

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

111th Legislative Day

May 18, 1982

Speaker Daniels: "The House will come to order, and the Members please be in their seats. We'll be led in prayer this morning by the Sister Susan Thomas from the Sisters of Mercy. Sister Thomas."

Sister Thomas: "Father, You are holy indeed, and all creation rightly gives You praise. All life, all holiness comes from You through Your Son, Jesus Christ, by the working of the Holy Spirit. Prompted by Your constant love and invitation, we pray for our country, and especially for this Body assembled here. During the decision-making process, teach us to recognize those who are burdened and needy and look for our support; to love in deed and truth and not merely to desire it; to have hope in the Living God in times of distress as well as in times of prosperity. Teach us to ensure that the demands of war and the race for armaments give way to the claims of peace. With grateful hearts, we are confident of your ever-loving protection, Almighty God. Let us be guided by Your loving plan, today, that we may lead a new life that promises liberty and justice for all."

Speaker Daniels: "Thank you, Sister. We will be led in the Pledge of Allegiance by Representative Reilly."

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

Speaker Daniels: "Roll Call for Attendance. We're having some difficulty with the Board, so we're going to be unable to take the Attendance Roll Call. You can see it varies between 199 present, and it will jump all over the place. So we're going to have to dump the Roll Call on the Board. We will not be able to take the Roll Call at this time, the

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

111th Legislative Day

May 18, 1982

Attendance Roll Call, but we know that a quorum of the House is present. So we can transact some business. We're going to go to Second Reading and move those Bills on Second Reading that do not have Amendments. Representative Darrow."

Darrow: "Speaker, how do we know a quorum is present? Why don't we have just a plain Oral Roll Call?"

Speaker Daniels: "The Chair...The Chair, in its wisdom, recognizes that a quorum of the House is present and so rules. We will take the formal Attendance Roll Call at a later point. Okay. The record shows a quorum of the House is present. We will now go to House Bills Second Reading. We're going to move those Bills without Amendments or without Motions. House Bills Second Reading, House Bill 1463, Representative Catania. Lady in the chambers? Representative Catania. Out of the record. The electrician advises me that he'll...he'll be moving the voting part of the Board on and off, so just kind of ignore what's going on. We will not be taking any record votes until it's fixed. Okay. House Bills Second Reading, House Bill 1974, Representative Catania. Out of the record. House Bill 2066, Representative Katz. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2066, a Bill for an Act to appropriate a sum to a certain named estate. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. House Bill 2079, Representative Watson. 2079, Sir, you wish that moved to Third? Hold the Bill on Second? Out of the record. House Bill 2190, Representative J. J. Wolf. 2190, Sir. Read the Bill, Mr. Clerk."

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

111th Legislative Day

May 18, 1982

Clerk Leone: "House Bill 2190, a Bill for an Act making appropriations to the State's Attorneys' Appellate Service Commission. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. House Bill 2193, Representative J. J. Wolf. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2193, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Illinois Environmental Facilities Finance Authority. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. House Bill 2197, Representative J. J. Wolf. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2197, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Environmental Protection Agency. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. 2198. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2198, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Bureau of the Budget. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Daniels: "Third Reading. House Bill 2200. Read the

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

111th Legislative Day

May 18, 1982

Bill, Mr. Clerk."

Clerk Leone: "House Bill 2200, a Bill for an Act providing the ordinary and contingent expenses of the Office of Lieutenant Governor. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. House Bill 2202. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2202, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Medical Center Commission. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Daniels: "Third Reading. House Bill 2207. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2207, a Bill for an Act making appropriations for the ordinary and contingent expenses to the Department of Human Rights. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments filed?"

Clerk Leone: "No Amendments from the floor."

Speaker Daniels: "Okay, Third Reading. House Bill 2208. Read the Bill."

Clerk Leone: "House Bill 2208, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Human Rights Commission. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments on the floor?"

Clerk Leone: "None."

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

111th Legislative Day

May 18, 1982

Speaker Daniels: "Third Reading. House Bill 2212. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2212, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Illinois Commerce Commission. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Daniels: "Any Motions filed?"

Clerk Leone: "No Motions filed in respect to Amendments 1 or 2."

Speaker Daniels: "Any Amendments on the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Daniels: "Third Reading. House Bill 2215. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2215, a Bill for an Act making appropriations for the ordinary and contingent expenses to the Department of Insurance. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Daniels: "Third Reading. House Bill 2216. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2216, a Bill for an Act providing the ordinary and contingent expenses of the Liquor Control Commission. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any Amendments on the floor or any Motions filed?"

Clerk Leone: "No Motions filed and no Amendments from the floor."

Speaker Daniels: "Okay. Third Reading. Thank you, Mr. Clerk. House Bill 2218. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2218, a Bill for an Act making appropriations for the ordinary and contingent expenses of

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

111th Legislative Day

May 18, 1982

the Prisoner Review Board. Second Reading of the Bill. No
Committee Amendments."

Speaker Daniels: "Any Motions...Or any Amendments from the
floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. House Bill 2219. Read the
Bill."

Clerk Leone: "House Bill 2219, a Bill for an Act making
appropriations for the ordinary and contingent expenses of
the Illinois Racing Board. Second Reading of the Bill.
Amendments #1 and 2 were adopted in Committee."

Speaker Daniels: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. House Bill 2220. Read the
Bill."

Clerk Leone: "House Bill 2220, a Bill for an Act making
appropriations for the ordinary and contingent expenses of
the Offiner...Officer of Commission of Savings and Loan.
Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. House Bill 2301. Read the
Bill, Mr. Clerk. Representative Wikoff. Read the Bill,
Mr. Clerk."

Clerk Leone: "House Bill 2301, a Bill for an Act making
appropriations to the Department of Energy and Natural
Resources. Second Reading of the Bill. No Committee
Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. House Bill 2339, Representative

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

111th Legislative Day

May 18, 1982

Winchester. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2339, a Bill for an Act making appropriations to the State Board of Elections. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Daniels: "Third Reading. House Bill 2345, Representative Phil Collins. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2345, a Bill for an Act making appropriations to the Labor Law Revisory Commission. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. House Bill 2399, Representative Ronan. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2399, a Bill for an Act making appropriations to the State Scholarship Commission. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any Motions filed?"

Clerk Leone: "No Motions filed with respect to Amendment #1."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. House Bill 2422. Read the Bill."

Clerk Leone: "House Bill 2422, a Bill for an Act making appropriations to the Secretary of State. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

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

111th Legislative Day

May 18, 1982

Speaker Daniels: "Third Reading. House Bill 2455. Read the Bill."

Clerk Leone: "House Bill 2455, a Bill for an Act making appropriations to the State Board of Education. Second Reading of the Bill. Amendment #1 was withdrawn. Amendment #2 was adopted in Committee."

Speaker Daniels: "Any Motions filed?"

Clerk Leone: "No Motions filed in respect to Amendment #2."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. House Bill 2476. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2476, a Bill for an Act to appropriate funds to the Department of Agriculture. Second Reading of the Bill. Amendment #1..."

Speaker Daniels: "Take that out of the record temporarily, Representative Neff, and come back to it. 2476 will be out of the record temporarily. House Bill 2477. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2477, a Bill for an Act making appropriations to the Comptroller. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. House Bill 2558. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2558, a Bill for an Act making appropriations to the Supreme Court. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. Representative Catania, do you wish to move House Bill 1463 or leave it on Second? Leave

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

111th Legislative Day

May 18, 1982

it on Second. And House Bill 1974, page 2 of the Calendar."

Catania: "Mr. Speaker, Amendments are being prepared for both of those, but they're not ready yet."

Speaker Daniels: "We'll leave both those Bills on Second Reading. Representative Collins."

Collins: "Yes, Mr. Speaker, for the purpose of an introduction. I'd like to introduce the senior citizens from Our Lady of Charity in Cicero. That's the district represented by Representatives Topinka, Kociolko and Pechous. They're in the Speaker's gallery."

Speaker Daniels: "Welcome to Springfield. Representative Neff, we can now do House Bill 2476. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2476, a Bill for an Act to appropriate funds to the Department of Agriculture. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any Motions filed?"

Clerk Leone: "No Motions filed in respect to Amendment #1."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Daniels: "Third Reading. Ladies and Gentlemen of the House, we're going to...we're ready to move to House Bills Third Reading, but we can't move there yet, because the Board...some electronic function is... The Clerk advised me that when they tested the Board this morning it was working. When we opened the House, it's gone a little haywire, so we're going to have to stand at ease until the Board is fixed. So, you'll stand at ease, please, at the call of the Chair. But, when we return, we'll start with House Bills Third Reading. Representative Preston."

Preston: "Is this the same problem with the Board that we had a week ago Monday, Mr. Speaker?"

Speaker Daniels: "I don't know. Where were you then?"

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

111th Legislative Day

May 18, 1982

Preston: "I was here in my chair."

Speaker Daniels: "Glad to hear that. Representative Younge."

Younge: "Yes, Mr. Speaker, before we stand at ease, could we take 958 on Second Reading?"

Speaker Daniels: "958 has an Amendment filed. We're not moving those Bills yet. Representative Levin."

Levin: "Yes, there...On House Bill 1119, there's a technical Amendment that was requested by the Reference Bureau. That's the only Amendment filed."

Speaker Daniels: "Well, we can't move the Bills, at this time, that have Amendments filed, because we don't have the Board in which to take a Roll Call if a Member requests the same. So, we're not moving House Bills Second Reading. And the House will be at ease. Representative Kosinski."

Kosinski: "Mr. Speaker, I merely want to say that my constituency is very grateful for the broken down machine and our inability to vote."

Speaker Daniels: "Thank you. I don...Is Representative McAuliffe's constituency...does that feel the same way? Ladies and Gentlemen of the House, may I please have your attention? We're having a great deal of difficulty with the electronic voting machine. The electrician is on the phone right now to South Dakota, which handles the operation of the machinery here. And, because of the fact that it's going to be some time, instead of keeping you here right now, I know all of you have a great deal of legislative business to attend to; the House will stand in recess until 2:00 o'clock. We'll come back at 2:00 o'clock. So, plan on...The Speaker says to plan on being here tonight, unfortunately, we'll have to work late to make up for the time we're losing now. So, Representative Collins moves that the House stand in recess until 2:00 o'clock. Representative Hoffman seconds that. All in

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

111th Legislative Day

May 18, 1982

favor signify by saying 'aye', opposed 'no'. They 'ayes' have it. The House will stand in recess until 2:00 o'clock."

Speaker Peters: "Members...To the Mem...To the Members of the House, the equipment, at this point, has not, as yet, been repaired. We have no time estimate that we can give you with any degree of accuracy in regard to how long it will take. We will keep you informed. Suggest that you stick as close to your offices as you can, but we will not be back here, at least, for the next hour. So the next report we would give you would be at about 3:00 o'clock. We will not be back till at least 3:00 o'clock. Hopefully, the equipment will be fixed by that time. We will keep you informed. Members of the House, your attention, please. Members of the House, your attention please. Members of the House, your attention, please. The voting Board has still not been completely repaired. It works and then malfunctions. The electricians are now in the process of checking each of the individual circuits on that Board. We are hoping that that process will be completed within a relatively short period of time; hopefully, within the next hour to an hour and a half. If it is not completed, or at least if we have no more exact information by around 4:00 o'clock or after 4:00 o'clock, then we will make some judgements as to how long we may be in this evening, or what time we may return later this evening. But, as of right now, we are asking that the Members be near enough where their secretaries can contact them, that we may reconvene somewhere between 4 and 4:30. Thank you. Members of the House, please give your attention. To the Members of the House, your attention please. The long awaited announcement. The voting Board has been fixed, fixed in the sense that it is repaired. All votes will be

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

111th Legislative Day

May 18, 1982

recorded correctly, and the House will be in Session at 4:00 o'clock, or as near thereafter as a quorum is present. We suggest that the Members get here as quickly as they can so that we can proceed with our business, and, hopefully, adjourn at a not too reasonable, but not unreasonable hour either. That, again, depends on the amount of business conducted. Friday is the deadline. Representative Greiman. Representative Kulas, is that all right with you, Sir? I know the Speaker was very much concerned that you be kept informed. The House will be in Session at 4:00 o'clock or a few minutes thereafter. The House will come to order. The Members will be in their seats. The House will come to order. Roll Call for Attendance. Representative Wolf, Representative Ebbesen is here. Ebbesen. ...Leave of the House to inform the Members and to introduce our former colleague who is visiting us here today, Representative Chuck Campbell, from Vermilion. Representative Telcser, any excused absences?"

Telcser: "Representative Barnes and Stearney for illness, and Representative Oblinger is in...away for official business."

Speaker Peters: "The record will so indicate."

Telcser: "Mr. Speaker..."

Speaker Peters: "Representative..."

Telcser: "Someone just tells me Representative Stearney did come in today, so let's just excuse Representative Barnes for illness and Oblinger for official business."

Speaker Peters: "The Journal will reflect Representative Barnes absent because of illness and Representative Oblinger because of official business. Representative Matijevich, excused absences, Sir?"

Matijevich: "Mr. Speaker, I'm informed that all Democrats are healthy and raring to go."

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

111th Legislative Day

May 18, 1982

Speaker Peters: "Wonderful. Mr. Clerk, General Resolutions."

Clerk Leone: "House Resolution 919, Stewart. House Resolution 920, Huff. House Resolution 922, Stewart - et al."

Speaker Peters: "Committee on Assignments. Mess...Messages from the Senate."

Clerk Leone: "A Message from the Senate by Mr. Wright, Secretary.

'Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred in the House in the adoption of Amendment #1 to Senate Joint Resolution #94, action taken by the Senate May 18, 1982.' Kenneth Wright, Secretary. A Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed Bills of the following titles, and passage of which I am instructed to ask concurrence of the House of Representative to wit: Senate Bills 1387, 1447, 1392, 1497, 1498, 1499, 1528, 1529, 1590, 1621 and 1663; passed by the Senate May 18, 1982.' Kenneth Wright, Secretary."

Speaker Peters: "House Bills Third Reading, page 6 of the Calendar. House Bills Third Reading, page 6 of the Calendar. House Bill 560, Representative Katz. Gentleman in the chamber? Out of the record. House Bill 668, Representative Catania. The Lady in the chamber? Out of the record. House Bill 955, Representative Vinson. Out of the record. House Bill 1072, Representative Wolf. J. J. Wolf, 1072. Out of the record. House Bill 1600, Representative Keane. The Gentleman in the chamber? Out of the record. House Bill 1733, Representative Hallock. Out of the record. Members of the House, hopefully, we don't have another problem. I don't think so. We will need to take the Attendance Roll Call one more time. Mr. Clerk, take the record. 170 Members having answered the Roll, a quorum is present. ...That we have properly

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

111th Legislative Day

May 18, 1982

established a quorum, the Chair will now go to House Bills Third Reading Short Debate Calendar. Page 6 of the Calendar, House Bills Third Reading Short Debate. House Bill 2577, Representative Stearney. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2577, a Bill for an Act to create a Labor Law Revisory Commission. Third Reading of the Bill."

Speaker Peters: "Representative Stearney."

Stearney: "Mr. Speaker and Ladies and Gentlemen of the House, House Bill 2577 would create a Commission to study the codification and administration of laws relating to labor and employment. It would: one, make a thorough study of the laws and decision of this state which pertains to labor and unemployment; two, study the advisability of revising such laws and collecting them into one code; and three, study the advisability of coordinating the administrative departments and agencies in this field. Last year this very same Bill passed this House, passed the Senate, but, because it was combined in a package of other Bills, the Governor am...amendatorily vetoed it; okaying this particular Bill, but vetoing others. However, on the total override, the Bill failed, and necessarily, this Bill itself failed. So, once again, I'm making the...the attempt to pass this particular provision into law. I'd ask for a favorable Roll Call."

Speaker Peters: "The Gentleman moves the adoption of House Bill 2577. Is there...Is there any discussion? Representative O'Connell."

O'Connell: "Mr. Speaker, a point of order. Is this on the Calendar?"

Speaker Peters: "Representative, it's on page 6 of the Calendar near the top of the page, Short Debate."

O'Connell: "I'm sorry."

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

111th Legislative Day

May 18, 1982

Speaker Peters: "Any further discussion? Representative McPike. Representative McPike, you are in opposition, Sir? This is Short Debate."

McPike: "Yeah, I'm in opposition to the Bill. I was going to ask a question, but..."

Speaker Peters: "Well, I think it will expedite it. Go ahead, Representative."

McPike: "Well, I'll just talk against the Bill. That's all right. It doesn't make any difference."

Speaker Peters: "In opposition, Representative Dunn. In op...No one...Representative McPike, in opposition?"

McPike: "Yeah, I said I would speak in opposition or open it up, whatever is the discretion of the Chair."

Speaker Peters: "Proceed, Sir, in opposition."

McPike: "Okay. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to...Ladies and Gentlemen of the House, I rise in opposition to House Bill 2577, which creates just exactly what this General Assembly does not need, and that is another commission. We have so many commissions now that we haven't the foggiest idea what to do with them. We have a commission now on the unemployment insurance. And every year that I've been here, the Commission on Unemployment Insurance that meets and comes up with an agreed Bill, it's presented to the General Assembly, and nobody agrees with it. About the only thing that commissions do in this General Assembly is creates jobs for a few friends and cost money. I have no idea what this Commission is going to cost, but it's...it has about ten members on it. I presume that they will meet periodically. And I would presume that over a year's time, the cost in this Commission will be anywhere from 25 to 50 thousand dollars. Now, that's not a lot of money, but's it's the...it's not that it's just this Commission, but it's

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

111th Legislative Day

May 18, 1982

every commission that comes up on the floor. We have to have a commission to study this, this, this and this. We have a Labor and Commerce Commission in the House, and we have a similar...I mean, a Committee. We have a Labor and Commerce Committee in the House. We have a similar Committee in the Senate. There's no reason whatsoever why these Committees or why the Department of Labor couldn't...couldn't...couldn't study these Bills. Now, despite the fact that...that a few Members on the House floor may like to have a few extra jobs for some friends of theirs and may like to come up and talk about the Bill... Well, all those things taken into consideration, it's another commission. It has no use in the General Assembly and should be killed."

Speaker Peters: "Representative Stearney to close."

Stearney: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I've discussed this with the Leaders on the other side of the aisle..."

Speaker Peters: "Excuse me, Representative. Representative, excuse me. Representative Kornowicz, this is on Short Debate. There's only one speaker opposing and one...Representative Stearney."

Stearney: "Well, I believe the point is moot that the Gentleman on the other side is raising now. We've already had one speaker speak in opposition; and, therefore, any attempt to take it off of Short Debate now is moot."

Speaker Peters: "Proceed. Representative, you'll have the opportunity to explain your vote. Representative Stearney."

Stearney: "Yeah, well, Mr. Speaker and Ladies and Gentlemen of the House, I have discussed this particular matter with the Leadership on the other side of the aisle. I did it this year and last year. There's no one, really, in opposition

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

111th Legislative Day

May 18, 1982

to it, and I would think it...it'd be beneficial, both to labor and to industry, to have this particular Commission. And, to the Gentleman on the other side of the aisle, I have supported him on numerous occasions, so he knows I'm not an enemy. I would, therefore, ask for a favorable Roll Call on this particular Bill."

Speaker Peters: "The question is, 'Shall House Bill 2577 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? Representative Kornowicz to explain his vote."

Kornowicz: "The only...The only thing I would...would like to find out from the Sponsor, exactly what is the cost of this Commission in regards to the operation of this Commission and the exact cost? What is the cost of this Commission? I know the Governor is looking for money, and...and to create a new Commission and without any cost, I don't know. I'd like to find out."

Speaker Peters: "Have all voted who wish? Have all...Have all...Larry, this just don't sound right. I can't hear myself. Have all voted who wish? We're short for that, Representative McPike. Representative Smith to explain her vote."

Smith, Margaret: "Yes, Mr. Speaker and Ladies and Gentlemen. I'd like to ask Representative Stearney a question, if I may."

Speaker Peters: "Representative Smith, we have passed that point. We are now in explanation of vote."

Smith, Margaret: "I'd like to ask Representative Stearney a question, if I may, please."

Speaker Peters: "Representative Smith, we have passed the point of asking questions in the discussion. We are now on the explanation of votes."

Smith, Margaret: "Ladies...Ladies and Gentlemen, I feel that my

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

111th Legislative Day

May 18, 1982

friend, Representative Stearney, within his good intentions, is giving to us something that I don't feel as though we need at this time, because you're talking about repealing all of these different Bills. And I think that this Commission is going to hurt labor, and I think that it's preparing a...a...a committee...a Commission, if I might say, that will take care... personally gain for the next four year. And I don't think that we need it, at this time, when we're crying and talking about the short falls of money, and that we don't have money for this or that. But yet, we have the time to create new commissions that going to supply other people and, at the same time, might hurt our labor. And I don't feel as though that it is wise for us to have let this legislation pass, and that it be signed by Our Excellency, and that will not do us any good here in our state. And so, I want to register my vote of 'no'."

Speaker Peters: "Represent...Representative Greiman."

Greiman: "Yes, Mr. Speaker, on a point of order."

Speaker Peters: "Proceed, Sir."

Greiman: "Since we will be having this problem re-occurring in the next weeks to come, Rule 9.1 (E) provides that, at the request of any ten Members, before the Sponsor commences his closing remarks, the Bill may be taken off of the...of the Short Debate. Representative Kornowicz asked that it be taken off of Short Debate prior to Representative Stearney beginning his final spiel."

Speaker Peters: "Repre...Representen...Representative Greiman, I believe...Will you get some volume on this? Representative Greiman, Representative Stearney was called on and began his closing remarks when the Chair interrupted him and called on Representative Kornowicz."

Greiman: "I see. Well, if that's the case that might vary it."

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

111th Legislative Day

May 18, 1982

But I just think we should keep that in mind, because it's going to happen in the next weeks to come. Thank you, Mr. Speaker."

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

Getty: "Mr. Speaker, I think there may have been some confusion here, and I...I think that it would be very clear that, in the future, that anytime that there were ten Members asking for opening up, that that would be appropriate. And, I would suggest that one of two things might be in order here. Either it ought to be taken out of the record entirely; or in the event that that is not done with leave of the Body, I would suggest that, at least, Representative Stearney be given the courtesy of at least 70 votes so he could put it on Postponed Consideration."

Speaker Peters: "Any further discussion? Further discussion? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative Stearney. Representative Stearney."

Stearney: "Wait. Well, Mr. Speaker and Ladies and Gentlemen of the House, just in explanation of my vote, it appears there has been a serious misunderstanding about the content or the import...or the intent of the Bill. Some of the individuals who have spoken against it have a particular grievance against one agency or another and are hoping to use this as a foil, as a means of seeking retribution. But, I don't think they should do so on this particular Bill. If they wanted to, they should have spoken to me earlier, and I would have seen what I could do to accommodate them to redress their grievances. But this is not the particular Bill to do so. I would ask if they would kindly consider...reconsider their thinking and vote 'aye' on this particular matter. It's a commission that is necessary and would do a credible job for the people of the

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

111th Legislative Day

May 18, 1982

State of Illinois."

Speaker Peters: "On this ques...The record has been taken, Representative Stearney, and on this question there are 74 voting 'aye'. Representative Stearney asks Postponed Consideration. Postponed Consideration. House Bills Third Reading starting at, again, at the top of the list, page 6. House Bill 560, Representative Katz. Out of the record. House Bill 668, Representative Catania. Out of the record. House Bill 955, Representative Vinson. Read the Bill, Mr. Clerk. Give the Gentleman your attention."

Clerk Leone: "House Bill 955, a Bill for an Act to amend the Public Aid Code. Third Reading of the Bill."

Speaker Peters: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 955 would amend the Public Aid Code so as to require the Department of Public Aid to reimburse those drugs in the formulary, those drugs which would treat cardiovascular, hypertensive and stroke causing events; would mandate reimbursement for those particular drugs. The purpose of the Bill is to save money in the Department of Public Aid, because those are the drugs that are particularly helpful to older people. They have the ability in older people, in senior citizens, of keeping them out of nursing homes and making them ambulatory. They are drugs that are particularly useful for that purpose, and I would move for passage of the Bill."

Speaker Peters: "Any discussion? Representative Currie."

Currie: "Thank you, Mr. Speaker...Thank you, Mr. Speaker and Members of the House. This isn't a Bill to save the Department of Public Aid money. It's a Bill that will require the Department of Public Aid to spend an additional 2 million dollars in next year's budget that it hadn't proposed to do. This Bills says the Department of Public

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

111th Legislative Day

May 18, 1982

Aid cannot refuse payment for Valium and Darvon. The Department of Public Aid must provide reimbursement for those particular drugs, even if generics that are at least as effective, and possible more effective, are available and are less expensive. Valium is the most overused and abused drug in this country. Darvon is of limited therapeutic value. Yet, this Bill, House Bill 955, says the Department of Public Aid may not curtail access to those particular drugs by people for whom it is responsible for cost reimbursement. This is a Bill that will cost taxpayer dollars. It will not help recipients of Public Aid. It will help the pharmaceutical companies. I urge people who are feeling responsible about the cuts that may be coming up in the Public Aid budget, at least, to leave these 2 million dollars available for better use than to reimburse Valium and to reimburse Darvon. I urge 'no' votes."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Bill is specifically subject to the federal cost ceilings. The Bill does nothing with the Illinois Generic Drug Law. The Bill simply is a Bill that will help keep seniors from being incarcerated in long-term care institutions. It keeps them ambulatory, saves money, and I would urge an 'aye' vote on the Bill."

Speaker Peters: "The question is, 'Shall House Bill 955 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 are 113 voting 'aye', 38 voting 'nay', 5 voting 'present'. This Bill, having received the

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

111th Legislative Day

May 18, 1982

Constitutional Majority, is hereby declared passed. House Bill 1072, Representative Wolf. Out of the record. House Bill 1600, Representative Keane. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1600, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Peters: "Representative Keane."

Keane: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. House Bill 1600 is one of the Local Government Finance Study Commission Bills. It deals with commission counties, and what it does is a very simple thing. It allows the local commissioners to fix their compensation. They act not only as a county board, but as a board of review. At the present time, we do not allow them to fix their own compensation. It's fixed by law depending on population. It was the feeling of the Local Government Finance Study Commission that this be a responsibility that be returned to local government. I would be happy to ask any que...answer any questions, and I would ask for a favorable Roll Call."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 1600 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 are 131 voting 'aye', 21 voting 'nay', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1733, Representative Hallock. Out of the record. House Bill 1841, Representative Karpel. Out of the record. House Bill 1882, Representative Barkhausen. Read the Bill, Mr. Clerk."

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

111th Legislative Day

May 18, 1982

Clerk Leone: "House Bill 1882, a Bill for an Act to provide for the protection of wetland areas of the state. Third Reading of the Bill."

Speaker Peters: "Representative Barkhausen."

Barkhausen: "Mr. Speaker, I'd ask leave of the House to take this Bill back to Second Reading for an Amendment."

Speaker Peters: "The Gentleman asks leave to take House Bill 1882 back to the Order of Second Reading for purposes of Amendment. Is there objection? There being none, leave is granted. Mr. Clerk."

Clerk Leone: "Amendment #3, Barkhausen, amends House Bill 1882 as amended."

Speaker Peters: "Amendment #3 on House Bill 1882, Representative Barkhausen."

Barkhausen: "Mr. Speaker and Ladies and Gentlemen of the House, Amendment #3 to House Bill 1882 is an effort to...to make explicit that which a portion of the Bill does. The Bill is...is dealing with an in...directing the Department of Conservation and other environmentally related agencies of the state to conduct an inventory of wetlands. The Bill, as it stands, contains language that the Division of Water Resources within the Department of Transportation shall consider environmental factors when deciding whether to give the permits that they now give pursuant to existing state law. That language has not been expressed before, and it...it is something...environmental factors are already being taken into account by the Division of Water Resources. And the Bill as it stands, as I say, is simply trying to make existing policy expressed; however, there was some concern voiced by some parties interested in this legislation that an additional...additional regulatory authority not be given to the Division of Water Resources. For that reason, this brief Amendment which simply says

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

111th Legislative Day

May 18, 1982

that nothing in this Section shall be construed as granting any additional regulating authority to the Department of Transportation. I would move the adoption of the Amendment."

Speaker Peters: "Any discussion? Representative Schneider."

Schneider: "Thank you. Mr. Speaker and Members, just out of curiosity, did you say that there'd be an inventory...there has been an inventory or a set of categories that the Department has been using in regard to wetlands, as you and I understand it, that they currently use in regard to permits? And if that is what you're saying, does this Amendment put those into statute by implication? Because I don't see it in the Amendment."

Speaker Peters: "Representative Barkhausen."

Barkhausen: "The Amendment only deals with a small portion of the Bill, Representative. In the main, the Bill is dealing with a directive to the Department of Conservation to conduct this comprehensive inventory. There is a Section...I'm not...let's see, Sec...yeah, Section 6 of the Bill which, in addition to directing the inventory be conducted, says that the Division of Water Resources, in granting its permits pursuant to the existing Rivers and Streams Act of 1911, shall take into account environmental factors. As a matter of fact, in policy, that's something that's being done already; and this Amendment is simply trying to allay fears of those who might think that that language is granting authority to the Division of Water Resources that it doesn't already have."

Schneider: "All right. Thanks a lot."

Speaker Peters: "Further discussion? There...Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Peters: "He indicates he will."

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

111th Legislative Day

May 18, 1982

Brummer: "Do you know if the Illinois Farm Bureau has a position on this Bill? Does the Illinois Farm Bureau have a position on this Bill?"

Barkhausen: "They are...They're neutral on the Bill. I'm sure they'd be in favor of the Amendment."

Brummer: "Thank you."

Speaker Peters: "Further discussion? There being none, the question is, 'Shall House Bill 1882 be adopted?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk. The voting is open. All right. On this question there are 149 voting 'aye', 3 voting 'nay', none voting 'present'. Amendment #3 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Representative Barkhausen, there's been a request for a fiscal note filed by Representative Leverenz. The Bill will remain on Second Reading. House Bill 1883, Representative Barkhausen."

Clerk Leone: "House Bill 1883, a Bill for an Act in relationship to the Natural Heritage Stream Act. Third Reading of the Bill."

Speaker Peters: "Representative Barkhausen."

Barkhausen: "Mr. Speaker, Ladies and Gentlemen of the House, a portion of House Bill 1883, dealing now with rivers and streams rather than with wetlands, it gives, again, the Division of Water Resources within the Department of Transportation the authority to grant permits for structures lying within the streams and rivers that might, through the actions of local governments and county boards, become part of a river and stream system. This Amendment creates a small exception to the permitting authority of the Division of Water Resources. Oh, Mr. Speaker..."

Speaker Peters: "Excuse me. Representative Brummer, do you have

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

111th Legislative Day

May 18, 1982

a question?"

Brummer: "Mr. Speaker...yes."

Speaker Peters: "Representative Barkhausen."

Barkhausen: "It has been brought to my attention that I neglected to ask leave of the Chair to have this Bill brought back to Second."

Speaker Peters: "The Gentleman asks leave to return House Bill 1883 to the Order of Second Reading for purposes of Amendment. Is there objection? There being none, leave is granted. Second Reading. Any Amendments, Mr. Clerk?"

Clerk Leone: "Amendment #2, Barkhausen, amends House Bill 18..."

Speaker Peters: "Barkhausen, Amendment #2 to House Bill 1883."

Barkhausen: "Mr. Speaker and Ladies and Gentlemen of the House, Amendment 2 to House Bill 1883 deals with that portion of this river and streams Bill granting authority to the Division of Water Resources of the Department of Transportation to grant permits for structures lying within these rivers and streams. The..."

Speaker Peters: "Excuse me, Representative. Representative Flinn."

Flinn: "Well, Mr. Speaker, I've been here 12 years. I've never been here on Fourth Reading before."

Speaker Peters: "We break new ground every day. Representative Barkhausen, proceed."

Barkhausen: "Mr. Speaker, this Amendment creates a small exception to the power that the Division of Water Resources would have and expressly says that it's...that it is not meant to grant any additional authority to the Department of Transportation Division of Water Resources where pipelines are concerned, the maintenance or construction location of pipelines. There was some concern expressed on the...on the part of pipeline companies that, through overzealous regulation, they might be required to...to

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

111th Legislative Day

May 18, 1982

undertake lengthy detours around a particular river and stream segment that might be a part of the system. That's the reason for the Amendment, and I would move its adoption."

Speaker Peters: "Any discussion? Representative Getty."

Getty: "Will the Gentleman yield?"

Speaker Peters: "He indicates he will."

Getty: "Representative Barkhausen, Section 9 speaks to certain acts that may be done by the Director, as I understand it, of the Department of Conservation. Your limiting language on Amendment #2 speaks to the powers of the Department of Transportation; yet, I don't see within Section 9 any powers at all that would go to the Department of Transportation. Could you explain that?"

Barkhausen: "I'm looking at the Bill, Representative."

Speaker Peters: "Representative, excuse me. Will you give the Gentleman your attention, and those not entitled to the floor will be asked to leave. Those not entitled to the floor, please leave. Will those not entitled to the floor please remove themselves to the gallery?"

Barkhausen: "Mr. Speaker, in the..."

Speaker Peters: "Proceed."

Barkhausen: "In the interest of moving ahead, we'd like to take this Bill out of the record."

Speaker Peters: "Out of the record. Representative Hoxsey, what purpose do you seek recognition?"

Hoxsey: "Well, I...I had a question of the Sponsor, but if he's going to take it out of the record..."

Speaker Peters: "It's out of the record. Out of the record. Second Reading. House Bill 1894, Representative Friedrich. Out of the record. House Bill 1913, Representative Huskey. Out of the record. House Bill 1922, Representative Winchester. Read the Bill, Mr. Clerk."

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

111th Legislative Day

May 18, 1982

Clerk Leone: "House Bill 1922, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker Peters: "Representative Winchester."

Winchester: "Thank you, Mr. Speaker. I would like to have leave to return House Bill 1922 to Second Reading, and once it's... once leave is obtained, I'd like to leave it there. Amendments are being prepared. Leave to return it to Second Reading."

Speaker Peters: "The Gentleman asks leave to return House Bill 1922 to the Order of Second Reading for purposes of Amendment. Is there objection? There being none, leave is granted. Any Amendments, Mr. Clerk?"

Winchester: "No, I'd like to leave it on Second."

Speaker Peters: "It will be held on Second Reading. House Bill 1925, Representative Hallock. Out of the record. Representative Yourell, for what purpose do you seek recognition?"

Yourell: "Yes, I was engaged in conversation, Mr. Speaker. What happened to 1922?"

Speaker Peters: "The Gentleman returned it to the Order of Second Reading and left it there."

Yourell: "Thank you."

Speaker Peters: "Took it out of the record. House Bill 1954, Representative Vinson. Out of the record. House Bill 1971, Representative Davis. Read the Bill, Mr. Clerk. Will the people in front and around Representative Davis please sit down or remove themselves? Proceed, Mr. Clerk."

Clerk Leone: "House Bill 1971, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Peters: "Representative Davis."

Davis: "Thank you, Mr. Speaker and Members of the House. House Bill 1971 had its genesis in an amendatory veto last year to my House Bill 239. It was felt that the scope of the

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

111th Legislative Day

May 18, 1982

veto at that point was somewhat broad for that procedure, so we, indeed, with the Governor's permission, overrode that veto, and I reintroduced the subject matter of that veto for the consideration of this Body. House Bill 1977 makes what I feel to be, and many of us feel to be, some necessary corrections in the Capital Punishment Act of 1977. Representative Kosinski in... on this issue is my Cosponsor. That would, indeed, broaden the scope of eligibility for those persons convicted of... of felony murder, and a commission of a murder intended to prevent a pers... a person from testifying in a criminal prosecution. During the hearing on this Bill, we had extensive testimony; some thirty-five minutes establishing some intent relating to the Bill itself, from Judge Robert 'Steigman' of Champaign. The Bill is supported by the... by the State's Attorney of Cook County, Richard Daley, and was helped to be drafted by the DuPage State's Attorney, and is supported by all - virtually all, if not all, I think all - of the law enforcement community. I stand ready to answer questions. As you all know, the Capital Punishment Act, its intent was good in 1977. We have added to it as we've gone along. I think, perhaps, this is the last addition that we will make to it to satisfy the intention of the overwhelming majority of voters in Illinois and of the... this General Assembly; those sitting and those that have been here before."

Speaker Peters: "Any discussion? Representative Kosinski."

Kosinski: "Mr. Speaker and Ladies and Gentlemen of the House, when we intro...originally introduced this, I was very concerned... Can you hear me? Can anyone hear me? When we originally introduced this, I was concerned that it might meddle up the present Act, but on examination and realizing the dating of this, I have joined Representative Davis in

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

111th Legislative Day

May 18, 1982

supporting it. I think it's a good thing. I think we should all support it."

Speaker Peters: "Representative Braun."

Braun: "Thank you. Thank you. Question of the Sponsor."

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

Braun: "With regard to Amendment #1, was that adopted?"

Davis: "Amendment #1 was definitely adopted, yes."

Braun: "So, that means that the death penalty would apply in the instance of an attempted felony in which a person under the age of 12 was killed?"

Davis: "Well, yes. Essentially, that's correct; although, I think you're confus... confusing two sections of the Bill, Representative Braun, but both statements are correct."

Braun: "Well, that's why I'm asking the question. All right, so it... it... it lowers the age of the person... it lowers the age of the... of the victim for whom someone may be sen... sentenced to the death... to the death penalty."

Davis: "That is correct."

Braun: "It lowers it from 16 to 12."

Davis: "That's correct."

Braun: "And, it expands the factors in aggravation."

Davis: "That's correct."

Braun: "To include an attempted act..."

Davis: "That's correct."

Braun: "In which someone might... in which someone dies."

Davis: "That's correct."

Braun: "Whether or not it was the per... the intent of the perpetrator actually to kill that person. If that person dies, then they are also...they're sus... susceptible to the death penalty, in that case."

Davis: "Well, I'm not sure you're question is a valid one. What... what the... the significant parts, the portion of the Bill that deals with the attempted commission of a

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

111th Legislative Day

May 18, 1982

felony in the felony murder provision was put in because - and let me give you a graphic example that was delivered in Committee. In the event that, perhaps, someone was holding up a liquor store and murdered the liquor store proprietor before the actual commission of the burglary or of the robbery took place, and then, subsequent to the death of the liquor store owner or the clerk, the perpetrator reached around and took the money from the cash drawer. All right? At the time of the death, there had been no felony committed. The felony was committed subsequent to the death. There are other examples. That's the clearest one I think I could give you - that we're trying to add in a section that would address an attempted felony under the death penalty structure in which the felony may not have been completed or committed, but the death took place during the attempt to commit it."

Braun: "I suppose my confusion is around the issue of intent. Are we now saying that a person can fry in the... in the electric chair, even if they didn't intend to kill the... victim?"

Davis: "No, that is not true."

Braun: "That's not."

Davis: "That is not true."

Braun: "All right. Thank you. Well, yeah, that's... Mr. Darrow (sic - Davis), then why isn't it? That's the way I read this statute, that... that it looks like you're standing it..."

Davis: "Well, you... you're confusing apples with oranges, Representative Braun."

Braun: "Well, please straighten me out. That's why I asked the question."

Davis: "All right. I will straighten you out. The intent to kill - if you kill during the commission of a felony,

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

111th Legislative Day

May 18, 1982

whether you intended to kill or not, currently you are subject to the death penalty. Let me give you another example that is, perhaps, a little more macabre, but certainly more graphic. In Champaign, there was an attempted rape of a lady, a school teacher, in the basement of a school, at which time the rape was in progress but not consummated, when the perpetrator slit the lady's throat from ear to ear and severed her head. Obviously, he had killed the woman before the commission of the rape was completed, and there are any number of these cases that have occurred throughout the State of Illinois. Now, he was attempting rape, but in the commission or in the attempted commission of that rape, he did, indeed, kill the victim. Under... Under current interpretations with some... by some of our jurists, it was felt that that did not fall in the felony murder provision, simply because the commission of the rape itself, which would have made him eligible, had not been completed; and that, in fact, is a finding of fact that the... in the trial, or in the... in the trial court."

Braun: "One last question. So, you're saying to me, then, that this does not take out the element of intent, excuse me, the element of intent. It does not obliterate the element of intent before the death penalty would apply."

Davis: "No. No."

Braun: "Well... thank you very much, Representative."

Speaker Peters: "Further discussion? Representative Johnson."

Johnson: "I don't have a copy of the Bill in front of me. I'm just looking at the staff analysis, and I understand your explanation with respect to Subsection D, the felony... Felony Murder Rule. Can you... Can you explain - and I'm not against the Bill, Representative Davis, I just want to understand."

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

111th Legislative Day

May 18, 1982

Davis: "I understand that."

Johnson: "Can you explain... I understand that the language with respect to felony murders is changed from killings in the course of another felony to killings during the course of the commission of another felony. Now, I don't know if that's what you were just explaining to Representative Braun, or whether you were explaining the sections on attempt, but in any event, can you explain Subsection B there; a specific fact situation where you think that language would be broader, and why we need it to be broader? Looking at the Bill, I'm talking about page two of the Bill, lines twenty-two through... through twenty-three, really."

Davis: "Alright, yes, I... Well, actually, I have... I have a copy of the... You must have a copy of the Bill. I think you're referring to the Section II, is that correct, on line twenty-six?"

Johnson: "No, I'm talking about lines twenty-two and twenty-three which change the language of the statute from, quote, 'the murdered individual was killed in the course of another felony' to 'the murdered individual was killed during the course of the commission of another felony'."

Davis: "Yes, exactly. Could I explain that to you?"

Johnson: "Pardon me?"

Davis: "What... What is your question, Sir?"

Johnson: "Yeah, I just want to under... understand; a) why we're making the change? b) what the change is? and c) what a specific example of how that would vary and how the original language was too narrow?."

Davis: "Well, I think I've already answered that question, Representative Johnson, in... in... in discussing with Representative Braun, the..."

Johnson: "I thought you were talking about attempts, there."

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

111th Legislative Day

May 18, 1982

Davis: "Well, we are, but it said, 'was killed during the course of the commission of another felony' instead of 'in the course of the commission of another felony'. So that the act was in progress at that point, and the... and later on, this section, of course, deals with attempt, that if it was in progress at that point that the victim was killed, that the eligibility exists."

Johnson: "Okay, then, my other question... Can... Can you explain... I... there's been one Amendment adopted to this Bill, is that right?"

Davis: "Yes."

Johnson: "Is that only a technical Amendment, other than changing the... "

Davis: "The age."

Johnson: "Change it from 16 to 12, right?"

Davis: "That's correct. The other was a technical Amendment."

Johnson: "I notice also, in the staff analysis, that the... our staff analyst has suggested, and perhaps it's been included by Amendment, that aggravated, indecent liberties with a child should be included to the list of violent felonies which qualify under the Felony Murder Rule. Have you done that?"

Davis: "Yes."

Johnson: "Okay. That's fine. I... I'm going to vote for the Bill. I just wanted to clarify some of these changes. Thank you."

Davis: "Thank you, Representative Johnson."

Speaker Peters: "Representative Bowman."

Bowman: "Question of the Sponsor. Representative, you're normally very restrained in drafting legislation. I think perhaps you got carried away with this. I'd like to inquire about the Subparagraph II on page two."

Davis: "Certainly."

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

111th Legislative Day

May 18, 1982

Bowman: "First of all, you speak of the murdered individual receiving physical injuries, without any specificity as to the nature or extent of those injuries. Are we referring to any physical injury, or do you contemplate that it would only be a serious physical injury, such that; if administered by itself, would perhaps be sufficient to cause... cause death under normal circumstances?"

Davis: "Well, Representative Bowman, I think you're missing the conjunctive 'and' in line thirty, when it says, and this... this, of course, relates to several instances that have occurred in the past four years since the Capital Punishment Act were involved, and if you like, I'll give you another graphic explanation or two; but it says, 'received physical injuries personally inflicted by the defendant, substantially, contemporaneously, with physical injuries caused by one or more persons whose conduct the defendant has legally accounted... accountable under Section 5.2 of this code, and, and the physical injuries inflicted by either the defendant or the other person or persons for whose conduct he is legally accountable'. It really... What it really boils down to, and let me give you an explanation very quickly, and I think we'll solve your problem. If, indeed, there are three perpetrators of... of a crime, and even if it were on video tape, let me point this out to you, that that crime were on video tape in a... in an armed robbery, and all three victims were carrying handguns, let's say, and discharged them at the same and the victim died from one bullet in the heart, but five bullets on limbs and extraneous members of the body that would not necessarily have caused death, there is no way to prove, assuming all guns were there and ballistics did non... was not able to do it; there is no way to prove which bullet was fired from which gun. This section

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

111th Legislative Day

May 18, 1982

addresses the... the... the culpability of those also involved directly... causing physical injury at the same contemporaneous time as the perpetrator who actually committed the murder."

Bowman: "Well, I understand what your... your concern is, that led you to this language. My... My concern, however, is that you, perhaps, have gone too far. A person could be legally accountable by being an accessory after the fact, could they not?"

Davis: "No. Accessory after the fact of the death?"

Bowman: "Could they... Could they be legally acc... accountable in aiding and abetting?"

Davis: "Well, I don't understand where you're going, Representative Bowman, when... aiding and abetting what? If you mean a lookout, that subject... that subject was covered in Committee. Representative Greiman answered... asked that question. Lookouts and people who are not directly involved in inflicting substantial contemporaneous injuries on the deceased, are not involved in this section."

Bowman: "Well, Representative, you... the language you just now used on the floor is not in the... the Bill with respect to line twenty-six. It speaks only of physical injuries, not of substantial physical injuries."

Davis: "I beg your pardon. You're quite correct."

Bowman: "The... The other thing which causes me some concern about that particular subparagraph is the definition of 'substantially contemporaneously'. Is that a term of art?"

Davis: "Is it what?"

Bowman: "The phrase 'substantially contemporaneously'."

Davis: "Is it a term of art?"

Bowman: "Yes."

Davis: "Yeah, I understand that it is."

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

111th Legislative Day

May 18, 1982

Bowman: "Could you explain for me, a layman, what it means and how it differs from 'simultaneously'?"

Davis: "Approximately the same time."

Bowman: "Does the sequence of events make any difference? In other words..."

Davis: "No."

Bowman: "Okay. So, the... the death could, in theory, occur before the injury was inflicted. Is that possible?"

Davis: "Dead is dead, Representative Bowman, and of course, that's a deed... a fact of finding at... at trial. Now, I can suggest to you another example, if you'd like. In Champaign County, where two youths were shotgunned to death by two perpetrators; one perpetrator providing the shotgunning while both of these youths lie in a ditch, choking to death on their own blood, the co-defendant in that particular case, or the co-perpetrator, administered the coup de gras simply, at his testimony, to put them out of their mercy; but, he did, ultimately inflict the... the coup de gras, or... or the ultimate death of these two individuals. Now, the... they would have died anyway, under... under expert medical testimony, from the shotgun wounds inflicted by the first perpetrator. So, the trial court found that neither were eligible for capital punishment; which, of course, is really stupid, because we have a mass murder and an armed robbery taking place on two provisions of the... of the death penalty, and neither one were found by that trial court to have been eligible for that punishment."

Speaker Peters: "Representative Bowman, bring your remarks to a close, please."

Bowman: "Yes, Sir. Let me... Let me explain to the Representative - and by the way, Mr. Speaker, I... I was not making remarks. He was responding to my questions, and

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

111th Legislative Day

May 18, 1982

I've had, basically, just two questions; and I would appreciate it that you would extend an equal admonishment to him to make his remarks brief, if that is your concern about the amount of time."

Speaker Peters: "That is my only concern. There is a ten minute time limit."

Bowman: "Okay, then I would appreciate an equal admonishment to the... the person responding to my questions. I was not making a statement."

Speaker Peters: "Representative Davis, respond briefly."

Davis: "Thank you. Representative Peters... or, Mr. Speaker, I'm sorry. I beg your pardon. I have responded briefly."

Speaker Peters: "Representative Bowman."

Bowman: "Yes. Thank you. I'm about to conclude anyway. Representative Davis, Representative Davis, let me give you a hypothetical. Supposing there were a gang of youths who numbered perhaps ten, twelve individuals, one of whom was a ring-leader, clearly older than the others, and clearly the dominant person in that instance. Suppose they were involved in a felony. It doesn't make much difference what it is, for purposes it's hypothetical, but that... that the ring-leader begins a... a... an act, perhaps shoots or otherwise injures the... the individual, and perhaps, then, the other... other members of the gang - and only at that point - join in... in, perhaps, beating on the individual. Now, in a situation where ten or twelve people are involved and fists are being used, perhaps; and it's not clear exactly who does what, in what sequence, and what injuries are inflicted, who is culpable? Could all ten or twelve individuals be found guilty and... and sent to the electric chair?"

Davis: "Well, as you well know, the Capital Punishment Statute does not provide for being found guilty and sent to the

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

111th Legislative Day

May 18, 1982

electric chair. There's a separate trial held on eligibility for capital punishment and subsequent to the finding of a guilty charge of murder."

Bowman: "Right. Okay. Go on."

Davis: "Now in the first place, if they're youths, they have to be older than eighteen or be tried as an adult, but the answer to your question is, substantially, yes. This is exactly designed to... to avoid the complications that result in multiple wounds inflicted on... on a... on a decedent, on someone deceased and... and murdered in the commission of a felony. For instance, if there were five prisoners in... in Pontiac, or whatever situation, who were involved in the killing of a guard, and each one caused physical injuries contemporaneous with that death, yes. The answer is yes. They definitely would be eligible for the death penalty, but only after a finding of fact at trial of a murder conviction and only after the subsequent hearing for that eligibility."

Bowman: "Thank you, Representative. It seems to me that this is an absolutely horrendous piece of legislation, and that answer, it seems to me, underscores exactly and precisely why it is a horrendous piece of legislation; because, if someone who might be, certainly, guilty of a felony and who ought to be..."

Speaker Peters: "Your ten minutes are up, Representative Bowman. Conclude your remark. Representative Bowman."

Bowman: "Thank you."

Speaker Peters: "Ten minutes, however, are up."

Bowman: "I understand. In thirty seconds, I will simply say that a person who should... commits a felony should be guilty of that felony and should be prosecuted for that felony. They should not be prosecuted for something that somebody else did, and that is precisely what can happen under this Bill,

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

111th Legislative Day

May 18, 1982

as you, yourself, acknowledged in your remarks, and that is why I stand in opposition to this Bill."

Speaker Peters: "Representative Stuffle."

Stuffle: "I move the previous question."

Speaker Peters: "The question is, 'Shall the previous question be put?' Those in favor will signify by saying 'aye', opposed. In the opinion of the Chair, the 'ayes' have it. Representative Davis, to close."

Davis: "Well, the last speaker would... would simply drive a red herring across the... across the issue. In a felony murder, the perpetrators, one or more, are eligible for capital punishment. That's simply what this does. It adds in protective language to prevent lookouts and people that are divorced from the commission of that felony as being a participant. It protects them. The findings of fact at trial are the... are the... the... the factors that determine the subsequent eligibility trial. We've added in aggravated arson, home invasion, and indecent liberties with a child, as... as felonies capable of producing a felony murder, capital punishment conviction. We've added in witness murder, and in the drug traffic that's going on in this state today, we see witness murder more and more in narcotics trafficking being perpetrated by someone far removed from the prosecution of a narcotics dealer, or whatever, to prevent them from testifying. We have reduced the age of capital punishment from sixteen to twelve for those who brutally and heinously develop a... or a child abuse murder; and I believe that these inclusions are probably the last inclusions that are necessary in the capital punishment. You will not have to hear this next year, or the year after, I don't believe, from me, or from Representative Kosinski, or anyone else. They're good inclusions. They're supported by State's Attorney Richard

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

111th Legislative Day

May 18, 1982

Daley of Cook County. They're supported by the State's Attorneys Association, supported by every law enforcement agency in this state. They're reasonable. They tighten up the... the Capital Punishment Statute, and I sincerely and... and respectfully ask for your 'aye' vote."

Speaker Peters: "The question is, 'Shall House Bill 1971 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Representative Leon? Representative Darrow, to explain his vote."

Darrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I merely wanted to state that the discussion of this Bill was somewhat confusing. Representative Braun talked about intent. However, I believe there was confusion whether, in a felony murder case, whether she and the Sponsor of the Bill were talking about intent to commit a murder or intent to commit a felony. I would hope that when it gets into the Senate, there would be a clearer debate, so that that could be specified for the court. Thank you."

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

Stearney: "Mr. Speaker and Ladies and Gentlemen of the House, I'd like to remind the Members of this Body that the last person ever gone to the electric chair, I think, was in 1967. Right now, there are over thirty-five cases on appeal to the Illinois Supreme Court contesting every single provision of this existing Act. If we continue to amend and re-amend and overly amend, no one will ever get... be sentenced to the electric chair; and, I'd like to also remind the Gentleman that I voted for that death penalty Bill in 1973. That was Mr. Kosinski's. I am in favor of it, but when you add convoluted language, like... which is on page three in Paragraph II, you are going to

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

111th Legislative Day

May 18, 1982

make it overly confusing, and you will never see anybody sentenced to the electric chair under a provision that is in that particular Bill. I think we should be very, very careful, because otherwise, we're just engaging an exercise in futility, and you are not protecting the public by such matters."

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

Ewell: "Mr. Speaker, very briefly, I happen to concur with the last speaker. What you're getting into is a little bit of overkill in this situation. It's like saying we need nuclear arms to kill everybody on the globe thirty-five times. We're now going to push it up to fifty-seven. The only thing you can hope for is certainty and clarity in the statutes. And every time you again amend the statute to try to include one possible case, you're going to open up the doors for about six others to wiggle out because the language we inadvertently put into the statute, only to have it tested all the way up to the Supreme Court. What we're doing is not really helping the statute in this case. We would be far better off to leave it where it is and try to work with it in exactly the same form. And for that reason, I'm voting 'present'; although, in the past, I have voted 'yes' on Bills of this type."

Speaker Peters: "Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I do wish that the 120 people would take a look at the Bill. What we're doing here is more than overkill. We are... are passing a statute which, under no circumstances, as I read it or try to read it, could pass constitutional muster. The Bill is convoluted. It's poorly written. It's poorly drafted, and it's going to have the effect of just muddying this debate even further. You may be in favor of capital punishment, but query whether or not you'd

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

111th Legislative Day

May 18, 1982

be in favor of having people go to jail for an attempt to... an attempt... an attempt to commit a felony, as opposed to attempt to commit the murder, which happens to result in someone getting hurt, and that they happen to die; because that's the way this Bill is written right now. It doesn't even relate to the acts that are performed on the individual right at the moment and which results in death, but which might later, down the line, result in death. I can't really talk about the... the merits of this legislation too much, Ladies and Gentlemen. I know my time is running up, but please, please look at..."

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

Kosinski: "In explanation of vote, I can understand the concern of defense... criminal defense attorneys in terms of this Bill. But at the same time, in terms of the needs of our society, for murder of any kind, I think anyone who supports law and order in any way, should vote for this Bill, and I certainly am."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 125 voting 'aye', 28 voting 'nay', 14 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2002, Representative McClain. Out of the record. House Bill 2008, Representative Macdonald. Out of the record. House Bill 2013, Representative Henry. Out of the record. House Bill 2039, Representative Huskey. Out of the record. The Chair has been asked to announce that we will be in Session to approximately 10:00 p.m., and we'll return tomorrow morning at 9:00 a.m., and will adjourn late in the afternoon, for tomorrow. Thursday, I don't know, yet. House Bill 2076, Representative McMaster."

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

111th Legislative Day

May 18, 1982

Out of the record. House Bill 2081, Representative Topinka. Out of the record. House Bill 2102, Representative McAuliffe. Out of the record. House Bill 2134, Representative Brummer. Out of the record. House Bill 2139, Representative Pullen. Out of the record. House Bill 2147, Representative Reilly. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2147, a Bill for an Act concerning nursing home care alternatives. Third Reading of the Bill."

Speaker Peters: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. This Bill mandates that the Department of Public Aid apply for a waiver under the Federal Budget Reconciliation Act, which would, for the first time, allow Illinois... excuse me... allow Illinois to use Medicaid funds to pay for in-home care for the aged, for handicapped, for any group that might benefit from that, and avoid institutionalization in that process. It provides for the appropriate screening process that must take place, if that waiver is granted. It allows for the departments to provide the services that must be provided, if that waiver is granted. I would be glad to answer questions. The basic thrust of this is to provide service for those who could stay in their own homes and who might otherwise be institutionalized, and to try to deal with that, and I would ask for a favorable Roll Call."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 2147 be adopted?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 164 voting 'aye', none voting 'nay', 1 voting 'present'. This Bill, having received the

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

111th Legislative Day

May 18, 1982

Constitutional Majority, is hereby declared passed. House Bill 2149, Representative Sandquist. Out of the record. House Bill 2168, Representative Pullen. House Bill 2243, Representative Brummer. House Bill 2274, Representative Tuerk. Representative McAuliffe. The Gentleman asks leave to go back and pick up House Bill 2102. Is there objection? There being none, leave is granted. House Bill 2102, Representative McAuliffe. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2102, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Peters: "Representative McAuliffe."

McAuliffe: "Let me talk to my Sponsor... Cosponsor for one moment."

Speaker Peters: "Out of the record. House Bill 2276, Representative Bradley. Out of the record. House Bill 2280, Representative Stearney. House Bill 2281, Representative Stearney. House Bill 2282, Representative Conti. Read the Bill."

Clerk Leone: "House Bill 2282, a Bill for an Act to amend the Illinois Department of Veteran Affairs. Third Reading of the Bill."

Speaker Peters: "Representative Conti."

Conti: "Well, Mr. Speaker and Ladies and Gentlemen of the House, the effect of this Bill, 2282, is that no state controlled college, or university, or community college shall deny admission to a Veterans' Scholarship holder, because the state may fail to reimburse all of the tuition. The effect of the... and the background of this... Let me give you a little background of this Bill, is that in 1978, the Attorney General ruled that the Veterans cannot be held liable for tuitions and fees, and the college or universities must absorb the cost of the Veterans' scholarship until funds are made available to the

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

111th Legislative Day

May 18, 1982

Department of Veterans' Affairs by the Legislature, as mandated in the statute, or directly to the universities, as may be authorized by law. So, House Bill 2282, all this will do is give the... this ruling statutory authority, and I ask for a favorable Roll Call."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 2282 be adopted?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 163 voting 'aye', none voting 'nay', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2285, Representative Piel. Representative?"

Piel: "Yes, Mr. Speaker, I'd like leave to bring House Bill 2285 back to Second..."

Speaker Peters: "The Gentleman asks leave of the House to bring 2285 back to the Order of Second Reading for purpose of Amendment. Is there objection? Being none, leave is granted. Second Reading. Mr. Clerk? Any Amendments filed?"

Clerk Leone: "Floor Amendment #2, Piel, amends House Bill 2285."

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

Piel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 to House Bill 2285 basically does three things, all of which were requested by the Department of Revenue or... and/or the gasoline dealers in Illinois. What Amendment #2 does, it changes the 4% pre-collection to a flat 5%... or five cents per gallon. This was requested by the Department of Revenue, and it requires distributors to file a monthly summary of gallons delivered and taxes collected for the Department of Revenue audit purposes, and that was requested by the Department of Revenue, and it

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

111th Legislative Day

May 18, 1982

allows dealers... the dealers, not the wholesalers, to claim the entire 2% collection allowance. If there are any questions, I'd answer any questions."

Speaker Peters: "Any discussion? Representative Ewing."

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

Speaker Peters: "He indicates he will."

Ewing: "Representative Piel, you mention that as the Bill was originally proposed, the wholesalers would collect the sales tax when they delivered it to the retailer."

Piel: "Correct."

Ewing: "Now, that's been changed in what regard? Exactly how has that been changed?"

Piel: "Okay, the initial Bill, Representative Ewing, was where the wholesalers - I think the area that you're dealing with - it's the wholesalers who keep the 2% collection allowance, and this... that... if you'll remember, that was brought up in Committee, that why couldn't the dealers keep it, and this Amendment will clarify that to where the dealers can keep it instead of the wholesalers."

Ewing: "I was talking more about... My question revolved more around the... changing the 4% pre-collection to a flat five cents. Could you explain to me how that will work?"

Piel: "Right, the Department of Revenue, if you'll remember, in Committee, had problems with the 4% because of the taxes and the fluctuating costs of the gallonage throughout the state. So they asked that we make it a strict five cents per gallon, and this... with this, they have no problems with the Bill, now."

Ewing: "So actually, this would just provide for a partial collection of the sales tax due. The balance, we would have to collect from the retailer."

Piel: "Basically, yes."

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

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

111th Legislative Day

May 18, 1982

Speaker Peters: "To the Amendment, Sir."

Ewing: "Yes."

Speaker Peters: "Proceed."

Ewing: "To the Amendment. This piece of legislation was heard in Revenue Committee. The Bill did pass out with... not without some controversy and some feelings that it needed improvement. It's my understanding, from talking to different parties, that the Amendment which this Sponsor is proposing Amendment to, will certainly go a long way to making this Bill palatable, not only to the wholesaler, the retailer, but also to the Department of Revenue. I would urge its adoption. Thank you."

Speaker Peters: "Further discussion? There being none, Representative Keane."

Keane: "Question of the Sponsor of the Amendment."

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

Keane: "Has the... have the retailers agreed or approved this Amendment?"

Piel: "Jim, about a week ago, I think, everybody on the floor, the Majority of the people on the floor, received a letter from the Gasoline Dealers' Association, and the problems that they had, we have tried to clear up with this Amendment, and I think we've cleared up the... you know, all the problems that they had. I haven't heard any negative comments from them in reference to the Amendment."

Keane: "They've seen the Amendment, and just haven't gotten back to you, or they..."

Piel: "This, I don't know. This, I don't know. We just introduced the Amendment this morning."

Keane: "Are you going to share the Amendment with them?"

Piel: "Sure. I've got no problems."

Keane: "Are you going to attempt to get an... an answer to them... Would you have an answer from them on Third

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

111th Legislative Day

May 18, 1982

Reading?"

Piel: "Sure will. Be more than happy to."

Keane: "Thank you. No further questions."

Speaker Peters: "Representative Barr."

Barr: "Mr. Speaker, would the Sponsor yield for a question?"

Speaker Peters: "He indicates he will."

Barr: "Representative Piel, my understanding is that this... under your Amendment to this Bill, the retailer would remit a... a tax in the amount of five cents per gallon."

Piel: "Correct."

Barr: "And, that... that's the Retailers' Occupation Tax?"

Piel: "Correct."

Barr: "Isn't it possible that five cents could exceed the amount of Retailers' Occupation Tax due on the retail sale?"

Piel: "I don't believe so, because this is agreed by the Department of Revenue. This... This was put in, the five cents was put in for the Department of Revenue, because that's what they want, because of the percentage..."

Barr: "Yeah, but the Retailers' Occupation Tax rate is what, Representative?"

Piel: "Hold on a second. Would you repeat the question, please?"

Barr: "My question is, what is the statutory rate of the Illinois Retailers' Occupation Tax?"

Piel: "Four percent."

Barr: "So, that if the... if the retailer remits a tax of five cents per gallon, if the price that he sold the gas for was a dollar, then what he's remitting exceeds the Retailers' Occupation Tax due on the sale."

Piel: "Yeah, we're collecting the local share, also, Bob... see."

Barr: "Yeah, but that isn't what it says. It refers to Retailers' Occupation. Furthermore, five cents, if... if the price of gasoline goes down, then five cents could exceed the... the local share, as well. You're talking

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

111th Legislative Day

May 18, 1982

municipal tax, for example, if it applies. What do you do in an area where there is no applicable municipal or county Retailers' Occupation Tax? What do you do if the price goes down so that the tax, whatever it is you're collecting, is less than five cents? I just don't understand how it works, Representative, under... under this Amendment."

Piel: "Well, the Amendment, basically... the problem that the Department of Revenue... the Department of Revenue, you know, and you heard the administration speaking before, that there's a big problem. We are losing millions of dollars a year on this specific problem, where people are cheating on their taxes. Department of Revenue, their major problem was the percentage figure, and how they could implement the percentage figure, so they asked the 5%... or, the five cents a gallon be put in, instead of this."

Barr: "Well, I think maybe what... You... You've answered my question, Representative, and if this is... if the Department of Revenue doesn't understand what it's doing, and that would probably be true, as it is in many other areas of administration of the tax laws, as we all know. But... But the fact remains that, and I gather that the basic problem that we're... that you're trying to deal, here... with here, would really be more relevant when you discuss the Bill as a whole, and not this Amendment. But, it does seem to me that we're... we're creating a situation here, where; first of all, the Amendment does not say that you're including the municipal or county portion of the tax; and number two, whether you are including that or not, it's quite conceivable that five cents could be more than the total amount of tax due, at least in certain areas of the state, and depending on what the price of gasoline is. So, Mr. Speaker, on the... on the Amendment itself, I think

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

111th Legislative Day

May 18, 1982

this Amendment is poorly drawn. It doesn't deal with the... the law as it exists in this state, nor does it take into account fluctuations in price, which... which are occurring daily with regard to gasoline, and I think it's poorly drawn. The fact that it comes from the Department of Revenue strengthens my conviction on that point, and I would urge its defeat."

Speaker Peters: "Representative Mays."

Mays: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #2 is a result of a.. of numerous conversations between all parties involved on this matter. I'll try to confine my remarks to the Amendment itself, but, I think, a little bit in background on how this thing was brought about is necessary at this point. At no point were we going after the entire sales tax, that due the municipality or the RTA. We just wanted to be sure that that portion attributable to the state was being collected. We sat on a 4% figure in the initial Bill. We went ahead and amended that, and then it became apparent that it would probably be easier just to go with a flat five cents. Under this arrangement, five cents will be coming into the state. The retailer will still have to be coming up with these additional amount for the local, or RTA, or whatever it is, and he'll be getting the entire amount of the collection fee. And, I just thought that had to be clarified somewhat, Bob. This is the intent. It's to get the bulk of what we're supposed to be getting and also establish an 'audit trail', and I do think that Amendment #2 is a... a long step in the right direction on that matter."

Speaker Peters: "Representative Watson."

Watson: "Thank you, Mr. Speaker. I'd like to move the previous question."

Speaker Peters: "The question is, 'Shall the previous question be

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

111th Legislative Day

May 18, 1982

put?' Those in favor will signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Piel to close."

Piel: "Thank you, Mr. Speaker. I would just ask for a favorable Roll Call."

Speaker Peters: "The question is, 'Shall Amendment #2 to House Bill 2285 be adopted?' Those in favor will signify by saying 'aye', those opposed by saying 'no'. In the opinion of the Chair... Request to call for a Roll Call. Roll Call vote, Mr. Clerk. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 127 voting 'aye', 23 voting 'nay', 2 voting 'present', and Amendment #2 to House Bill 2285 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Piel? Out of the record now? House Bill 2287, Representative Findley. Read the Bill, Mr. Clerk."

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

Speaker Peters: "Representative Findley? The Gentleman asks leave for House Bill 2287 to be brought back to the Order of Second Reading for purpose of Amendment. Is there objection? There being none, leave is granted. Second Reading. Mr. Clerk, any Amendments?"

Clerk Leone: "Amendment #5, Findley, amends House Bill 2287."

Speaker Peters: "Representative Findley."

Findley: "Mr. Speaker, thank you. Mr. Speaker, Ladies and Gentlemen, last week in debate, it was brought to my attention that Amendment #3 contained a flaw. I now move to table Amendment #3."

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

111th Legislative Day

May 18, 1982

Speaker Peters: "The Gentleman asks leave to table Amendment #3. Is there leave? Is there objection? There being none, leave is granted. Amendment #3 is tabled. Amendment #5, Representative Findley."

Findley: "Thank you, Mr. Speaker. Amendment #5 is identical to #3, with the exception, the word 'municipality' is changed to... to 'city'. I believe that meets the objection raised by the Minority Members last week. I move for its adoption."

Speaker Peters: "Any discussion? Any discussion? There being none, the question is, 'Shall Amendment #5 to House Bill 2287 be adopted?' Those in favor will signify by saying 'aye', 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. Do you wish the Bill heard now? The Gentleman now... now asks leave to consider House Bill 2287 on the Order of Third Reading. Is there objection? There being none, leave is granted. Read the Bill, Mr. Clerk."

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

Speaker Peters: "Representative Findley."

Findley: "Thank you, Mr. Speaker, Members of the House. House Bill 2287 provides that a municipality, whose population is increased from under 3,000 to over 3,000 in the year following the decen... decennial reapportionment, may, by ordinance of that city, choose to keep the size of its city council at six members instead of bearing the cost of increasing the membership to eight. I would be glad to answer any questions, and I would request a favorable Roll Call."

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

111th Legislative Day

May 18, 1982

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 2287 pass?' Those in favor 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 are 164 voting 'aye', 1 voting 'nay', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2294, Representative Bower. Out of the record. House Bill 2344, Representative Collins. Representative Collins? Out of the record. House Bill 2348, Representative Hastert. Out of the record. House Bill 2366, Representative Birkinbine. Out of the record. House Bill 2367, Representative Epton. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill..."

Speaker Peters: "Times are not going to get any better, guys."

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

Speaker Peters: "Representative Epton."

Epton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill which affects the fraud. House Bill 2367, excuse me, rewrites the current Illinois law on Insurance Fraud and moves these provisions from the Chapter on insurance into the Criminal Code. Before my colleague across the aisle takes me to task again, I will apologize once again for not having this Bill heard in Committee. As I've explained time and again, that was a mistake on my part; but nevertheless, this is an excellent Bill and certainly shouldn't suffer because of any mis... mishap on my part. The language of the present Section on insurance fraud dates back to 1874, and the prosecution under this 19th Century wording is difficult, if not impossible. All

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

111th Legislative Day

May 18, 1982

of the State's Attorneys' Associations have been in favor of this revision, and it's extreme... the 1874 wording is extremely limited in scope. All this does, it enables a prosecution for insurance fraud, and as all lawyers know, and laymen know, proving conspiracy is extremely difficult, and the State's Attorneys would rather proceed under this Bill. And it isn't to the general nature, which provides the im... the imposition of criminal sections... sanctions when someone acts with the intent to injure, defraud or deceive, or acts knowingly, that they are presenting false or incomplete or misleading statements or acts. It also, specifically, points out professional people; doctors and lawyers, other professional people, who may be in a position, or do urge and assist others in committing insurance fraud. I know that the doctors...the medical profession is quite upset with this Bill, because it singles them out if they act knowingly in perpetrating a fraud. It also singles out attorneys. Unfortunately, I couldn't... the same sanctions do not apply to the attorneys, because that's within the scope of the Supreme Court. However, very simply, this is a Bill which attempts to avoid insurance fraud in any manner, shape or form. I'll be happy to answer any questions, and I would appreciate your support in passing this Bill."

Speaker Peters: "Any discussion? Representative Stearney."

Stearney: "Well, Mr. Speaker and Ladies and Gentlemen of the House, rather than asking the Sponsor any questions, I would like to address myself to this particular Bill."

Speaker Peters: "Proceed, Sir."

Stearney: "First, if anybody were to look at it, it consists of three pages, and all of this language, I would suggest, is already included in the Criminal Code, Chapter 38, under Sec... Section 16-1, Theft, which is already a Class III

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

111th Legislative Day

May 18, 1982

felony, which I believe is three to seven years in the penitentiary. This Bill keeps the same penalty. However, I want you all to look, because the Bill now goes far beyond what the Criminal Code has done for the last two hundred years, because, on page two, line six... line five, it says 'you not only knowingly and willfully assist or conspire with...', but it goes on to use the word 'urge'. This word is so foreign, so foreign to the criminal jurisprudence, because what it's doing now is saying that if you were just to suggest to another individual, namely, a doctor says to a patient, 'Well, you should take a few days off from work. Perhaps you're injured.' That would be considered urging that particular individual to do the act complained of. If he, knowingly... knowingly is one thing, but it is not written in the conjunctive; namely knowingly and the urge... the individual to take a few days off of work. It just says that he knowingly, willfully conspired with or urged any insured party to fraudulently violate. It doesn't... in other words, it's my thinking that if a doctor made this representation to his own patient, he did not have to do it knowingly, knowing that the individual was fraudulently malingering. All the doctor would have to do is make that suggestion, and he would be guilty of a Class III felony, three to seven years in the penitentiary for the... under the concept of the word 'urge', and that is so broad, so overly expansive, there's no justification for doing so, since you already have the Criminal Code which provides that a person commits theft when he knowingly, quote, 'obtains or exerts unauthorized control over property of the owner'. I suggest that would be all-inclusive, would handle the situation that Mr. Epton is attempting to get at, that there's no justification for passing a Bill of this

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

111th Legislative Day

May 18, 1982

magnitude, of this nature; because, what it also does, it says that a hospital that is engaged in a pattern of this activity could even have its license revoked. Now, how do they go about, how would the prosecutor go about proving that the administrators of the hospital were engaged in a pattern of this activity? There's no way of doing so; but nevertheless, you're going to be revoking a license of a hospital when one doctor may be engaged in some nefarious activity; but nevertheless, he doesn't even have to be the hospital administrator, because if you look on page twenty seven of page two, it says, 'any hospital administrator or employee who violates this sub... Subsection D is guilty of insurance fraud', and if it demonstrates a pattern indicating that the spirit of the law set forth is not being followed, they can revoke the license of the hospital. Well this, I suggest, is far too broad. It's... It's an attack with a... with a hatchet in a... when you could rightfully do so with a scalpel. I suggest that there's no need for this... for this particular Bill. It came out, I believe, out of the Insurance Law Commission, but if the Insurance Law Commission had sent this Bill to Judiciary, perhaps it could have been refined. And if we would look at Section 16-1, as I said, which is theft, you would find there's no reason for the passage of this particular legislation. I would suggest that we vote 'no', and perhaps, at a later date, it could be amended. But, at this point, it's far too broad. It's a catchall. It would make everybody guilty of insurance fraud, including an applicant who tells his agent that, in answering the questions whether he has diabetes, heart trouble, appendicitis, gall bladder, this and that. If there's a misrepresentation in one... one of those aspects, he would be guilty of insurance fraud. I would suggest a 'no' vote

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

111th Legislative Day

May 18, 1982

on this matter."

Speaker Peters: "Representative Johnson."

Johnson: "In the definition section of this Bill, there are several definitions that I think are important in somebody's ability to analyze this Bill. The Bill defines 'statement' as being virtually any evidence of loss, injury, or expense. It goes on to generally define insurance fraud as a submission of a, among other things, incomplete statement. You can pose the... the hypothetical that a attorney for a petitioner in a workmen's compensation case can submit a claim to the insurance company and leave out a couple of medical bills or inadvertently put a couple of medical bills that don't belong there. In any event, that person, under this Bill, is liable as a Class III felon and go to the penitentiary for five years. But, by the same token, the attorney for the respondent in a workmen's compensation case can submit an incomplete claim with the Industrial Commission or otherwise and be liable for absolutely nothing. This Bill is so broad that I think that it would clearly have a vague... a void for vagueness problems to begin with. Secondly, it's absolutely one-sided, and third... thirdly, attached with substantial criminal penalties to... to activities that are simply done in the course of either representing a client or seeking to recover for a person's injuries. For those reasons, for the reasons that Representative Stearney suggested, I think a resounding 'no' vote on this bad Bill is recommended."

Speaker Peters: "Representative Getty."

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

Speaker Peters: "He indicates he will."

Getty: "Representative Epton, do I understand the intent here to be, for example, to make criminally liable in a... an

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

111th Legislative Day

May 18, 1982

attorney, or a hospital administrator, or physician, for example, where a claimant presents or causes to be presented a written or oral statement in support of a claim for payment or other benefit pursuant to an insurance policy or under the Workmen's Compensation Law, knowing that that statement was false, incomplete, or misleading?"

Epton: "If the individual or hospital that you stated knowingly did this, furnished a fraudulent or incomplete statement, that... that is the intent of the Bill; however, 'knowingly' is the key word."

Getty: "All right, so let us assume that John Doe, a private citizen who is insured under a policy, submits a claim, and that claim is incomplete in some way, and the hospital, the physician, and the attorney knowingly and willfully assisted the individual in submitting that. Would that be a violation of the Act?"

Epton: "No, it would not, because the initial act would have to be an attempt to defraud the insurance company. If the individual injured made an incomplete statement and did so in error or with no intent to defraud, then any attorney, hospital, or administrator, or physician would not be guilty of any violation, nor would the individual insured."

Getty: "Well, the language, as I read it, of Section C on page two, provides that any attorney who knowingly and willfully assists, conspires with, or urges any claimant to fraudulently violate any provision of this Section, or any person who, due to such assistance, conspiracy or urging on such attorney's part, knowingly and willfully benefits from the proceeds derived from the use of such fraud, is guilty of insurance fraud. Now, let us just take out the language; say, 'any attorney who knowingly and willfully assists a person to fraudulently violate any provision of this Section'. All right? Taking out the other part. Now

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

111th Legislative Day

May 18, 1982

superimposing that on 17(a) 1(a) 1, 'that person presenting or causes to be presented any written or oral statement in support of a claim for payment, or other benefit, etcetera, which is incomplete'. Would you not, under that circumstance, have a violation?"

Epton: "No, again. You must have the intent to defraud. Any person who assists or is a party to a mistake, as you well know, unless the intent to defraud is present, the Act is... doesn't apply. As a matter of... Well, the answer is no. It doesn't apply."

Getty: "May I address the Bill, Mr. Speaker?"

Speaker Peters: "Proceed, Sir."

Getty: "Representative Epton has answered the question the way I think he truly would want the Bill to be. Unfortunately, that isn't what the Bill says. The language in Subsection C doesn't have intent. It says, 'any attorney who knowingly and willfully assists'. I suggest to you that the expansion of liability that's advocated by this Bill will not, as the Sponsor asserts, merely protect us against insurance fraud. If that were the case, we would be strongly in favor of the Bill. Rather, this broadly worded Bill would serve, I think, to harass persons whose professional duties include working with insurance claimants. This Bill extends liabilities to all attorneys, physicians, and hospital employees who have knowingly and willfully assisted. It says nothing about intent. A claimant, whose insurance claim later, later, is determined to be fraudulent; such aid by these professionals would make... which may be given at a time at which no determination as to fraud is yet possible or has occurred will constitute a disincentive to attorneys, physicians, or hospital employees from coming to the aid of a claimant for fear that that claim later may be determined to be

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

111th Legislative Day

May 18, 1982

fraudulent. For example, an attorney who counsels a claimant immediately after an injury and perhaps refers the claimant to another attorney, or who makes mere preliminary inquiries with regard to the injury, could be found guilty of insurance fraud for assisting the claimant, if the claim, at some future time, is determined to be fraudulent. I believe all conscientious professionals will need a determination of the legitimacy of the claim before they can act with impunity. For these reasons, I would strongly urge you to vote 'no' on this Bill in its present form."

Speaker Peters: "Representative Katz."

Katz: "Mr. Getty has presented, I think, very effectively, the problem as far as the overkill of this Bill with regard to attorneys, and physicians and hospitals. I'm concerned about the overkill of this Bill as relates to ordinary citizens in the State of Illinois. As I read this Bill, if the ordinary citizen, applying for an insurance policy, does not, in answering the questions, give every bit of information, he can be violated... he can be guilty of a Class III felony. The statute says, the proposed Bill here says that if the statement the person gives contains any false, incomplete or misleading information. In other words, the... the individual who's filling out a blank that says, 'In the last five years, have you consulted any physician?', and the individual hurriedly answers in it, and he doesn't list every physician, that person is guilty of a Class III felony. Every time an insurance company acts on any claim, they send out a form to the policyholder, and the policyholder fills out certain facts. The policy holder may be not very bright. He may not remember all of the episode that took place. He may simply not list every physician he saw. If he, in fact, has given an incomplete answer, that person is guilty of a Class III

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

111th Legislative Day

May 18, 1982

felony, and that occurs, not only with regard to the original application for the insurance, it occurs every time he makes a claim under that policy. Every week that he is off when he files a claim, if he fails to list every physician that he saw, if someone, or some jury, or some State's Attorney concludes that his answer was incomplete, he is guilty of a Class III felony. That is grossly unfair to the people of the state. It fails to take account of the fact that we've got millions of citizens, some of whom are college graduates, many of whom are high school graduates, some of whom have never even been to school; and yet, if in filling out any insurance application intended to get benefits, his statement contains any false, incomplete or misleading information, that individual is guilty of a Class III felony. I want to say to you that I do not believe that there is a person on this House floor who has not, in the course of his life, in filling out an insurance application, at some point, not given complete information; and I say that a Bill that commits all of us, and the people of the State of Illinois, to a prison term at Joliet for two to five years for giving such incomplete information is, in fact, a dangerous statute that dangerously threatens the people of the state. There is no need for this kind of overkill, and I would urge you to vote 'no'."

Speaker Peters: "Representative Tuerk."

Tuerk: "I move the previous question."

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

Epton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I suppose I should be rather proud of my

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

111th Legislative Day

May 18, 1982

compatriots in the legal profession. Their manner in which they ridicule this Bill is remarkable; although, unfortunately, their eyesight is not as good as their arguments. Take the case of the individual who we're trying so hard to protect. The Bill very clearly says all of these mistakes that were referred to, all of these other errors must be with the intent to injure, defraud, or deceive. They forgot to mention that as part of the Bill. So, that anybody who makes that innocent mistake, that poor, bewildered man, or that well-educated professional man, who makes a mistake, does not go to jail for two to five years; and incidentally, it is also a 10,000 dollar fine, which we've overlooked. As far as the doctors are concerned, again, my heart bleeds for the doctor. He also has that same situation. If he, knowingly and willfully assists, conspires with, or urges - and this is what my colleague forgot to add - any injured party, to fraudulently, fraudulently violate any provision of this Act. So, again, there must be a fraudulent intent. Both of the speakers who spoke against this Bill on that side of the aisle failed to indicate. They stopped short of that sentence. And, now we'll come down to the attorney, to my own profession. Whether you're speaking about the chaser, or whether you're speaking about the highly reputable attorney, he or she is not guilty of any violation, regardless of the number of mistakes they make, unless they are party to a fraud. This is not an overkill. This is not for the insurance company. This is for all of us, because when the insurance companies are defrauded, we pay the bill. If you think it's an overkill, then you go ahead and allow fraud to continue. The fact is, my esteemed colleagues in the legal profession, that State's Attorneys who have practiced in this area, much more experience than

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

111th Legislative Day

May 18, 1982

I have, find that this is impossible to convict without this statute which has existed in unchange since 1874. I think we've advanced a little bit. I would suspect that some of you have been imposed upon by members of the Bar, and the Medical, as well as the Hospital Association. But, very simply, I ask that you support this attempt to prevent insurance fraud, remembering always that no one, no one, be he a layman, or professional, or a hospital administrator, or employee is guilty unless he or she is a party to that intent to defraud. I would ask for a favorable vote for this very good Bill. Thank you."

Speaker Peters: "The question is, 'Shall House Bill 2367 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Representative... Let me set the timer here, Representative. Representative Brummer to explain his vote."

Brummer: "Yes, I would... Maybe we don't need any more 'no' votes. This completes... creates a class III felony for an oral, incomplete statement. I would suggest that many of the statements made here on the House floor, the oral statements, are incomplete. If they were in connection with an insurance claim, the makers of those would be potentially guilty of a Class III felony. The additional thing is, we do not have any balancing. The same standard is not applicable with regard to an adjuster. I would suggest occasionally an adjuster makes an oral, incomplete statement, in an attempt to settle a claim. If we're going to have fairness, we ought to have it equally applicable to the insurance company; likewise, with regard to the insurance company's remedy to recover all reasonable investigation and liti... litigation expenses, including attorney fees. I would suggest that the defendant in that

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

111th Legislative Day

May 18, 1982

action, if they prevail, should also have that right. That is not here. This is not a fair and balanced Bill and should not be passed."

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

Ewell: "Mr. Speaker, very briefly, I think the Bill is an exacting and concise Bill. I think it's been the victim of the nitpickers. They have picked on every single facet of it. The Bill is clear. You have to have the intent to defraud, and you have to do it knowingly and willfully. Those of you who read anything else into this Bill simply haven't read the statutes, and I don't know whose analysis you're reading, or I don't know whose urging you're taking, but you simply haven't read the Bill. It's a good, clear, concise Bill. It would help the consumers, and if you're against crime, particularly white collar crime, you ought to be voting green on this particular Bill."

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

Epton: "Thank you, Mr...thank you, Mr. Speaker, Ladies and Gentlemen. I certainly have no worry about losing this Bill. It won't destroy my way of life. I appreciate the remarks of the previous speaker. I simply would...again, call to your attention, whether you vote 'yes' or 'no', it doesn't disturb me. But, to pretend that there is something in this Bill is a fraud on the part of some of the Members of this General Assembly. There is no question that there must be fraudulent intent before any of these things come to pass, and I wonder why some of us can't follow the example of my colleague, Representative Hudson. When he speaks for or against a Bill, he simply indicates what he finds at fault, what he finds in error, or what he is for without being personal or suggesting the integrity of either the Sponsor or the Bill. It is unfortunate that my colleagues don't bother to read some of the Bills, but I

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

111th Legislative Day

May 18, 1982

shouldn't be surprised, because this is neither the first..."

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

Deuster: "Well, I certainly hope that some of those who were confused and decided to vote 'no' would think about this and change their minds. One of the biggest problems in our current society is the high cost of insurance, and one aspect of insurance is that there are so many people that think that they can rip off the insurance company, and present fraudulent claims, and build up the claims. Anything that we can do to assist the hands of those who are prosecuting those who are perpetrating fraud, we ought to do. To some extent, you can say all this Bill is is a duplication of what's already in the Criminal Code. Representative Stearney made that point. But, anything we can do to strengthen the hands of the prosecutors to get at, get a grip on this problem, we ought to do. The courts always say that with criminal law you have to have the criminal intent as well as the criminal act. So, even if the language might be a little loose, and I don't think it is, the courts are still going to say that you have to have the fraudulent intent, the criminal intent..."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 71 voting 'aye', 86 voting 'nay', 7 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 2377, Representative Miller. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2377, a Bill for an Act in relationship to state and municipal utility taxes. Third Reading of the Bill."

Speaker Peters: "Representative Miller."

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

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

111th Legislative Day

May 18, 1982

House. House Bill 2377 originated with the Taxpayers' Federation of Illinois, and Representative Schraeder, Currie and Piel have joined with me in sponsoring this measure which would basically change the manner in which the state and municipal utility taxes are assessed against utility taxpayers. Right now, in the rate base of each of these taxes is not only the value of the services provided, but also the other tax in whichever one is being figured.

And, this has resulted in an increase in taxes and provided the difficult time for utilities to compute them. Our Bill would provide that only the basic service being provided would serve as a tax base, that the full state 5% utility tax would have to be fully disclosed, as opposed to just the 2% that is presently being disclosed. It would bring a great deal of certainty in an area of uncertainty inasmuch as there is a good deal of federal and state litigation involved as to whether or not the present procedure is correct. I'd be happy to answer any questions."

Speaker Peters: "Discussion? Representative Lechowicz."

Lechowicz: "Would the Sponsor yield to a question, Sir?"

Speaker Peters: "Indicates he will."

Lechowicz: "Is there any loss to units of local government in this Bill, any financial loss?"

Miller: "The effective date of the Bill would be January 1, 1984, so in the FY '83 year of the municipality, not likely. If it were immediately effective for FY '83, there would be a \$12,000,000 loss, which would, as I understand it, fall within the State Mandates Act."

Lechowicz: "You're saying that there is a \$12,000,000 loss to units of local government effective 1984 then?"

Miller: "I imagine the figure would be slightly higher assuming that there would be increases in the utility rates between

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

111th Legislative Day

May 18, 1982

now and then."

Lechowicz: "And could you tell me how much of a loss that would be for the City of Chicago?"

Miller: "The exact figure I don't have, but I think it is around \$9,000,000, but that would be within the State Mandates Act, once again, and would be reimbursable from the state."

Lechowicz: "Well, then what is the urgency of this Bill if it doesn't take effect until 1984? Why don't we consider it next year and make sure that we do have the money available in our General Revenue Fund to reimburse the units of local government, if it will be effective in 1984?"

Miller: "The reason we put that effective date is so that the state and the municipalities can anticipate this change in the law and will have time to react to it. If you would pass it effective immediately, I think there would be very justifiable hue and cry that they had no reason to expect it to be forthcoming, and we've tried to provide that lead time for them."

Lechowicz: "Thank you."

Speaker Peters: "Representative Schraeder."

Schraeder: "Thank you, Mr. Speaker, Members of the House. In response to the last questionnaire from Chicago, I would like to point out that this type of tax on tax is now being litigated in the courts, and it is very reasonable to assume that the courts will say that it is unconstitutional. And if we delay this, it is going to be an increased burden upon those municipalities involved. It is extremely likely, as I understand it, the courts will say it is unconstitutional. In addition to that, it brings upfront the exact tax being paid now, and it would seem to me that that is what we should be doing in this case. It is a tax that is strictly, if not unconstitutional, highly questionable that you would pay, either in the municipality

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

111th Legislative Day

May 18, 1982

or on the state tax, a tax on top of a tax. And what this does is going to really eliminate that second tax on top of a tax, and I would certainly urge its consideration of this House. And I would like to point out that this Bill came out of Committee on an 18 to three vote, which was substantial, and the tax...the Municipal League, in itself, was not really opposed to it. They were only opposed to the fact that it was in court, and they were subject to extreme losses by court action and not by actions of this legislation. So, it seems to me that this is a time to pass this legislation."

Speaker Peters: "Representative Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I want the record to show that Representative Schraeder is absolutely correct in terms of the actual vote of the Committee. He failed to mention, as I was one of those three people that voted against the Bill. The Bill was bad then, and the technical Amendment that was added has not changed the fact that the Bill is not a good Bill. Ladies and Gentlemen of the House, I think you should take a look at 2377, particularly those of you who come from units of local government that depend upon this utility tax. In the County of Cook and the City of Chicago, the issue has already been resolved. The court has, in fact, decreed that we should set aside the necessary refunds for the consumers. Those refunds will be disbursed, notwithstanding the fact that it is going to cost ten to nine million dollars in the City of Chicago, the County of Cook. I think that what you ought to look at here in this Bill is, in fact, how this revenue loss will be offset by those units of local government. The Sponsor is laudable in his objective. He is obviously intending to show that he is concerned about the taxpayers or the utility

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

111th Legislative Day

May 18, 1982

taxpayers. But the facts speak for themselves. The case has already been decided. The Supreme Court has already made a ruling; and for that reason, I don't think the Bill is necessary and would urge that we cast a negative vote on 2377."

Speaker Peters: "Representative Wikoff.
Representative...Representative Getty."

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

Speaker Peters: "Indicates he will."

Getty: "Representative Miller, is it your intent to overcome or to put into shape the Ghetto versus the City of Chicago decision?"

Miller: "It is not my intent to overcome that decision. I think that decision was very narrow in its scope in saying that municipal tax could not be collected upon its own municipal tax, and I think that is really all Ghetto addressed."

Getty: "Alright, I agree with you. I don't think that this is the tax on a tax issue in the Ghetto decision; and I just wondered, because somebody had mentioned that. I just wondered if that was your intent here. It is not."

Miller: "The Bill is not intended to affect either past or pending litigation and is...the only effect it would have, litigation-wise, on municipalities is that the courts do away with this particular source of revenue; then, of course, there will not be a mandate of the state to try to make it up. If we do away with it, then, of course, I think the state will be obligated to make the municipalities whole. And, they will be in a better position rather than a worse position."

Getty: "Thank you. I just wanted to clarify in the record that this was not an attempt to conform the law to the Ghetto decision in any way, that the Ghetto decision has nothing to do, specifically, with this issue."

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

111th Legislative Day

May 18, 1982

Miller: "Thank you."

Speaker Peters: "Representative Hoffman."

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

Speaker Peters: "Indicates he will."

Hoffman: "Is it my understanding, Representative Miller, that the intent in this Bill is to remove from the definition of gross receipts, the municipal taxes when figuring state taxes and removing state taxes when figuring municipal taxes?"

Miller: "Yes."

Hoffman: "So that, in fact, the tax will be on actually the charge made to...for the service by the utility and would eliminate tax on tax."

Miller: "Yes."

Hoffman: "Alright, fine. Thank you, Mr...thank you, Representative Miller. Mr. Speaker, Ladies and Gentlemen of the House, I think there is more involved in this kind of legislation than...than revenue. It seems to me like there may be something more important than the question of revenue, and it may be a question of...of equity, a question of fairness, and I don't think anyone in this chamber would stand up and support, in principle, a tax on tax. And for that reason, Ladies and Gentlemen of the House, it seems to me that this is a logical and reasonable measure, and a measure which, at this particular time, it would be wise and prudent for this House to make a decision rather than to allow that decision to be made by the court."

Speaker Peters: "Representative Yourell."

Yourell: "Yes, thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Peters: "He indicates he will."

Yourell: "Representative, I'm a little confused by the Amendment."

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

111th Legislative Day

May 18, 1982

The Amendment now becomes the Bill. Is that correct?"

Miller: "That is correct."

Yourell: "Okay, now on the bill that users of the utility receive, will there be placed upon that bill the amount, the percentage of the tax to the municipal corporation as well as to the state?"

Miller: "The municipal tax is now being disclosed, Representative, and in that sense, this Bill will not make a change. What will be changed is that the full state utility tax will be fully disclosed. Right now, only 2% is being disclosed, with 3% being submerged in the cost for the utility service itself. And we will bring that full 5% out in the open."

Yourell: "So what this Amendment really does to the Bill is like truth in taxation?"

Miller: "Yes."

Yourell: "So that will allow the user of the utilities to know exactly what portion of the 5% goes to the state and what portion of the 5% goes to the municipal corporation. Is that right?"

Miller: "The municipal tax is on top of the 5% rather than included to it, but you're basically correct. It will make a full disclosure of those two taxes to the utility."

Yourell: "Now, is this an additional tax?"

Miller: "No, it is not. It...the tax stays the same."

Yourell: "Thank you."

Speaker Peters: "Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker, I move the previous question."

Speaker Peters: "The question is, 'Shall the previous question be put?'. Those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Miller to close."

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

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

111th Legislative Day

May 18, 1982

House. I appreciate the questions on this Bill. I think it has done a good deal to tell what it does do, and what it doesn't do. What we're doing is redefining the definitions for gross receipts for the computation of utility taxes by the state and the municipalities to make certain that only the utility service itself is serving as the base for the tax. We're also making certain that the full state tax is disclosed, rather than only a portion of it, to the utility customer. The effective date is July...or January 1, 1984, so both the state and the municipalities will have an opportunity to plan for the changes. And we're, hopefully, removing from future consideration the matter from the province of the courts. I think that we rail against them all the time for usurping our area of authority, and this will give us an opportunity, hopefully, to show that we can act responsibly in making changes that are important to the taxpayers and to utility customers. This legislation is not a Bill for the utilities themselves or just for the consumer. It is a Bill which both of them will support, and I would ask for your 'aye' vote. Thank you."

Speaker Peters: "The question is, 'Shall House Bill 2377 be adopted?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 125 voting 'aye', 30 voting 'nay', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Daniels in the Chair."

Speaker Daniels: "House Bill 2381, Representative Pullen. Out of the record. House Bill 2391, Representative Telcser. Out of the record. 2412, Representative Terzich. Out of the

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

111th Legislative Day

May 18, 1982

record. 2413, Representative Kustra. Out of the record.
2437, Representative Karpiel. Representative Karpiel,
2437? Out of the record. 2440, Representative Terzich.
Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2440, a Bill for an Act to amend the
Illinois Pension Code. Third Reading of the Bill."

Speaker Daniels: "Representative Terzich."

Terzich: "Yes, Mr. Speaker, I would like to have leave of the
House to return this Bill to Second Reading and leave it
there. I have some Amendments being prepared. They
haven't been distributed."

Speaker Daniels: "The Gentleman asks leave to return the Bill to
Second Reading. Are there objections? Hearing no
objections, leave is granted. House Bill 2440, Second
Reading. Are there any Amendments?"

Clerk Leone: "Amendment #2, Terzich, amends House Bill 2440 as
amended."

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

Terzich: "Well, Mr. Speaker, Ladies and Gentlemen of the House,
Amendment #2 is by Representative McAuliffe and myself. It
strikes everything after the enacting clause and makes one
minor adjustment for a young lady who is under the
Municipal Employees' Code, that everyone received a letter
from her. Her husband passed away at a young age, and last
year we amended a Bill to allow the recipients who received
the annuities of less than \$200.00 to commute it into a
single lump sum. However, she missed this date by a few
months, and this Bill will simply amend the Bill back to
1981. There is no cost to it. And also, with the
superintendent of education, under the Bill that we passed
which will allow pension contributions..."

Speaker Daniels: "Excuse me, Representative Terzich.
Representative Barr, for what purpose do you rise, Sir?"

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

111th Legislative Day

May 18, 1982

Barr: "Yes, Mr. Speaker, has this Amendment been printed and distributed yet?"

Speaker Daniels: "No, it has not. We'll have to take this out of the record until the Amendment's been distributed. House Bill 2440 will remain on Second Reading. House Bill 2442, Representative Macdonald. Out of the record. 2443, Representative Macdonald. Out of the record. 2450, out of the record. 2462, Representative Capparelli. Read the Bill."

Clerk Leone: "House Bill 2462, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Daniels: "Representative Capparelli."

Capparelli: "Ladies and Gentlemen, presently the School Code provides that individuals seeking a teaching certificate may substitute five years experience for that certificate. House Bill 2462 permits that a State Certification Board may waiver the student teaching, if a teacher presents evidence of five years successful teaching experience, at a time...at any time rather than require time July 1, 1975. House Bill 2462 has the support of the Certification Department of the Illinois Office of Education, and I would ask for a favorable Roll Call."

Speaker Daniels: "The Gentleman moves for the passage of House Bill 2462. Is there any discussion? Being none, the question is, 'Shall House Bill 2462 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this Bill there are 165 'aye', none voting 'no', 2 voting 'present'. House Bill 2462, having received a Constitutional Majority, is hereby declared passed. House Bill 2466, Representative Stearney. Out of the record. House Bill 2482, Representative Kustra. Out of

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

111th Legislative Day

May 18, 1982

the record. House Bill 2486, Representative Bell. Representative Meyer, for what purpose do you rise, Sir? No, okay. Representative Bell, do you wish to hear this Bill?"

Bell: "Thank you, Mr. Speaker. I request leave to return 2486 back to Second for purposes of Amendment."

Speaker Daniels: "Well, wait a second. Just a minute, Sir. Mr. Clerk, will you read the Bill?"

Clerk Leone: "House Bill 2486, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Daniels: "The Gentleman, Representative Bell, requests leave to remove House Bill 2486 to the Order of Second Reading. Are there any objections? Hearing none, leave is granted. House Bill 2486, Second Reading. Any Amendments?"

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

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

Bell: "Thank you. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This is a Bill, not the Bill, and this deals with classification of property tax. And what we're attempting to do here is bring the rest of the state in compliance with the County of Cook. This is an Amendment that was recommended to us in Committee, and we have had approval on this, and I request favorable passage."

Speaker Daniels: "Any discussion? Do you have your light on, Representative Levin? Alright, Representative Levin."

Levin: "Would the Gentleman yield?"

Speaker Daniels: "He indicates he will."

Levin: "Okay, you told us it brings the rest of the state into conformity with Cook County, but what does the Amendment actually do? What does the Bill do, and what does the Amendment do that is different than the Bill does now?"

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

111th Legislative Day

May 18, 1982

Bell: "Alright, what we are attempting to do with this Bill, Representative, when we set the median...when the median for the multiplier is set, the median assessment, it's set based on sales. We're saying that it should be set on classifications of property: commercial, industrial, residential and vacant lots. What the Amendment does is, the Amendment says in counties of less than 3,000,000 in population; because in Cook County, you already do that, and it specifies residential, commercial, industrial and vacant lots."

Unknown: "Yes."

Levin: "I believe that in the current round in the multiplier, approximately 92 out of 102 counties have increases in the multiplier over last year. What effect would this Amendment have on the multiplier for the future...for counties..."

Bell: "This will...this will...it will vary, to be very honest, it will vary based on the individual county. There are some areas that it's going to lower the multiplier, and I assume that there are some counties that, perhaps, it will raise it. But what it will do, it will make it fair. Right now we're seeing that the majority of all sales, of course, are residential. In my own personal township, we can't remember the last time we had a...an industrial sales. And what this will do, it will force them, when they figure the...when the state figures a multiplier, it will force them to take into account the percentage of industrial, the percentage of commercial property also in that township. If there is not enough, or if there have not been enough sales of industrial property in the township to give them a good, fair representation, then they can go within the county. If there still isn't enough of them, they would have to do appraising."

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

111th Legislative Day

May 18, 1982

Levin: "Do you have any printout as to which counties would have increases in the multiplier and which would have decreases as a result of this Amendment?"

Bell: "Ab...we do not. This is a project that has been worked on for the past year. The Taxpayers' Association along with the realtors have worked on this. We have not gone down to see how it would affect each individual county. All we're trying to do is make it fair for all."

Speaker Daniels: "Further discussion? The Gentleman from Kendall, Representative Hastert."

Hastert: "Would the Gentleman yield?"

Speaker Daniels: "Indicates he will."

Hastert: "Representative, just a question. Would this, you say, brings...the Amendment brings the Bill into compliance with Cook County. Does that also mean that the level of assessed valuation is different? Is it a different level? Does it change the 33 1/3 percentage?"

Bell: "No, it does not have anything to do with the level of assessment. All...all we're doing..Cook County already does this by...already classifies property. Downstate does not. And what we're doing with this is we're...we're specifying that this is only downstate. We will now do the same thing as Cook County does, and we actually list that it will be commercial, industrial, residential and vacant lots rather than just property."

Hastert: "Alright, and then with the...what you do with the multiplier, all this does then is bring a multiplier on an average of these."

Bell: "Right now the multiplier is figured on the mean or the middle."

Hastert: "The three year average, right?"

Bell: "Well, they...they take all of the sales together, figure the middle. We are not. We say that it has to go by

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

111th Legislative Day

May 18, 1982

percentages. If they are 20% industrial in a township, well then 20% of the...of the figure must be based on the industrial valuation."

Hastert: "Thank you."

Speaker Daniels: "Further discussion? The Gentleman from DuPage, Representative Schneider."

Schneider: "Thank you, Mr. Speaker and Members. Tim, on this proposal, we know that Cook County does it, and I think it probably makes a lot of sense, but can you tell me a specific impact, based on the example you just gave us, on the 20% figure, what does it mean for a resident...a residential piece of property, and what does it meant to, let's say, a commercial piece of property, and then what does it mean to, let's say, a vacant lot using your 20% as a judgment call for an assessment that would be comparable to what Chicago does?"

Bell: "Could you...I hate to have you do this, Glenn, but could you repeat that?"

Schneider: "No, I knew you would hate to ask me. I hate to do it. I am trying to determine what the impact would be, like on an individual home, a piece of commercial property and a vacant lot in which we apply the Cook County notion of the classification of property. Does...let's try to do it...I want to get it clear, because I think it makes a lot of sense to do it, but can we say that it will create, for a commercial piece of property, a greater tax cost, and will it lead to a diminution of the taxes, let's say, from a private resident? If I recall right, and I don't want to get too far away from the question, but if I recall right, the assessments on homeowners in the City are far less than, let's say, in DuPage County. Now, if the net effect of your Bill is to diminish the residential base and increase the commercial base, maybe people ought to know

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

111th Legislative Day

May 18, 1982

that and make their judgment call on this proposition in that light. So, to clarify that, using an example in which 20% of the property is commercial, the one you gave, what is the impact commercially? What is the impact on residents? And what is the impact on empty lot?"

Bell: "I can't give you an exact answer, and the reason is, some townships are having enough sales in each of these areas that there will be absolutely no impact on their township. It will only impact on the areas that are not having sales and don't have the assessments accordingly. But we find often times that since there are not industrial properties or commercial properties being sold, they are probably being underassessed. If that is the case, and their assessment comes, of course, then it will affect them and could, perhaps, lower the tax rate for the individual homeowners in that type of a situation."

Schneider: "So that the market value of commercial property is hard to judge, because there is not a lot of turnover on commercial property; whereas, on residential, there is comparable turnovers, and therefore, you can make a judgment."

Bell: "Exactly. It could be a situation where, in some townships, 90% of the sales may be residential, but perhaps only 50% of the actual parcels are residential."

Schneider: "So, let me draw a conclusion, and then you tell me if I'm wrong. Then, it sounds like, absent any sales, you're judgment, as best you can estimate it, is that commercial property would probably be assessed a little higher."

Bell: "It is very difficult to make that judgment, but perhaps. We look at it that that is a possibility. But, it is very difficult to make that, you know, an educated guess on that."

Schneider: "I know. Okay, thanks a lot."

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

111th Legislative Day

May 18, 1982

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

Conti: "Move the previous question."

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

Bell: "Thank you very much. What we're trying to do, currently the multiplier is primarily based on the residential level of assessment. Because most sales are of residential property, the median level of assessment, essentially, washes out the few commercial and industrial sales. Amendment #1 simply classifies or specifies residential, commercial, industrial and vacant lots and also clarifies the fact that we're dealing with counties other than Cook, because Cook already assesses in this manner, and I would certainly appreciate a favorable vote on Amendment #1."

Speaker Daniels: "The Gentleman has moved for the adoption of Amendment #1. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #1 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Representative Bell."

Bell: "Mr. Speaker, I now ask leave to hear this Bill on Third Reading."

Speaker Daniels: "Wait, Sir. Sir, excuse me. Let's move the Bill to Third Reading first. Alright, Third Reading, House Bill 2486. Alright, Representative Bell moves that he be given leave to hear the Bill immediately, is that correct, Sir? And suspend the appropriate rules?"

Bell: "Yes, Sir."

Speaker Daniels: "Are there any objections? Representative Dunn

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

111th Legislative Day

May 18, 1982

objects. Therefore, Representative Bell moves...moves to have the Bill heard at the present time. It takes 107 votes. Representative Dunn."

Dunn: "Withdraw the Motion, Mr. Speaker."

Speaker Daniels: "Representative Bell withdraws his Motion. House Bill 2496, Representative Ted Meyer. Read the Bill."

Clerk Leone: "House Bill 2496, a Bill for an Act to add Sections to the Illinois Nuclear Safety Preparedness Act. Third Reading of the Bill."

Speaker Daniels: "Representative Ted Meyer."

Meyer: "Thank you, Mr. Speaker. House Bill 2496 increases the fee structure in the Nuclear Safety Emergency Preparedness Act to cover the cost of the Department of Nuclear Safety's emergency response and in readiness activities. This increase is essential if the Department is to continue its plan to install remote monitoring systems in all of the Illinois nuclear power plants. These systems are the cornerstone of our efforts to make sure that Illinois has the best nuclear safety program in the country, the best possible plan to protect the public health in the event of a nuclear incident. I move for the adoption."

Speaker Daniels: "The Gentleman moves for the passage of House Bill 2496. Is there any discussion? The Gentleman from Adams, Representative McClain."

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

Speaker Daniels: "Yes, indicates he will."

McClain: "Representative Meyer, is this your sole purpose for the Bill, House Bill 2496?"

Meyer: "Yes, Sir."

McClain: "You have no intention to amend this Bill?"

Meyer: "I...there may be an Amendment as to the amount. There was some discussion whether one figure was higher or lower

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

111th Legislative Day

May 18, 1982

enough. I wouldn't use this for any substantive Amendment...no statutory Amendment."

McClain: "Mr. Meyer, would you resist any efforts on behalf of, let's say, our friend, Senator Demuzio or Senator Joyce, to amend low level waste Amendments on this Bill?"

Meyer: "I would resist those Amendments."

McClain: "Thank you."

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

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

Speaker Daniels: "Indicates he will."

Ropp: "Representative, recently every time the nuclear power plant in my district has to add a new safety devise or do something at the request of the Federal Government, they have to go to the Commerce Commission to get authorization to potentially pass that on to consumers. Is this the same kind of thing? They are going to have to go to the Commerce Commission to get okayed?"

Meyer: "Yes, Sir. There is no pass through on these measures."

Ropp: "Okay, thank you."

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

Matijevich: "Mr. Speaker, would the Gentleman yield?"

Speaker Daniels: "Indicates he will."

Matijevich: "Representative Meyer, I support the increase in the fee, if the increase in the fee, in any way, reimburses the local governments for those costs that they have to expend for the emergency preparedness drills. Is there anything in this Bill that reimburses the local governments for their expenses?"

Meyer: "Not to the best of my knowledge, Representative Matijevich."

Matijevich: "Well, Mr. Speaker, I am going to support the Bill,

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

111th Legislative Day

May 18, 1982

but I think there is a failing in it. I am not afraid of Senator Demuzio in the Senate, but I...I would hope that the Bill, when it goes over to the Senate, is amended in some form so that local governments are reimbursed for their costs. I had a Bill to do it, but my Bill, because I am a Democrat, couldn't get out of the Rules Committee. And, I would hope that even a Republican would do something with this Bill over there so that local governments aren't finding, as some of them are in my area...for example, the City of Waukegan expended \$30,000 for nuclear drills in that last preparedness drill, and I don't think local taxpayers ought to be having that burden on them. I think the state ought to get it through these fees. I'll support it now, but I would hope that something happens in the process."

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

Meyer: "I urge you to vote for this fine measure."

Speaker Daniels: "The Gentleman, Representative Meyer, moves for the passage of House Bill 2496. The question is, 'Shall House Bill 2496 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question...record Speaker Ryan as 'aye'. On this question there are 161 'aye', 3 'no', none voting 'present'. House Bill 2496, having received the Constitutional Majority, is hereby declared passed. 2498, Representative Telcser. Out of the record. 2499, Representative Telcser. Out of the record. 2502, Representative Bower. Out of the record. 2520, Representative Nelson. 2520, out of the record. 2531, Representative O'Brien. Representative Huff, out of the record. 2540, Representative Huskey. Read the Bill, Mr.

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

111th Legislative Day

May 18, 1982

Clerk."

Clerk Leone: "House Bill 2540, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Speaker Daniels: "Representative Huskey."

Huskey: "Mr. Speaker, Ladies and Gentlemen of the House, I would like to have leave to return House Bill 2540 back to Second Reading."

Speaker Daniels: "The Gentleman requests leave to return House Bill 2540 to the Order of Second Reading. Are there objections? Hearing none, leave is granted. House Bill 2540, Second Reading. Any Amendments?"

Clerk Leone: "Amendment #7, Yourell, amends House Bill..."

Speaker Daniels: "Representative Yourell, Amendment #7."

Yourell: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have Amendment #7 and #8 to this Bill, and it is my understanding that Representative Huskey, the Sponsor of the Bill, has Amendment #9. A week or so ago we discussed this Bill in great detail, and Representative Huskey moved it back to Second Reading from Third Reading. And, this is the second time he has done that. At that time there were six Amendments put to the Bill. Amendments #1 and #2 were my Amendments, and they were defeated. Amendment #3 was an Amendment that was presented by, I believe, Representative Terzich. That was adopted. Representative Huskey then presented Amendment #5, and withdrew that Amendment and then presented Amendment #6, which was found to be defective by the Parliamentarian. At that time, I asked Representative Huskey to hold the Bill on Second until he could draft the proper Amendments. He refused to do that and moved the Bill to Third Reading. And so I filed Amendments #7 and #8, and I am delighted to see that Representative Huskey is finally seeing the light and presented the proper Amendments to the Bill that will

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

111th Legislative Day

May 18, 1982

make it a good Bill. I know it is not my privilege to address the Bill, at this time, because the Bill is on Second Reading. We're talking about the Amendments. So, I'll reserve my comments on the Bill when we get to Third Reading. And I can suggest to you, Mr. Speaker, I'd like to withdraw Amendment #7."

Speaker Daniels: "Withdrawn. Further Amendments?"

Yourell: "Amendment #8..."

Clerk Leone: "Floor Amendment #8, Yourell."

Speaker Daniels: "Representative Yourell."

Yourell: "Amendment #8 is the same as Representative Huskey's Amendment #9, but I am going to afford him the courtesy of placing his Amendment on the Bill simply because he is the Sponsor. And, I know he desperately needs this Bill for reelection and the vote of the senior citizens, and so I don't want to do anything to jeopardize his chances in that area. So, Mr. Speaker, although Amendment #8 is exactly the same as Amendment #9, I move to withdraw Amendment #8."

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #9, Huskey, amends House Bill 2540..."

Speaker Daniels: "Representative Huskey, Amendment #9."

Huskey: "Well, first I...I am...I can't...I don't know how to take all of this. It kind of overcomes me a little bit."

Speaker Daniels: "Move for the adoption of Amendment #9 is your best bet. Representative Huskey on Amendment #9."

Huskey: "I...Amendment #9, Mr. Speaker and Ladies and Gentlemen of the House, is the Bill. It allows a specific senior citizens' discount to be determined by the marketplace. The discount provided under this Bill is in addition to any other senior citizen discount that the insurance companies are giving now, and then it goes on and provides certain rules that the Insurance Committee...or the Insurance

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

111th Legislative Day

May 18, 1982

Department insisted that the Bill have in case a person's convicted of a moving violation, and it is the same as Representative Yourell's Amendment #7 would...or #8 would have been, and then it also exempts any motor carries. This was an insurance objection...the insurance companys' objection. We removed that by any motor vehicle which, in part, is part of a motor pool or fleet as used for commercial purposes. There would be no discounts allowed in a case like that, and we have no problems with that, and any automobile insurance policy written on a group basis. So I move that this Amendment be adopted, Mr. Speaker."

Speaker Daniels: "Any discussion? Representative Yourell."

Yourell: "Thank you, Mr. Speaker. I just have one question of the Sponsor of the Amendment. I thought I heard him say that the discount, as provided in Amendment #9 to House Bill 2540, would be in addition to any other discount that is presently being provided to those 55 years of age or older who are taking a...who have taken a defensive driving course. Now, it is my understanding of the Bill and the Amendment is that in no instance may the reduction, because of House Bill 781, sponsored by Representative Lechowicz that went into effect some months ago, provides for an appropriate reduction. And, those are the words in the Bill. Now, if...if this Amendment provides for a reduction in excess of 10%, I think the Sponsor ought to tell us that."

Speaker Daniels: "Further discussion? The Gentleman from Marion, Represent...Representative Huskey."

Huskey: "In answer to his question, the Bill is designed to give discounts over and above any existing discount that the insurance companies are giving presently. It is...the restriction that you're talking about was removed from the Bill, and it now states, 'Any discount over and above the

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

111th Legislative Day

May 18, 1982

present discount that the senior citizens get". Now that is the senior citizens that has passed the approved drivers' course."

Speaker Daniels: "Representative Yourell."

Yourell: "Just a clarifying question, Representative Huskey. Suppose a...Allstate, as they are advertising on TV today, gives a three percent discount to those over 55 who have taken a defensive driving course as outlined by the National Safety Council - and that is what they are advertising on TV and radio all the time - a three percent discount. Now, would your Bill and the Amendment provide a seven percent discount along with the three percent discount to make 10%?"

Speaker Daniels: "Representative Huskey."

Huskey: "No, it doesn't specify that, but other insurance companies might be providing a 12% discount. So it doesn't...it leaves the marketplace to determine those rates, which has always been why Illinois has had such a low insurance rate compared to other states."

Yourell: "So what we're talking about then is not a 10% discount for senior citizens anymore."

Huskey: "It could be more."

Yourell: "It could be less?"

Huskey: "Let me say why the 10% was removed as the senior citizens groups themselves are the ones that raised the questions to remove that. They went up in the air over that flat rate discount, and they wanted...they wanted that removed. They are the senior citizens themselves."

Yourell: "Well, I don't care what the senior citizens said in your meeting. What I am suggesting to you, that your Bill calls for a 10% reduction now. Is that correct?"

Huskey: "No, no, that is not correct."

Yourell: "That is not correct?"

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

111th Legislative Day

May 18, 1982

Huskey: "No, no."

Yourell: "Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Marion,
Representative Dwight Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Friedrich: "This is a mandatory 10% reduction. An insurance
company has no choice. Is that right?"

Huskey: "No, that isn't right. That isn't right. It's left up
to the insurer."

Friedrich: "Pardon me?"

Huskey: "It's left..."

Friedrich: "The company has the choice."

Huskey: "The company has the choice. It is left up to the
marketplace, with the Amendment."

Friedrich: "Okay, but assuming they did give the credit, they'd
have to give it to everyone who met that qualification.
Right? If they gave it to someone 55, they would also have
to give it to someone 95. I've got two drivers in my
district 95."

Huskey: "Providing he meets the...providing that he meets the
safe driving and the preventative driving test, yes."

Friedrich: "Yeah, well, do you believe that the premium should be
commensurate with the risk? In other words, an insurance
is a contractual thing, and theoretically, at least, that
the premium should represent the cost of assuming that
risk. What is the difference between the risk of a good 40
year-old driver and someone 65, for example?"

Huskey: "The milage they drive is the way that the insurance
company feels that the older people drive a lot less. The
retired people are driving a way less milage than the
people that you're referring to."

Friedrich: "And cause fewer wrecks in proportion to their number

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

111th Legislative Day

May 18, 1982

of miles driven?"

Huskey: "Partially. Partially on the defensive driving course, partially on their past record, also. That is included. Their past driving record is also included in this. If they've not had an accident in the past...if they have had an accident in the past three years, or if their drivers' license has been revoked in the last three years, then they are not subject for this."

Friedrich: "Well, I...I will reserve my comments, that since this Amendment is the Bill, I'll just wait, I think, and speak against the Bill. Thank you."

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

Getty: "Will the Gentleman..."

Speaker Daniels: "Indicates he will."

Getty: "Representative Huskey, I don't know if I misunderstood you in response to Representative Yourell's question just a minute ago. He asked you if the original Bill reduced rates by 10%."

Huskey: "Well, the original Bill did, yes."

Getty: "Okay, so that...the original Bill mandated that automobile liability would be reduced by 10% under certain circumstances. Now, the Amendment will now provide that the insurance company can reduce it to whatever the marketplace is. Is that correct?"

Huskey: "That's right."

Getty: "Okay, now insurance companies, right now, can reduce it to whatever the marketplace is, isn't it?"

Huskey: "You don't have any defensive driving course or no set up for the defensive driving course that is approved by the Secretary of State and so forth and so on."

Getty: "Well, wait a minute. I'm saying in Illinois, after passing specific legislation mandating this, insurance

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

111th Legislative Day

May 18, 1982

companies could do it if they wanted to. I mean, they'd be free, under our existing law, to do this if they wanted to right now. Right?"

Huskey: "No, there was a lot of things left out in the existing law, a lot of things on both sides that weren't agreed to, such as the motor pool effect... The existing law didn't have the..."

Getty: "Well, Representative Huskey, what I am saying is, we don't mandate what an insurance company charges. They are entitled to charge people whatever the marketplace will bear. Isn't that the law now?"

Huskey: "Yes."

Getty: "And you explained the Amendment by saying that if we adopt this wonderful Amendment, that the insurance companies would be able, then, to charge whatever the marketplace would bear. Right?"

Huskey: "That's true."

Getty: "So, in other words what you're saying is, if we adopt this, and it becomes law, we have done absolutely nothing but maybe contribute to an excellent, excellent campaign Bill for Representative Huskey. I congratulate you, Sir."

Huskey: "No, we...we have five other points, Representative Getty. We have five other points on this that you're deleting. It allows the senior citizens on the defensive driving course, the approved defensive driving course. It also puts in the Bill that anyone that is convicted of a moving violation, that they are not compelled to...to be...to get the discount, which doesn't drive the rate up for the safe drivers, so they can maintain a low discount rate for the senior citizens."

Getty: "Well, Representative Huskey, I certainly wouldn't want to engage in argument on the floor with you, Sir, but the exceptions are exceptions to something that does nothing

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

111th Legislative Day

May 18, 1982

but keep it in the marketplace. So, if the insurance company can do whatever they want, you've accomplished absolutely nothing. I would suggest if you're interested in consumer legislation, if you're interested in the taxpayers, if you're interested in getting good rates for senior citizens, you wouldn't want to support this Amendment. The original Bill did something. This does nothing."

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

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

Speaker Daniels: "Indicates he will."

Koehler: "Representative..."

Speaker Daniels: "Representative Huskey, Representative Koehler."

Koehler: "...I have a question here. In the Amendment it says, 'The rates and premium charges for every policy of automobile liability insurance shall include appropriate reductions as determined by the insurer'. Now, by using the word 'shall' there, does that mean that they must include a reduction no matter how small?"

Huskey: "That is right, yes. They have to. If they have per..."

Koehler: "Then they are required, by this Amendment, to give them a...to give the senior...the person over 55 a reduction. They must do this."

Huskey: "Yeah, if they completed the safe driving course, whatever the specified course."

Koehler: "Certainly, but they must, in some way, give them a reduction. It does not allow the insurance company to do nothing."

Huskey: "They must. That's right. That's right. That's right."

Koehler: "They must do something, or they must do a lot. Correct?"

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

111th Legislative Day

May 18, 1982

Huskey: "That's right."

Koehler: "Thank you very much."

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

Greiman: "Well, Representative Getty really covered most of it. I just...I guess I wanted to ask just a couple of questions, though. As I understand it at this point, we don't do any rate-making in Illinois. Is that right? Representative Huskey, we don't rate-make in Illinois, right?"

Huskey: "Any what? Well, that's why we're trying to stay away from that flat 10%, is to keep away from rate-making."

Greiman: "Well, but we don't do rate-making for...for liability insurance. Isn't that right?"

Huskey: "No, we haven't been. No."

Greiman: "We have not. Well, we did before the Ogilvie administration, but we don't do it anymore. Is that right?"

Huskey: "That's right."

Greiman: "So...and I guess it is the policy of this state not to rate-make. So, you're sort of slipping in a rate-making process. Is that what you're doing here, or what?"

Huskey: "No, I'm not really slipping in a rate-making, because the marketplace will take care of the rate-making itself."

Greiman: "Well, so why don't we just let the marketplace do its thing. On the Amendment, this starts out as being a Bill which probably should make every Republican, at least, turn over and...in what might be their graves, eventually. It destroys the whole marketplace concept and takes away the glories and beauties of free enterprise. But by mandating a reduction, then they want to modify it, and they modify it into oblivion, so that it really...looks like it is nothing to me. We have the word 'appropriate reductions',

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

111th Legislative Day

May 18, 1982

as determined by the insurer, which could be a quarter of a percent, a half a percent, a third of a percent; and so again, again the General Assembly may fall in the trap of conning senior citizens. Now, as I reach senior citizenship in a couple of...in a few years, I don't want to be conned by the politicians. You know, a couple of years ago we passed a Bill that allowed a senior citizen to get free overnight spaces in his...in a park, in Illinois parks. So, if he has a \$25,000 RV, he gets it for nothing, okay. That's conning senior citizens. I think this is the same kind of con. I think those people...us people, us senior citizens or potential senior citizens should start reading these Bills and know when politicians are giving us a little con."

Huskey: "Mr. Speaker, Ladies and Gentlemen of the House, this is not con. I...Representative...the past Representative, I take him to be a very honorable man, and I hate to see him get on the floor and mislead this House. There are, right now in the present law that is on the books, the statutes are saying that the insurance company must set rates for senior citizens. This is only to clarify...this clarifies that and says that the marketplace shall seek the rate, not the Department of Insurance or Rules and Regulation Committee somewhere set the rates, as the existing Bill says. This allows the senior citizens to take the defensive driving course and let the...and let the marketplace decide the rate, but the insurance companies shall recognize the senior citizen that does take that required...or not required, that defensive driving course, which is volunteer on his part to take it. And then he is entitled to the rate...the insurance reduction, and only then. And then right now, if we leave the Bill in the law as it is, then it is going to be one...one mess. So, this

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

111th Legislative Day

May 18, 1982

is a good Amendment. It certainly doesn't do anything but help the senior citizens regard the political aspersions that is being thrown at it, and I would move for your favorable vote on this...move that this Amendment be adopted."

Speaker Daniels: "The Gentleman moves for the adoption of Amendment #1. All those in favor will signify by saying 'aye', opposed 'no'. The Gentleman moves for a Roll Call. All those..."

Huskey: "Amendment...Amendment #9, Mr..."

Speaker Daniels: "I'm sorry, Sir. You're correct. Amendment #9. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Representative Yourell leads the charge for the Amendment. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 113 'aye', 36 'no', none voting 'present'. Amendment #9 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. ...Bill 2541, Representative Bower. Out of the record. 2559, Representative Nelson. Out of the record. 2560, Representative Conti. Out of the record. 2561, 2562, out of the record. 2566, Representative Miller. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2566, a Bill for an Act relating to fees for indexing liens. Third Reading of the Bill."

Speaker Daniels: "Representative Miller."

Miller: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. 2566 basically provides that in instances where there are liens filed against more than one party, that not only will the first claimer, if you will, be required or authorize a payment of five dollars. That will not change. But, for each additional person against whom the lien is

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

111th Legislative Day

May 18, 1982

being claimed, there will be one dollar additional fee. Right now, whether you file a lien against one person or 100, the fee is the same. This does certainly not represent the amount of work that is involved for the recorders of deeds, and the Association has requested this legislation. I'd answer any questions."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves for the passage of House Bill 2566. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 165 'aye', none voting 'no', none voting 'present'. House Bill 2566, having received the Constitutional Majority, is hereby declared passed. House Bill 2574, Representative Ewing. Out of the record. House 2578, Representative Barr. Out of the record. House Bill 2580, Representative Barr. Out of the record. 2581, out of the record. And 2582, out of the record. 2586, Representative Donovan. Out of the record. 2593, Representative McMaster. Out of the record. 2599, Representative Pierce. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2599, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Daniels: "Representative Pierce."

Pierce: "House Bill 2599, Mr. Speaker and Ladies and Gentlemen of the House, is a simple Bill which was to be part of a three Bill package, but it was the only one of the three that was approved in the Rules Committee and reached the floor of the House. It requires the Department of Public Aid to take into account any additional costs imposed on facilities, if any new state or federal regulations are adopted, for nursing homes. It...what it does is force the regulators to balance the benefit of any new regulations

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

111th Legislative Day

May 18, 1982

they want to impose against the costs of the new regulations, in order to give some control of the cost for the public and for the state of regulations placed on the nursing homes. They are only required to take it into account. They are not required, necessarily, to abide by it, but the Bill and the Committee felt strongly - the Executive Committee which heard this Bill - that it was needed, and that the Department was not, in many instances, taking into account the cost, not only to the nursing home, but to the patients, public and private, in those homes, of additional regulations placed upon them. So it is, as I would say, directional in nature rather than strictly mandating. It is a good Bill, and I urge the support of House Bill 2599."

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

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

Speaker Daniels: "Indicates...indicates he will."

Vinson: "Representative, has the Bill been amended?"

Pierce: "No, it has not."

Vinson: "Would you explain to me the meaning of the language that you're deleting on page two, lines 24, 25 and 26?"

Pierce: "Apparently it was felt the...March 1...in fact, that is a good question. But, apparently they felt the March 1, 1980 date - and this came from the Reference Bureau - was not relevant anymore, and it should be relevant to the passage of this Bill should it pass. So, that was something the Reference Bureau tacked on in order...because it wasn't being done now, in order to start with a new date."

Vinson: "Well, it would seem to me, Representative, looking at that language, that if there is no date that triggers the payments described in that Section..."

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

111th Legislative Day

May 18, 1982

Pierce: "Subparagraph 4."

Vinson: "Yes, then you never have to make those payments. The Department of Public Aid never has to make those payments. Would you agree with that, legally?"

Pierce: "Well, it is a report we're...we're talking about. Let me...let me try to clarify it. If we go back to the beginning of the Bill, it calls a perspective method for determining payment rates for skilled nursing and intermediate care services in nursing facilities composed of the following cost elements. And for some reason, one Subparagraph, 4, had a date in it, and the other Subparagraphs did not. So, you see, 3 doesn't have a date in it, and 1 and 2 don't. So, I think they felt that was superfluous language. If you feel strongly about it, I would be glad to amend it out or, if you want, look at it... You see, 3 doesn't have...Subparagraph 3 doesn't have that date in it, neither does 1 or 2. And, of course, either does 5, my new one. So, I think it was superfluous language that doesn't serve any purpose, but I can't 100% vouch for that. Do you feel it is important to keep that in?"

Vinson: "Well, you may be right. I just wonder if you would take it out of the record for now so that I can verify that you are right."

Pierce: "Oh, sure. I'll be glad to take it out of the record, Mr. Speaker."

Vinson: "Thank you."

Speaker Daniels: "Out of the record. 2610, Representative Saltsman. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2610, a Bill for an Act to amend the Unemployment Insurance Act. Third Reading of the Bill."

Speaker Daniels: "Representative Saltsman."

Saltsman: "Thank you, Mr. Speaker, Members of the House. This

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

111th Legislative Day

May 18, 1982

Bill would give the Director of Labor authority to give the State Scholarship Commission information on the present location of a person that is delinquent or defaulted in student loans. These loans were given to students in good faith at low interest rates. As of September 30, 1981, there were 1.5 billion dollars in total loans outstanding. Also, there are \$57,000,000 in claims paid in default by the state. By using the Bureau of Employment Security's UC-40 reports listing names, addresses and social security numbers of all employees, it will help the State Scholarship Commission recover debts owed them. It also has an effect on the State General Revenue Fund. All defaulted loans which occurred during or before 1977 that are collected, 20% of this collection will go to the General Revenue Fund. This legislation is endorsed by the State Scholarship Commission, the Attorney General's Office and recommended by the Legislative Audit Commission. I urge support of House Bill 2610."

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

Cullerton: "Will the Sponsor yield?"

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

Cullerton: "Representative Saltsman, on page three, the top...line one, the sentence reads, 'The Director shall furnish to the State Scholarship Commission any information which would be useful in the collection of defaulted or delinquent student loans. Could you tell us, for the purposes of legislative intent, what you mean by the term 'useful'?"

Saltsman: "Well, every...four times each year, as you know, the employers have to file the security UC-40 reports and by...right now they are worried about the Privacy Act. This is the reason that the Department of Labor cannot give

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

111th Legislative Day

May 18, 1982

this information out, and by making this useful - it would be used for this only - and that by using their social security numbers, they could find out how much money a person has earned, and if they can afford to pay back these loans. If they are in a financial bind, arrangements can be made to pay these loans back on a basis of the amount of money they earn."

Cullerton: "But it would only be with respect to a specific delinquent student loan. Is that correct?"

Saltsman: "Yes."

Cullerton: "Thank you."

Speaker Daniels: "Further discussion? Being none, the Gentleman moves for the passage of House Bill 2610. All in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 168 'aye', none voting 'no', none voting 'present'. House Bill 2610, having received a Constitutional Majority, is hereby declared passed. Is this your first Bill, Representative Saltsman?"

Saltsman: "Yes."

Speaker Daniels: "Congratulations. Controversial at that. House Bill 2612, Representative Terzich. Read the Bill."

Clerk Leone: "House Bill 2612, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker Daniels: "Representative Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2612 is a series of Bills which is cosponsored by myself and Representative Topinka. And last year...or in the last election, Cook County went into a new computerized punch card voting system, which was an overwhelming success for all of the voters of Cook County and the City of Chicago. With the computerized voting

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

111th Legislative Day

May 18, 1982

counting system, there has been a number of flaws that may have occurred, and since the ultimate motive of any election is good, honest elections without any fraud, this series of Bills was introduced. Now, the action on these Bills is needed this Session, because three city-wide elections will be held in the City of Chicago within the next year and before the Legislature will meet again. In suburban Cook County, in addition to the November 1982 election, off-year elections in several suburbs will occur in 1983. House Bill 2612 is one of the principal Bills in this package and applies only to the precinct ballot counters and jurisdictions being in Chicago, suburban Cook County and Madison Counties. The purpose of the Bill is to serve as both as a deterrent to fraud within the precinct and to independently check the accuracy of the computer program. The proposal is similar, though not identical, to laws in several other states such as California and West Virginia, both of which have adopted automatic recount laws. The Bill provides for an automatic retabulation of four percent of the precincts as part of a canvass and is recommended by the National Bureau of Standards and by the 'Smelka' Report through the Chicago Board of Election commissioners. This is a good legislation. It is at a very, very minimal cost. It has been recommended by the newspapers and the news media, and I would urge your support for good, honest, fair elections for Cook County and the other counties, as which is the goal of the General Assembly and all people. And I would urge your support."

Speaker Daniels: "Any discussion? The Gentleman from Madison, Representative Sam Wolf."

Wolf: "Thank you, Mr. Speaker. Would the Sponsor yield to a question?"

Speaker Daniels: "He indicates he will."

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

111th Legislative Day

May 18, 1982

Wolf: "Representative Terzich, does the State Mandates Act apply to this?"

Terzich: "No, it does not apply to this Bill."

Wolf: "In other words, the counties affected would pay the cost of hiring their own CPA firms to conduct..."

Terzich: "The...the cost on the...on the Bill is a one time initial cost of approximately \$20,000, which is, by the...which would be, I believe, appointed by the State Board of Elections, but it applies for \$5,000 for the City of Chicago, suburban Cook County, Madison County. And after that, the estimated cost for the entire election would be \$5,000 for Chicago - Cook County and approximately \$1,000 for Madison and St. Clair County."

Wolf: "Thank you very much."

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

Vitek: "Mr. Speaker, I move the previous question so we can get out of here."

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

Topinka: "Yes, Mr. Chairman and Madame...and Ladies and Gentlemen of the House, this is a good Bill. This is not to imply that the election, as conducted now, was questionable. This just provides a little bit of incentive to make sure that it stays good. This is supported by the Cook County State's Attorney. It is supported by Project LEAP, by the Board of Elections, and many other groups who, you know, will look forward to continued good and solid voting patterns. We would appreciate a positive vote on this."

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

111th Legislative Day

May 18, 1982

Speaker Daniels: "The Lady, Representative Ter...Topinka, has moved for the passage of House Bill 2610. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Representative Hoxsey, your light is on, Ma'am."

Hoxsey: "I had a question on one part of that Bill. It's just in there, that there is a place where it said the balance would have to be transported back and forth by the county clerk or the election judges. Downstate the election judges do this. Is that...Am I wrong or right on it?"

Speaker Daniels: "Representative Terzich to explain his vote."

Terzich: "That...that is only at the present time, if that is their form of voting, that they do not have the computer counters, that that is what they have to do right now. This only applies to those with the automatic computer counters, those precincts."

Speaker Daniels: "Representative Chapman to explain your vote. The timer's on, Ma'am. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 165 'aye', 3 voting 'no', and none voting 'present'. House Bill 2612, having received a Constitutional Majority, is hereby declared passed. House Bill 2613, Representative Terzich."

Clerk Leone: "House Bill 2613, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker Daniels: "Representative Terzich."

Terzich: "Yes, Mr. Speaker, this is a simple Bill which merely...the proposal of this Bill is the proposal was patterned after a California law and simply requires a copy of any computer program, used in an election, to be deposited in advance with the State Board of Elections; so that if any question should arise as to tampering with it at a local level, it could be checked by the State Board or

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

111th Legislative Day

May 18, 1982

by a court. And I would urge your support."

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

Cullerton: "Will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Terzich: "Yes."

Cullerton: "The Bill appears to authorize tests to be conducted by the State Board of Elections. I don't believe the Bill defines what those...what that means, what those tests could be. Could you tell us what that means?"

Terzich: "It is my understanding, Representative Cullerton, that, if there's any question regarding the tabulating of a particular program on a computer, by filing it with the State Board of Elections, then they would compare the original printout as to how they determine the count is going to be made on the master computer. And this is simply for a verification to make sure that it complies with those requests."

Speaker Daniels: "Representative Cullerton."

Cullerton: "I'm trying to figure out what that last answer was, before I ask another question, and I don't think I understand what he said."

Speaker Daniels: "Representative Terzich."

Terzich: "Yes."

Cullerton: "I just want to know, on line 22 on page three, it says, 'The computer programs filed, in accordance with this Section, shall be used only for an official recount, court action or for tests conducted by the State Board of Elections'. What type of test does that refer to?"

Terzich: "Well, I understand is that the reason for this is that, if they have the duplicate copy on file, if there's any questions as to the election, that they would simply confirm whether or not that that election was held under

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

111th Legislative Day

May 18, 1982

the proper filing of what was previously filed, Representative Cullerton. They would go to the State Board of Elections."

Cullerton: "Thank you. No further questions."

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

Vitek: "Again, so we get out of here, previous question."

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

Topinka: "Yes, Mr. Speaker, we would appreciate a positive vote on this Bill, because it does, in fact, allow for a point of comparison so that voting patterns can be ascertained and elections kept on an upright scale."

Speaker Daniels: "The Lady, Representative Topinka, has moved for the passage of House Bill 2613. All in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 166 'aye', none voting 'no', none voting 'present'. House Bill 2613, having received a Constitutional Majority, is hereby declared passed. 2614, Representative Topinka. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2614, a Bill for an Act to amend the Election Code. Third Reading of the Bill."

Speaker Daniels: "Representative Topinka."

Topinka: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, 2614 is part of this three-Bill package of election laws. What this particular Bill does is to require two ballot stubs to act as a double check to prevent chain balloting, and there was some question, originally, as to the drafting. The...Amendment #2 clarifies this and does

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

111th Legislative Day

May 18, 1982

account for where ballots ultimately are put, placed and so that they are all accounted for. It is a solid Bill, and it is a way to wind this package up and, ultimately, provide for strong, solid election campaigning."

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

Cullerton: "Will the Lady yield? Will the 'Yady lield'? I don't care. Will Representative Topinka answer a question?"

Speaker Daniels: "Lady indicates she will.."

Topinka: "Mr. Speaker, I will always yield to Representative Cullerton."

Cullerton: "I'll meet you in that sewer over on Cicero. What is the... There was a request for a fiscal note on this Bill. How much will this Bill cost?"

Topinka: "We don't have any record of any fiscal note, necessarily, being requested on this. We had on 2612."

Cullerton: "Okay, then why... Why don't you tell us then how much this will cost?"

Topinka: "It is my understanding that Cook County and Chicago are already doing a form of this already. So, the cost would probably be minimal."

Cullerton: "Could you describe to those of us from Chicago, who don't know what this means, what chain balloting is?"

Topinka: "Well, it's difficult coming from the suburban area, where we don't have chain balloting at all, to try and explain this. You see, I have to do it by theory rather than practice. But anyway, chain balloting is having somebody come into a precinct first thing, when the... before the precinct opens or at the moment it opens, vote one punch card through and make all the appropriate little holes, take that ballot back outside and hand it to the next person who now will place it over their empty card and poke in the holes from the holes previously set and so on

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

111th Legislative Day

May 18, 1982

down the line. Ultimately, you wind up with one ballot at the end that no one can account for. This accounts for it."

Cullerton: "It's a very detailed explanation..."

Topinka: "Like that, huh?"

Cullerton: ".. and I appreciate it. This requires the election judges to remove the first tab from a Bill... from the... remove a tab from the punch card and, in other words, I want you to describe to me what this will mean...what kind of extra work this will mean for a judge."

Topinka: "I don't think it will be any real, great amount of extra work. By the time you just pull it across, it's... it's as much as you would take for pulling a perforated piece of paper across. It's hardly going to be back breaking."

Cullerton: "Then, they have to check that after the person votes then, right?"

Topinka: "Yes, there would be a stub for every ballot that had been issued. Every ballot will be accounted for."

Cullerton: "Okay, and with respect to the money, you have no idea how much more it would cost?"

Topinka: "Not right off but, since a form of this is, as I say, is already in effect, it probably would not be much more than that.... that is already being paid."

Cullerton: "Thank you. No further questions."

Speaker Daniels: "Further discussion? Being none, Representative Topinka, to close. Representative Terzich, to close."

Terzich: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, this is a sample of the punch card. Actually, there is no additional cost. What they're only doing is they're putting another number at the bottom here, which they are doing this in Chicago at the present time so that they can verify it. There's no additional cost. It's simply a verification by the election judge and a good Bill, great

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

111th Legislative Day

May 18, 1982

Bill, and I think that the chain balloting originated in DuPage County, if I'm not mistaken, and I would move for your support."

Speaker Daniels: "You should be so lucky, Representative Terzich. Gentleman moves for the passage of House Bill 2414 (sic, 2614). All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, House Bill 2614, there are 163 'aye', 4 'no', none voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. We're now going to House Bills, Second Reading, non-appropriations. House Bills, Second Reading, non-appropriations. House Bill 958, Representative Younger. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 958, a Bill for an Act to establish the Illinois Community Development Finance Corporation. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

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

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

Younger: "Mr. Speaker, I withdraw Amendment #1."

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Younger, amends House Bill 958..."

Speaker Daniels: "Representative Younger, Amendment #2."

Younger: "Thank you, Mr. Speaker. Amendment #2 corrects certain technical errors in the Bill and also changes the financing plan to make it possible for any corporation to purchase shares of stock of the corporation. I move for the adoption of the Amendment."

Speaker Daniels: "Lady has moved for the adoption of Amendment #2. Are there...Any discussion? Being none, the question

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

111th Legislative Day

May 18, 1982

is, 'Shall Amendment #2 be adopted?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and Amendment #2 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. House Bill 960, Representative Younge. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 960, a Bill for an Act to create the Metro-East Economic Development Authority. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any Motions filed?"

Clerk Leone: "No Motions filed in respect to Amendment #1."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, Younge, amends House Bill 960..."

Speaker Daniels: "Representative Younge, Amendment #2."

Younge: "I wish to withdraw Amendment #2."

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Younge, amends House Bill 960..."

Speaker Daniels: "Representative Younge, Amendment #3."

Younge: "Move for the adoption of Amendment #3. Mr. Speaker, I really wanted to table Amendment #1, too. Okay. And Amendment #3 corrects an error in Amendment #1 and..."

Speaker Daniels: "Okay, backing up. Lady moves to table Amendment #1. All those in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it, and Amendment #1 is tabled. Amendment #2 has been withdrawn. Further Amendments, Mr. Clerk?"

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

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

Younge: "I wish to withdraw Amendment #3."

Speaker Daniels: "Withdrawn. Further Amendments?"

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

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

111th Legislative Day

May 18, 1982

Speaker Daniels: "Representative Younger, on Amendment #4."

Younger: "I move for the adoption of Amendment #4. It includes the word 'housing' in the Act and also clarifies the fact that the Authority will only be able to issue industrial revenue bonds, rather than obligation... general obligations. I move for the adoption of the Amendment."

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

Birkinbine: "Thank you, Mr. Speaker. I couldn't hear the Sponsor of the Amendment very well. Could she please repeat?"

Speaker Daniels: "Representative Younger, Amendment #4."

Younger: "Amendment #4 adds the word 'housing' developments to the Act to include, as one of the purposes of this Authority, the ability to engage in real estate development, residential real estate development. Also, it clarifies the Bill to state that the Authority would only be able to issue revenue bonds and no other kind of bonds."

Birkinbine: "Mr. Speaker, if the Sponsor will yield for a question."

Speaker Daniels: "She indicates she will."

Birkinbine: "Well, from what you just said, you're adding language that would allow housing developments or add housing developments to the list of categories that the Metro-East Development Authority can fund. Is that right?"

Younger: "That's correct."

Birkinbine: "Why do we have IDA, if you're doing that? Why would we set up a mini IDA simply for the Metro-East Development Authority?"

Younger: "The housing industry is at a total halt in the metro-east area. There are not new housings being built. The construction workers that specialize in this field are totally out of work. The Illinois Hous... IDA, the Illinois Housing Authority has not been able to implement

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

111th Legislative Day

May 18, 1982

any kind of effective program in this area and; therefore, there needs to be some instrument to handle this area of development. Housing is a type of business. Housing development is a type of business. So, I think that it ought to be added to the scope of the... what the Authority can do."

Birkinbine: "Representative Younge, are you aware that presently in Washington they are greatly restricting the use of industrial revenue bonds, that Congress is cutting back on their use?"

Younge: "I am aware of that."

Birkinbine: "Well, aren't we sort of indulging in a... Well, nevermind. Is it correct that Amendment 4 does not contain language which would have allowed the Metro-East Development Authority to provide loans to local governmental units in the metro-east area to pay their utility bills?"

Younge: "It is correct that I have withdrawn that as a type of activity for the Authority."

Birkinbine: "Okay. Thank you. Mr. Speaker, if I could respond to the Amendment, the very fact that this would add to the Metro-East Development the authority or the ability to add housing developments to the categories that it can fund is silly. It's... It's certainly a well-intentioned idea, but it's... it gives specific powers to this one area that are redundant, in that we already have an Authority in this state that is empowered to help fund housing projects throughout the entire state, and it's redundant. I feel it's unnecessary. I think it's adding some very special powers to this one localized Authority, and I don't think it's either needed or wise."

Speaker Daniels: "Further discussion? Being none, the Lady, Representative Younge, to close."

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

111th Legislative Day

May 18, 1982

Younger: "Yes, I move for the adoption of this Amendment. I put it in. I put residential real estate development in the Bill, because it is a type of business. Business is in trouble. We have a housing construction industry in the metro-east area that is not employed, that are not working, and they badly need help. And this Amendment would include that type of business development, in order to give these men some work and build much needed housing, which is not being done in the metro-east area, and I ask for your approval of this Amendment for those reasons."

Speaker Daniels: "Lady moves for the adoption of Amendment #4. All those in favor signify by saying 'aye', opposed 'no'."

Younger: "I ask for a Roll Call vote."

Speaker Daniels: "Lady asks for a Roll Call vote. All those in favor will signify by voting 'aye', opposed by voting 'no'. Voting's open. Representative Conti, did you have something you wanted to offer? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. There are 89 'aye', 60 'no', 1 voting 'present', and the Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. House Bill 1119, Representative Preston. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1119, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any Motions filed?"

Clerk Leone: "No Motions filed with respect to Amendment #1."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, Levin - Preston, amends House Bill 1119..."

Speaker Daniels: "Representative Preston, Amendment #2."

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

111th Legislative Day

May 18, 1982

Preston: "Mr. Speaker, could Representative Levin handle this Amendment? It's a technical Amendment. No?"

Speaker Daniels: "Representative Levin."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 was requested by the Legislative Reference Bureau. It corrects technical errors discovered by Enrolling and Engrossing."

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

Vinson: "Mr. Speaker, I wonder if the Sponsor would yield for a question."

Speaker Daniels: "Representative Levin indicates he will."

Vinson: "Representative, I understand you say this is a technical Amendment, but I've read the Amendment and I can't understand it, and I wonder if you might explain it to me."

Levin: "What the Amendment, I believe, does is in Amendment #1, which was adopted in Committee, on lines one and five of the original Bill, it changes Section 5-1.2 to 5.2. The language in the original Bill talks about... has the word 'add' Section 5.1.2."

Vinson: "Had the word what?"

Levin: "'Add'. A-D-D. Whereas, Section 5.2 is an existing Section and so, what Amendment #2 does is it repl... in effect, replaces the word 'add' with the word 'amend'."

Vinson: "Where do you find the word 'add' in Amendment #1?"

Levin: "It's not. It's in the original Bill. If you look at the original Bill, 1119, line one, which is the title, 'an Act to add Section 5.12'; and, on line five, it says, 'Section 1... Section 5.12 is added to the Illinois Public Aid Code'."

Vinson: "Yes."

Levin: "Amendment #1 replaced 5... the references to 5.12 with 5.2."

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

111th Legislative Day

May 18, 1982

Vinson: "Okay."

Levin: "That Amendment should have, apparently, changed the word 'add' to 'amended', since they already exist in the Public Aid Code, Sections 5.2."

Vinson: "Well, if you're adding a new Section, then, just by creating a new number, you'd accomplish that. Wouldn't you?"

Levin: "Well, the Bill originally added a new Section 5.12, which did not exist previously in the Public Aid Code. Amendment #1 eliminated the new Section and simply amended 5... Section 5.2. Section 5.2 exists, currently, in the Public Aid Code. So, the correct terminology, according to the Reference Bureau, is it should have been described as amending Section 5.2, rather than adding a Section 5.2, which already exists."

Vinson: "Okay, final question, Representative. Do you think that the Amendment's germane?"

Levin: "I believe it is."

Vinson: "I won't question it then."

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

Cullerton: "Thank you, Mr. Speaker. I just wanted to assure Representative Vinson that our staff has reviewed this Amendment, and it is... it merely deletes the clarifying language and; therefore, it should be no problem. Thank you."

Speaker Daniels: "Gentleman, Representative Levin, moves for the adoption of Amendment #2. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #2 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. House Bill 1425, Representative Henry. Gentleman on the floor? Out of the record. House

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

111th Legislative Day

May 18, 1982

Bill 1463, Representative Catania. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1463, a Bill for an Act to amend the Probate Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any Motions filed with respect to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, Catania - Brummer."

Speaker Daniels: "Representative Catania, Amendment #2."

Catania: "Mr. Speaker, if we have to file a Motion to table 1, I think it's being filed right now. I would like to move to table the Motion that was adopted in Committee."

Speaker Daniels: "The Lady asks...The Lady moves to table Amendment #1. Does the Lady have leave? Hearing no objections, leave is granted. Amendment #1 is tabled. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Catania - Brummer, amends House Bill..."

Speaker Daniels: "Representative Catania, Amendment #2."

Catania: "Thank you, Mr. Speaker and Members of the House. Amendment #2 addresses the concerns that were raised by Members of the Committee. It deals with grandparents' visitation and there was a great deal of concern about how this would be handled in the case where a minor had been adopted. So, Amendment #2 provides that visitation rights will not be granted to the grandparents or any other relative where the minor has been adopted after the death of one or both prior legal parents, unless the subsequent adoption is by a person to whom the child stands in the relationship of a related child, as defined another Section of the statute, except that the grandparents may still

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

111th Legislative Day

May 18, 1982

petition for visitation rights if they previously had custody of the minor..."

Speaker Daniels: "Representative Piel, for what purpose do you rise, Sir?"

Piel: "Question, Mr. Speaker. Has this Amendment been distributed?"

Speaker Daniels: "Mr. Clerk, has the Amendment been distributed?"

Clerk Leone: "The Amendment was filed just hours ago. It has not been printed."

Speaker Daniels: "Out of the record. House Bill 1882, Representative Barkhausen. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1882, a Bill for an Act to provide for the protection of wetland areas as state prescribed permits and given the modifications regulated wetlands. Second Reading of the Bill. Amendment #2 and 3 were adopted previously."

Speaker Daniels: "Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "There is a fiscal note filed, as amended. So, we'll have to hold that on Second, pending the filing of the fiscal note. House Bill 1883. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1883, a Bill for an Act in relationship to the Natural Heritage Stream Act. Second Reading of the Bill. Amendments #1 was adopted in Committee."

Speaker Daniels: "Any Motion filed with respect to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Daniels: "Further Floor Amendments?"

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

Speaker Daniels: "Representative Barkhausen, Amendment #2."

Barkhausen: "Mr. Speaker, I was discussing Amendment #2 earlier when Mr. Chief Justice, I mean Representative Getty asked

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

111th Legislative Day

May 18, 1982

me... asked me whether the reference to Section 9 in the Amendment was correct, and the fact of the matter is that it is correct. I wasn't able to answer the Gentleman at the time, because I didn't have a copy of Committee Amendment 1 which changed Section 8 to Section 9. If there are any further questions, I'd be glad to answer them; otherwise, move for the adoption of Amendment 2."

Speaker Daniels: "Further discussion? Being none, the Gentleman moves for the adoption of Amendment #2. Representative Hoxsey."

Hoxsey: "I had a question earlier in regard to what the Bill does to a farmer that lives along a stream and has to fence that stream to keep his cattle in. Does he have to get a permit from State Government to do that?"

Barkhausen: "No, he wouldn't have to get a permit. The Division of Water Resources doesn't regulate fencing, and I'm ... After you asked me that question, Representative, we tried to call them, and we have an answer coming back to us. But that is not what they do; and, it's certainly not my intention. Of course, your question doesn't go to this Amendment. It goes to the Bill."

Hoxsey: "I know, but the Bill does say that any obstruction in the stream. Yet, a permit requires..."

Barkhausen: "Any obstruction, yes, insofar as it would ... would have some sort of impact on flood control, but a fence wouldn't...wouldn't affect flood control in any way."

Hoxsey: "Well, I still have a question with that, and I don't feel that it's been clarified for me."

Barkhausen: "We will do that on Third Reading, Representative."

Speaker Daniels: "Further discussion? Being none, the Gentleman moves for the adoption of Amendment #2. All those in favor signify by ...Well, you're a little late, Sir. Representative Barkhausen, will you yield to a late

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

111th Legislative Day

May 18, 1982

question? Representative Brummer."

Brummer: "Yes, I'm still trying to understand why the reference to Section 9 is correct in reference to the Amendment. The Amendment makes no reference to Section 9."

Speaker Daniels: "Representative Barkhausen, once again for Representative Brummer."

Barkhausen: "Amendment #2, Representative, is amending the first Paragraph of Section 9, and the earlier question was, was that reference to Section 9 correct. And, I didn't have Committee Amendment 1 with me at the time so that I wasn't able to answer yes..."

Brummer: "I understand that Committee Amendment #1, as best I can read it anyway, does not make any reference to Section 9."

Barkhausen: "It changes Section 8 to Section 9. Section 8, in the original Bill, is changed to Section 9, as the result of Committee Amendment 1."

Brummer: "On Committee Amendment #1 or on Amendment #1, on the bottom of page two, it refers to Section 8."

Barkhausen: "Well, I'm looking at page three of Committee Amendment 1, and it says, 'on page five, line 31 by deleting Section 8 and inserting in lieu thereof, 9', and that's why Section 8 became Section 9. So that..."

Brummer: "Thank you."

Speaker Daniels: "Further discussion? Now, Representative Brummer? Thank you. Gentleman moves for the adoption of Amendment #2. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and Amendment #2 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. House Bill 1969, Representative Young. Read the Bill, Mr. Clerk, 1969."

Clerk Leone: "House Bill 1969..."

Speaker Daniels: "Representative Brummer, for what purpose do you

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

111th Legislative Day

May 18, 1982

rise, Sir? Excuse me, Mr. Clerk. Representative Brummer."

Brummer: "Was there a fiscal note request filed on 1883?"

Speaker Daniels: "Mr. Clerk, was there a fiscal note filed on that Bill? Yes, Sir, there was. Forgive me. I... Representative Barkhausen, there was a fiscal note filed as amended. We must hold that Bill on Second Reading pending to file a fiscal note. When you file that fiscal note, we'll move it to Third, Sir. Alright. House Bill 1969, Representative Younge. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1969, a Bill for an Act to create the Illinois Municipal Assistance Corporation. Second Reading of the Bill. No Committee Amendment."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Younge, amends House Bill 1969 on..."

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

Younge: "Mr. Speaker, I ask leave to withdraw Amendment #1 and 2."

Speaker Daniels: "1 and 2 withdrawn. Further Amendments?"

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

Speaker Daniels: "Representative Younge, Amendment #3."

Younge: "Amendment #3, Mr. Speaker, intends to clear up and clarify certain requests of Members of the Committee that heard this Bill. It would set an upper limit on the outstanding bonds of 25 million dollars. It would insert a provision that, in order to be eligible for the resources of this corporation, a municipality would have to be willing to pass an ordinance taxing the residents of the municipality, and that that ordinance would have to be adopted by a majority vote of the people living there. It attempts to shore up and clarify what an eligible municipality would be by saying that the municipality would have to be one that had either defaulted on their

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

111th Legislative Day

May 18, 1982

obligations, or that they were having difficulty meeting their current operating expenses and that the... help to the municipality would not be extended over any period to exceed five years. And lastly, that the limit of the amount of the Fund, the Municipal Assistance Corporation Fund would be two billion dollars at any one time, and that the Comptroller would not be able to authorize any warrant for payment to any municipality in excess of one-half of the amount in that Fund. Mr. Speaker, there is one typographical error in the Amendment. Mr. Speaker, there is a typographical error in the Amendment, and I'd like leave to amend it on its face. On page three, line 31 to change '5' to '2' million dollars."

Speaker Daniels: "How much money were you talking about?"

Younger: "I wanted to change a typographical error to amend out the numeral '5' and change it to '2'. Substitute it."

Speaker Daniels: "Representative Vinson."

Vinson: "Mr. Speaker, I wonder if the Lady might take the Bill out of the record at this time and come over here and chat about that typographical error."

Speaker Daniels: "Representative Younger."

Younger: "I wanted to move to Third Reading tonight, Mr. Speaker."

Speaker Daniels: "The Gentleman has requested that you take the Bill out of the record and discuss the same with him."

Younger: "Would I have an opportunity to go back after I've talked with him?"

Speaker Daniels: "I can't promise that. I'll do my best."

Younger: "I wish ... I wish to proceed."

Speaker Daniels: "Lady wishes to proceed, Representative Vinson. Representative Vinson."

Vinson: "I object to amending the Amendment or the Bill, whichever is under discussion, on its face."

Speaker Daniels: "Representative Younger."

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

111th Legislative Day

May 18, 1982

Younge: "I certainly will discuss this matter with Representative Vinson tomorrow and then consider, at that time, whether or not to bring it back to Second; but, in lieu of the shortness of time, I want to proceed with the adoption of this Amendment. I've made an extensive effort to comply with the request of Members of the Committee in reference to shoring up and clarifying this matter. And so, therefore, I move for the adoption of this Amendment."

Speaker Daniels: "The Lady has moved to adopt Amendment #3; however, her request to amend it on its face and to ask leave of the House was objected to by Representative Vinson. On the Mo... On the Amendment, as filed with the technical error in it, Representative Vinson."

Vinson: "Well, Mr. Speaker, I just think it's wholly inappropriate for us to be putting Amendments on Bills where the Amendment, by the Sponsor, is admitted to be defective. There's a big difference between five million and three million dollars..."

Speaker Daniels: "Excuse me, Representative Vinson. Representative Younge."

Younge: "Out of the record. I'll discuss it with him."

Speaker Daniels: "Alright. Out of the record. House Bill 1974, Representative Catania. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1974, a Bill for an Act in relationship to access to public records. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Daniels: "Any Motions filed with reference to Amendments #1 and 2?"

Clerk Leone: "No Motions filed."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "No Floor Amendments."

Speaker Daniels: "Third ... Excuse me. Sponsor says there is."

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

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

111th Legislative Day

May 18, 1982

19..."

Speaker Daniels: "Amendment #3, Representative Catania."

Catania: "Thank you, Mr. Speaker and Members of the House. Amendment #3 addresses the concerns that were expressed by Committee Members, by the Municipal League and by...I think that's about it. And it also makes technical adjustments to bring it into conformity with the two Amendments that were adopted in Committee. What it does for people who expressed concerns in testimony and as Committee Members is to change the word 'index' to 'list', because index conjures up notions of computer work, and that's not what the Bill intends. So, it just changes it to 'list of materials that have to be available'. It changes the provisions about charging costs to delete the term 'reasonably calculated' and to require that the actual cost, in searching, can be charged. This was requested in response to some concerns expressed by suburban boards who said that they had had very extensive requests, and the Bill intends to say that reasonable costs for searching for such extensive amounts of material can be charged to the requesters. So the taxpayers don't have to pay for that. It also deletes the phrase 'or relied upon in connection with any action of the public body', in describing the kinds of materials that must be available for public inspection. This is in response to a request from the Municipal League. It further says that the exemption extends to records of agencies of the General Assembly, which pertains to the development of public policy or the preparation of legislative documents, to protect documents that are being developed in the Legislative Reference Bureau and other such documents. It goes on further to exempt minutes of meetings of public bodies which are closed to the public, as provided in the Open Meetings Act,

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

111th Legislative Day

May 18, 1982

until such time as the public body makes those minutes available to the public pursuant to the Open Meetings Act. It also exempts the communications between public bodies and their attorneys, which are privileged under the attorney/client relationship. I move for the adoption of Amendment #3 to House Bill 1974."

Speaker Daniels: "Any discussion? Being none, the Lady moves for the adoption of Amendment #3. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #3 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. House Bill 2079, Representative Watson. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2079, a Bill for an Act to amend the Illinois Controlled Substances Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any Motions filed with respect to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, Watson - Getty, amends..."

Speaker Daniels: "Representative Watson, Amendment #2."

Watson: "Thank you, Mr. Speaker. Amendment #2 to House Bill 2079 now becomes the Bill, for all practical purposes. It's sponsored by Representative Getty and myself, and it incorporates changes that were recommended by the Judiciary II Committee and also discussions that were held between the Attorney General's Office and the Dangerous Drugs Advisory Council. This particular piece of legislation is a look-alike drug Bill. Also, House Bill 2079 now includes a preamble, which expresses the legislative intent of the Bill, to create a penalty provision distinct from that applicable to controlled substances based upon different

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

111th Legislative Day

May 18, 1982

types of harm stemming from the distribution of look-alike drugs. The Amendment also adds to the offenses of manufacture, distribution, possession with the intent to manufacture and advertising, established under the original Bill, House Bill 2079, the crimes of possession with intent to manufacture and simple possession. I know of no opposition to the Amendment, and I move for its adoption."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves for the adoption of Amendment #2. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #2 is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Watson - Getty, amends House Bill..."

Speaker Daniels: "Representative Watson, Amendment #3."

Watson: "Thank you, Mr. Speaker. Floor Amendment #3 is technical in nature and corrects a drafting omission from Section 401(B) of the Controlled Substance Act created by House Bill 1016 last fall. The Amendment adds the words, 'any substance containing' to Subsections (B) 1, 2, 3, and 4 regarding the offenses of manufacture or delivery of heroin, cocaine, morphine or peyote. Again, I know of no opposition and move for its adoption."

Speaker Daniels: "Any discussion? Being none, the Gentleman moves the adoption of Amendment #3. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and Amendment #3, adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. House Bill 2096, Representative Tate. Out of the record. House Bill 1969, Representative Younge. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1969, a Bill for an Act to create the Illinois Municipal Assistance Corporation. Second Reading of the Bill. Amendments #1 and 2 were withdrawn.. or

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

111th Legislative Day

May 18, 1982

tabled. Floor Amendment #3, Younge, amends House Bill 1969..."

Speaker Daniels: "Representative Younge on Amendment #3."

Younge: "Yes, Mr. Speaker, in reference to Amendment #3, I ask leave to amend on its face page three, line 31 from 5 million to 2 million."

Speaker Daniels: "Lady asks leave to amend page three, line 31 from the sum of 5 million dollars to the sum of 2 million dollars in interest of conservation. Does the Lady have leave? Hearing no objections, leave is granted and the Amendment will be amended on its face. Representative Younge, on Amendment #3."

Younge: "I ask for the adoption of this Amendment."

Speaker Daniels: "The Lady moves for the adoption of Amendment #3. All those in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it, and Amendment #3 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. House Bill 2153, Representative Ralph Dunn. Out of the record. House Bill 2384, Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2384, a Bill for an Act to amend the School Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any Motions filed with respect to Amendment #1?"

Clerk Leone: "Motion, 'I move to table Amendment #1 to House Bill 2384', Representative Bowman and Keane."

Speaker Daniels: "Representative Bowman moves to table Amendment #1. Representative Bowman on the Motion to table."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Amendment proposes to make many changes in the equalization formula. There are many changes here. Some

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

111th Legislative Day

May 18, 1982

districts are affected favorably, and other districts are affected unfavorably. This particular Amendment, I believe, affects my own district unfavorably. I would encourage all Members of the House to look at the Amendment very, very carefully and judge for themselves how it will affect their own district. One of the things that concerns me, particularly, about this Amendment is that we are shifting the funding away from high school districts and towards elementary school districts. We have done this on past occasions; but on past occasions, the amount of money in the School Aid Formula was... was growing and, consequently, the shift could be accommodated much more easily. At the present time, the amount of money that is intended to be put into the School Aid Formula is less than the last year's level, to the tune of 110 million dollars. A 110 million dollar reduction, Ladies and Gentlemen. That reduction just magnifies the extent of the shift between high school and elementary districts. I think it is wrong to beggar one type of district to the benefit of another type of district. The only reason for this Amendment, Ladies and Gentlemen, is to try and cover the gap in school aid funding. We are not putting enough money into the School Formula. You know it, and I know it. And this Amendment is a pathetic attempt to cover that up by shifting money around and trying to keep the lid on for another year, and I don't want to have any part of it, and that's why I'm moving to table this Amendment. I ask for your support."

Speaker Daniels: "Representative Bowman has moved to table Amendment #1. On that Motion, Gentleman from DuPage, the Honorable Gene Doctor Hoffman."

Hoffman: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. In all due respect to the maker of

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

111th Legislative Day

May 18, 1982

this Motion to table, I would not argue with him in regards to the appropriation level. I believe that it is, indeed, unfortunate that we find ourselves in the position of having to file an appropriation Bill, House Bill 2456, which, as it stands now, would reduce the funding for the General Distributive Fund 115 million. But the fact that that amount is reduced even highlights the necessity for the Amendment. The Amendment, Ladies and Gentlemen of the House, is the product of the efforts of the Joint Finance Study Committee of the State Board of Education and the Illinois School Problems Commission. On this Joint Committee were representatives of high school districts, unit districts and elementary districts. And we do make some changes in the distribution mechanism, in order to do a number of things; one, to stop the trend away from equity that has incurred in recent years, and we deal with this by increasing the qualifying rates. We have provided for weighting of seventh and eighth-grade students in both elementary and unit districts, which will increase their support through the Formula. We've also provided for a change in the ADA count, from the best six to the best three months, and we provided for changes in the Title I weighting, reducing the current maximum Title I weighting from .65 to point .62. The purpose of this change was to keep with, as close as we could, some relative percentage similarities between Chicago and the rest of downstate that we have at the present time. Ladies and Gentlemen, this... the adoption of this Amendment is, in fact, the Bill, and this Amendment, as adopted by Committee, has been endorsed already by the Illinois Large Unit District Association, which includes the 33 largest unit districts in the state by student population and which means that it covers over half of the all the students in this state. It's been

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

111th Legislative Day

May 18, 1982

supported in Committee by the IDRED Association, which is a combination of high school and elementary districts in the suburban area, and the Illinois School Board Association has registered in support. Let me... Let me tell all of you present this evening that, given the circumstances we find ourselves in, it is, in our judgement, an excellent program to the meet the particular times in which we find ourselves. We believe that this is the most equitable way to distribute the resources that we have available, and the... the per-pupil guarantee will vary, depending on the appropriation level. With the appropriation level at a billion, four forty-six...a billion, four hundred and forty-six million, which is the level endorsed by the School Problems Commission. This formula would provide for a per-pupil guarantee of 1,672 dollars, and I would ask that this Motion be defeated."

Speaker Daniels: "Further discussion on the Motion? Gentleman from DuPage, Representative Schneider."

Schneider: "Thank you, Mr. Speaker, Members. I find it tough to be in the middle of two of my good friends, Hoffman and Bowman, but I do think that, when you look at the available dollars that are going to be before us, and you look at the Formula for its ability to distribute those dollars as fairly as possible, I think what we have in front of us is our best bet. I'm reluctant to say that, but the fact is that, given the appropriation's level that I see coming out of the Appropriations Committee at 1.403 billion and when those numbers are redistributed, the percentages, no matter if you use the Title I or the best three months of the ADA and the seventh and eighth grade weighting, the percentages for the city, which I think is Representative Bowman's justifiable concern, are that we still wind up with 33% of the new money going over to the city. That's a figure very

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

111th Legislative Day

May 18, 1982

roughly in line with what we've done in the past couple of years at around 32%, even if that district has 24% of the pupils. I understand that we... You know, using these various alterations within the Formula, a city like Chicago or East St. Louis does benefit from the best average daily attendance for three months, because the rate of decline, in those kinds of urban schools, can sometimes be dramatic. Likewise, in a new district, you may pick up some new dollars in a distr... in an area where there's a high growth because of a turnover within that community. So, you pick up the numbers of kids at the end of, perhaps, the year. So, it's an... it's an interesting attempt, I think, to solve the funding problem. I would suppose you all have to make your own decisions and look at the Amendment or the Motion in front of you, but I do believe, overall across the state, we've tried to balance these issues. I'm not a Cosponsor on this Bill this year, as I've been in the past, and it was with the assumption that I could try to work out some differences between the various parties. I can't do that. We're faced now with the decision. I think you ought to be in opposition to the Motion by Representative Bowman."

Speaker Daniels: "Gentleman from Coles, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, I rise as a hyphenated Sponsor of the Bill with Representative Hoffman to oppose the Motion to table Amendment #1, which is the Bill. We do have limited resources this year, more limited than ever before. I believe it's the first year, since 1933, that the general School Aid Formula will see a decrease, most likely, in its funding from one fiscal year to the next. We always have the concern every year of amending the School Aid Formula. Every year we hear some argue that we ought to leave it in place. You know, as well as I do, that

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

111th Legislative Day

May 18, 1982

we never do because of the dramatic changes in the property tax and assessment situation in this state. In point of fact, even with the Amendment that was put on by the principal Sponsor's in Committee which is now the Bill, even though there is a shift of money out of some districts, including the City of Chicago district, the City of Chicago has gotten about 32% of the dollars over the last several years from the School Aid Formula. Even under the Amendment in place on the Bill; number one, they'll get an increase in the overall percentage of the pie to about 33.6%. To the downstaters here, the difference between this Amendment and the status quo at the funding level of 1.403 billion dollars, is a shift, a positive shift of about six million dollars plus to downstate school districts. There are always some winners and some losers; but, as Representative Hoffman said and Representative Schneider has said too, this is an attempt to balance the equities, one side against the other, to be fair to all districts. Chicago still comes out ahead, vis-a-vis, where they were last year and in prior years since 1977 in the percentage of the pie that they get. So, I rise in opposition to the Motion to table and ask for a 'no' vote on the Motion to table, to keep the Bill and the Amendment in tact."

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

Reilly: "Thank you, Mr. Speaker. I also rise in opposition to the Motion to table. These changes were worked out very carefully in the Joint Committee between the School Problems Commission and the State Board. They make a modest effort to restore some equity in the Formula for elementary districts. Some will argue, in later Amendments, they do not go far enough, but they make a step in the right direction. Furthermore, in terms of unit

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

111th Legislative Day

May 18, 1982

districts, particularly those unit districts outside of the city, again it makes a modest step in the right direction for them; all without, in any sense, being jingoist... jingoistic about the process. The city schools have their problems. This, in no way, is an anti-city Amendment. It is a reasonable compromise. It is reasonably worked out. I would ask for 'no' votes in opposition to the Motion to table."

Speaker Daniels: "Gentleman from Cook, Representative Emil Jones."

Jones: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of the Motion for one particular reason, as one aspect of this Amendment would drastically, not only affect the City of Chicago, but the schools throughout the State of Illinois that are impacted with students from disadvantaged families. As you recall last year, we re... we reduced the weighting for disadvantaged students from a .675 to a .65, and that was supposed to be for one year only; and, now we come with this Amendment to reduce it even further. So, what we are doing, in essence, is taking it away from the needy and giving it to the greedy. So, we can no longer continue to rob the poor children and the public schools in the State of Illinois and give those funds constant to the students who don't need them. When we passed the Resource Equalizer Formula more than eight years ago, we put this special bonus in there for these students, and every year, every year we come back. He continue to whack, and whack and whack away at this particular aspect of the Formula. So, I support the Motion by Representative Woods Bowman; because, in the school districts throughout the state that are heavily concentrated with students from poor families, this Amendment really, literally takes money from them... from

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

111th Legislative Day

May 18, 1982

the needy and gives to the greedy, and I wish everyone on this side of the aisle and all those persons concerned about quality education will rise up and support Woods Bowman's Motion to table Amendment #1."

Speaker Daniels: "Further discussion? Gentleman from Marion, Representative Friedrich."

Friedrich: "I'm sure that Representative Bowman, who is in his right to make this Motion, but it's very unusual around here. If he's opposed to the Amendment, just let him oppose the Amendment. If he's for it, that's fine. But to stand up and propose to table somebody else's Amendment, I don't think that's very good procedure."

Speaker Daniels: "Gentleman from St. Clair, Representative Flinn."

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

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

Keane: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. One of the reasons that I cosponsored this Motion was that I think that it's the first time in almost 50 years that the State of Illinois has not increased its funding for education over the previous year. We are not meeting our mandate of full funding of education, and I think that everyone should be aware of that. The money exists. It's obviously that there are priorities... there are different priorities. This Amendment has a tremendous affect on a number of the large... especially on Chicago but on any large school district, while some previous speakers have pointed out that Chicago will increase to 33. That's a little less ... about 1% under this Bill. Look at

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

111th Legislative Day

May 18, 1982

the number of dollars that Chicago will lose because of the loss in the size of Chicago. The losses are tremendously magnified. So, I think everyone ought to know that, for the first time in 50 years, we are not funding education above the previous year's level, and I think you may have to answer for that in your district. This on top of the fact that the Governor is now proposing a delay of the last payment in June and moving it over into July. We're talking another 126 million dollars. The impact, again, I represent the City of Chicago and some of the suburban districts, and they are going to be severely impacted. Not only that, but the pension funds are being cut. The teachers were told, in the pre... last year they were told that it was a one-year cut. We are now cutting even deeper into the pension funds. There are a number of other problems that this Bill brings out to us. The educational block grants are going to dump more of the responsibility for funding education upon us, and it's going to drive us even less. We will be less able to meet our commitment of full funding. I ... I think that it is necessary for us to stop this before it gets too far. In the future year... In future years, we will probably cut even deeper. I would ask you to join Representative Bowman and I in this Motion. Thank you."

Speaker Daniels: "The Gentlemen, Representative Bowman and Keane, move to table Amendment #1. All those in favor will signify by voting 'aye' - this is in favor of the Motion to table - will signify by voting 'aye', opposed by voting 'no'. The voting's open. It takes a majority of those voting on the question. Representative Telcser, would you record me as 'no'? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. There are 46 'aye', 113 'no', 1 voting

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

111th Legislative Day

May 18, 1982

'present', and the Gentleman's Motion to table fails.
Amendments from the floor?"

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

Speaker Daniels: "Representative Emil Jones, Amendment #2."

Jones: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the
House. This is a very simple Amendment. What this
Amendment does is give back to those students the monies to
which they were entitled to when they were taken away from
them approximately a year ago. As I indicated earlier in
my remarks, when we debated this issue last year, we said
we were dropping the weighting for Title I students for
just one year. So, what this Amendment does is make us
keep that promise that we gave the poor students throughout
the State of Illinois. It will bring it back to a .675 for
Title I students throughout the State of Illinois; and
those school districts that are impacted with many Title I
students, it would give to them and keep the promise that
we gave them last year that we were only going to make the
reduction for one year. So, this Amendment brings the
weighting back to a .675 for the students throughout the
State of Illinois and..."

Speaker Daniels: "Any discussion? Gentleman from DuPage, Doctor
Hoffman."

Hoffman: "Thank you, Mr. Speaker. I appreciate the point that
the Gentleman is making. As the Sponsor of the Resource
Equalizer in 1973, I'm well aware of where we were and
where we are now. Again, let me emphasize that the Bill,
in its present condition, strikes a balance between all of
the different educational constituencies in this state.
This balance was struck after a great deal of effort and a
great deal of time on a lot of peoples' parts, some of whom
are sitting on this floor of the House and standing with

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

111th Legislative Day

May 18, 1982

me. We need to resist changes in this program, because any changes we make will destroy the balance and will, in effect, make the relationships distorted. For that reason, Mr. Speaker, I oppose the Amendment and remind you, again, of the various educational constituencies who are supporting the Bill in its amended form."

Speaker Daniels: "Further discussion? The Gentleman from Coles, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, briefly, really this is somewhat redundant. It's part and parcel of the Motion to table Amendment #1 which would have put this back in the form that it's in in this Amendment. Everyone wants to give more money to schools. We did strike a bargain with regard to the Title I's. Let me point one thing out though. The reality of this situation is that Amendment #1, in relation to this one, really isn't a full reduction of Title I. Title I operates from a base where there's a minimum amount assigned as a value or a factor of increase for Title I's, thereafter, the increases related up to and including double the number of Title I students. We are reducing what you get for double the number or more. We've done that before. We've attempted to redress imbalances. Chicago still gets, I repeat, more money as a percentage of a pie than they got last year with Amendment 1; and for those reasons and those of Representative Hoffman, I urge a 'no' vote."

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

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What we're really hearing here is the terms of a deal, a deal between the various so-called educational constituencies that I fear, Ladies and Gentlemen of the House, has very little to do with the needs of the

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

111th Legislative Day

May 18, 1982

children. It seems to me that if Title I ever had any meaning, it was to provide additional funding for those children that needed it most so their education would not be impaired. It seems to me, also, Mr. Speaker, Ladies and Gentlemen of the House, that, if we fail, even though... even in spite of these tight financial times, if we fail to live up to our obligation to those children and live up to our obligation for education funding under whatever... whatever we want to call it, the fact of the matter is that we've cut a deal that sells out those children, and I would, therefore, urge opposition to this Amendment. Thank you."

Speaker Daniels: "Further discussion? Gentleman, Representative Jones, to close."

Jones: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. In response to my very good friend, Doctor Hoffman, in talking about his educational constituency, I know my constituency was no part of this particular deal; and if you're going to keep your word to the General Assembly, then your word must not only be good as it was last year, but it must be good this year. And the same thing goes for my colleague on this side of the aisle, Representative Larry Stuffle. We promised this Body, and we promised the students of the State of Illinois, that we were only going to reduce Title I weighting for one year, for one year; and, now they talk about some back-room deal they've made to rob the needy children of the State of Illinois and give it to the greedy children out there in DuPage County. If you're going to keep your word, if your word is going to mean something, then you're going to vote 'yes' for this Amendment. If you're concerned about the poor students in the State of Illinois, you will vote 'yes' for this Amendment. But if you're concerned about making a

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

111th Legislative Day

May 18, 1982

back-room deal and your word doesn't mean anything, then you follow Doctor Hoffman. You follow Representative Larry Stuffle on this side of the aisle, but I ask for an 'aye' vote on this Bill, an 'aye' vote for the students of the State of Illinois."

Speaker Daniels: "The Gentleman's moved for the adoption of Amendment #2. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Gentleman from Coles, Representative Stuffle, on a point of personal privilege."

Stuffle: "Yes, briefly, I probably shouldn't rise. Just to point out the deal was cut in public, something you might not understand, in the School Problems Commission."

Speaker Daniels: "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 47 'aye', 103 'no', 1 voting 'present', and Amendment #2 fails. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Barr, amends House Bill 2384 on page one and so forth."

Speaker Daniels: "Representative Peters in the Chair."

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

Barr: "Withdraw Amendment #3, Mr. Speaker."

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

Clerk Leone: "Floor Amendment #4, Huff, amends House Bill 2384..."

Speaker Peters: "Representative Huff, Amendment #4. Representative Huff. Whose Bill is this? Representative Hoffman."

Hoffman: "Proceed to Third Reading. Keep moving."

Speaker Peters: "I can't see all the way back there. Is Representative Huff there? Representative Hoffman. The

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

111th Legislative Day

May 18, 1982

Gentleman moves to table Amendment #4. All in favor say 'aye', opposed. In the opinion of the Chair, the 'ayes' have it. Amendment #4 is tabled. Further Amendments?"

Clerk Leone: "Floor Amendment #5, Steele - Flinn, amends House Bill 2384..."

Speaker Peters: "Amendment #5, Representative Steele. Representative Flinn, Amendment #5."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, Amendment #5 does some changing in the numbers in the Bill, House Bill 2384, in the sense that it deletes on, '7 and 8 shall be multiplied by 105' and inserting in lieu of there '1 through 8 shall be multiplied by 110'. That's the grades 1 through 8. In Subsection 8-1 of Section 18(A), we delete the .625 and insert in lieu of there .57. What that basically does, it provides more fairer funding for the dual school districts. The dual school districts, especially those grade schools, are considerably underfunded as opposed to the high school children. And we think it's just... costs just as much to educate a kid in grade school as it does in high school, and I would move for the adoption of Amendment #5."

Speaker Peters: "Gentleman moves the adoption of Amendment #5. On the Amendment, Representative Jones."

Jones: "Yes, thank you, Mr. Speaker. Will the Sponsor of this Amendment yield? Will the Sponsor yield?"

Flinn: "Yes."

Jones: "The Sponsor yield?"

Speaker Peters: "He will, Mr. Jones. I'm sorry."

Jones: "Representative Flinn, in your Amendment that reduces the Title I weighting from a .625 to a .57, what affect does that have on a district of East St. Louis?"

Flinn: "I would think it would reduce their state funding by some 1,700,000 dollars."

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

111th Legislative Day

May 18, 1982

Jones: "Are you aware that that parti... this Amendment will take money from the poor students in East St. Louis or the district in which you represent?"

Flinn: "I'm well aware of it."

Jones: "You're not aware of it?"

Flinn: "I am well aware of it."

Jones: "Oh, so, the poor students that attend the public schools in the East St. Louis area is probably your constituency and yet...and still, you're going to amend a piece of legislation to take money from them. Am I correct?"

Flinn: "It takes money from one group and gives it to another who are underfunded. If you..."

Jones: "Yeah, you're right. You are right. You're absolutely right. I am really appalled that a Democrat on this side of the aisle would... would join forces with someone on the other side of the aisle to rob the poor children, not only in your district, but in any school district in the State of Illinois. This Amendment smacks in the face of everything that we stand for on this side of the aisle, and I'm shocked that you would even join someone on the other side of the aisle to cause further... further harm to the students in the East St. Louis public school district. I'm really shocked."

Flinn: "Well, Mr. Speaker, if the Gentleman would vote for my Amendment, I'll move to the other side of the aisle, if that would help any."

Jones: "Well, if he wants to move, Mr. Speaker, it doesn't make me any difference."

Speaker Peters: "The Chair is ready for the Motion. On the Amendment, Representative Schneider."

Schneider: "Thank you, Mr. Speaker, Members of the House. The two variables that Representative Flinn and Representative Steele are offering, again, do not bear up under close

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

111th Legislative Day

May 18, 1982

scrutiny. When the proposal that was initially offered and now is before us was made before the Commission and the State Board of Education, I had some concerns. I think you have to justify what is the value of weighting, let's say, junior high kids as compared to weighting those that go down to grade one. But, again, we're not looking at any justification material in front of us. I'm not sure there is weight brought to bear on the logic of weighting up and down the elementary scale that has any reason for us to support Representative Flinn's Amendment. So, I think, number one, we need... we don't have the justification for that. I made no deals, but I'll help Jones on this one. .57 is a completely irrational drop, too dramatically. Nonetheless, it, too, is another variable cast among many that could, I think, redistribute funds in a way that has a kind of a scatterbrained approach. Some may land in southern Illinois, some in the center and some in the suburbs. There is no balance to that. The only printout I have seen shows it at 1.446 billion dollars. The real number we're working with now - and I think you ought to keep it in front of you up until at least Third Reading and maybe 'til June - is 1.403 billion dollars. I think the Amendment ought to be defeated."

Speaker Peters: "Representative Hoffman."

Hoffman: "Thank you, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I, too, rise in opposition to this Amendment. Again, this addresses two variables, all of which were considered as we developed this program in the Joint Committee of the School Problems Commission and the State Board of Education. I agree with the last speaker in terms of having looked at these. We know what they'll do. We know what it won't do. I'd only suggest to you that, as this Amendment is drafted, not only would it address the

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

111th Legislative Day

May 18, 1982

Title I weighting, but it would also shift an additional 10 million dollars away from high school districts, which was of some concern to the Representative who attempted to table the original Amendment in Committee. And for these reasons, Mr. Speaker, I would ask for a 'no' vote on this Amendment."

Speaker Peters: "On the Amendment, Representative McGrew."

McGrew: "Thank you very much, Mr. Speaker. I rise to support Amendment #5. I'd like to point out of the fallacies that was addressed by the Minority Leader and that is the Title I weighted factor. You know, I've never quite understood why we picked that particular program. If you are involved in education, you fully realize that that is a federal program 100% funded by Federal Government, has nothing whatsoever to do with the State of Illinois and our formulas, except that we threw it in. I, at one point, asked the Legislature several years ago to change that weighted factor from Title I students to the number of agriculture students enrolled in FFA. It makes just as much sense. We've drawn it out of the air, and I think that an adjustment would help it."

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

Flinn: "Well, Mr. Speaker, I believe everybody understands what the Amendment does. It basically shifts monies from the unit school districts towards those dual school districts, and it recognizes the fact that it costs as much to educate a child in grade school as it does in high school, and I've got an awful lot of mail on this thing. There an awful lot of my constituents, in spite of what the Gentleman from Cook spoke to me about being so ashamed, that they are tired...sick and tired on being on the short end of the stick when it comes to state funding for schools. And I

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

111th Legislative Day

May 18, 1982

would ask for a favorable vote."

Speaker Peters: "The question is, 'Shall Amendment #5 to House Bill 2384 be adopted?'. Those in favor will signify by saying 'aye', those opposed. Representative Flinn? In the opinion of the Chair the 'nos' have it. The Amendment's lost. Any further Amendments?"

Clerk Leone: "Floor Amendment #6, Braun, amends House Bill 2384..."

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

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment changes the Title I weighting to .65. For those of you who were around last year when this Bill came out, we were told then, as Representative Jones has mentioned in debate earlier, that the Title I weighting would be decreased for one year only. Well, Ladies and Gentlemen, here's your opportunity to put the Title I weighting back to where it was and consistent with the agreement and the..that we were all given last year at this time. On a serious note, this Amendment, I think, is important and is necessary because after all, Title I does have a function, and that function is to provide additional funds for those children who need the additional educational assistance. It's just that simple. If we're going to start fooling around with the school budget, it seems to me the least desirable place to take it..."

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

Piel: "A question of the Clerk, Mr. Speaker. Has this Amendment been distributed?"

Speaker Peters: "The indications are it has."

Piel: "We haven't gotten it over here."

Speaker Peters: "Proceed, Representative Braun. Representative Braun."

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

111th Legislative Day

May 18, 1982

Braun: "Thank you. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It seems to me, again, that the least desirable place to take the money is from those children who most need assistance with their education, who most need these dollars. And, again, we were told a year ago that Title I would be reduced for one year only. Now we're going into the second year of yet another reduction. If we are to be consistent and if we are to be ..if we are to keep our word to the public, keep our word to the..to the people who are the real constituency of the schools, I believe that this Amendment ought to be supported on both sides of the aisle and ought to be adopted."

Speaker Peters: "On the Amendment, Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, this is really a smaller brother, a hybrid of Amendment #2. We've argued it on the floor. It was defeated in that Amendment roughly by over 2 to 1 vote. This should get the same 'no' vote that one got."

Speaker Peters: "On the Amendment, Representative Hoffman."

Hoffman: "I would just rise to say I oppose the Amendment and I'm most appreciative of the Sponsor of the Amendment refraining from casting dispersions (sic, aspersions) upon the Sponsor of this humble Bill."

Speaker Peters: "On the Amendment, Representative Ewell."

Ewell: "Mr. Speaker, Ladies and Gentlemen, at this point of the discussion, this reminds me of us signing treaties with the Indians. When we made treaties with the Indians we told them as long as the grass shall grow and as long as the rivers shall run, you shall have the land. Now, it appears the interpretations placed upon that treaty was that in the winter the rivers freeze and the grass doesn't grow. It's spring, so it's time to get out. So, again, you've just made another treaty with the Indians, and you're breaking

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

111th Legislative Day

May 18, 1982

it, and I want to say that again we hear from the 'Claybaugh twins'. It's a very difficult force to oppose.

They're very persuasive in their arguments. But again, I say that we're breaking faith with the Indians.."

Speaker Peters: "Representative Kane on the Amendment."

Kane: "Mr. Speaker and Ladies and Gentlemen of the House, I would point out that in this Amendment or in Amendment #1, is that the Title I weightings are also for only one year and I would hope that nobody thinks that this is a deal that is cut in stone or in granite for year after year. Deals are only one year at a time. This is an Amendment for one year and I would urge the defeat of Amendment #6."

Speaker Peters: "On the Amendment, Representative Vinson."

Vinson: "Yes, Mr. Speaker. I rise for purpose...purposes of an introduction of the sixth-grade class of Christ the King Parish in Chicago, represented by Representative Al Ronan, in the gallery behind the Speaker's podium."

Speaker Peters: "On the Amendment, Representative Madigan. Any further discussion? Representative Braun to close."

Braun: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I would just say in closing, I would appreciate your support for this Amendment so that we not bury our hearts at Wounded Knee on the Title I weighting for this budget. Six point five is where the..where the weighting was when we reduced it one time we were told last year. This Amendment will simply bring it back so as to keep faith with the agreement, with the treaty, with the understanding that we were given last year at this time. And I think that that is only consistent, and Representative Hoffman, I'm not going to cast 'asparagus' at you or anybody else."

Speaker Peters: "The question is, 'Shall Amendment #6 be adopted?'. Those in favor signify by saying 'aye', those

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

111th Legislative Day

May 18, 1982

opposed. In the opinion of the...The Lady requests a Roll Call. Is she joined by the appropriate amount of Members? She is. 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 51 voting 'aye', 104 voting 'nay', none voting 'present'. This Amendment is lost. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. 2489, Representative Kustra. Out of the record. 2501, Representative Vinson. 2501, Sir. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2501, a Bill for an Act to amend the State Property Control Act. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Ropp, amends House Bill 2501 on page.."

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

Ropp: "Thank you, Mr. Speaker and Members of the House. As you may recall about four years ago, the State of Illinois decided to close the Illinois Soldiers and Sailors School in Normal and since that time nothing has been done with that particular property. As a result of a lot of efforts of a lot of people, that property was appraised, has gone through one winter and was reduced in the appraisal value by more than a third. It's gone through a second winter, and it is in the process of going through the third winter unless something is done. I ask for your favorable support. And this Amendment by selling this piece of property to the local municipality in which this school resides so that programs can be developed for people within

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

111th Legislative Day

May 18, 1982

the area throughout central Illinois and all over the state for not only veterans, but for people in the educational area, for senior citizens and others so that this property can be used and not continue to deteriorate over the years as it has been doing the last two and a half winters."

Speaker Peters: "Any discussion? On the Amendment, Representative Yourell."

Yourell: "Yes, would the Gentleman, Mr. Ropp, answer questions?"

Speaker Peters: "He indicates he will."

Yourell: "Does the state own any surplus boats?"

Ropp: "Surplus boats?"

Yourell: "Yes."

Ropp: "Not on this property."

Yourell: "Well, does this include all state property, Sir?"

Ropp: "Not my Amendment, no."

Yourell: "I see. Thank you."

Speaker Peters: "On the Amendment, Representative Cullerton."

Cullerton: "Will the Gentleman yield?"

Speaker Peters: "He indicates he will."

Cullerton: "Representative Ropp, is this the Amendment you were talking about that the Governor's against?"

Ropp: "I haven't actually talked to the Governor. I've seen some indications in the paper that he's not totally in support of it, but I think we can work out those differences, yes."

Cullerton: "Alright, we can support you on this side of the aisle, too."

Ropp: "Thank you."

Speaker Peters: "On the Amendment, Representative Vinson."

Vinson: "Thank you, Mr. Speaker. I have no objection to the Amendment. We can take the voice Roll Call."

Speaker Peters: "Further discussion? Being none, Representative Ropp to close."

Ropp: "Mr. Speaker and Members of the House, I urge your

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

111th Legislative Day

May 18, 1982

favorable support."

Speaker Peters: "The question is, 'Shall Amendment #1 to House Bill 2501 be adopted?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. House Bill 2519, Representative Ted Meyer? Out of the record. House Bill 2563, Representative Phil Collins. Collins. Out of the record. House Bill 2564, Collins? Out of the record. House Bill 2569, Representative Barr? Out of the record. House Bill...House Bill 2588, Representative Giorgi. Representative Giorgi? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2588, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill. No Committee Amendments."

Speaker Peters: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Bell, amends House Bill 2588..."

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

Bell: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a Bill, I think, that probably doesn't take much explanation ..."

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

Stuffle: "I rise on a point of order pursuant to Rule 34 (d). I don't believe that this particular Amendment is in order under 34 (d), because it's not confined to the subject, the title of the Bill. The Bill in its current form deals, I believe, with overlapping taxing districts and property taxes. The Amendment deals with an Amendment to the Illinois income tax. And for that reason, I believe it to

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

111th Legislative Day

May 18, 1982

be out of order under that rule. I would ask you to so rule."

Speaker Peters: "Representative Stuffle...Representative Schraeder, on this point?"

Schraeder: "Just ques..Just question the germaneness of the Bill."

Speaker Peters: "That's the same point."

Schraeder: "On the Amendment, yes."

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

Friedrich: "For the purpose of an announcement."

Speaker Peters: "Proceed, Sir."

Friedrich: "Mr. Speaker and Members of the House, because of the hour, the Rules Committee will not be held after Session today. It will be held immediately after Session tomorrow."

Speaker Peters: "Representative Giorgi."

Giorgi: "Because of the complications and the hour, we'll take it out of the record."

Speaker Peters: "Out of the record. House Bills...House Bills, Third Reading. Page ten..Page ten of the Calendar, House Bill 2617. Representative Daniels? Out of the record. House Bill 2618, Representative Birkinbine. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2618, a Bill for an Act conveying certain lands for park purposes. Third Reading of the Bill."

Speaker Peters: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2618 transfers some property from the State of Illinois to the Wilmette Park District. It's property, actually beach property, that was created by dredging the harbor that is..that was originally created

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

111th Legislative Day

May 18, 1982

simply as a sand settling basin for the north channel of the Chicago River. Because the land was created by dredging and then pumping over the shore over the years, it is officially state property. It needs to be transferred to the Park District. The state does not want responsibility for it. The Park District was (sic, does). I know of no opposition to the Bill."

Speaker Peters: "Representative Schneider."

Schneider: "Thank you. Birkinbine, on this, that the land can be used only for public purposes. Does that mean...Can you still charge a fee if I want to go swimming in that area? Is that a place where I can go swimming?"

Birkinbine: "You can, but under Amendment #1 you cannot discriminate from Members of one village to another."

Schneider: "But do you charge a fee? If you want...Is it \$5.00, \$10.00, \$25.00, \$50.00? If Ray Ewell wants to go swimming there..."

Birkinbine: "Theoretically they could charge you \$100,000 if you wanted to go swimming there.."

Schneider: "As long as you get \$100,000 - they charge you and Schneider - it's even."

Birkinbine: "That's right."

Schneider: "But you can price us out of the market in Wilmette. Isn't there...That's what seems to happen when I run up toward Wilmette and want to jump in the lake."

Birkinbine: "Well, Representative Schneider, the..the public..."

Schneider: "We don't charge you to swim in Naperville."

Birkinbine: "That's within your right."

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

Birkinbine: "Thank you, Mr. Speaker. I urge an affirmative vote on this Bill."

Speaker Peters: "The question is, 'Shall House Bill 2618 be

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

111th Legislative Day

May 18, 1982

adopted?'. Those in favor signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 149 voting 'aye', 1 voting 'nay', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2622, Representative Giorgi. Representative Giorgi? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2622, a Bill for an Act to amend an Act relating to games of chance. Third Reading of the Bill."

Speaker Peters: "Representative Giorgi."

Giorgi: "Mr. Speaker, House Bill 2622 is the ...repeals the sunset clause in not-for-profit raffles and chances. When we enacted the law a couple of years ago, we all agreed that if there were abuses in the Raffles and Chances Act we would let the Bill self-destruct itself. There haven't been any abuses, so we want to extend the life of that. And this repeals that Sunset Act. In the meantime, Representative Meyer, and myself and some other Members of the House have put an Amendment on this Bill that changes the thrust of it, and it allows the Department of Revenue to license and regulate Las Vegas night games for not-for-profit corporations for a \$50.00 fee. Each license is valid for one such occurrence twice a year. All net proceeds are exclusively devoted to the lawful purposes of the license. There can be no remuneration of profit for any person participating. Licensees must keep complete records of gains within three years, and the department is empowered to revoke a license when violations are discovered. I'd recommend supporting this Bill of Roland Meyer and myself, and I'd like Roland Meyer to close if there are any questions or if there are any..any debate."

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

111th Legislative Day

May 18, 1982

Speaker Peters: "Any discussion? Representative Ralph Dunn."

Dunn, Ralph: "Yeah, thank you, Mr. Speaker, Members of the House.

I thought maybe at a late hour night when everybody's wanting to leave, they would pull this Bill out of the hat and say, 'Let's try to pass casino gambling for Illinois'. This is a Bill that would purely allow money on the table, single bets of two dollars with a maximum award of one game of \$500. It is not a...as was explained the other day, there's no mention of script or funny money as they play now. It's certainly a Bill that would allow legalized gambling, open up the State of Illinois for casino gambling. If you want to do this, I think you ought to vote for the Bill. If you want to try to keep our state a pretty good state, keep the...I resent..I resent all of this heckling I'm getting back here from the casino gambling experts who want to have a license. I think you ought to look into this. There's 1600, I believe it is, 1600 gambling..bingo licenses in the State of Illinois. Each of those could have ten days of casino Las Vegas night. I'd urge a 'no' vote on this, and I certainly hope that you will look at it before you vote for it. Thank you."

Speaker Peters: "Representative Beatty."

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

Speaker Peters: "He indicates he will."

Beatty: "Representative, would this allow people to play black jack in churches, or at bingo parlors or some such thing as that? Is this is what this is all about?"

Giorgi: "This allows the licensee, that has now a bingo license, to have events for charity, and it does allow games that are prevalent in Las Vegas. I'm not familiar with them."

Beatty: "Was the previous speaker correct? Is a limit of \$2.00 a bet on..."

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

111th Legislative Day

May 18, 1982

Giorgi: "As I understand it, the Department of Revenue will promulgate the regulations, but it will be play money."

Beatty: "And you can play black jack? You can have these wheels?"

Giorgi: "I think they play that in Las Vegas."

Beatty: "Then who gets the proceeds from this?"

Giorgi: "All the proceeds in the Bill, net proceeds exclusively devoted to the lawful purpose of the licensee which has to be a not-for-profit charitable organization solely. No for-profit corporation's allowed to hold a license."

Beatty: "Does this include veterans groups?"

Giorgi: "Say that again, Sir."

Beatty: "Veterans groups also, are they not-for-profit?"

Giorgi: "Yes. They're..Yes. If they're..No, they have to be charitable."

Beatty: "Does the church...Does the state get any taxes out of this?"

Giorgi: "Yes, Sir. They get \$50.00 for every license."

Beatty: "Thank you."

Speaker Peters: "Representative Dwight Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Peters: "He indicates he will."

Giorgi: "Myself or Roland Meyer, Dwight? Who do you prefer?"

Friedrich: "Well, I think I'd like for you to answer it. I just wondered - obviously this is going to take more revenue inspectors - would you vote for an appropriation of more revenue inspectors?"

Giorgi: "I did last week. I did last Friday, I think."

Speaker Peters: "Representative Ronan."

Ronan: "Yes, Mr. Speaker, will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Ronan: "All right. Representative Giorgi, I've..I've known some people that went to Las Vegas. Baccarat is a very popular

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

111th Legislative Day

May 18, 1982

game out there. Will this Amendment allow us to play baccarat in our churches and social clubs?"

Giorgi: "No, in my analysis, baccarat is..I don't think they understand what the game is in the Midwest, so it isn't in this."

Ronan: "So that this specifically excludes baccarat?"

Giorgi: "Yes, Sir."

Ronan: "Well, then I can't...I can't support this kind of legislation. If you're not going to allow baccarat, then I can't see any reason to support it."

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

Giorgi: "Roland Meyer to close please."

Speaker Peters: "The Cosponsor, Representative Roland Meyer, to close. I'm sorry. Excuse me. Representative Collins on the Bill."

Collins: "Well, Mr. Speaker, just a brief question or two of the Sponsor. Zeke, you said...No. Representative Giorgi. The ...The black jack game, for instance, that will be played...you say they're going to be playing for play money?"

Giorgi: "Yes, as I understand it, the Department of Revenue promulgated rules, and that will be one of the rules.."

Collins: "Oh, what's the..What's the Bill say? Never mind the rules of the Department of Revenue."

Giorgi: "The Bill says that the Department of Revenue will license and regulate on a payment of a \$50.00 fee."

Collins: "Well, much like we did...Where does it say play money?"

Giorgi: "In their regulations."

Collins: "That they're going to promulgate."

Giorgi: "That's right. They're not going to allow...They're not going to allow greenbacks to be used in these games."

Collins: "Did they tell you that, or are you just assuming that?"

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

111th Legislative Day

May 18, 1982

Giorgi: "Mr. Meyer said that on the floor last week."

Collins: "Well, you're saying that now, and I'm...All right. Let's assume that it is play money, and you're a big winner. What do you cash the play money in for?"

Giorgi: "I understand the habit is to have auctions of merchandise that's donated, and then you use your play money to buy merchandise that's auctioned off."

Collins: "Well, I missed that question (sic, answer). I was being coached."

Giorgi: "Mr. Collins..."

Speaker Peters: "Excuse me. Give..give..."

Giorgi: "Mr. Meyer.."

Speaker Peters: "Give the Gentleman your attention. We have only one minor piece of business after this."

Collins: "Say, I think, as a matter of fact, if you look at the Digest, I think you might get Ronan back, because baccarat is mentioned in here. It says, 'roulette, black jack, poker, faro, baccarat, chemin de fare and other games based on playing cards commonly played in Las Vegas'. You've lost me, but I think you've got Ronan."

Giorgi: "Well then I apologize for not knowing that."

Speaker Peters: "Representative..."

Giorgi: "I apologize to Representative Ronan."

Collins: "But I'm serious about the prizes."

Giorgi: "Say that again."

Collins: "I...It is a serious question about one...once I win all this play money, I obviously don't want to take it home with me, so what do I get in exchange for it?"

Giorgi: "You get to auction merchandise that's donated by merchants from that area so the not-for-profit corporations could realize the money that's spent that evening when you come into the place."

Collins: "Where does it say that?"

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

111th Legislative Day

May 18, 1982

Giorgi: "What, Sir?"

Collins: "Where does it say that?"

Giorgi: "Mr. Collins, this Bill...The Department of Revenue will license and regulate Las Vegas night games. Now, the Las Vegas night games are going on all over the state, so the Department of Revenue is very much aware of what transpires in the Las Vegas night play area in your area."

Collins: "Well then under the...All right. Well, then let's take it one step further. If the Department of Revenue says that I can play for cash, it's okay with you and okay with your Bill."

Giorgi: "Well, you know, I've...We've went through this when we tried to legalize the lottery. We went through this when we tried to legalize not-for-profit raffles and chances. We trusted the Governor's Office with the Lottery Control Board, and no one here denies that the lottery has been an outstanding success. It's grossed over one billion dollars without a hint of a scandal..."

Collins: "And I can win cash with that..."

Giorgi: "...Not-for-profit raffles and chances which are the same gauntlet, and we're satisfied today that it is a benevolent piece of legislation for the community. Roland Meyer has worked hard on this Las Vegas night Bill. Again, we depend on the Department of Revenue...Regulations and Revenue, the Governor's appointees, to see that these things are conducted in a lawful and honorable fashion. I have faith in the Governor's Office that he'll be able to handle this Bill."

Collins: "Well, that will be news to the Governor, but we thank you for it."

Speaker Peters: "Representative Ronan on a point of personal privilege."

Ronan: "Yes, I just wanted to clarify the point that this does

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

111th Legislative Day

May 18, 1982

include baccarat; and since it does, I'll switch my position and support the Bill."

Speaker Peters: "Representative Roland Meyer."

Meyer: "Yes, Mr. Speaker and Members of the House. The point that Mr. Collins addressed himself to ...It's my understanding through the Department of Revenue that the money, the play money that you have at the end of the evening, you bid on prizes that have been donated. No prize in aggregate of \$500 will be auctioned off. So the play money that you have at the end of the evening will not be re...cashed in, but it will be...you'll vote on prizes ...I'm sorry. You'll ...They will be auctioned off, and the high bidders will have those prizes. That's how you wind up with the end...the money that you have left. This Bill will be controlled by the Department of Revenue the same as the bingo games are now. Those people who are entitled to a bingo license can, twice a year, apply for a Las Vegas night license. I would ask for a favorable vote on this Bill."

Speaker Peters: "Representative Ewell, the Chair apol..Okay. Further discussion? The question is, 'Shall House Bill 2622 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Representative Carey to explain his vote."

Carey: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I want to rise in support of this Bill. Not only will the state receive the \$50.00 charge for the license fee for them fine nights, but they will also receive ...also will receive five percent of the gross money taken in. I vote 'yes'."

Speaker Peters: "Representative Dunn, what purpose do you seek recognition? Ralph Dunn."

Dunn, Ralph: "Thank you, Mr. Speaker. If this gets 89 votes or

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

111th Legislative Day

May 18, 1982

more, I'd like to verify..."

Speaker Peters: "All right. All right. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 89 voting 'aye', 63 voting 'nay'. Representative Giorgi?"

Giorgi: "Mr. Speaker, you should poll the absentees."

Speaker Peters: "The Gentleman asks for a Poll of the Absentees. Representative Dunn asks for a verification. Mr. Clerk."

Clerk Leone: "Poll of the Absentees: Barnes. Bartulis. Bradley. Henry. Jones. Katz. Krska. Kustra. Leon. McBroom. McMaster. Oblinger. Peters. Slape. Harry Smith. Margaret Smith. C. M. Stiehl. Terzich. Topinka. Winchester. Younge and Mr. Speaker."

Speaker Peters: "Mr. Clerk, record Representative Leon as voting 'aye'. Representative Beatty?"

Beatty: "Mr. Speaker, I pushed the wrong switch. Would you change me to 'aye', please?"

Speaker Peters: "Mr. Clerk, Representative Beatty wishes to change from 'no' to 'aye'. Representative Slape wishes to be recorded as voting 'aye', from none voting to voting. Representative Turner?"

Turner: "Record me as 'aye'. Change me from 'present' to 'aye'."

Speaker Peters: "Mr. Clerk, change Representative Turner from 'present' to 'aye'. What's the count, Mr. Clerk? Hold on. Hold on. Representative Winchester?"

Winchester: "'No'. 'No'."

Speaker Peters: "Record Representative Winchester as voting 'no'. Representative Mays. Mr. Clerk, change Representative Mays from 'yes' to 'no'. Is the Board closed? All right? Do we have all the changes? Proceed with the Verification of the Affirmative. What is the count? Representative Giorgi, the count is now 92 votes in the affirmative. Ninety-two 'aye'. Proceed, Mr. Clerk."

Clerk Leone: "Poll of the Affirmative: Abramson. Alexander.

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

111th Legislative Day

May 18, 1982

Barkhausen. Beatty. Bell. Bianco. Braun. Breslin.
Bullock. Capparelli. Carey. Catania. Chapman.
Christensen. Cullerton. Darrow. Davis. Deuchler.
DiPrima. Domico. Donovan. Doyle. Jack Dunn. Epton.
Farley. Fawell. Flinn. Garmisa. Getty. Giglio.
Giorgi. Greiman. Grossi. Hallstrom. Hanahan. Hastert.
Huff. Jackson. Johnson. Karpel. Keane. Jim Kelley.
Dick Kelly. Klemm. Kociolko. Kornowicz. Kucharski.
Kulas. LaHood. Laurino. Lechowicz. Leon. Loftus.
Madigan. Margalus. Martire. Matijevich. McAuliffe.
McClain. McGrew. MCPike. Ted Meyer. Roland Meyer.
Mulcahey. Murphy. O'Brien. Olson. Ozella. Piel.
Pierce. Pouncey. Preston. Rhem. Rigney. Robbins.
Ronan. Saltsman. Schneider. Schraeder. Slape. Stanley.
Stearney. Stuffle. Swanstrom. Turner. Van Duynes.
Vitek. White. J. J. Wolf. Sam Wolf. Yourell. And
Zito."

Speaker Peters: "Representative Topinka?"

Topinka: "Mr. Speaker, how am I recorded, please?"

Speaker Peters: "How is the Lady recorded?"

Clerk Leone: "The Lady is not recorded as voted."

Topinka: "Would you please vote me 'aye'."

Speaker Peters: "Vote the Lady 'aye'. Representative Meyer, what purpose do you seek recognition?"

Meyer: "Mr. Speaker, I would ask leave of the House to take this out of the record."

Speaker Peters: "Representative Meyer, we can't. What..What we'll...What we can do is to verify below the constitutional number required for passage of the Bill and then have the Bill placed on Postponed Consideration."

Meyer: "All right. Thank you."

Speaker Peters: "Proceed. Representative Dunn."

Dunn: "Thank you, Mr. Speaker. Abramson, is he here? Abramson."

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

111th Legislative Day

May 18, 1982

Speaker Peters: "The Gentleman's in his seat."

Dunn: "The count is what? Ninety-three, is that correct?"

Speaker Peters: "Mr. Clerk? The beginning count, Representative
Dunn, is 93 'aye'."

Dunn: "Thank you."

Speaker Peters: "Ninety-two adding Representative Topinka."

Dunn: "Representative Breslin."

Speaker Peters: "Representative Breslin? Is the Lady in the
chamber? How is she recorded?"

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

Speaker Peters: "Remove her. Representative Dunn, Representative
Yourell asks leave to be verified. Does the Gentleman have
leave?"

Dunn: "Leave."

Speaker Peters: "Fine. All right. Breslin has been removed."

Dunn: "Capparelli."

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

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

Speaker Peters: "Remove him."

Dunn: "Representative Darrow."

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

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

Speaker Peters: "Remove him."

Dunn: "Representative Domico."

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

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

Speaker Peters: "Remove him."

Dunn: "Representative Domico..Donovan. Representative Donovan?"

Speaker Peters: "He's here."

Dunn: "Doyle."

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

111th Legislative Day

May 18, 1982

Speaker Peters: "Representative Doyle? The Gentleman's in the chamber."

Dunn: "Representative Farley."

Speaker Peters: "Farley? Representative Farley? Is the..The Gentleman's in his seat."

Dunn: "Representative Fawell."

Speaker Peters: "I can't hear. Who was it, Tony?"

Dunn: "Fawell."

Speaker Peters: "Representative Fawell? The Lady in the chamber? How is she recorded?"

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

Speaker Peters: "Remove her."

Dunn: "Representative Flinn."

Speaker Peters: "Excuse me. Representative Giorgi?"

Giorgi: "Mr. Speaker, can we put this on Postponed Consideration?"

Speaker Peters: "Postponed Consideration. Mr. Clerk, Senate Bills, First Reading."

Clerk Leone: "Senate Bill 1392, J. J. Wolf - Davis, a Bill for an Act to amend certain appropriations. First Reading of the Bill. Senate Bill 1447, Vinson, a Bill for an Act in relationship to redemption period in real estate foreclosure. First Reading of the Bill. Senate Bill 1663, Ropp, a Bill for an Act to amend Sections of the State Property Control Act. First Reading of the Bill."

Speaker Peters: "Representative Conti, Agreed Resolutions."

Clerk Leone: "House Resolution ...Senate Joint Resolution 92, Zwick - Flinn. House Resolution 913, Olson. House Resolution 914, Dick Kelly - Steczo. House Resolution 915, Dick Kelly - Steczo. House Resolution 916, Breslin. House Resolution 917, Klemm - Zwick. House Resolution 921, Craig Findley. House Resolution 923, Stanley - Carey. House Resolution 924, Jaffe - et al. House Resolution 925, Irv

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Smith - Oblinger. House Resolution 926, Currie - et al.
House Resolution 927, Bianco - et al."

Speaker Peters: "Representative Conti."

Conti: "Mr. Speaker, Ladies and Gentlemen of the House, I move
for adoption of the Agreed Resolutions."

Speaker Peters: "You've heard the Gentleman's Motion. Those in
favor signify by saying 'aye', opposed. In the opinion of
the Chair the 'ayes' have it, and the Resolutions are
adopted. Representative Friedrich, for what purpose, Sir?"

Friedrich: "I just want to repeat the announcement. There will
be no Rules Committee meeting. Apparently some
thought...didn't hear the announcement. It won't be until
tomorrow after Session."

Speaker Peters: "All right. No..What? Mr. ..Mr. Clerk, Death
Resolutions."

Clerk Leone: "House Resolution 918, Telcser - Collins - et al, in
respect to the memory of Mrs. Olivieri."

Speaker Peters: "Representative Conti."

Conti: "Mr. Speaker, I move for the adoption of the Death
Resolution."

Speaker Peters: "The Gentleman moves for the adoption of the
Death Resolution. Those in favor will signify by saying
'aye', opposed. In the opinion of the Chair the 'ayes'
have it. The Resolution is adopted. Is that it? What
else do we have? Representative Telcser."

Telcser: "Mr. Speaker, I move the House stand adjourned until
Wednesday, May 19th until the hour of 9:00 a.m."

Speaker Peters: "You've heard the Gentleman's Motion. Those in
favor signify by saying 'aye', opposed 'nay'. In the
opinion of the Chair the 'ayes' have it. The House is
adjourned. Nine a.m., Wednesday, May 19th. Nine a.m."