. Right."

Hastert: "Thank you."

Speaker Peters: "Any other discussion? There being none, the question is, 'Shall House Bill 226 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 143 voting 'aye', 9 voting 'nay', 2 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 263, Representative Polk. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 263, a Bill for an Act authorizing Department of Transportation to restore certain access rights, Third Reading of the Bill."

Speaker Peters: "Representative Polk."

Polk: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 263 does just as the synopsis indicates. It restores access rights to a restaurant in Silvas, Illinois. It came out of Committee 20 to zip. The fiscal note indicated that there would be no cost to the State and..."

Speaker Peters: "Any opposition? There being none the question is, 'Shall House...' Representative Brummer."

Brummer: "Yes, when those access rights were terminated was the land owner compensated in a condemnation suit or a settlement of a condemnation suit for the termination of those access rights in the first place?"

Speaker Peters: "Representative Polk."

Polk: "All I have on the fiscal note is, if they do receive it they must pay for it. So, and this...new people that own it, they've owned it for about four years or so, so I

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

44th Legislative Day

May 17, 1981

truly can't tell you."

Brummer: "You don't if the original owners of that land were compensated for the termination of access by condemnation?"

Polk: "I do not know but I do know if they do get it back they have to pay for it."

Brummer: "Thank you."

Speaker Peters: "Further discussion? There being none, the question is, 'Shall House Bill 263 be adopted?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, voting is open. Peters 'aye'. Have all voted who wish? Take the record, Mr. Clerk. On..on this question there are 142 voting 'aye', 1 voting 'nay', 1...4 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 322, Representative Daniels. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 322, a Bill for an Act to amend an Act to permit the sale, offering or exposing for sale of fireworks, Third Reading of the Bill."

Speaker Peters: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 322 provides that it's illegal to possess fireworks without a permit for public display except when such possession is within the scope of the registered fireworks law. This is identical to the Bill that passed last year and was stuck in Senate Rules Committee and I ask for your favorable support."

Speaker Peters: "Anyone in opposition? Representative Dunn. John Dunn."

John Dunn: "Does this make any changes in the civil law with regard to fireworks?"

Daniels: "No."

Speaker Peters: "Representative Leinenweber."

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

44th Legislative Day

May 17, 1981

Leinenweber: "If my son happened on his way home from Tennessee to buy about 1,000 firecrackers what would be the consequences under this Act?"

Daniels: "Petty offense."

Speaker Peters: "Representative Daniels to close if he wishes. He doesn't. The question is, 'Shall House Bill 322 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? Peters 'aye'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 111 voting 'aye', 42 voting 'nay', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 323, Representative Bower. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 323, a Bill for an Act to amend Sections of the Criminal Code. Third Reading of the Bill."

Speaker Peters: "Representative Bower."

Bower: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. If you liked Representative Richmond's Bill, you'll love this one. It is very similar and it fills a gap in the law regarding the theft of rented property. I would ask for your favorable vote."

Speaker Peters: "Anyone in opposition? The question is, 'Shall House Bill 323 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? Take the record, Mr. Clerk. On this question there are 142 voting 'aye', 11 voting 'nay', 2 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 341, Representative Deuster. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 341, a Bill for an Act to provide for

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

44th Legislative Day

May 17, 1981

the safety, inspection, licensing and regulation of amusement rides and attractions, Third Reading of the Bill."

Speaker Peters: "Representative Deuster."

Deuster: "House Bill 341 is sponsored by myself and Representative Kornowicz. It has been recommended and supported by the Amusement Park and Ride Industry. You'll notice in your synopsis Amendment #2 is the Bill. All that this Bill does now is to require liability insurance on the part of the Amusement Park and Ride Industry in Illinois. I might say in past Sessions Representative Kornowicz worked hard and sponsored a Bill which passed the House and in one case passed the Senate and went to the Governor providing for regulation and inspection by the Department of Labor. Unfortunately, that was vetoed. The Industry, based upon their experience in Wisconsin feel that the best thing to do is to require insurance. Then we don't have the costly inspection by the State of Illinois and the insurance company. Private enterprise will do the inspecting. I think it's a good Bill and I urge your favorable vote."

Speaker Peters: "Anyone in opposition? Representative Brummer. You talked too long, Representative Deuster. Representative Brummer."

Brummer: "Yes, I'm surprised, I guess, at Representative Deuster who is generally in favor of getting government off the back of free enterprise is sponsoring a Bill like this. I'd like to ask a question or two if I might. Number one, who is going to enforce this to see that there is insurance actually filed or in place? Now, they aren't licensed in the first place, are they?"

Deuster: "No, they aren't. The Department of Labor, if somebody complains the Department of Labor is the Department that

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

44th Legislative Day

May 17, 1981

will receive the insurance."

Brummer: "What is the penalty as a result of not having insurance?"

Deuster: "The penalty in Section 5 is that it's a Class A misdemeanor and what that means is up to \$1,000 fine and also up to one year confinement."

Brummer: "We have in our area some very small amusement..."

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

Ebbesen: "Yes, Mr. Speaker, this is Short Debate and we're getting off the track here. We were going real well."

Speaker Peters: "The Gentleman's point is well taken. Representative Brummer, bring your questioning or your remarks to a close."

Brummer: "Well, it's probably a proofless effort but we have very small amusement operators in our area who go around to church picnics and labor picnics and things of this nature. Provide very small rides for children. I see this requires a one million dollar insurance policy for any amusement ride operator. These are part-time people who do this on weekends. They bring very small rides that do not, that are merely swings that go around in a circle to these parks. I just think this is an excessive burden on free enterprise and private individuals. We ought to keep government off the back of those individuals and I'm just surprised that Representative Deuster would sponsor this."

Speaker Peters: "Representative Deuster, to close. One minute."

Deuster: "Well, this Bill is recommended by private industry. It's recommended by the Industry. They came and asked for this Bill and all it does is require insurance for the protection of the children and the others who ride these amusement rides supported by Marriot in my district and the carnival people and I urge your 'yes' vote. Thank you."

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

44th Legislative Day

May 17, 1981

Speaker Peters: "The question is, 'Shall House Bill 341 pass?'"

Those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Representative Fawell, to explain her vote."

Fawell: "Yes, I was just wo... Mr. Speaker and Gentlemen and Ladies of the House. I just question whether this is a good Bill for the simple reason that we, too, have American Legion and VFW and Chamber of Commerce groups that come out with these all the time in my area. And I'm just questioning if this will be prohibitive now and they will not be able to continue this service done to our people."

Speaker Peters: "Representative Everett Steele, to explain his vote."

Steele: "Thank you, Mr. Speaker. I rise in support of this Bill in explaining my vote. I don't think anybody here would want their children to ride any amusement ride without knowing there's insurance on it. That's a basic protection that any amusement ride should have. And all this Bill does is require that there is insurance and when there's insurance it means there is safety inspections made. And I think that this is a basic safeguard. And no amusement ride should be run in this state without at least carrying insurance for protection of public. And I urge support for a good basic Bill."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Representative. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 113 voting 'aye', 30 voting 'nay', 10 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1435, Representative McPike. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1435, a Bill for an Act to amend Sections of the Illinois Income Tax Act, Third Reading of

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

44th Legislative Day

May 17, 1981

the Bill."

Speaker Peters: "Representative McPike."

McPike: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this was introduced by Representative Pierce and admitted on the floor. The purpose of the Bill is to help maintain and enhance Chicago as the major international banking center in the United States. The Amendment, which is now the Bill, allows the establishment of international banking facilities in Illinois. These facilities are a concept under state tax laws and are not physical structures. These facilities are similar in concept to free trade zones. This legislation allows transactions which are currently being done outside the United States namely in London, Nassau, and the Cayman Islands. And which are not subject to Illinois taxation allows them to be done in Illinois. The reason that this is necessary is that the Federal Reserve Board is going to allow states to provide for this beginning October 1st of this year. The State of New York began pushing for this in 1978 and the Legislature has passed laws that will allow banks in New York to begin these international banking operations in that state. In order for Chicago and therefore, Illinois to compete it's necessary for our Legislature to do the same thing. What we have done in here is put a floor on these deposits or these transactions, rather, so that in the future as these transactions increase above this floor, those transactions will then be subject to Illinois tax and so in the future they will produce revenue once the base begins to grow. I think it's absolutely necessary the Bill passes. I would appreciate an 'aye' vote and answer any questions."

Speaker Peters: "Anyone in opposition? There being none, the question is, 'Shall House Bill 14.. Representative Dwight

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

44th Legislative Day

May 17, 1981

Friedrich."

Friedrich: "No, I'm just going to explain my vote."

Speaker Peters: "The question is, 'Shall House Bill 1435 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk. Peters, 'aye'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Friedrich, to explain his vote."

Friedrich: "Well, I'm just going to say if House Bill 666 passes even a little bank in your town will be sending money out of the country so this may prepare you for that too."

Speaker Peters: "Have all voted who wish? Take the rec.. Take the record, Mr. Clerk. On this question there are 126 voting 'aye', 21 voting 'nay', 7 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. The last time around, House Bill, Second Reading, page two of the Regular Calendar. House Bill 228, Representative Schuneman. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 228, a Bill for an Act to amend the Unemployment Insurance Act. Second Reading of the Bill. No Committee Amendments."

Speaker Peters; "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, John Dunn, amends House Bill 228..."

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

Dunn: "Mr. Speaker and Ladies and Gentlemen of the House, this is an Amendment which would be of benefit to the small business employer. I think it's a good Amendment. It's an Amendment that I've had trouble getting a hold of. Here it is. This would require that..."

Speaker Peters: "Excuse me. Can we end up and hopefully to end up expediting this if... Representative Schuneman. Just in terms of expediting this; an explanation is made of the

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

44th Legislative Day

May 17, 1981

Amendment and you agree or disagree or if you agree we can save some time. I don't know what your position is, but on Amendment #1, Representative Dunn."

Schuneman: "Mr. Speaker."

Speaker Peters: "Yes, Sir."

Schuneman: "Wasn't Amendment #1 previously adopted, Mr. Speaker?"

Speaker Peters: "Mr. Clerk."

Schuneman: "Representative Dunn says it was not so I'm willing to accept that."

Speaker Peters: "No, it was not."

Schuneman: "Thank you."

Speaker Peters: "Proceed, Representative Dunn."

Dunn: "Amendment #1 provides that no employers' contribution rate shall exceed one percent with respect to the first 60,000 dollars of wages for insured work paid during any calendar quarter and this Subsection will apply only to those employers who, during any calendar quarter, pay total wages for insured work equal to 60,000 dollars or less."

Speaker Peters: "Representative Dunn."

Dunn: "Is there a later Amendment of mine on file with regard to this Bill, Mr. Speaker?"

Clerk Leone: "Floor Amendment #2 is sponsored by John Dunn. Floor Amendment #3 is sponsored by John Dunn."

Dunn: "Mr. Speaker, I would, at this time, move to table Amendment #1 and Amendment #2."

Speaker Peters: "The Gentleman moves to table Amendment... withdraw Amendment #1 and he withdraws Amendment #2. Any further Amendments?"

Clerk Leone: "Floor Amendment #3, John Dunn, amends House Bill 228 on page one, line one and so forth."

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

Dunn: "Amendment #3, Mr. Speaker, is essentially the same as the Amendment I was describing earlier with the exception that

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

44th Legislative Day

May 17, 1981

instead of the words 'total wages' the word 'remuneration' is used. The purpose of this Amendment is to provide some assistance to the small businessman. This Amendment would provide that the small businessmans rate so long as he has good experience will not exceed one percent. This is a benefit to those who are most severely affected by the downturn in our economy and those who are not going to be helped very much even in the event the tax package that is under consideration by the Congress in Washington becomes law. These people are struggling for survival. They need this kind of help and I respectfully request a favorable vote on this Amendment."

Speaker Peters: "Representative Schuneman. Representative Schuneman. On this Amendment, Sir."

Schuneman: "No objection to the Amendment, Mr. Speaker."

Speaker Peters: "Further discussion? Representative Huff. No further dis... Representative Huff. The question is, 'Shall Amendment #3 be adopted?'. Those in favor will signify by saying 'aye', those opposed. The Amendment's adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #4, Schuneman, amends House Bill 228..."

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

Schuneman: "Thank you, Mr. Speaker. Amendment #4 would make some significant changes in our unemployment compensation system. I'd ask you, Ladies and Gentlemen, I think you all know that... Thank you, Mr. Speaker. I think everyone in this state knows that the Unemployment Compensation Trust Fund is in serious trouble, but I'd like to give you just a little simple arithmetic. During... I met during this past weekend with Les Kosinski who is the General Council of the Bureau of Employment Security so these figures are accurate

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

44th Legislative Day

May 17, 1981

as of today. The Bureau estimates that during this year, 1981, the projected benefits to be paid out of the Unemployment Compensation Trust Fund amount to 1,554,000,000 dollars and I wish you would pay enough attention so you would know this issue. If you would simply write down 1,554,000,000 then subtract from that what our revenues are going to be this year. They're going to be 878,000,000 dollars. That means that there will be a 672,000,000 dollar shortfall in the Unemployment Compensation Trust Fund just in 1981. Now, in 1982 it won't be quite that bad. In 1982 the projected benefit payouts will be 1,336,000,000 dollars and the revenue will be 878,000,000 dollars again so there will be a shortfall of 458,000,000 dollars. Now, if you add those two numbers together, you will find that during the calendar year 1981 and '82 our Unemployment Compensation Trust Fund will go in the hole to the tune of 1,000,000,000 dollars. Now that's in addition to the 976,000,000 dollars that we were in debt at the beginning of 1981. So this is the kind of problem we're facing. Now, Amendment #4 would do a number of things. First of all, it would freeze, it would freeze unemployment compensation benefits at their level which will be determined on June 1 of 1981, and for those of you who don't know what those benefit levels are,..."

Speaker Peters: "Excuse me. Representative Tuerk."

Tuerk: "As Representative Schuneman indicated, this is a very important Amendment and I think we should have some attention so that we know what's in the Amendment."

Speaker Peters: "The Gentleman's point is well taken. Please give the Gentleman your attention. Proceed, Sir."

Schuneman: "Thank you, Mr. Speaker. The freeze on benefits would be effective after the benefits are increased next June and at that time the benefits for a single person, the maximum

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

44th Legislative Day

May 17, 1981

benefits would be 148 dollars a week. The maximum benefit for a person with a dependent spouse will be 178 dollars a week. The maximum benefit for a person with dependent children would be 198 dollars a week. That's where we propose in this Amendment to freeze the increase in benefits for a two year period. The next provision in the Bill would eliminate benefits for people who voluntarily quit their job. Now this House passed a Bill similar to this just the other day. Another provision in this Bill, we would eliminate unemployment compensation benefits for those people who are discharged for misconduct. Now, Ladies and Gentlemen, this is misconduct as defined by the Bureau and I assure you that this is serious misconduct. It would also eliminate benefits for those people who refuse to accept suitable work. Now, suitable work as defined by the Bureau. In other words, at the present time the Bureau sometimes determines if the person is refusing to accept what they think is suitable work, but the unemployed person doesn't have to take that job and they still get benefits. But we're suggesting that that be eliminated. The other provision that we're including in this Bill is to reinstate the one week waiting period that was in effect in our unemployment compensation system before 1975 and which is in effect in many, many states in the United States whose trust funds are closer to being solvent than ours are. There are only two other provisions in this Bill that I'd like to suggest to you. One is Representative Dunn and I would address this speci... Representative Dunn? I hope you're listening because I'd like to address this specifically to you. The reason I accepted your Amendment is that Amendment #4 would delete your Amendment which we just adopted. The reason I can't support your Amendment is that the Bureau of Employment

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

44th Legislative Day

May 17, 1981

Security has indicated that your Amendment may very well place us in nonconformity with the Federal Government as respects the Unemployment Act. I have in my hand a letter from Les Kosinski who is the General Council of the Bureau of Employment Security in which he indicates that they had a call last Friday from the Commissioner of Unemployment Insurance. They received a call from the Department of Labor's Regional Office indicating a concern with your Amendment which provided for a one percent or a two percent maximum rather than the 2.7 maximum which is presently in the law. The Counsel for the Bureau says not having been a party to the call, I would like to discuss the provision further with the Department of Labor. But anticipating a problem with conformity, I'm suggesting the inclusion of the 2.7 maximum contribution rate in this Amendment at this time. Now, the difference between your Amendment and what I'm suggesting is that those larger employers who are presently now getting a lower rate for the first 40,000 dollars a payroll will no longer receive that under my Amendment. But the small employers..."

Speaker Peters: "Bring your remarks to a close, Representative."

Schuneman: "...rate would not be reduced from 2.7 down to 1. We'd leave it at 2.7. They're already getting a considerable break at that amount. The other changes in this Bill, Mr. Speaker, one would change the method of computation of the weekly benefit amount so that the average would be based on 26 weeks rather than 13 weeks. The other provision we've included in here is what is called the flexible duration and in effect what it would do is require that a person not be able to receive a lot more in benefits under the system than they ever earned in wages while they were working. And we're trying to control that in some manner. These changes, Mr. Speaker, would have an

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

44th Legislative Day

May 17, 1981

impact on the Unemployment Compensation Trust Fund of something in the range of 500,000,000 dollars. This is the sort of thing that we have to do. We must do something like this or we're going to be in bad trouble with the Federal Government. The Federal Government is going to require the State of Illinois to pay out of the General Revenue and out of the Treasury of this state interest on future borrowings if we don't do something like this. So I offer this to the House, Mr. Speaker, and I would certainly urge an 'aye' vote."

Speaker Peters: "Representative McPike. It was the information of the Chair that you were to be the spokesman..."

McPike: "No, I didn't have my light on. Representative Mautino had his on."

Speaker Peters: "I understand that, but I thought we were going to try and expedite this. Representative Mautino."

Mautino: "Yes, Mr. Speaker, will the Gentleman yield for a few questions?"

Speaker Peters: "He indicates he'll yield for a few questions."

Mautino: "Cal, this is a very interesting Amendment. Basically, you're addressing those same questions that we enacted into legislation approximately two years ago, but you made some other additional changes. If you will, will you please explain to me the rationale for removing the 5% cap that I think you've done in this legislation, number one. And number two, what would be the actual financial cost to the employers with the implementation of the formula which you have provided in the last two pages of your Amendment?"

Schuneman: "Representative, I think you may be looking at the wrong Bill or the wrong Amendment. The Amendment does not do the things that you're referring to as far as increa... This does not increase the cap. What was your second point?"

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

44th Legislative Day

May 17, 1981

Mautino: "What is the total cost of this in terms of that formula? Basically you're..."

Schuneman: "The cost to the employer community would be about 44 million dollars and that would be in that provision dealing with the small business people where the larger employers would no longer get the low rate for the first 40,000 dollars a payroll. And we're moving the benefit for the small employer up to 50,000 dollars per quarter but leaving the rate at 2.7."

Mautino: "Yes, I noticed. You're taking the benefits away from about 80% of the small employers in the state that we previously put on other pieces of legislation. I also noticed that you did move the provisions from 40,000 to 50,000, but for those new employers and new business people in the first three years that are stuck with your 2.75 and then go higher because they don't have any experience factor you're going to make it more expensive for the smaller employer as I read that Amendment. That employer who's just started up or who is within the first three years of his working business."

Schuneman: "That's not addressed in this Amendment, Representative."

Mautino: "It is to. It's under Section 500 I believe. Are you saying that's not addressed in this Amendment?"

Schuneman: "What Section are you referring to?"

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

Huff: "I want to address myself to Mr. Schuneman's Amendment. I think what Representative Mautino is talking about is not reflected in Representative Schuneman's Amendment. However, I do want to take exception with a couple of things that Representative Schuneman has stated for the Amendment, but; however, I'll defer to Representative

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

44th Legislative Day

May 17, 1981

Mautino who I believe has the floor now."

Speaker Peters: "Proceed and conclude, Representative Mautino."

Mautino: "What you're saying with this, Cal, I'm going to go through this real quickly. I just received your Amendment. I'd be happy to come over and talk to you for a minute, if I will."

Schuneman: "Dick, could I ask you what you're looking at?"

Mautino: "I'm looking at Amendment #4 to 228. I just received it just now on my desk."

Schuneman: "To 228?"

Mautino: "Yes, Sir."

Schuneman: "Okay. That's what we're on. Come on over."

Mautino: "I'll defer to Mr. Huff, if you don't mind for a second."

Speaker Peters: "Are you through, Representative Mautino? You're through. Representative Huff."

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

Schuneman: "Yes, Sir."

Huff: "Representative Schuneman, like I said previously, I agree with almost everything you state in your Amendment, but I would take exception on one particular point that you brought out and that is that, if it becomes necessary that the Federal Government must intervene with the loan of 1,900,000,000 dollars, practically 2 billion dollars you state that the possibility that they would also tack on an interest rate that would be charged to the Treasury of this state and the general funds. I don't think that would be correct. That would be charged directly to the employer would it not?"

Speaker Peters: "Representative Schuneman."

Schuneman: "Mr. Speaker. Well, Representative Huff, as you know, there is no such provision in the law right now. What we're referring to are several Bills that are before the

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

44th Legislative Day

May 17, 1981

Congress all of which would require that, for states like Illinois that have these huge deficits, the amount of money that we borrow after about October of this year would, in fact, require interest payments not out of the Trust Fund but out the general revenues and the Treasury of the states that owe that money. That's what we're afraid of is that if the Congress passes that law the State of Illinois may find itself facing interest payments of between say 60 to 100 million dollars a year just to pay the interest on what we have to borrow from the Federal Government. I don't think we can afford that."

Huff: "Well, Mr. ..."

Speaker Peters: "Representative Huff, please bring your remarks ... questions to a conclusion."

Huff: "Mr. Speaker and Ladies and Gentlemen of the House, in absence of Mr. Schuneman's inability to state an exact precedence of where this has happened throughout any state in the union, I would have to submit that this is pure speculation on the Representative's part. But more specifically what Representative Dunn was talking about which Representative Schuneman's Amendment hopes to set aside is about the small businessman and I think that Representative Dunn's Amendment is well taken. What it will attempt to do is to give the small businessman some relief, especially that particular businessman who does not cause any raid on the Trust Fund because he's holding his employees in good stead. The 2.7 contribution rate is not written in stone. I think that it's a good measure in view of the economic reversal that most small businesses are going to have to address themselves to and try to sustain themselves in that we, in the Legislature, give them some relief and support Representative Dunn's fine Amendment."

Speaker Peters: "Representative Tuerk."

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

44th Legislative Day

May 17, 1981

Tuerk: "I move the previous question."

Speaker Peters: "Question is, 'Shall the previous question be put?'. Those in favor will signify by saying 'aye', those opposed. The 'ayes' have it. Representative Schuneman, to close."

Schuneman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We must do something about the crisis in our Unemployment Compensation Trust Fund. This is, I think, a very logical and reasonable approach. It would eliminate from that system many of the people who have been, I think, unfairly drawing benefits out of that system. I think it's a very reasonable approach in that it takes nothing away from that worker who is legitimately, who is legitimately entitled to benefits and we don't want to do that. So I would certainly urge an 'aye' vote on this good Amendment."

Speaker Peters: "Question is, 'Shall Amendment #4 to House Bill 228 be adopted?'. Those in favor will say 'aye', those opposed. Four people? The question is, 'Shall Amendment #4 to House Bill 228 be adopted?'. Those in favor will vote 'aye', those opposed will vote 'nay'. Have all voted who wish? Have all voted who wish? Representative Henry, to explain his vote."

Henry: "I yield my explanation to Representative Huff."

Speaker Peters: "Representative McClain, to explain his vote."

McClain: "Thank you, very much, Mr. Speaker. Ladies and Gentlemen, especially the 'aye' votes, you ought to know what you're voting on here. You're voting for an increase of unemployment taxes for the contractors and your large industries. About 190 million dollars, so you ought to know approximately what you're doing over there."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Representative Klemm, to explain his vote. Excuse me. Those Gentleman who spoke in debate, according to the

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

44th Legislative Day

May 17, 1981

rules, are not entitled to explain their votes.
Representative Klemm."

Klemm: "Thank you, Mr. Speaker. I just want to point out that if we do not adopt this Amendment what you're saying is that 85% of the business establishments in Illinois will be paying less and that only 15% of our businesses will have to pick up that deficit. If you want to get businesses back in Illinois, you certainly don't want to drive out the big businesses that are here. And certainly when you realize that there's only 213,000 establishments and Mr. Dunn's, I think Representative Dunn's Amendment would exempt 85% of 181,000 establishments. I think we must adopt this Amendment and I certainly urge your..."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 84 voting 'aye', 71 voting 'nay'. This Amendment having.. .This Amendment is adopted. Representative Bowman."

Bowman: "Thank you, Mr. Speaker. The Amendment appears to amend the title and I would like to ask that it be returned to Second Reading, First Legislative Day."

Speaker Peters: "Mr. Clerk. On that question, Representative Schuneman."

Schuneman: "I'd only ask, Mr. Speaker, if that request is timely now that we've adopted the Amendment."

Speaker Peters: "I heard it. Just a second. The legal principle of stare decisis is a constantly evolving process and we shall attempt to evolve a ruling to fit the case. Have to write this one down. It is the opinion of the Chair, Representative Bowman, that in response to your request your inquiry is not well taken in that the Amendment changes only Section numbers. Any further Amendments, Mr. Clerk?"

Clerk Leone: "No further Amendments."

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

44th Legislative Day

May 17, 1981

Speaker Peters: "Third Reading. House Bill 555, Representative Schuneman. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 555, a Bill for an Act to amend the Worker's Compensation Act. Second Reading of the Bill. Floor Amendment #3, Jim Kelley, amends House Bill 555 on page one and so forth."

Speaker Peters: "Representative Kelley, Amendment 3."

Kelley: "I wish to withdraw Amendment 3, Mr. Speaker."

Speaker Peters: "Amendment #3 withdrawn. Any further Amendments?"

Clerk Leone: "Floor Amendment #4, Birkinbine, amends House Bill 555..."

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

Birkinbine: "Mr. Speaker, I move to withdraw Amendment #4."

Speaker Peters: "Gentleman withdraws Amendment #4. Any further Amendments?"

Clerk Leone: "Floor Amendment #5, Karpiel, amends House Bill 555..."

Speaker Peters: "Representative Karpiel, Amendment #5."

Karpiel: "Mr. Speaker, I move to withdraw..."

Speaker Peters: "They Lady withdraws Amendment #5. Any further Amendments?"

Clerk Leone: "Floor Amendment #6, Mays, amends House Bill 555..."

Speaker Peters: "Representative Mays, Amendment #6."

Mays: "Withdraw the Amendment."

Speaker Peters: "The Gentleman withdraws Amendment #6. Any further Amendments?"

Clerk Leone: "Floor Amendment #7, Jim Kelley, amends House Bill 555..."

Speaker Peters: "Representative Kelley, Amendment #7."

Kelley: "Mr. Speaker, Amendment #7, this Amendment deletes language on pre-existing conditions. It reinstates them to the way they are in the previous Act. I'd move for its

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

44th Legislative Day

May 17, 1981

adoption."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall Amendment #7 be adopted?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it and Amendment #7 is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #8, Karpziel, amends House Bill 555 as amended."

Speaker Peters: "Representative Karpziel, Amendment #8."

Karpziel: "Mr. Speaker, Amendment #8 on line 21 adds after the word 'plan' adds the words 'that are attributable to the employers contribution and'. This amends the offsetting provision against pension, disability or old age retirement provisions to the extent that the employer contributed to these programs. This is a good people Amendment. I urge its adoption."

Speaker Peters: "Any discussion on Amendment #8? There being none, the question is, 'Shall Amendment #8 be adopted?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it and Amendment #8 is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #9, Mays, amends House Bill 555 as amended."

Speaker Peters: "Representative Mays, Amendment #9."

Mays: "Mr. Speaker, this Amendment deletes the language pertaining to disfigurement and restores it to the current law, original language of the current law."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall Amendment #9 be adopted?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #9 is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #10, Birkinbine, amends House Bill

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

44th Legislative Day

May 17, 1981

555 as amended."

Speaker Peters: "Representative Birkinbine, Amendment #10."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Amendment 10 deletes that part of the Bill which deals with third party liability because it's been covered in other Bills before the House."

Speaker Peters: "On the Amendment, Representative Darrow."

Darrow: "Thank you, Mr. Speaker. Parliamentary inquiry. It would appear that this Amendment is technically incorrect. You are not deleting Chapter 48 paragraph 138.11 between lines 17 and 18 on page 29."

Speaker Peters: "Representative Darrow, would you repeat that for the Chair?"

Darrow: "What this Amendment does is amend page 29 beginning with line 18 where it says Section 11. However, it fails to remove the parenthesis Chapter 48 paragraph 138.11 which appears between lines 17 and 18. So what you will end up with, if this Amendment is adopted, Chapter 48 paragraph 138.11 immediately following that it will read Chapter 48 paragraph 138.16."

Speaker Peters: "Representative Darrow, after great consultation and perusal of the documents presented to the Chair, it is the opinion of the Chair that the Amendment is in order and that the citation referred to is purely advisory. Representative Birkinbine, on the Amendment."

Birkinbine: "Mr. Speaker, I move adoption of the Amendment."

Speaker Peters: "Any discussion on the Amendment? There being none, the question is, 'Shall Amendment #10 be adopted?'. Those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 556, Representative

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

44th Legislative Day

May 17, 1981

Schuneman. Representative Schuneman."

Schuneman: "That Bill was moved to Third Reading earlier tonight,
Mr. Speaker."

Speaker Peters: "Third Reading. Alright. House Bill 672,
Representative Schuneman."

Clerk Leone: "House Bill..."

Speaker Peters: "Out of the record? Did he say out? Out of the
record. On page four, last time around, House Bill 1225,
Representative Stanley. Representative Stanley."

Stanley: "I'd like permission to put this in Interim Study, Mr.
Speaker."

Speaker Peters: "House Bill 1225, Interim Study. House Bill
1448, Representative Schneider. Gentleman here? Out of
the record. House Bill 1661, Representative Braun. Read
the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1661, a Bill for an Act to amend the
Illinois Human Rights Act. Second Reading of the Bill.
Amendments #1 and 2 were adopted in Committee."

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

Clerk Leone: "No Motions filed."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #3, Bowman, amends House Bill 1661
on page one and so forth."

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

Bowman: "Thank you, Mr. Speaker. I ask leave to withdraw
Amendment #3."

Speaker Peters: "Amendment #3 is withdrawn."

Bowman: "Thank you."

Speaker Peters: "Any further Amendments?"

Clerk Leone: "Floor Amendment #4, Braun, amends House Bill
1661..."

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

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

44th Legislative Day

May 17, 1981

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendments 4 and 5 were put together in response to the concern expressed by some of the villages about the impact of this Bill. The Bill itself only implements Sections of the Illinois State Constitution regarding housing opportunities. Amendment #4 resolves the objection, such as they were, of the villages and I would encourage your support."

Speaker Peters: "Any discussion on the Amendment? Excuse me. Any discussion on Amendment #4? Representative Griffin."

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

Speaker Peters: "She indicates she will."

Griffin: "Of the communities that were contacted, was Oak Park one?"

Braun: "Representative Griffin, Oak Park was one or at least the Leadership Council came up with this Amendment which resolves the problem that Oak Park, Park Forest and some of the other villages had about the Bill."

Griffin: "I'd like to ask you very specifically. For many years the community of Oak Park has pioneered in the effort to avoid resegregation. The village president and village manager and other leaders as late as of within the last ten days had communicated some concern of the impact of this. To your knowledge, since that time, have they had a chance to respond to this and given you their affirmative support?"

Braun: "I understand from a conversation of today that they are having a meeting tomorrow on this, but the Amendment, as filed, is the Amendment submitted by the Leadership Council on behalf of those villages. The Leadership Council will, as of tomorrow morning when they have their meeting, get with them. But specifically to the issue that they raised with you and me, that's one of the reasons why this Bill

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

44th Legislative Day

May 17, 1981

has been on Second Reading so long because I wanted to work it out with everybody that was affected or concerned. It deletes the language that the villages had a problem with, puts in language specifically authorizing their efforts in that regard. I can show you the Amendment. It specifically authorizes those efforts and their objections have been met."

Griffin: "One last question. When you say leadership, does that include the municipal... chief municipal officers?"

Braun: "Yes, it does. It's an organization called the Leadership Council and they are a coordinating body for these kinds of housing efforts for the municipalities throughout, particularly the Chicago metropolitan area, but throughout the state. I have been in direct contact with them and, as of this evening, was informed that they would be meeting tomorrow regarding the adoption of their Amendment. This is their Amendment. This resolves what concerns they had. It specifically deletes the language that pertained to design to interfere. It deletes that and makes it a more explicit statement in the law. So all of that is taken care of."

Griffin: "Thank you."

Speaker Peters: "Representative Reilly."

Reilly: "Thank you. Representative Braun, as you know I'm a Joint Sponsor and support you on this Bill, but I have Amendments 4 and 5 here. It appears to me that you want to withdraw 4 and just go with 5. Five does everything 4 does plus it deletes the penalty. I don't know why we need to adopt both."

Braun: "I'm not exactly... I'm getting a nod that that's correct. Amendment #4, as originally drafted, did not take out the penalty. Amendment #5 was designed to take out the penalty."

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

44th Legislative Day

May 17, 1981

Reilly: "I think if you just withdraw 4 and we adopt 5 that will do everything we need to do."

Braun: "I think you're right. I'd like to withdraw #4. Withdraw Amendment 4 and go with Amendment #5. Representative Reilly just pointed out that they are..."

Speaker Peters: "Four is withdrawn. Amendment #5."

Clerk Leone: "Floor Amendment #5, Braun, amends House Bill 1661..."

Speaker Peters: "Representative Braun."

Braun: "The same comments with regard to Amendment #5. I move for its adoption."

Speaker Peters: "Representative Braun on Amendment #5."

Braun: "Yes, Sir. The discussion that just went on really does pertain to Amendment #5 and as much..."

Speaker Peters: "Any further discussion? Question is, 'Shall Amendment #5 be adopted?'. All those in favor will signify by saying 'aye', those opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #5 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 672, Representative Schuneman. Read the Bill."

Clerk Leone: "House Bill 672, a Bill for an Act to amend the Unemployment Insurance Act. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

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

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

Wikoff: "I'd like to withdraw Amendment #1."

Speaker Peters: "Amendment #1 is withdrawn. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, Redmond, amends House Bill 672 on page one and so forth."

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

44th Legislative Day

May 17, 1981

Speaker Peters: "Amendment #2, Representative Redmond.
Representative Schuneman."

Schuneman: "I guess... I don't think Representative Redmond is in
the chamber, Mr. Speaker. I would move to table the
Amendment."

Speaker Peters: "Gentleman moves to table Amendment #2. All in
favor will signify by saying 'aye', opposed. Amendment #2
is tabled. Further Amendments."

Clerk Leone: "Floor Amendment #3, Redmond, amends House Bill 672
as amended."

Speaker Peters: "Representative Redmond. Representative
Schuneman."

Schuneman: "Mr. Speaker, I move to table Amendment #3."

Speaker Peters: "All those in favor of the Gentleman's Motion
will signify by saying 'aye', opposed. The 'ayes' have it
and the Amendment is tabled. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Agreed Resolutions,
Representative Conti."

Clerk Leone: "House Resolution..."

Speaker Peters: "Representative Schuneman."

Schuneman: "Mr. Speaker, did you move 672..."

Speaker Peters: "Third Reading."

Schuneman: "... to Third Reading? Thank you."

Speaker Peters: "Excuse me. Before we get there. What did you
want to do, Glenn?"

Schneider: "House Bill 1448 on the Order of Second. I would move
to table that provision."

Speaker Peters: "Gentleman tables House Bill 1448."

Schneider: "I'm the Chief Sponsor."

Speaker Peters: "Representative Conti, Agreed Resolutions."

Clerk Leone: "House Resolution 305, Braun, 309 Griffin, 310
Deuster, 311 Younge, 312 Topinka, 314 Terzich."

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

44th Legislative Day

May 17, 1981

Speaker Peters: "Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen, House Resolution 305 is commending the Amnesty International, an organization dedicated to securing the release of prisoners of conscience. House Resolution 309 is the retirement for Nance C. Pollett who is retiring from the Oak Park Township Board. That's by Representative Griffin. House Resolution 310 is by Deuster where Dorothy Whitmore is retiring after 25 years of teaching at Diamond Lake School District. House Resolution 311 by Younge, Mr. James W. Shields of East St. Louis is retiring after 34 years as a teacher-counselor. House Resolution 312 by Topinka, Peter M. Jokich and Cheryl R. Dauro will be joined in holy matrimony on May 24. House Resolution 314 by Terzich, Mr. and Mrs. Cacciottolo of Chicago will celebrate their 50th Wedding Anniversary. Mr. Speaker and Ladies and Gentlemen of the House, I move for the adoption of the Resolutions."

Speaker Peters: "Representative Vinson."

Vinson: "Mr. Speaker, I'm not sure of the proper procedure on these, but I would object to House Resolution 305."

Speaker Peters: "House Resolution 305, Committee on Assignments. You have heard the Resolutions, the Agreed Resolutions with exception of House Resolution 305 which has now been assigned to the Committee on Assignments. All those in favor of the adoption will signify by saying 'aye', those opposed. The 'ayes' have it. Further Resolutions?"

Clerk Leone: "House Joint Resolution 33, Mautino, et al."

Speaker Peters: "Committee on Assignment. Introduction of Bills."

Clerk Leone: "House Bill 1899, Braun, a Bill for an Act to amend an Act relating to the acquisition, possession and transfer of firearms. First Reading of the Bill. House Bill 1900, Cullerton, et al, a Bill for an Act to provide

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

44th Legislative Day

May 17, 1981

for the assistance of crime victims and witnesses. First Reading of the Bill."

Speaker Peters: "The Chair... Change of votes. Objections have been filed. Objections have been filed again to all change of votes. Who's the objector?"

Clerk Leone: "'I move to object to any change of vote or addition of any name to Roll Call once the Roll Call has been taken and announced as of this Calendar date'. Representative Yourell."

Speaker Peters: "The Chair would remind the Members that if you have gone home over the weekend and have a note from your wife or father, please come up to the front and sign a form to be provided to the Comptrollers Office to insure your payment for your travel.... or your husband. Representative Telcser."

Telcser: "I move, Mr. Speaker, that the House..."

Speaker Peters: "Excuse me, Representative. Representative Huskey,

Huskey: "No, I just wanted to ask a question of the Chair. How can you file objections to the Motion when you aren't even in the chamber?"

Speaker Peters: "It's been filed. Representative Zwick."

Zwick: "I would just like to make an announcement. There will be a meeting an hour before Session tomorrow morning in Room 122B for all of the pro-ERA women."

Speaker Peters: "Is there no meeting for the pro-ERA men? Any further announcements? Representative Telcser."

Telcser: "Mr. Speaker, I now move that the House stand adjourned until tomorrow morning at 10:00 a.m.."

Speaker Peters: "You've heard the Gentleman's Motion. Those in favor will signify by saying 'aye'. 10:00. The House is adjourned until 10:00 a.m. tomorrow morning."

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

PAGE 1

MAY 17, 1981

HB-0183	3RD READING	PAGE	85
HB-0187	3RD READING	PAGE	86
HB-0202	MOTIONS	PAGE	3
HB-0219	3RD READING	PAGE	87
HB-0226	3RD READING	PAGE	88
HB-0228	2ND READING	PAGE	96
HB-0263	3RD READING	PAGE	89
HB-0322	3RD READING	PAGE	90
HB-0323	3RD READING	PAGE	91
HB-0341	3RD READING	PAGE	91
HB-0406	3RD READING	PAGE	14
HB-0432	3RD READING	PAGE	22
HB-0470	3RD READING	PAGE	23
HB-0483	3RD READING	PAGE	24
HB-0486	3RD READING	PAGE	25
HB-0487	3RD READING	PAGE	26
HB-0488	3RD READING	PAGE	27
HB-0555	2ND READING	PAGE	4
	2ND READING	PAGE	107
HB-0556	2ND READING	PAGE	9
HB-0608	3RD READING	PAGE	28
HB-0617	3RD READING	PAGE	46
HB-0672	2ND READING	PAGE	114
HB-0676	3RD READING	PAGE	49
HB-0688	3RD READING	PAGE	50
HB-0696	3RD READING	PAGE	51
HB-0751	3RD READING	PAGE	52
HB-0821	3RD READING	PAGE	52
HB-0991	3RD READING	PAGE	53
HB-1007	3RD READING	PAGE	54
HB-1029	3RD READING	PAGE	54
HB-1047	3RD READING	PAGE	68
HB-1049	3RD READING	PAGE	68
HB-1184	3RD READING	PAGE	70
HB-1235	3RD READING	PAGE	73
HB-1297	3RD READING	PAGE	74
HB-1365	3RD READING	PAGE	75
HB-1435	3RD READING	PAGE	79
	3RD READING	PAGE	94
HB-1447	3RD READING	PAGE	79
HB-1448	TABLED	PAGE	115
HB-1450	3RD READING	PAGE	81
HB-1507	3RD READING	PAGE	82
HB-1536	3RD READING	PAGE	82
HB-1614	3RD READING	PAGE	83
HB-1661	2ND READING	PAGE	9
	2ND READING	PAGE	111
HB-1750	3RD READING	PAGE	84
HB-1887	MOTIONS	PAGE	3
HB-1899	1ST READING	PAGE	116
HB-1900	1ST READING	PAGE	116

SUBJECT MATTER

PRAYER - REVEREND FLESNER	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
SUSPENSION OF RULE	PAGE	2
EXCUSED ABSENCES	PAGE	4
REPRESENTATIVE PETERS IN CHAIR	PAGE	9
AGREED RESOLUTIONS	PAGE	115
GENERAL RESOLUTION	PAGE	116
ADJOURNMENT	PAGE	117