

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

112th Legislative Day

May 19, 1982

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

Sister Thomas: "We are here before You, merciful God, conscious of our inadequacies, but grateful and united in a special way in Your holy name. Come and abide in this Assembly, and deign to penetrate our hearts. Be the guide of our actions. Indicate the path we should take. Show us what we must do, so that with Your help, our work may be in all things pleasing to You. May You be our only inspiration, overseer of our intentions. And may You, who are infinite justice, never permit that we be disturbers of justice. Let Your peace fill our hearts, our country, our world, our universe. Confident that You will hear our prayer, Almighty God, we place our trust in Your ever-loving providence. Amen."

Speaker Ryan: "Thank you, Sister. The Pledge will be led by Representative Reed."

Reed 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, with liberty and justice for all."

Speaker Ryan: "Yes, we have a...the machine is now down, again. We can't take the Roll Call for attendance. I have not talked with the electrician yet this morning other than through somebody else. So, I have no idea how long this...it's going to be down. Representative Terzich, for what purpose do you seek recognition?"

Terzich: "Mr. Speaker, Ladies and Gentlemen of the House, while we're in recess, if anybody is interested, we do have a couple of people from the Deferred Compensation Program who is in Mike McClain's office. So, if you have any questions

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or you want to sign up or do any changes on the Deferred Compensation Program, we have representatives from the Department of Personnel in Representative McClain's office behind the House chamber.

Speaker Ryan: "Representative Friedrich, for what purpose do you seek recognition? Try Celeste Stiehl's. Try her mike. How about Ralph Dunn? Try him. Well, that one doesn't work either. Try DiPrima's. His microphone working? Well, Representative Friedrich, you can always make the announcement from the podium, I suppose. Try Collins's over here, Dwight. Phil Collins. Come on up here, Representative Friedrich. We'll let you speak from the podium. Am I glad to hear that."

Friedrich: "Mr. Speaker, I would like to have unanimous consent to hold the Rules Committee meeting in 15 minutes in room 114. There are only a few Sponsors and, in case you've forgotten the Bills posted, it's Beatty, Greiman, Hastert, McAuliffe, McBroom, Olson, Piel, Pierce, Reilly, Rigney and Telcser. It is not our intention to have any vote on those Bills this time."

Speaker Ryan: "Representative Darrow."

Darrow: "I think we should have an Oral Roll Call before we can give consent for anything. We don't even know if there's a quorum today. So, if we'd have an Oral Roll Call..."

Speaker Ryan: "I think your point is well taken, Representative. I think your point is well taken. I think that, since we haven't got a Roll Call, that the Gentleman's order is out of...his Motion is out of order. Your Motion's out of order, Dwight. I hope when you get to the Senate, Darrow, you're as helpful to the President of the Senate as you've been to me. The Clerk has...The electrician has requested two hours so he can, then, reevaluate what's going to happen with this machine. And, believe me, I apologize for

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it; but I don't know what else we can do. That probably doesn't work either. The House will stand in recess until the hour of 11:00 a.m. this morning. I hope we'll have a better idea at 11:00 o'clock, according to the electrician, what's...what's going on with the machine. Representative Friedrich, did you want to have a Committee meeting of the Rules? Did you adjourn until the call of the Chair...recess at the call of the Chair yesterday? Representative Huskey. You're out of order, Representative. We're not even in Session. We're recessed."

Speaker Peters: "The hour of 9:00 o'clock having come and gone, and the hour of 11:00 o'clock having arrived, the House will be in Session. The machine is fixed. Unauthorized personnel will please remove themselves to the gallery. Other unauthorized personnel will quit harassing the Clerk. Mr. Clerk, the Attendance Roll Call. Representative Darrow, do you have a request? ...Bills First Reading."

Clerk Leone: "Senate Bill 1387, Getty, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. Senate Bill 1590, McAuliffe - Koehler, a Bill for an Act to amend Sections of the Crime Victims Compensation Act. First Reading of the Bill."

Speaker Peters: "It appears that a quorum is present. Representative Getty, any excused absences on your side, Sir?"

Getty: "Mr. Speaker, I have no requests today."

Speaker Peters: "Representative Collins, any ex...Representative Daniels, excused absences?"

Daniels: "May the journal show that Representative Barnes is excused due to illness, and Representative Ohlinger is out on official legislative business."

Speaker Peters: "The record will so reflect. Take the record,

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Mr. Clerk. With 164 Members answering the Roll, there is a quorum present. Representative Getty, what purpose do you seek recognition?"

Getty: "Mr. Speaker, I now have a request for an excused absence..."

Speaker Peters: "Proceed."

Getty: "...For Representative Margaret Smith, due to official business."

Speaker Peters: "The lec...record will so reflect. House Bills Second Reading, page 2 of the Calendar. House Bill 1425, Representative Henry. Representative Henry. Gentleman in the chamber? Out of the record. House Bill 1463, Representative Catania. Representative Rea, do you know what Representative Catania wants to do? Out of the record. House Bill 1882, Representative Barkhausen. Has the fiscal note been filed, Mr. Clerk? It has not been filed. House Bill 1883. Has the fiscal note been filed, Mr. Clerk? House Bill 1922, Representative Winchester. Out of the record. House Bill 2096, Representative Tate. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2096, a Bill for an Act to modify the common law doctrine of comparative negligence. Second Reading of the Bill. Amendment #1 was tabled. Amendment #2 was adopted previously."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #3, Leinenweber, amends House Bill 2096..."

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

Leinenweber: "Thank you, Mr. Speaker. Amendment #3, as my understanding is an Amendment that those parties who desire some change in the state's comparative negligence law has agreed to. Basically it is the same...it is exactly the same Amendment that was put to Representative Friedrich's

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Bill, which is House Bill 18 something or other. The number I can't quite remember. But, very briefly, the Bill seeks to modify the state's comparative...pure comparative negligence law, which was adopted by Supreme Court Decision last June, in the following manner: it allows recovery by plaintiffs or persons injured, for their injuries...for the damages resulting from their injuries, the same as the current pure comparative negligent law, unless the claimant, the person injured, is more negligent, that is 51 percent negligent, than either the defendant or the aggregation of more than one defendants. That's all the Bill does. It does prohibit a claimant from recovering when the tryor of fact, be it jury or judge, has determined that the claimant is more negligent than the defendant. It makes no other changes in the law. It would prohibit recovery for those people who are 51 to 100 percent negligent. It is, in my understanding, agreed to by the Sponsor of this Bill as well as those people and all parties who have agreed to attempt to modify the state's comparative negligent law. The same arguments apply to this Amendment as applied to the Amendment to Representative Fred...Friedrich's Bill. It will make some modification in the cost of the pure comparative negligent law. I urge the adoption of Amendment #3."

Speaker Peters: "Any discussion? Representative Greiman. Proceed, Representative."

Greiman: "Mr. Leinenweber, how...how does the provision, with respect to computing the aggregate of negligence work? How would that work? Want to tell me about that?"

Leinenweber: "Well, it would work exactly the way that the current comparative negligent law...the jury or the tryor of fact would compute only the plaintiff's percentage responsibility, as well as the plaintiff's total damages.

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The Bill does not eliminate or modify, in any way, joint and several responsibility of more than one defendant. They would be...the defendants would be left to the current statute governing contribution among tort-feasors. In other words..."

Greiman: "So, if I had...If I were 30 percent negligent and a plaintiff, and there were...let's see, that leaves us... Well, let's make me 40 percent negligent. If I were 40 percent negligent and a plaintiff, and a court looked and said that the three plaintiffs...three defendants were 60 percent negligent, then I could recover from them or not?"

Leinenweber: "You could...You would recover your... Say, your total damages were 100,000 dollars. You would recover 60,000. Your 100,000 would be reduced just as the current law..."

Greiman: "Could I recover all of it from one party?"

Leinenweber: "Yes, you could."

Greiman: "So that, even if one of the defendants was only 20 percent negligent, I would still recover."

Leinenweber: "You could recover...yes. You could recover 60 percent from that defendant."

Greiman: "Well, to the Bill. It seems to me that we play a...a cruel numbers game. It seems to me that juries and judges are...while the Representative could probably show horrendous examples of somebody who's one percent guilty and yet...I mean, one percent free of negligence, and yet recovers billion of dollars. That just simply doesn't happen. It hasn't happened in other states where they are pure negligence, and it won't happen in this state where we have pure negligence. And pure, as a sense, I think describes what our present system is. It is pure. It does compensate people for their damages, not based on an arbitrary number like 50 percent or 40 percent or 80

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percent or even, as the original Sponsors of these Bills wanted, one percent. If you were one percent negligent, you were out of the box. Our present system equitably and fairly distributes guilt. It equitably and fairly compensates people for their loss. That's what the system of justice is really all about; dividing the risk fairly and equitably, dividing the responsibility fairly and equitably. The truth is that the pure negligence...a pure comparative negligence concepts do precisely that; rather than an arbitrary, artificial limitation such as this. Insurance companies, sure, they would like to have an arbitrary thing. They'd like to have anything that cuts down their liability, but I think we are not serving people who are legitimately injured when we inflict upon them an arbitrary line of demarcation upon which their liability rests. If someone is liable, if someone is negligent, they should be held accountable to the percentage of their negligence, regardless of whether they fall below or above a magic line. And, accordingly, I would resist this Amendment."

Speaker Peters: "Further discussion? Representative K...Representative Dunn, Jack Dunn."

Dunn, Jack: "Sponsor yield?"

Speaker Peters: "He indicates he will."

Dunn, Jack: "Representative Leinenweber, I'm not an attorney, and I'm not quite sure I understand the percentile amounts that we're talking in the present law or the new law that we're proposing here. But, I'd like to create a hypothetical case. I'm driving through an intersection on a green light. Someone comes through on the red and tears my car up. Do I have a percentile amount of negligence for being in the intersection?"

Leinenweber: "Well, you're asking me to perform the function of a

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jury. You arguably have a percentile contribution of negligence, yes. Under Illinois laws, it has been very clear that no one may enter an intersection on a green light or a through intersection or to the right, without first having looked both ways to see whether or not there is any other traffic which is either in the intersection or possibly not going to obey the red light. In other words, if you entered that intersection without looking to your left, and a vehicle came through a red light. You would, arguably, have contributed something to your own injury. Now, it would be relatively minimal, perhaps 5 or 10 percent, which is one of the problems that this particular Amendment seeks to address in the current law. Because the person who goes through the red light, in your instance, would have an arguable case and be able to get to a jury on it; where, under my Amendment, the person would not have an arguable case, in all probability."

Dunn, Jack: "This would resolve that kind of a thing from happening, or at least be a step in the right direction."

Leinenweber: "Well, it...it would not...If you are the claimant and go through on the green light, it would not necessarily, remove some reduction from your own damages because, again, you would be, in some probably minimal way, contributorily negligent if you didn't look to your left or to your right before you entered the intersection. However, the person who goes through the red light would, in all probability, in my particular case, not be able to recover anything and be shot out of the box before he gets started. Where, under the current law, he could arguably lay claim to 5 or 10 percent of his actual loss."

Dunn, Jack: "I'll support the Amendment. Thank you, Sir."

Speaker Peters: "Representative Koehler."

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

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House. Would the Sponsor please yield for a question? Representative, if you would please refresh my memory on this. Is the original Amendment to 2096 on this Bill?"

Leinenweber: "There is Amendment #2, as I understand, it to the Bill which is, in itself, a modified form of comparative negligence; which does a number of things more detrimental to claimants than the so-called agreed Amendment #3 does."

Koehler: "The Barkhausen - Tate Amendment is on this Bill, then."

Leinenweber: "Yes, it was..."

Koehler: "And your Amendment would replace..."

Leinenweber: "Replace the Barkhausen - Tate Amendment."

Koehler: "Okay. Well, then, to the Amendment. I wanted to ask you about...when we are talking about aggregate defendants, again. Now, can the plaintiff still claim against one of the multiple defendants if that defendant is less at fault than the plaintiff?"

Leinenweber: "If the total defendants are more at fault than the plaintiff, yes."

Koehler: "Well, so a person who is ten percent at fault could...Well, if we had a plaintiff that was 40 percent at fault, he could collect against, then, a person who was only ten percent at fault, if the multiple defendants were 60 percent liable."

Leinenweber: "Correct."

Koehler: "All right. Now, what about if the...if another defendant was 50 percent negligent..."

Leinenweber: "15?"

Koehler: "50."

Leinenweber: "50."

Koehler: "50 percent negligent, and he was uncollectible."

Leinenweber: "Okay."

Koehler: "Would the defendant who was...or the plaintiff who was 40 percent at fault be able to still collect from the

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person who was ten percent at fault?"

Leinenweber: "Yes."

Koehler: "Thank you very much, Representative, for answering those questions."

Speaker Peters: "Representative Bradley."

Bradley: "Mr. Speaker, I wonder if he might yield for a question."

Speaker Peters: "He indicates he will."

Bradley: "Harry, on the...your Amendment will have nothing to do at all with the joint and several liability, if you had..."

Leinenweber: "My Bill does not el...My Bill retains joint and several liability. That's correct."

Bradley: "Okay."

Leinenweber: "My Amendment, not the Bill."

Bradley: "In other words, if you had a situation where there was an accident with three people involved, and one was determined to be 70 percent at fault, and somebody else was at 5 percent at fault, and one person at 25 percent at fault; but the person who was 70 percent at fault had no assets. The person who was at 5 percent at fault, under I believe the present law, would have to pay all 75 percent of the...of the loss, even under this Amendment. So, you're not doing anything with joint and several liability."

Leinenweber: "No. We've not...We've not in any way changing the current law, which has always been the law in the State of Illinois, of joint and several liability. The defendants would be left to the current provisions of the state contribution among joint tort-feasors, and I understand the problems associated with not...uninsured and uncollectible defendant."

Bradley: "It's something we ought to be working with. I know we're not addressing that problem right now, because your

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Amendment, obviously, does not address that."

Leinenweber: "No, it's...it's a separate issue. It's a separate issue, too."

Bradley: "Maybe we ought to get an Amendment to..."

Leinenweber: "Pardon."

Bradley: "I said maybe I ought to get an Amendment prepared to address that particular issue, because, in some cases, it's..."

Leinenweber: "I think...I think Amendment #2 did that. I'm not sure, but I think Amendment #2, which is on the Bill, so presumably you would..."

Bradley: "Who...Who had Amendment #..."

Leinenweber: "Tate...Representative Tate and Barkhausen, I believe. I think that eliminated...or I know it eliminated the concept of aggregating, which would, by...at least, as a practical matter, eliminate joint and several, too."

Bradley: "I'll take a look at Amendment #2. Thank you."

Leinenweber: "You're welcome."

Speaker Peters: "Representative De...Stearney. No. Representative Deuster."

Deuster: "Representative Leinenweber, it's, I guess, a little noisy here that we're just gathering together, but I would like to ask you..."

Speaker Peters: "Excuse me, Representative. Will...Will those not entitled to the floor please retire to the gallery? Will the Members please give your attention. Proceed, Sir."

Deuster: "Representative Leinenweber, we live in an automobile age and, in my own practice, the most common instance I run into where there is an application of your Amendment, I think, is where there's a multiple automobile accident. Quite often you have four, five or six cars all involved in a crash, and I'd like to pose this question to you. Let's

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assume there were six cars in a crash. Ques...Car # 1 was about 70 percent at fault. This was a car that maybe came swerving down the highway at a high rate of speed and crashed into a second car that had been weaving. Let's say the second car was 20 percent at fault. And then there were a couple of other cars, two or three of them, that were 5 percent at fault. And then the last car that was just sitting there parked, let's say, was zero per cent at fault. Now, I presume, under your Amendment, that the car that was just parked there, that wasn't moving at all, was just sitting there; no negligence at all, there's no question. That plaintiff could bring a cause of action and would not be barred in any way. Is that correct?"

Leinenweber: "That's correct. He would recover 100...well, he would be entitled to recover 100 percent of his damages."

Deuster: "And then, let's say, we had two or three cars that were, say, 5 percent at fault. What would they be entitled to recover?"

Leinenweber: "They would be entitled to recover 95 percent of their damages."

Bradley: "Whatever that was, yeah. And then, the car that was, say, 20 percent..."

Leinenweber: "Would recover 80 percent of his damages."

Bradley: "And the car that was 70 percent..."

Leinenweber: "Under my Amendment, would be shut out."

Bradley: "I see. Thank you very much."

Speaker Peters: "Representative Tate. Representative Tate."

Tate: "Yes. Mr. Speaker and Ladies and Gentlemen of the House, I...I just rise to support Representative Leinenweber's Amendment. We have worked this without...this Amendment out with several different groups. This is a good government Amendment which a lot of small groups are in favor of. And the Representative from LaSalle is opposed

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to and Representative Tate is in favor of. Thank you."

Speaker Peters: "Representative Friedrich."

Friedrich: "Well, Mr. Speaker, Members of the House, a lot of work has been done on this particular area of concern, and we were of the opinion, Representative Epton and Representative Tate and I have been working on this for a long time. And we thought this was a good compromise. I would rather have gone to...all the way back, but I think Representative Leinenweber has offered a suitable compromise."

Speaker Peters: "Representative Birkinbine."

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

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

Leinenweber: "Yeah, I'd like to address a couple of things. One that Representative Greiman, who spoke in opposition to the Amendment. If he'll read the Amendment, he will find that it is far preferable to Amendment #2, which is the Amendment that is currently on the Bill, which eliminates joint and several liability. It also provides for recovery only in the event that the plaintiff is less negligent; in other words, 49 percent as opposed to 51 percent, under Amendment #3. So, he is in the enviable or unenviable position of having to choose whether to make a...what he considers a terrible Bill a little bit more palatable. However, I would also like to make one other comment for the record. I have heard bandied about that this is an insurance...this was drafted by an insurance company. I can assure you it was not. This is one of the few things that I worked out personally with staff, which the various

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parties who have been interested in this particular subject did agree to, as a...as what they thought was a possible compromise; which would...might be most palatable to the Members of the House. So, it is an Amendment, for better or for worse, which was drafted by myself wi...along with a little...with assistance from the staff. So, for that I either take credit or take all of the blame. I urge the adoption of Amendment #3."

Speaker Peters: "The question is, 'Shall Amendment #3 to House Bill 2096 be adopted?'. Those in favor will signify by saying 'aye', those opposed. Roll Call. 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 74 voting 'aye', 73 voting 'nay'. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Breslin, amends House Bill 2096..."

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

Breslin: "Mr. Speaker, withdraw Amendment #4, please."

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

Clerk O'Brien: "No further Amendments."

Speaker Peters: "Third Reading. The Chair recognizes Representative Bower for the purposes of an introduction."

Bower: "Mr. Speaker, Ladies and Gentlemen of the House, those of us that live in the 54th Legislative District and in southeastern Illinois are extremely pleased and honored to be able to present to you today the Class A State Championship Basketball Team, the Indians of Lawrenceville. This is the third year that the Lawrenceville basketball team has been the state champs. They've been to Champaign

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in other years. For a small school, they have done exceptionally well. I'd like to introduce to you now, one of the greatest coaches in Illinois basketball history to introduce the members of his team, coach Ron Filling. Coach."

Filling: "Well, thank you very much, Mr. Bower, and I'd like to thank Mr. Brummer and everybody for the invitation to come up here and watch part of the legislative process. I'd like to say that I think it was our year. We...We finished 34 and 0, and we were extremely proud, but the natives of Lawrence County were getting a little restless. They said that I'd adhere here to the old Chinese proverb, 'Win one soon'. And, so, we had...We tried to give it our best effort, and everything worked out right. At this time, I would like to introduce my two assistant coaches, Rick Curtis and George Grubbs, the little bearded one over here on the left. Okay. Okay, and also, my two managers, Mark Simmons, Tim Sitesinger, and our statistician's Phil Krome. We have two sophomores with us, Keith Prohock. Keith, would you raise your hand? And Jay Baker. Okay, our junior players, if I can find them here, Darren Blaire, Billy Anthony, Dave Parker, Timmy Leastie, Ernie Hoe and Marty Simmons. Marty's standing in the back. And Jeff Gear, our starting guard. Our three seniors with us, Brian Need, Brian Cochran and Doug Novasack. So...So, that is the Lawrenceville contingency that these fellows had the major part in the roll this year. Again, we'd like to thank you for the invitation, and thank you very much."

Bower: "Yes, we have...Two of those guys are all-staters. That's no small accomplishment. There are people in Decatur and Chicago and other places in the state, Edwardsville under Coach Joe Luco, play basketball occasionally. So, we're extremely proud of these individuals. As you probably

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noticed when the coach introduced them, there are a large number of sophomores and juniors. I anticipate them being back here next year for a similar introduction."

Brummer: "After the team is introduced in the Senate, they're going to have lunch with the Governor as well as the Class AA team; so when the budget for the mansion comes through, we don't want anybody questioning the food item."

Speaker Peters: "Second Readings. House Bill 2153, Representative Ralph Dunn. Representative Dunn, do you wish the Bill read, Sir?"

Dunn, Ralph: "Mr....Mr. Speaker and Members of the House, as...as Sponsor of House Bill 2153, I'd like leave to table it. It's on Second Reading."

Speaker Peters: "I didn't hear him. Gentleman asks leave to table House Bill 2153. Is there objection? Being none, House Bill 2153 is tabled. House Bill 2440, Representative Terzich. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2440, a Bill for an Act to amend Sections the Illinois Pension Code. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Peters: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #2, Terzich - McAuliffe..."

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

Terzich: "Yes, Mr. Speaker, Amendment #2 deletes everything after the enacting clause. Now, what it does, there was a Bill passed last year which would allow people whose pension benefit was less than 200 dollars to commute the value. And what the Amendment does is..."

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

Barr: "We...We talked about this last night, Mr. Speaker. This Amendment, I believe, has not yet been printed and distributed."

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Speaker Peters: "Mr. Clerk. You're correct, Sir. Out of the record. House Bill 2448, Representative Daniels. Out of the record. House Bill 2489, Representative Kustra. We'll wait. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2489, 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 O'Brien: "Floor Amendment #1, Madigan, amends House Bill 2489..."

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

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, the...the Bill, House Bill 2489 would provide that the tax board of appeals in Cook County would be altered in such a way that there would be three members elected to the board. One of the members would be elected solely from the City of Chicago, another of the Members would be elected solely from the suburban area around Chicago, and the third member would be elected county-wide. Amendment #1 would also alter the structure of the current board, and it would also provide that there would be three members elected to the board. But, rather than creating two districts for the election of certain of the members, Amendment #1 would provide that all three members would be elected county-wide. That...In each general election one of the members would be elected, for a total of three. So that, over a period of six years, you would have each of the members standing for election. I would move that Amendment #1 be adopted."

Speaker Peters: "Any discussion? Representative Kustra."

Kustra: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The reason for introducing House Bill 2489, the

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reasons are at least twofold. First of all, the Cook County Board of Appeals is a two-member body, and it doesn't much...make much sense to provide a body where ties can frequently occur. And so, my intention with the Bill, by adding a third member, was to break that tie. But, at the same time and even more importantly, to provide suburban property tax payers of Cook County the opportunity for specific representation. And that's what the original House Bill 2489 does. This Amendment does away with that suburban representation. And, whether you're Republican or Democrat, I ask you to take a look at this Amendment very carefully; because if you're a suburbanite in Cook County, it's in your best interest to vote against this Amendment. To vote for the property tax payers of suburban Cook, and see to it that on the Cook County Board of Appeals, which has been plagued by scandals for years, we in the suburbs have the opportunity to put one of our own on there, so that that body which is, in a sense, the last resort for property tax payers in Cook, will have suburban representation. I would encourage a 'no' vote on this Amendment."

Speaker Peters: "Representative Conti."

Conti: "Well, Mr. Speaker and Ladies and Gentlemen of the House, it amazes me year after year after year, I don't care whether you're talking about the RTA, whether you're talking about the circuit court judges, whether you're talking about any kind of party structure at all. I'll even go a step further than Representative Kustra. This is not a suburban fight or that we are fighting for a...a place on the board. Why is it every time some structure is set up, suburban Cook County is treated like orphans? We belong to the rest of the state. What make us so different that we can't have a board member on any of the boards that

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are created in the City of Chicago. I appeal to the Democrats. I appeal to the Democrats that represent people in the suburban area that, for once, I don't care what the structure is, whether it's in Transportation or what...whether you're talking of the Board of Appeals, the tax structure in Cook County is at a point, we're going to have a tax revolt. And who can we go to? Where can we go? We ask for party structure and when it comes to selecting county commissioners; you oppose it. The suburbanites, there are 2,700,000 people out there. And every time a Bill comes up before this House, it is completely ignored that suburban should have any voice and, regardless what the Commission is. I don't know what the Minority Leaders afraid of. Why his...Why can't we have a board member? We're giving you two board members. You know that, one from the City of Chicago, being elected solely from the City of Chicago, is guaranteed of an election. You know that the second one that runs at large is going to be guaranteed of an election. The only one that will be there will be the suburbanite that is voted only from the suburban area, and that isn't asking too much of you. Again, we're giving you a two to one make up of a structure. Now, I appeal not only to the suburban Republican Legislators, I appeal to this whole body, that...Not to forget the suburban area of Cook County. We do belong to the State of Illinois."

Speaker Peters: "The Chair has the clock running, so we'll keep track of the time. Representative Bullock."

Bullock: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's unfortunate that I have to disagree with the Mayor of Elmwood Park and the Gentleman from Glenview. But, the facts are to the contrary, Mr. Conti. The facts are to the contrary in that what this movement proposes

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under Amendment #1 is that each election one person stands. One individual will stand and offer themselves to the voters of Cook County as a representative on the Board of Appeals, a very significant administrative job. You won't be confused with two or three individuals, or two as we've done in the past. The voters of Cook County, not the voters of Chicago, every voter in Cook County can vote for this person in the Democratic primary or Republican primary; and then in the general election, they can vote for the best man, one person. One man, one vote. I think that this House would probably shake on its frame if you and the Gentleman from Glenview were having me to believe that you're asking for a quota. We don't need quotas on the Board of Appeals. We don't need to give a seat to the suburbs. We need to run individuals across Cook County, let them articulate the issues, represent the citizens of Cook County. It's not the Chicago Board of Appeals, it the Cook County Board of Appeals. The fact, Mr. Speaker and Ladies and Gentlemen of the House, is that this is, perhaps, one of the fairest Amendments that could be offered to a Bill that, otherwise, deserved to have been defeated in Committee. The Amendment does no more and no less than insure one man, one vote, ensures reform in a needed area that has not had reform, but is going to receive reform. All indications are that new members don't share the attitudes of some of the previous Board of Appeal members. So I say to you, Ladies and Gentlemen of the House, don't buy the argument of regionalism. Don't buy the argument of factionalism. Buy the argument that the movement has said that in six years each individual member of the Board of Appeals will have to stand and bring their record to the citizens of Cook County. And those of you in suburbia, you know your voting strength. Tell your people to get

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registered. Tell them to vote. And, if you want a suburban representative on that Board, and if that representative can convince all of the citizens of Cook County then they'll be elected. Otherwise, we don't need a quota."

Speaker Peters: "Representative Barr."

Barr: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is a bad Amendment and should be defeated. Representative Bullock has urged us to ignore reasonableness and fairness, and I suggest that we might take the opposite tact, for once in this House. The Board of Appeals of Cook County is analogous to the board of review, which exists in every other county in this state. The boards of review in every county outside of Cook have three members. In most of those counties, the members of the board of review are appointed, by law. By law, in Illinois, the member of the three member boards of review, which exist in every county of this state outside of Cook; the law provides that no more than two of the three members of the board may be members of the same political party. Now, what that statute does, it's the kind of provision which appears in many statutes in this state, it insures that both parties will be represented on this important administrative body, quasi judicial body, that both parties will be represented, regardless of which party is the majority party in the particular county. Now, in Cook County, the Board is elected. What we're saying...So you can't provide by statute that no more than...directly that no more than two members will be from the same political party. The way you have to do that in Cook County, to give us the same kind of fair and reasonable representation that exists in every other county in this state, is to provide that one of the members, if you got a three member board,

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that one will be elected just from suburban Cook County. And that's the way the circuit court of Cook County is set up, of course. We do that with our judges, and this is a quasi judicial body; that one is elected from the suburbs only, one elected from the City of Chicago only, and one elected from Cook County. That's what Representative Kustra's Bill provides. When this Amendment is defeated, we have another Amendment which will present...which incorporates the good parts of Representative Madigan's Bill (sic - Amendment) and, of course, deletes those parts which are harmful to the taxpayers and the citizens of Cook County. I urge a 'no' vote on this Amendment."

Speaker Peters: "Representative Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, it is somewhat amusing all of a sudden since the March primary, to see so much interest, on both sides of the aisle, in a three-man board of appeals. I wonder whether Pat Quinn's nomination in the Democratic Party's primary had anything to do with that. At any rate, I'm going to support this Amendment for this reason. The argument is made, suburban Cook County has not been represented on the Board of Appeals. That's an inaccurate argument; I'm sure not intentionally inaccurate, but clearly inaccurate. Seymour 'Zaben' who serves on the Board is a resident, I believe, of New Trier Township of Wilmette. Pat Quinn, who defeated him in the primary, is a resident of the Oak Park area. So, there are suburbanites serving on the Board, now, and probably a suburbanite in the future. I'm not acquainted with the two Republican candidates for the Board of Appeals, but I think at least one of them is a suburbanite. The question isn't city versus sub...suburbs. The question is good administration and good assessment for all the property in Cook County. This can be achieved by

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county-wide elections that receive attention in the press with one member up for every staggered term. I think Representative Madigan's Amendment #1 accomplishes this. The press proved in the primary this year that their endorsements are followed for Board of Appeals by the voters, whether we like it or not. I think if one member is up county-wide every two years, we will have good assessment and a good Board of Appeals, and that's the electoral system. And, for that reason, I support this Amendment. Let's not divide the city and the suburbs any more than we have already. Let's not put up a Chinese wall between Chicago and its suburbs. I vote 'aye' on the Amendment."

Speaker Peters: "Representative Deuster...Jaffe...Representative Deuster."

Deuster: "...The Sponsor of this Amendment would respond to a question. Do I understand the present..."

Speaker Peters: "He indicates he...Just a second. Representative Madigan, the Gen...the Gentleman is propounding a question. Representative Deuster."

Deuster: "Representative Madigan, do I understand that under existing law two members of the Board of Appeals are elected from the entire county?"

Madigan: "Yes."

Deuster: "And, under the Bill as it now exists prior to the consideration of your Amendments, how would that be changed?"

Madigan: "The Bill would provide that...that there would be three members serving on the Board. One would be elected solely from the City of Chicago; another would be elected solely from the suburban area; and a third would be elected county wide."

Deuster: "Do you oppose increasing the size of the Board from two

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to three?"

Madigan: "No."

Deuster: "Well, what...Why are you offering an Amendment?"

Madigan: "I'm offering the Amendment because my Amendment would provide that all of the members of the Board would be candidates and would be elected county-wide, rather than having a majority of the board elected from districts. I don't feel that...that there has been a need demonstrated for districts; and I also question whether it is appropriate to have districts on a Board in light of the jurisdiction of this Board. The jurisdiction of the Board is county-wide. A complaint relative to a property considered by the Board could originate in any part of the county. And if the Bill, without the Amendment, were to become law then we would have matters under consideration by a Board member who had been elected solely from the City of Chicago; where the complaint was filed relative to a piece of property outside of that member's district. And then, the same would operate in terms of properties in Chicago being considered by someone who has been elected from the different district."

Deuster: "Well, Mr. Speaker, if I might speak to the Amendments."

Speaker Peters: "Proceed."

Deuster: "I think that we are asked here on the floor of the House, often, to deal with problems emanating out of Cook County; because Cook County is so big. And it is alleged that Cook County is politically dominated by one Party, that the Minority people, quite often from the suburbs feel they just have no voice in government, and they're always frustrated. Merit selection of judges is a perfect example. Time and time again the...the time of this General Assembly is taken up the idea of merit selection of judges, because there's such frustration in Cook County

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over the inability of...to get anybody on the bench; because one Party dominates this big, big county. Now, it seems to me that we would have less problems in Cook County taking up the time of the Illinois General Assembly if we allowed Cook County to be divided into smaller area for the election of people to politically sensitive places, important places like either the court or the Board of Tax Appeals. And so, I think that the basic Bill is much better without this Amendment, because it will allow the people in suburban Cook County, at least, to have one person elected. It will allow the people of Chicago to have one person elected to serve, so they'll have a better chance to look over these candidates and influence the results of the election. And then, we balance that in the basic...in the Bill itself by having one person elected county-wide. I think the Bill is well composed, and will help solve problems in Cook County; make all the people in Cook County feel better; the government's more responsive. And I would oppose urge everyone to oppose this Amendment, which is designed to kind of destroy the Bill. And I would say if the Sponsor of the Amendment wanted to write a Bill he could write one and push it through to increase the membership. But let's leave this Bill in the posture composed by the authors of the Bill, and on Third Reading, then, we can debate that and try to shoot it down or support it, whatever our wills may be. So, I urge a 'no' vote on this Amendment."

Speaker Peters: "Representative Jaffe."

Jaffe: "Yes, Mr. Speaker and Members of the House, I probably speak as a member of the smallest political minority in this particular body, and that is a Democrat in suburban Cook County. Let us take a look at this Chinese wall theory that you always have, that exists between the City

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of Chicago and between the suburban areas. Why...Why did this Chinese wall theory ever come into...into reality? The purpose of it really was only for political deals. Let's take a look at it. Take a look at what happens when you have a Chinese wall situation. What happens is that the Democrats in Chicago get their party faithful to run for office. The Republicans get their party faithful in suburban Cook County to run for office. The Democrats in suburban Cook County are out. The Republicans in the City of Chicago are out, and that's basically what happens with the Chinese wall theory. As a matter of fact, every place that you have a Chinese wall theory, you have a great cry for reform in government. You know, look at the governments that are really dominated by the Chinese wall theory, saying saying so many fo r the City of Chicago and so many for the suburban area. The first...The first board that comes into mind is the Cook County Board. I don't think that there is a person in the world that wouldn't realistically say that most of the members on the County Board from both political parties are not really responsive to the party as a whole. The second area is the judges. You know, in suburban Cook County, that's the way that the Republicans get their goodies. They put their people in as judges in suburban Cook County. If you're a Democrat in suburban Cook County, you'll never be slated as a judge. The same thing is true in the City of Chicago. So, I think that we ought to really be realistic about this, and understand that the only way that you're going make the two-party system grow is by electing these people at large. And, therefore, I rise in support of this particular Amendment, and I urge you to cast an 'aye' vote."

Speaker Peters: "Representative Collins."

Collins: "Well, thank you, Mr. Speaker and Ladies and Gentlemen

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of the House, one of the previous speakers said that this was not the Chicago Board of Appeals, but it's the Cook County Board of Appeals. And, unfortunately, while he should be right, he's not; because it is the Chicago Board of Appeals. And that's the way it's been run and that's the way the Chicago machine wants to keep it. And it's ludicrous to say that candidates are selected from the suburbs, as one of the other previous speakers said, because he knows, I know and everyone in this chamber knows that these people are hand-picked by the Chicago machine. They're elected by the Chicago machine, and they're answerable only to the Chicago machine. And that's the way they want to keep it. Now, this Board has been scandal-ridden for years and years, and it has reached such a degree of low repute that this year, even the Democratic primary voters turned on them and, in a moment of anger, nominated a political gadfly that we all know and all despise. And he is the Democratic candidate for the Board of Appeals this year. Now, what could be fairer than this Bill, as presented, that would insure representation for suburban Cook County residents, over two and a half million people, as Representative Conti has already stated. These people are without representation on this Board. They deserve representation. Nothing could be fairer than people from the suburbs being represented, one from the City being representative of the City, and then one overall representing the Cook County residents in an at large election. These...That's the fairest system we could have. And, unfortunately, the Chicago machine is afraid to lose control of this Board. They want to dominate it as they want to dominate every political entity in the County of Cook and the State of Illinois. And let's...I ask everyone in this chamber from Cook County and from downstate, join

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us. Break this strangle hold on this Board. Let's bring equity back to the Cook County Board of Appeals."

Speaker Peters: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this Amendment for three reasons. First of all, we have created, in the Bill, two districts; one of which is substantially larger than the other. That seems to me to be unwise, and it seems to, at least, raise the question of constitutionality. Furthermore, the second...one of the two districts is, by no means, compact. It is, in effect, a half of a doughnut. But, thirdly, and I think more importantly, the Amendment provides everybody within Cook County an opportunity to elect somebody to the Board of Appeals each and every election. That's once every two years, people have the opportunity, no matter where they live in Cook County, to vote for somebody for the Board of Tax Appeals. And I think that that is very important. I think that if we had had that opportunity in place before now, that perhaps when some of these taxpayer rebellions get started, that they would find an outlet in the electoral process, which is where the political changes should be taking place. And, having that opportunity once every two years, I think, is important. And, for that reason and for the others, I support the Amendment."

Speaker Peters: "Representative Ewing."

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

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

Madigan: "Mr. Speaker, in closing, I urge support for Amendment #1. One argument advanced against this Amendment was that

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the Bill, without the Amendment, would guarantee suburban representation. I reject that argument. I reject that argument for two reasons. Number one, Amendment #1 would provide that every member of the Board will be elected county-wide, which means that every member of the Board would be responsible to a suburban constituency; would be responsible to every voter in the suburban area as well as the City area. And I reject that argument for a second reason. If you are familiar with Cook County politics, as Representative Conti is, you know that in the November election there are two Democratic candidates and there are two Republican candidates. The two Republican candidates this November are from suburbia. One of the Democratic candidates is from suburbia. So, three of the four candidates are from suburbia; and, therefore, there is a guarantee in November that 50 percent of this Board will come from suburban Cook County. I urge support for Amendment #1."

Speaker Peters: "The question is, 'Shall Amendment #1 be adopted?'. Those in favor will signify by saying 'aye'...call for Roll Call, Mr. Sponsor. Roll Call. Those in favor will vote 'aye', those opposed will vote 'nay'. Have all voted who wish? What purpose do you seek recognition, Representative Conti?"

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, my name was mentioned twice in debate, and I'd like to respond."

Speaker Peters: "Proceed."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, I think I've been the most vociferous Legislator on this floor when it comes to building a Chinese wall around the City of Chicago and around the County of Cook with the rest of downstate. I agree with what the Gentleman on my

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right...on my left said. But you don't know how frustrated it is. Yes, I am well versed in Cook County politics, Mr. Minority Leader, but it's very frustrating to get up on election day before the polls open up and find out that you've got 480,000 votes already voted from the Chicago Democratic machine, and there's no possible way that the suburbanites can overcome those 480,000 votes by the time those polls close that day, on election day. Yes, I don't want to see a Chinese wall around Chicago. We can't afford the luxury of segmenting the state in three factions. This is one state. The City of Chicago and the State of Illinois is all one state. But you...It's your Party that's made this a Chinese wall around Cook County. We wouldn't be concerned or we wouldn't be interested if the people had a fair chance in an election in Cook County."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take...Representative Collins, what purpose do you seek recognition?"

Collins: "Mr. Speaker, I'm not..I'm not breaking the rules. I just wanted to point out that Representative Margaret Smith was excused because of official business, I believe. Somebody pushed her button."

Speaker Peters: "Would someone change that to 'present'? It'll save us some time. Is it on 'present'? Thank you. Representative Kustra, to explain his vote."

Kustra: "Mr. Speaker, at the appropriate time I'd like to call for a verification of the Affirmative Roll Call."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 86 voting 'aye', 87 voting 'nay'. Eighty-six voting 'aye', 87 voting 'nay'. Representative Madigan."

Madigan: "Mr. Speaker, I would request a verification. However, if you were to remove Mr. Johnson, who is not here, it

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would be a tie vote. The Amendment would fail..."

Speaker Peters: "Representative.."

Madigan: "...No need for a verification. Oh, here he is. Bad information once again, Mr. Speaker. I request a verification."

Speaker Peters: "The Gentleman requests a...Representative Huff, for what purpose do you seek recognition?"

Huff: "Yes, Mr. Speaker, I'd like to..."

Speaker Peters: "Just a second. Just a second..."

Huff: "If there is to be..."

Speaker Peters: "Representative Huff, one second now. There's eight or nine lights flashing. We'll get to everybody. Just..Representative Huff."

Huff: "Thank you, Mr. Speaker. I'd just simply like to be verified, excused. Have leave to be verified now?"

Kustra: "What is the Gentleman asking?"

Speaker Peters: "The verification is on the Negative. Just a second now. I..I..Representative Currie, I see. One second please. One second please. Those who are now voting green are not in the posture of asking the Chair to be verified and leave. We are not ...There's no request at this point for that. Now, Representative Turner, is that also your request? Well, it is not in order at this point. Representative Brummer, for what purpose do you seek recognition?"

Brummer: "Representative Bower and I had agreed we were each going to ask for leave to be verified so that we could meet some constituents who are here in town and I would like leave on behalf of Representative Bower and myself to be verified."

Speaker Peters: "Wait. No, wait. Gentlemen, just...Do you know where we're at? There's no request to verify the green votes. Okay? Now, hang on a second. Representative

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Stewart, for what purpose do you seek recognition? Or do you? Do you not? No, you do not. Representative Stewart?"

Stewart: "Mr. Speaker, I'd like to change my vote to 'yes'."

Speaker Peters: "The Lady changes ...wishes her vote to be changed from 'no' to 'aye'. Representative Satterthwaite, for what purpose do you seek recognition? Satterthwaite? Representative Satterthwaite?"

Satterthwaite: "Please vote me 'aye'."

Speaker Peters: "The Lady wishes to be recorded as voting 'aye'. Mr. Clerk, where are we? Now, there are 88 voting 'aye', 86 voting 'no'. Representative Kustra requests a .."

Kustra: "A verification of the Roll Call.."

Speaker Peters: "..Verification now of the Affirmative vote. Representatives...Representatives Brummer and Bower ask to be verified...Representative Bower, there is objection. Excuse me. The Chair is not going to get into a hassle. There is objection. Representative Jaffe asks leave to be verified and there is objection. Representative Le...The same people that objected to Bower, I think. Now...Let what? Now, before we proceed with all this, Representative Chapman, you had an announcement of import."

Chapman: "Mr. Speaker, I was asking leave to make an important announcement. There are a group of Democrats here today from the Willy Township Regular Democratic Organization. But they apparently have moved on to the next chamber. Thank you for the courtesy."

Speaker Peters: "Happy to oblige. Let us proceed now with the Poll of the Affirmative vote. Now, Representative Huff asks to be verified and that request is denied. Proceed, Mr. Clerk."

Clerk O'Brien: "Poll of the Affirmative: Abramson. Alexander. Beatty. Bowman. Bradley. Braun. Breslin. Brummer.

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Bullock. Capparelli. Carey. Chapman. Christensen.
Cullerton. Currie. Darrow. DiPrima. Domico. Donovan.
Doyle. John Dunn. Ewell. Farley. Flinn. Garmisa.
Getty. Giglio. Giorgi. Greiman. Hanahan. Hannig.
Henry. Huff. Jackson. Jaffe. Jones. Kane. Katz.
Keane. Dick Kelly. Kornowicz. Kosinski. Krska. Kulas.
Laurino. Lechowicz. Leon. Leverenz. Levin. Loftus.
Madigan. Margalus. Martire. Matijevich. Mautino.
McClain. McGrew. McPike. Mulcahey. Murphy. O'Brien.
O'Connell. Ozella. Pechous. Pierce. Pouncey. Preston.
Rea. Rhem. Richmond. Ronan. Saltsman. Satterthwaite.
Schneider. Schraeder. Slape. Steczko. Stewart. Stuffle.
Terzich. Turner. Van Duyne. Vitek. White. Sam Wolf.
Younge. Yourell. And, Zito."

Speaker Peters: "Representative Madigan?"

Madigan: "Mr. Speaker, could you tell us the count at this time?"

Speaker Peters: "Mr. Clerk? Mr. Clerk? Eighty-eight 'aye', 86
'no', the additions being Representatives Satterthwaite and
Stewart from 'no' to 'yes'. Okay?"

Madigan: "Yes."

Speaker Peters: "Mr. Kustra, 88 'aye', 86 'no'. Proceed, Sir."

Kustra: "Thank you, Mr. Speaker. It's the first time I've done
this, Mr. Speaker. You know what we really ought to do is
cut the size of this House by a third and it'd be a lot
easier."

Speaker Peters: "Two-thirds would even be easier."

Kustra: "Representative Henry?"

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

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

Speaker Peters: "Remove him from the Roll."

Kustra: "Representative Pouncey?"

Speaker Peters: "Representative Pouncey? The Gentleman's in the

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chamber."

Kustra: "Representative Schneider."

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

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

Speaker Peters: "Remove him from the Roll."

Kustra: "Representative Kornowicz."

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

Kustra: "Representative Kosinski?"

Speaker Peters: "Kosinski's in his chair."

Kustra: "Representative Martire."

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

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

Speaker Peters: "Excuse me, Sir. I didn't hear the whistle. I apologize. The Gentleman's in the rear."

Kustra: "Representative Krska?"

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

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

Speaker Peters: "Remove him from the Roll."

Kustra: "Representative Garnisa?"

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

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

Speaker Peters: "Remove him from the Roll."

Kustra: "Representative Bradley?"

Speaker Peters: "Representative Bradley's in his seat."

Kustra: "Representative Farley?"

Speaker Peters: "Representative Farley? The Gentleman is in his seat."

Kustra: "Representative O'Brien?"

Speaker Peters: "Representative O'Brien? O'Brien? Is the

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Gentleman in the chamber? How is he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Kustra: "Representative Saltsman?"

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

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

Speaker Peters: "Remove him from the Roll. Excuse me. Representatives Schneider and Garmisa have returned, Mr. Clerk. Return them to the Roll."

Kustra: "Representative McGrew?"

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

Kustra: "Representative Ewell?"

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

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

Speaker Peters: "Remove him from the Roll. Representative...Mr. Clerk, Representative Saltsman has returned. So, remove Ewell..."

Kustra: "Representative Slape?"

Speaker Peters: "Just a second, Mr. Kustra. Remove Ewell; return Saltsman. Are we ready, Mr. Clerk? Proceed, Mr. Kustra."

Kustra: "Representative Slape?"

Speaker Peters: "Representative Slape? The Gentleman's in the rear."

Kustra: "Representative Brummer?"

Speaker Peters: "Representative Brummer? I'm not sure, Representative Madigan. I don't know that that was resolved. Is the Gentleman in the chamber? How is he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Kustra: "Representative Capparelli?"

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Speaker Peters: "Representative Capparelli? The Gentleman's in the chamber."

Kustra: "Representative Currie?"

Speaker Peters: "Representative Currie? The Lady's in the chamber."

Kustra: "That's all, Mr. Speaker."

Speaker Peters: "You have completed? Mr. Clerk? The count is now 83 'aye' and 86 'no'. Representative Madigan?"

Madigan: "I request a verification of the 'no' vote.."

Speaker Peters: "The Gentleman requests a verification of the red votes. Proceed, Mr. Clerk."

Clerk O'Brien: "Ackerman. Alstat. Balanoff. Barkhausen. Barr. Bartulis. Bell. Bianco. Birkinbine. Boucek. Bower. Catania. Collins. Conti. Daniels. Davis. Deuchler. Deuster. Jack Dunn. Ralph Dunn. Ebbesen. Epton. Ewing. Fawell. Findley. Virginia Frederick. Dwight Friedrich. Griffin. Grossi. Hallock. Hallstrom. Hastert. Hoffman. Hoxsey. Hudson. Huskey. Johnson. Karpel. Jim Kelley. Klemm. Kociolko. Koehler. Kucharski. Kustra. LaHood. Leinenweber. Macdonald. Mays. McAuliffe. McBroom. McCormick. McMaster. Ted Meyer. R. J. Meyer. Miller. Neff. Nelson. Olson. Peters. Piel. Pullen. Reed. Reilly. Rigney. Robbins. Ropp. Sandquist. Harry Smith. Irv Smith. Stanley. Stearney. E. G. Steele. C. N. Stiehl. Swanstrom. Tate. Telcser. Topinka. Tuerk. Vinson. Watson. Wikoff. Winchester. J. J. Wolf. Woodyard. Zwick. And, Mr. Speaker."

Speaker Peters: "Mr. Clerk? Representative Ewell, the Gentleman wishes to be recorded as voting 'aye'. What are we starting with now? Eighty-four, 86? Mr. Madigan and Mr. Kustra, the count is now 84 'aye', 86 'no'. Proceed, Sir. Representative Madigan, proceed."

Madigan: "Boucek."

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

Madigan: "Bower."

Speaker Peters: "Representative Bower? Is the Gentleman in the chamber? We took ..Brummer got taken off. How is he recorded?"

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

Speaker Peters: "Remove him from the Roll."

Madigan: "Davis."

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

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

Speaker Peters: "Remove him from the Roll."

Madigan: "Findley?"

Speaker Peters: "Findley is in the chamber."

Madigan: "Fawell."

Speaker Peters: "I'm sorry."

Madigan: "Fawell."

Speaker Peters: "Representative Fawell? The Lady is in the chamber."

Madigan: "Klemm."

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

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

Speaker Peters: "Remove him from the Roll and restore Representative Davis. We have to point removed Bower and Klemm. Proceed."

Madigan: "Koehler."

Speaker Peters: "She's in her seat."

Madigan: "McAuliffe."

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

Madigan: "McBroom."

Speaker Peters: "Representative McBroom? The Gentleman's in his

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seat."

Madigan: "Ted Meyer."

Speaker Peters: "Representative Ted Meyer's in his seat."

Madigan: "Stearney."

Speaker Peters: "Representative Stearney? The Gentleman's in the chamber."

Madigan: "Sandquist."

Speaker Peters: "The Gentleman's in the chamber."

Madigan: "Stanley."

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

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

Speaker Peters: "Remove him from the Roll."

Madigan: "Celeste Stiehl?"

Speaker Peters: "Representative C. M. Stiehl? Representative C. M. Stiehl? Is the Lady in the chamber? How is she recorded?"

Clerk O'Brien: "The Lady's recorded as voting 'no'."

Speaker Peters: "Remove her from the Roll, Mr. Clerk, and restore Representative Klemm voting 'no'. Proceed, Sir."

Madigan: "Tate."

Speaker Peters: "The Gentleman's in the chamber."

Madigan: "Tuerk."

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

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

Speaker Peters: "Remove him from the Roll."

Madigan: "Vinson."

Speaker Peters: "Representative Vinson? The Gentleman's in the chamber."

Madigan: "J. J. Wolf?"

Speaker Peters: "Representative Wolf, J. J. Wolf? Is the Gentleman in the chambers? Yes, he's in the rear."

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Madigan: "Robbins."

Speaker Peters: "Pardon?"

Madigan: "Clyde Robbins."

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

Madigan: "Hoxsey?"

Speaker Peters: "Representative Hoxsey? She's in the chamber and Mr. Clerk, return Representative Tuerk to the Roll voting 'no'."

Madigan: "Jack Dunn."

Speaker Peters: "Jack Dunn is in the chamber."

Madigan: "No further questions."

Speaker Peters: "What is the count, Mr. Clerk? How many 'nos'? The count is 84 'aye' and 83 'nos'. The Amendment... Representative Getty, do you have a question? Oh. I thought you were seeking recognition. The Amendment is adopted. Representative Zito."

Zito: "Mr. Speaker, Ladies and Gentlemen, for the purpose of an announcement. It's my..."

Speaker Peters: "Proceed."

Zito: "It's my privilege for me today to introduce my very favorite group of Ladies from the 'Alter and Rosary Society' of Our Lady of"

Speaker Peters: "Proceed, Representative Zito."

Zito: "I was going to say that they're from Our Lady of Mount Carmel Church of Melrose Park which is my home parish and I would like you to join me in welcoming them to Springfield. They'll be down for the day. Ladies?"

Speaker Peters: "Representative Tuerk for purpose of an introduction."

Tuerk: "Well, Mr. Speaker and Members of the House, not too often in my 14 years have I risen to make an introduction. But I think we have..in fact I know we have a special occasion here this morning. Up in the Speaker's gallery sits 'Mrs.

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Crable', who has put together 59 years of dedicated service as the city clerk of Chillicothe, Illinois. She's in her 60th year as the township clerk. With her is her family and accompanying her on her trip today is 'Bill Prather' who is the Chairman of the Democratic Party of Peoria County, and it's ...Chillicothe is within the 46th District represented by Representative Saltsman, who is in the gallery with 'Mrs. Crable', Representative Schraeder and myself. Thank you very much."

Speaker Peters: "The Chair now recognizes Representative Woodyard for purposes of an introduction."

Woodyard: "Thank you, Mr. Speaker. Come on, Steve. Ladies and Gentlemen of the House, I think this has turned out to be basketball day in the State of Illinois. Representatives Miller, Stuffle and myself also have a basketball..a championship basketball team here today with us. They're members of the Charleston Junior High and they are the class AA champions of that. And I would like to introduce to you Coach Steve Simmons and he can introduce other members of the team and we're just very, very proud of them. We passed a Resolution that they've been presented with here in the House a couple of weeks ago. Steve?"

Steve Simmons: "Thank you, Babe. I would like to thank Representative Woodyard and the House for taking time out to honor our team. At this time I'd like to introduce them: Mike Bell. Mike Bloomquist. David Brown. Rod Chapman. Jeff Gilner. Jerry Hamner. Darrel Hyde. John Kirshner. Kevin Cramer. Ky Lindsey. Jeff Eddie. Tom Pagent. Mike Slavin. John Watson. Tom Wier. And, Jeff Willis. And my Assistant Coach, Harold Royer, is here someplace. The cheerleaders: their sponsor, Brenda Gariat. The cheerleaders: Tammy Bacon. Molly Jackson. Valarie Marble. Christi Younge. Marsha Siele. Michelle

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Johnson and, Justine Duncan. And, my right hand man, been a lot of help to me this year, our manager is Marvin Franklin, David Marawen, Ty Cunningham, Pat Pruitt and Mark Williams. I'd like to thank you very much."

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

Koehler: "Thank you...Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The 45th District is not to be outdone when it comes to introductions. Seated to..in the gallery here to my left are representatives of the Henry, Illinois Junior Women's Club. Would you please join me in welcoming them to Springfield today? Thank you."

Speaker Peters: "Welcome to Springfield."

Koehler: "They are represented by Representative Ozella, Representative Ackerman and myself. Thank you."

Speaker Peters: "House Bill 2489. Any further Amendments, Mr. Clerk?"

Clerk O'Brien: "Floor Amendment #2, Barr, amends House Bill 2489 by changing the Title to read as follows and so forth."

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

Barr: "Mr. Speaker, withdraw Amendment #2."

Speaker Peters: "Amendment #2 is withdrawn. Any further Amendments?"

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

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

Barr: "Thank you, Mr. Speaker. Those of you who've had a chance to consider now during this time here on the floor of the House and the lull in the proceedings the damage that has been done by the unfortunate adoption of Amendment #1 will, I'm sure, join with me now in adopting Amendment #3. Amendment #3, Mr. Speaker, incorporates the ..the good provisions of Amendment #1, makes essential additions which

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are required if the Bill, as amended, is to in effect be legally effective in the following respects. Amendment #3 retains, essentially retains the provisions of the Bill as it now stands as amended by providing that the Cook County Board of Appeals will have three members, beginning with the election of, in November of 1984, that these members will serve six year terms, one elected every two years. And this incorporates a good provision of Amendment #1, the provision for continuity on the Board, which is provided for by the six year staggered term provision so that there will always be experienced members on the Board regardless of whatever turnover might occur in the election. It puts back into the Bill the very important provision of Representative Kustra's original Bill, providing that one of these three members would be elected only from the City of Chicago, that one of these members would be elected county-wide and that one of these members would be elected only from suburban Cook County. In debate on Amendment #1 some statements were made which were ..which were faulty. Representative Bowman, for example, said that this created districts substantially unequal in size. That's not true. The population of the City of Chicago and the population of suburban Cook County are now almost the same. So, we have created here, if you want to think of it as a district situation, areas which are approximately the same in population. But more importantly, Mr. Speaker, this Board of Appeals is a quasi-judicial body. What we're doing here is no different from what we've done for the Circuit Court of Cook County where Judges, who have equal county-wide jurisdiction...They hear cases in the City; they hear cases in the suburbs. But some of those Judges are elected only from suburban Cook County. Some are elected only from the City of Chicago and some are elected county-wide. And what

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we've provided for the Judicial Branch of government of Cook County, we suggest is most appropriate for this quasi-judicial body, which is the final...the final court of last resort, if you will, for property taxpayers in Cook County under the law as it presently exists. Finally, Mr. Speaker, Amendment #3 also includes an Amendment to the Election Code to conform the provisions of the Election Code to the provisions of the Revenue Act as it will be amended in providing that the members of the Board of Appeals will be elected for the staggered six year terms, one every two years. It also changes the method of filling vacancies on the Board of Appeals to conform to the statutes as they now exist, and these are deficiencies not addressed by Amendment #1. It provides for the filling of vacancies by the President of the County Board with the approval of the Board, which is the method used for filling all other vacancies in county offices in Illinois, and removes an archaic provision in the present statute which provides that vacancies on the Board of Appeals are filled by appointment by the Chief Judge of the Circuit Court. That's a throw-back to the days prior to 1964 when we had a county Judge. That office was abolished and there still exists in the statutes though these provisions that provide for filling of vacancies by judicial appointment. This changes that, conforms it with the general laws as it relates to the filling of vacancies in county office. Mr. Speaker, I urge the adoption of Amendment #3. I've discussed it with Representative Kustra, the Sponsor of this Bill, and I believe that he supports me in urging approval of this Amendment. It makes essential changes in the statute which must be made if we're going to do what ..what everybody seems to want to do, which is to provide for a three member board. It conforms practice as closely

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as possible to that prevailing in all other counties of the State of Illinois, and I urge an affirmative vote."

Speaker Peters: "Any discussion? There being none...Ah ha. Now? Now? Representative? It's working..It is now working here. Yes, Sir. Representative Getty."

Getty: "Mr. Speaker, I would ask the electrician to examine the switch...my speak light because I have put it on three times during Representative Barr's discussion and it has gone off on its own, apparently. I would respectfully ask that the electrician be directed to examine that. But I rise, Mr. Speaker, to a point of order."

Speaker Peters: "Yes, I would...I would join with you in sponsorship of a Commission headed by Representative Ronan to study that situation. But, on your point of order, Sir."

Getty: "On the point of order, I respectfully suggest to the Chair that Amendment #3 is now out of order, considering the adoption of Amendment #1. Amendment #3 speaks to amending certain lines in the original Bill which have been supplanted by Amendment #1. It is now clearly out of order and should be declared so by the Chair forthwith."

Speaker Peters: "Considering the adoption of Amendment #1, the charitable thing to do would be to withdraw your point of order."

Getty: "No, thank you, Mr. Speaker."

Speaker Peters: "Mr. Parliamentarian? We'll peruse this...come up with the proper ruling. Representative Conti on this point, Sir?"

Conti: "Well, yes. Mr. Speaker, on the point of order, while he's looking up the ruling, I want to call to the attention to the Members of this House and to the Minority Leader that coming from Cook County, I'm used to losing and I know that you've been fair as long as you've been sitting in

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that Chair, Mr. Speaker. And I think you were in the Chair last week when somebody said that their light was on and they weren't recognized and they started pounding the table and that's the reason why probably most of our lights don't work and that tote board doesn't work up there, because they lost an Amendment, they lost a vote and they got excited about it. Cissy Stiehl was in the House. Cissy Stiehl's light was on. Cissy Stiehl was trying to get your attention, Mr. Speaker. I know what it is to sit up there and it's hard to see all the lights and I know that you acted fairly when you didn't recognize her because you didn't see her light. But I didn't pound my desk. I lost and I lick my wounds. I'll wait for another day and I hope that the Minority Leader and the people on the other side of the aisle can accept the loss once in a while without going into a tantrum."

Speaker Peters: "Representative Getty, would you further detail your point of order?"

Getty: "Certainly, Mr. Speaker. Amendment #1 amended the original Bill. Specifically it amended many parts of the Bill in 15 through 19 enlarging thereon. Amendment #3 would purport to amend parts of the original Bill previously amended so that Amendment #3 would be out of order, since Amendment #1 had already amended and supplanted those parts. If an enrolled copy were before the Chair, Amendment #3 in no way could fit into the enrolled copy. It is therefore out of order and cannot be proceeded on at this time. The Gentleman would have to withdraw this Amendment, proceed to file another appropriate Amendment that would amend it properly."

Speaker Peters: "Well, that's...that's too detailed now, Representative."

Getty: "Well, I was just trying to, in the interests of fairness,

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tell him what he has to do to make it right."

Speaker Peters: "Representative Getty, it would be the opinion of the Chair that the language read together with Amendment #1 is not so confusing as to make that Amendment out of order. Representative Barr?"

Barr: "Well, if that's the ruling of the Chair, Mr. Speaker, I've already spoken on behalf of this Amendment. Is there any further..."

Speaker Peters: "Any discussion? Representative Kustra."

Kustra: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think it's unfortunate that this Bill has boiled down to partisan debate as it has. Mention was made to motives as to why we would want to introduce a Bill increasing the membership from two to three members. All I can say to that is that I had this Bill drafted over a year ago by the Legislative Reference Bureau. My intentions were, as I stated before, to do nothing more than provide suburban taxpayers of Cook County an opportunity for their own representation. That's precisely what Representative Barr's Amendment does. I would encourage an 'aye' vote on Representative Barr's Amendment."

Speaker Peters: "Representative Madigan on the Amendment."

Madigan: "Mr. Speaker, in response to the Gentleman's Motion to adopt this Amendment, I think that I was just as surprised as Mr. Barr at the ruling of the Chair. If..If you were looking at Mr. Barr's face when you rendered your ruling, Mr. Speaker, there was a complete sense of bewilderment at the ruling of the Chair that this Amendment is even in order. And the Parliamentarian's tie is even turning red now. That, having been said, the essential part of this Amendment has already been discussed by this House in Amendment #1. The essential issue is whether the members of this board shall be elected county-wide, whether every

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member of this board will be accountable and responsible to all of Cook County, or whether we shall partake in the establishment of these little fiefdoms that are proposed to be created under this Amendment where there would be a Chicago district, a suburb..a suburban district and then one member elected county-wide. Again, I repeat what I said earlier. I do not feel that there is any purpose served by creating districts. Plus, the jurisdiction of the board is county-wide. The subject matter brought before the board is county-wide. If this Amendment is adopted, people elected to the board from one district will be asked to rule upon complaints which are the subject of property outside of their districts and I don't think that that would serve a useful purpose. And for those reasons, I would stand in opposition to the adoption of the Amendment."

Speaker Peters: "Any further discussion? Representative Pullen?"

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

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

Barr: "Just to respond briefly, Mr. Speaker. I am never amazed, nor am I ...do I look shocked when the Chair rules correctly, as I've noticed that it does during my term as a Member of this House. Representative Madigan doesn't seem to object when a Judge of the Circuit Court elected from one part of Cook County rules on a case affecting litigants in another part of the county or if he does, perhaps he'd like to propose a change in the method of electing Judges. Our Members of this House from outside of Cook County on either side of the aisle, the people in your counties, are protected against unanimous one party domination of your

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boards of review by the statutory provision that provides that no more than two of the three members may be from the same political party. This insures that which ever party happens to be in control of the county board in your county, the Minority Party has at least one of the three members. But that's really what we're asking for here. We have to do it this way because we have an elected board and not an appointed board like you do in every other county in this state outside of Cook County. I'd also like to point out that this Bill does make other changes in the statutes, changes which are essential if, in fact, we're going to proceed through the enactment of legislation which will give us three members on our board which I think everyone in this House, certainly the Leaders on both sides of the aisle, agree is a desirable result. So I would urge an affirmative 'yes' vote on Amendment #3. And Mr. Chairman to...Excuse me. Mr. Speaker, to avoid..to save some of the time of the House, I would request that we do this by an Oral Verified Roll Call."

Speaker Peters: "Representative Madigan. Representative Madigan."

Madigan: "Mr. Speaker?"

Speaker Peters: "Proceed, Sir."

Madigan: "In response to the Gentleman's request for an Oral Verified Roll Call, I might suggest, Mr. Speaker, that you take this question on a voice vote, which would give you an opportunity to rectify your earlier ruling."

Speaker Peters: "You're destined for a higher office, Representative Madigan. The question...Representative Barr?"

Barr: "I assume that Representative Madigan referred to your earlier ruling on the..on the vote on the Amendment #1."

Speaker Peters: "No, I think this was a couple of days ago."

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Barr: "Oh."

Speaker Peters: "The question...The question is, 'Shall Amendment #3 be adopted?'. Those in favor will signify by saying 'aye'. Those opposed? In the opinion of the Chair the 'ayes' have it. Further Amendments. Further Amendments, Mr. Clerk."

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

Speaker Peters: "Amendment #4, Representative Getty. Representative Getty? Excuse me. Representative Kustra? No?"

Getty: "Mr. Speaker..."

Speaker Peters: "Proceed, Sir."

Getty: "...I withdraw Amendment #4."

Speaker Peters: "Amendment #4 is withdrawn. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Getty..."

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

Getty: "Mr. Speaker, Members of the House, Amendment #5 now would provide that the Commissioner having served the longest term in office shall be designated Chairman and shall serve and exercise all administrative functions and duties of the board. I would move for adoption of the Amendment."

Speaker Peters: "Any discussion? Being none, the question is, 'Shall Amendment #5 be adopted?'. Those in favor will signify by saying 'aye'. Opposed? In the opinion of the Chair the 'ayes' have it. The Amendment's adopted. Further Amendments."

Clerk O'Brien: "Floor Amendment #6, Barr..."

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

Barr: "Withdraw Amendment #6, Mr. Speaker."

Speaker Peters: "Amendment #6 is withdrawn. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

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Speaker Peters: "Representative Kustra? Kustra, do you a..."

Kustra: "Mr. Speaker?"

Speaker Peters: "Yes, Sir."

Kustra: "Yes. No, I have nothing. That's it. Move the Bill to
Third Reading."

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

Stuffle: "On a point of personal privilege, briefly."

Speaker Peters: "Proceed."

Stuffle: "Mr. Speaker and Members, about a week ago
Representative Matijevich rose here to point out that the
rules were being broken. In the last two days the Board
has been broken, but over and over the rules continue to be
broken. He pointed out then that he and I had filed a
Resolution which given a number, was not even read on this
House floor, House Resolution 848. It languished on the
Speaker's desk for four days before it was ever read as
introduced. Under our rules, that Resolution, as a Bill,
once being read and assigned to the Committee on
Assignment, is supposed to be assigned to a Committee in
three days. Now that Resolution sat in the Committee on
Assignment now for 14 days, according to the House's own
records, in violation of that three day assignment rule.
Now, people have been very patient about that particular
Resolution. That Resolution deals with a very important
subject. It deals with three pieces of legislation which
will die this week on the deadline unless they're given a
chance for a hearing. There are four Motions on the
Calendar that deal with that Resolution and those three
pieces of legislation calling for election of the Commerce
Commission. It's the right of the Members and the right of
the public to be heard. We have rules that have been
broken over and over and over with regard to this and other

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things. But I rise on the point of personal privilege because of...as a Member I have that right. As a Member under the rules, I and Representative Matijevich and 40 some other people who signed those Motions have a right to be heard. I ask you at some point today in a timely fashion, given the deadline and given the breaking the rules time and time again, to move to the Order of Motions and give us in timely fashion a chance to express our position on those Motions and a chance to bring to the floor, legislation we've been very patient about having heard, legislation that's been prevented from being heard because the rules are broken as I've said over and over and over again. I think we've been patient long enough."

Speaker Peters: "House Bill 2519. Representative Ted Meyer? Ted Meyer? Out of the record. Representative Collins, House Bill 2563? Out of the record. House Bill 2564, Representative Collins? Out of the record. House Bills, Third Reading. House Bill 2635, Representative Telcser. Out of the record. House Bill 560, Representative Katz. Out of the record. House...House Bill 668, Representative Catania? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 668, a Bill for an Act to amend Sections of the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Peters: "Representative Catania."

Catania: "Thank you, Mr. Speaker and Members of the House. House Bill 668 would establish a mechanism to deal with a problem that currently exists for school children who are from AFDC families. In some school districts in the state these children are being required to pay educational fees and their grades are being withheld, in some cases unless they pay the school fees out of their Public Aid payments. In other cases they are simply being denied access to courses

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where they cannot afford to pay the fees. The mechanism that House Bill 668 would establish is that parent, relative or other person liable for the care or custody of the child who is eligible for or receiving assistance under Article IV of the Public Aid Code, that is, coming from an AFDC family, may obtain a voucher from the Illinois Department of Public Aid for payment of assessed fees and verification of the actual educational fees. Such a voucher may be presented to the public elementary or secondary school and the school may then submit it to the department for payment. Some school districts are now waiving the fees. However, some school districts are not. And, this is a provision that would enable all of the children to have equal educational opportunities. I ask for your support."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 668 be adopted?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk? Have all voted who wish? Representative Hoffman to explain his vote."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Thank you very much. Mr. Speaker, I rise in support of this legislation. The Bill does exactly as the Sponsor indicated...Am I on now?"

Speaker Peters: "All right. All right. All right; we're alright now."

Hoffman: "Are you sure?"

Speaker Peters: "Yes."

Hoffman: "I'm not sure I am. The..The fact of the matter is..."

Speaker Peters: "One more time. Okay."

Hoffman: "The fact ...the fact of the matter is that many school districts find themselves in the situation where they don't feel that the rest of the taxpayers on that narrow a base

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should be forced to support the kind of program that is addressed in this Bill. And the..What this Bill does is say that they will, in fact, be reimbursed by..by the department for these educational fees. It seems perfectly reasonable and perfectly logical to me. And I would ask for your 'aye' vote."

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

Deuster: "Well, I'm...Somehow we got into the Roll Call on this, I think, before most Members had a chance to find out what the Bill was about or ask the Sponsor any questions. And I'm sorry that that took place because I thought the Constitution provided that the education was supposed to be free and that our schools weren't supposed to be charging fees. And so I don't know what kind of fees we're talking about, and I think the reason that a lot of people may be voting 'no', as I am, or they probably should be voting 'present', is that I..we are probably a little afraid and perhaps the Sponsor or someone else could assure us that ..whether we're opening Pandora's Box, so to speak, to just say all of a sudden we're going to have the Department of Public Aid flooded by requests for reimbursement for fees that all of the schools start running in asking for. And if that's the case, that is something that we'd be reluctant to vote for. If we're talking about something minor..nobody knows. I don't know if there was any mention about a Fiscal Note or..."

Speaker Peters: "Further discussion? Representative Catania, to explain her vote."

Catania: "Thank you, Mr. Speaker. As I said in my presentation, some school districts waive these fees recognizing that our state law does require that all children have equal educational opportunity and if the family has been established to be indigent, then it is simply impossible to

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require that the family pay these fees. However, we do have some school districts in the state which have refused to pay the fees. So this establishes a mechanism so that if they wish to, the parents may go the Department of Public Aid, request a voucher, take it to the school. The school may then submit the voucher to the Department of Public Aid for reimbursement of these fees. The School Code is quite clear that we cannot require that the indigent pay these fees because we must provide equal educational ...educational opportunity to every child in the state and we cannot deny them that opportunity. We certainly should not be withholding their grades as is being done in some school districts simply because they cannot afford to pay fees for workbooks, textbooks, shop fees, those kinds of things, and I have documentation here showing letters from those school districts that have been denying this kind of access of children who come from indigent families to an equal education in our state."

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

Ropp: "Thank you, Mr. Speaker and Members of the House. I certainly concur with the fact that all young people in the State of Illinois have equal opportunity for education. I'm wondering if, in fact, we don't also have one other point and that is that we, as...or at least those as parents have equal responsibility in some small measure to pick up some of these fees and that maybe it's not the responsibility of every person in the State of Illinois to pick up those fees. And I think this deserves a red vote."

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

One minute."

Schneider: "Thanks a lot, Mr. Speaker, Members of the House. I'm amazed that people have a problem with this notion of free and appropriate publication...public education. The last

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speaker has a district with about 60 kids. He came to the Legislature to keep it recognized as a school district. We gave him overwhelming support, not this Legislator, but most of you, and I think that was a very special interest for a special district. Now we also find that many of us, including myself, from the wealthier districts argue unequivocally for funds for special education, for kids that need special treatment. And here you're arguing about a few dollars over a book fee, a lab fee, other kinds of minimal fees that many districts would see that a child should not be hindered in his education from receiving a denial of those various items in an education. It's a small contribution, a very small commitment, on our part. I hardly think we're breaking the banks if at all. And voting 'no' on this is really not understanding the issue. And I suggest that you vote green on this."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Yourell, 'aye'. On this question there are 105 voting 'aye', 46 voting 'nay', 10 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Daniels in the Chair."

Speaker Daniels: "Representative Boucek for a special announcement."

Boucek: "Mr. Speaker, Ladies and Gentlemen of the House, it is my pleasure to introduce to you the Lions Township Hardhats. The Lions Township Hardhats is a pep club for Lions Township High School, which is in the 6th Legislative District, represented by Representatives Nelson, O'Connell and myself. The Hardhats broke the world's record in a volleyball marathon while raising funds for a worthy cause by playing for 77 hours. You've met the rest. Now you're meeting the best. The previous record of 75 and 1/2 hours

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was set by a professional volleyball team in England which was the official world's record. Representative Phil Bianco and myself attended their awards dinner at their Second Annual Installation on Saturday, May 8th, this year. I take pleasure in introducing to you one of the Sponsors, Mr. Dennis Williams, for further comments and personal introductions. Mr. Williams."

Williams: "Thank you. I'd like to introduce our team. On this side, this is 'Cindy Depretta', 'Tina Norwood', 'Peggy O'Dell'. The shortest member of our team was 'Betsy O'Dell'. 'Mr. Al Valchez', 'Miss Maryann Toy', 'Mr. Ron Church', 'Mr. Donald Norwood', and one of our members could not be with us...Oh, I forgot 'Paul Gakeas', I'm sorry. And 'Mike Kasanto'. Come on up here. One of our members had to go..was a foreign exchange student and had to go back to Switzerland. The Hardhats were formed in 1974 as a pep club for the school. They have attended all the athletic events and major events of the school. They...They represent the spirit of the school. I'd like to introduce our president, 'Mr. Donald Norwood'."

Norwood: "Ladies and Gentlemen of the House of Representatives, I'd like to..Thank you for letting me speak today. We're the greatest."

Williams: "Thank you very much."

Speaker Daniels: "House Bills, Third. House Bill 958, Representative Younge. Is the Lady on the floor? 958, you want to go with the Bill, Ma'am? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 958, a Bill for an Act to establish the Illinois Community Development Finance Corporation. Third Reading of the Bill."

Speaker Daniels: "Representative Younge."

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

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House Bill 958 would establish the Community Development Finance Corporation which will provide loans for small businesses in depressed areas. This Bill passed the House and the Senate, was vetoed by the Governor with the understanding that his staff would sit down and help me rewrite it. We have done so. We have taken out the financing arrangement originally proposed and replaced it with an arrangement which lays more heavily on private industry by private industry purchasing the stock of the corporation. This is a good Bill and it is needed in areas that have an underdeveloped business climate. And I ask for your approval of this matter."

Speaker Daniels: "The Lady moves for the passage of House Bill 958. Any discussion? Being none, the question is, 'Shall House Bill 958 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. There are 111 'ayes', 38 'nos', 7 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Schneider, for what purpose do you arise, Sir?"

Schneider: "I was trying to beat the next crowd of students into the chambers. Can we establish whether or not the rules provide for introductions? I think we're getting so jazzed up on introductions that we'll be here until July 15th. Would Mr. Webb check the rule and then advise the Members on whether or not we ought to be introducing people in the middle of debates or at all? Thank you."

Speaker Daniels: "As you well know, Sir, it's against the rules to make introductions."

Schneider: "...Well, no..Oh, so you will not do that.."

Speaker Daniels: "Sir, when a Member arises for a purpose, I

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recognize that Member, as you know, without regard to the partisan politics that may be involved."

Schneider: "No kidding. Would you please cut the matter off next time?"

Speaker Daniels: "We will do our best and we would ask...Representative Schneider asks all Members to abide by the rules of the House as regarding introductions."

Schneider: "Thank you."

Speaker Daniels: "In the future, if you have any questions, please check with Representative Schneider. Let's go back to House Bills, Second Reading and pick up a few Bills that the Amendments were pending. So we're back on House Bills, Second Reading. We're going to pick up first House Bill 2440. Representative Terzich. Read the Bill, Mr. Clerk. House Bill 2440."

Clerk O'Brien: "House Bill 2440, a Bill for an Act to amend Sections of the Illinois Pension Code. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Daniels: "Are there other Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, Terzich..."

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

Terzich: "Yes, Mr. Speaker, for the third time. Amendment #2 strikes everything after the enacting clause and it resolves a matter for a 'Mrs. Anna Goldfeather' who sent most of the Members a letter regarding the problem. Her husband passed away last year from a kidney disease, and we passed a Bill that would allow a Member to commute their annuity benefits if it was less than \$200. This Amendment will allow persons who withdrew from service or became eligible for widow's benefits in 1981 will receive a monthly annuity between \$100 and \$200 to elect a refund instead of annuity. There's no cost involved in this Amendment. And in addition there's a provision. We passed

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a Bill whereby your contributions into a pension system are now tax free and there was an omission of the pick up for the Superintendent of Schools and again, this is a merely technical Amendment and there's no cost to the pension system and I would move for its adoption."

Speaker Daniels: "Any discussion? The Gentleman from DeKalb, Representative Ebbesen."

Ebbesen: "Yes. Will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Ebbesen: "Yes. I'm reading, let's see, 2240, Amendment #2, something on page three line nineteen.."

Terzich: "Correct.."

Ebbesen: "'...The State Board of Education shall pick up the contribution of all Regional Superintendents required by Sections...'", and whatever it is. I can't read it too well. '...For all compensation earned for the 1982 Calendar year and thereafter...?'"

Terzich: "Yes, Representative. That's why I mention....Because of the pick up for the tax, now your contributions are not taxable for federal tax returns. It's simply to pick up portions....to correct that. That's all it does. Because you cannot physically receive the money under the pick up program and that's all that this does."

Ebbesen: "All right."

Speaker Daniels: "Further discussion? Being none, the Gentleman moves for the adoption...I'm sorry. Representative Barr? Your light's not on, Sir. Is it working? Okay, Representative Barr."

Barr: "Yes, Mr. Speaker, first of all, I requested yesterday a Fiscal Note. Has that been filed yet?"

Speaker Daniels: "Fiscal Note has been filed as amended and I would presume, Sir, it's as amended without this Amendment if this if filed... with Amendment #2 if this Amendment is

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adopted. Fiscal Note has been filed."

Barr: "Would the Sponsor then yield for a question?"

Speaker Daniels: "He indicates he will."

Barr: "Yes, Representative Terzich, I'm concerned too about the question that Representative Ebbesen asked. Is it your contention that the language here at the end of the Bill, the last four lines on page three, that there will be no cost to the state by virtue of the adoption of this Amendment?"

Terzich: "That's correct. It's my understanding that the Amendment is simply for the pick up for income tax purposes, like all the pension systems in the State of Illinois, that we passed under House Bill 2012, exempted contributions from ..for income tax purposes. And that you have to have it on the pick up and this Section was omitted to allow the Superintendents to make that contribution, have it tax deductible."

Barr: "Well...And you're saying that there's no cost to the Board of Education or to the Teachers' Retirement System Fund?"

Terzich: "That's correct."

Barr: "So, the Superintendents still make the contribution. Is that correct?"

Terzich: "That's correct, but this is for... That's correct; but, because of the pick up, the Board has to pick up his contributions so he will not declare it as income. That's the essence of the pick up."

Barr: "Alright. I guess what's confusing me, Representative Terzich, I hear what you're saying, but I'm confused by the use of the term 'pick up'. You're saying that does not mean that the... that the state or the State Board of Education now will assume the obligation to make those payments, which it does not now have. Is that correct?"

Terzich: "Representative, on the whole tax deductibility of all

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of our pension system, it's worked on a pick up basis for income tax purposes."

Barr: "Thank you, Representative.. I think I understand now. Thank you, very much."

Terzich: "If you can't convince them, confuse them."

Speaker Daniels: "Further Amendments? Further discussion? 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 O'Brien: "No further Amendments."

Speaker Daniels: "Third Reading. House Bill 1463, Representative Catania. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1463, a Bill for an Act to amend Sections of the Probate Act. Second Reading of the Bill. Amendment #1 was tabled."

Speaker Daniels: "Any further Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, Catania."

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

Catania: "Thank you, Mr. Speaker. Amendment 1 was tabled yesterday. Right. This is Amendment 2 which addresses concerns that were expressed in the Judiciary I Committee. The Bill deals with visitation rights for grandparents, and this clarifies the situation when adoption has occurred. The Amendments says 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 has the relationship of a related child, as it is defined in another Section of the statute. And then there is one further provision that, when the adoption is not of a related child, as it is so defined, the court may grant visitation privileges, if the

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grandparent or grandparents have previously had legal custody of the minor, or if the minor resided with the grandparents for not less than three consecutive months. It further provides that nothing in the confidentiality provisions covering adoption records shall be violated by this Section of the statute, and I move for the adoption of Amendment #2."

Speaker Daniels: "Any discussion? Gentleman from Cook, Representative Getty. Alright, Ladies and Gentlemen of the House, some of the light switches are not working. So, if you want to be recognized, please make sure that, not only do you press your switch button, but also kind of make sure the Chair sees you, and we'll try to keep attention going here. Representative Getty."

Getty: "Mr. Speaker, I rise in support of this Amendment, and I want to congratulate Representative Catania in working on it so diligently. I have just noted, as I read it over, that there is one thing that I think could be improved, 'related child' appears in quotes the first time it's mentioned. It does not appear in quotes in the subsequent line 10, and I ... (cut off)..."

Speaker Daniels: "Representative Getty."

Getty: "I think probably it should appear in quotes in both place... places. I think that that's a minor thing, and we could ask leave to amend it on its face, at this time. Specifically, Mr. Speaker, it refers to..."

Speaker Daniels: "You're referring to line 10..."

Getty: "In line 10, it does not have related child in quotes. I think, to be consistent, it should be in quotes in both places."

Speaker Daniels: "Representative Catania."

Catania: "Well, Representative Getty and Mr. Speaker, in line 8 we're referring to the term 'related child', which is why

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it's in quotes; and, in line 10, we're talking about the child in the context of the statute. So, it seems to me that it's appropriate the way it's drafted because, when it's the term 'related child' it's in quotes, and, when we're actually using the term in the statute, we're using it out of quotes. Which, I think that's the way it ought to be."

Getty: "Well, in line..."

Catania: "But, if you prefer it and the Chair agrees with you, I have no objection."

Getty: "Well, it would seem to me that if we're saying, and going back to line 7, 'by one whom the child stands in relationship of a 'related child', as defined in 'an Act in relation to the adoption of persons', approved July 17th, 1959, except that even where the adoption is not of a related child'. I think it... it talks of related child in both places in exactly the same context. Now, I would agree that you could take the quotes out in the first one, and it would be perfectly proper."

Catania: "I'd rather do that. Amend on its face by deleting the quotes in the first place, in line 8."

Getty: "Alright. Then in line 8..."

Catania: "If we have leave to do that."

Getty: "Fine. I would join in asking for leave to do that."

Speaker Daniels: "Lady asks leave to amend the Amendment #2 on line 8, by removing the quotes in front of related and the quotes at the end of child. Does she have leave? Hearing no objections, leave is granted, and Amendment #2 will be amended on its face to remove the quotes as stated on line 8. Further discussion? Representative Levin, briefly."

Levin: "Would the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Levin: "Yeah, two questions. First of all, what is a related

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child, as defined in an Act to relationship to adoption of children?"

Catania: "Related child means, 'a child subject to adoption where either or both of the adopting parents stands in any of the following relationships to the child by blood or marriage; parent, grandparent, brother, sister, stepparent, stepgrandparent, stepbrother, stepsister, uncle and great uncle, great aunt or cousin of first degree'. That's currently defined in the statute."

Levin: "Alright. Let me... Okay, let me pose a hypothetical and what I'd like to know is whether or not there would be visitation rights with this Amendment adopted, under this hypothetical. A woman has a child from a previous marriage. She remarries. There is one child born of the second marriage. She then dies. The husband survives. There has never been an adoption by her husband of the first child. Would the grandparents have a right of visitation, under the Amendment with the Bill?"

Catania: "Which grandparents? The grandparents of the first child by the woman?"

Levin: "On the deceased mother's side."

Catania: "He was never adopted."

Levin: "That's correct. He was never adopted."

Catania: "This Amendment deals with adoptions."

Levin: "Alright. So that, if there is no adoption..."

Catania: "And, if he had adopted, he would have been a stepparent and, yes, they could petition the court."

Levin: "If he... If he adopts, then the grandparents would be able to come in. If he doesn't adopt and the child is just living with him, the grandparents would not be able to come in."

Catania: "If he doesn't adopt, this Amendment doesn't deal with it."

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Levin: "Does the Bill or existing law deal..."

Catania: "Yes, the Bill deals with it, and the intent is to give grandparents, whose own child is deceased, some residual right to petition the court for visitation of their grandchildren."

Levin: "Alright."

Catania: "That's the Bill itself. We'll discuss that on Third Reading."

Levin: "With... What would the Bill do, in the situation I talked about. There is no adoption..."

Speaker Daniels: "To the Amendment, Sir."

Levin: "I'm trying to see whether or not this Amendment helps or..."

Catania: "The Amendment only deals with adoption."

Levin: "Alright. So, that neither the Bill or the Amendment would provide a right of visitation for the grandparents in the situation that..."

Catania: "When we get to the Bill, I think that that would provide visitation. It would provide a right of grandparents to petition the court for visitation rights, if it were in the best interest of the child; and, as I said, we will cover that when we get to the Bill on Third Reading. This Amendment deals only with adoption and our staff person, Art Harrison, is on the way to talk to you about it, if you want to discuss it further. Your..."

Levin: "Well, I would ask..."

Speaker Daniels: "To the Amendment, Sir."

Catania: "Your colleague, Representative Rea, is a Joint Sponsor, and I think he'd be happy to talk to you about it too."

Speaker Daniels: "Further discussion? Lady 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?"

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Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Third Reading. House Bill 2563, Representative Collins. 2563, out of the record. House Bill 2564, Representative Collins. Out of the record. House Bill 2569, Representative Barr. Out of the record. House Bill 2588, Representative Giorgi. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2588, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, Bell, amends House Bill 25..."

Speaker Daniels: "Representative Bell, Amendment #1. Excuse me, Representative Bell. Gentleman from Peoria, Representative Schraeder, for what purpose do you rise, Sir?"

Schraeder: "Well, Mr. Speaker, we had a question on the germaneness last night, and I don't know what status we are; but, I'd like to renew that this is not germane to the subject matter of the Bill. And, on that grounds, I would like the Parliamentarian to rule that it is out of order."

Speaker Daniels: "Gentleman from Coles, Representative Stuffle."

Stuffle: "Yes, when we went through the last part of this saga that we were on a point of order with regard to this particular Amendment, which I raised and the Chair had not responded to, and that point of order was simply, given the fact that this Bill, in its current form without Amendment, deals with the issue of property tax in overlapping taxing districts, whether or not this Amendment is now in order which deals, instead, with a different title and deals with the state income tax. I ask the Chair to rule that, because of that, the Amendment was out of order. We never proceeded to that decision, because it was taken out of the record, and I would renew that question at this point,

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asking you to rule this Amendment out of order for those reasons subject to the first sentence of Rule 34-D."

Speaker Daniels: "Representative Stuffle and Representative Schraeder, the Parliamentarian has studied the Amendment and the Bill and rules that the Amendment is in order and is germane. That will be the ruling of the Chair. Representative Bell, Amendment #1."

Bell: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. In 1981 the Illinois Supreme..."

Speaker Daniels: "Excuse me, Representative Bell. Gentleman from DeWitt, Representative Vinson."

Vinson: "I just wondered... wanted to make sure that I understood the nature of the ruling, in that an income tax Amendment is always germane to a property tax Bill. Is that the nature of the ruling?"

Speaker Daniels: "No, Sir. As it relates to this specific Bill, this Amendment #1 is germane as to the Bill. That is the ruling. Representative Bell."

Bell: "Thank you, again, Mr. Speaker. On Amendment #1, in 1981 the Illinois Supreme Court ruled that the Department of Revenue may require world-wide combined apportionment, which is also known as unitary tax, for determining the income tax liability of a unitary business. The Department of Revenue now requires combined apportionment. Amendment #1 to House Bill 2588 will prohibit the Department from requiring or permitting combined apportionment. Why is combined apportionment bad? The California Department of Economic and Business Development has stated that combined apportionment has been a significant disincentive for business considering locating or expanding in that state. It is bad, because our own Illinois Department of Commerce and Community Affairs has estimated that combined apportionment will cost the state 4,985 jobs annually. It

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is bad, because so many corporations have indicated their opposition to combined apportionment. For example, the Committee on State Taxation, an association of 181 corporations, is against this combination. Forty-eight corporations were on record in support of House Bill 1926, which I sponsored and which prohibits combined apportionment. You should be aware that the State of Arizona has advertised in Business Week that it does not have combined apportionment. Obviously, Arizona has determined that most businesses are hurt by combined apportionment, and it seeks to adver... seeks, by advertisement, to attract companies that might want to, otherwise, locate in California (sic, Arizona). I mentioned House Bill 1926 as dealing with this subject. House Bill 1926, however, dealt with more than just combined apportionment. Amendment #1 to House Bill 2588 deals only with combined apportionment. It does not, and I do not seek to amend House Bill 2588 to make it conform with 1926. It is clear to me that combined apportionment is a significant disincentive for business to invest in Illinois; and, for that reason, I urge you to adopt Amendment #1 to House Bill 2588."

Speaker Daniels: "Any discussion? Gentleman from Coles, Representative Stuffle."

Stuffle: "Yes, will the Sponsor yield to a question?"

Speaker Daniels: "He indicates he will."

Stuffle: "Representative... Representative Bell, this is a very complex issue. I think some people are confused about the revenue aspects of what your Amendment would do. Would you walk the House through what will happen with regard to income tax revenues and replacement tax revenues, if this particular Amendment is put on the Bill, in terms of a reduction of revenue to local districts?"

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Bell: "We... We will admit that, initially, there may be a slight reduction in revenue but; however, if you figure that there will be a loss of between 4500 to 5000 jobs annually over the next ten-year period, we see that as a loss of 3.1 billion dollars to the State Treasury, and this is basing our figures on a report done by the Department of Commerce and Community Affairs."

Stuffle: "Isn't it true that the opponents of this particular Amendment, in the concept embodied in it, argue to the contrary and point out that you'll really be reversing the roles of those corporations that now are taking advantage of combined apportionment, putting them in the posture of those who now think they're unfairly taxed or burdened under that system? And the reality of the situation is you're really trading one corporation off against the other, by changing the law. Isn't that really the case?"

Bell: "Actually, what we... we... we are probably trading 200 corporations off against six, but we see it as an incentive for jobs or an incentive against loss of jobs and therefore, the tax revenues that we will bring in from these additional jobs more than makes up for the six corporations that are in opposition."

Stuffle: "What's the shortfall in the short term, in the revenue loss? Is it 45 million or 50 million? How does it compare to the figures that have been developed, regarding the State of California where there have been estimates of a 400 million dollar tax fall off in revenue receipts?"

Bell: "The Department of Revenue has told us that they cannot estimate what the tax loss will be the first year."

Stuffle: "Are there any options now, without this, with the court case for those corporations that think combined apportionment is an unfair burden? Do they have options now that say, basically in the Revenue Act, that they can

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utilize other options, and other exemptions and other alternatives so that they aren't burdened under this combined apportionment system that you oppose?"

Bell: "One minute. Actually, we don't see it; but, if we... if we... Let me just.... I have to find something here. Just one minute, please, Mr. Stuffle."

Stuffle: "I didn't think he answered the question. He's looking."

Bell: "Yeah, just one second, please. I've got to find my answer here. Alright. I.. I think what you're looking for is, because the definition of a unitary business in the regulations of the Department of Revenue is so subjective and ambiguous, that it is likely that many firms will continue to file separately and contest any claim by the Department that they are unitary. These firms that benefit from combination will file that way, and the net result, we see, to be a loss in tax dollars for three of four years, while these cases are contested."

Stuffle: "Would you repeat that figure?"

Bell: "We figure that it will be three to four years that there will be a net loss, while they contest who is and who is not unitary."

Stuffle: "Isn't it true that those people, who have already attempted to claim refunds under the existing system, would still be able to do that, in that we would have that situation in place and with your Amendment, if this were to become law, we would have another group of filers seeking refunds that would cause an even greater fall off in revenues?"

Bell: "Our Bill does... Our Amendment would not go into effect until the next tax year."

Stuffle: "But that is true, isn't it?"

Bell: "They would cut it off right now, this year."

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Stuffle: "They would cut off the refund application, but those in place would stay in place, and those in place would continue to be able... Those who did so would continue to have the opportunity, under the existing law, to draw that refund. You would place these new people in a new posture seeking funds under a different law as refunds. They would contest then. They would be under a different set of circumstances. You'd have two sets of people drawing down the revenues."

Bell: "They couldn't do anything retroactively."

Stuffle: "They couldn't do anything retroactively under this, but those who have already filed, under the existing formula, under the existing apportionment process, would continue to be able to claim those refunds. You would put them in the place, under the old law, and the new people making claims, under the new law. So, both would draw down on the revenues. Is that right?"

Bell: "We think that those who are helped by combined are going to file that way. Those who are not helped are going to file the other way. Either way, we're going to have people fighting this issue. Perhaps you are right in the short run, but we feel it has to be something that needs to be addressed today. It must be stopped right now, because we are going to have these court battles anyway with the people fighting, are they combined or are they not combined. It's going to drag the whole thing out three or four years. We feel this way is going to solve the problem much quicker, much more advantageously to the business community of the State of Illinois."

Stuffle: "To the Amendment for a brief moment, Mr. Speaker. I rise in opposition to the Amendment. I think the Sponsor himself has cited good reasons to oppose his own Amendment. He's going on an estimate in a theory of the loss of jobs.

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One of the major employers in this state has done a good job of pointing out how the combined apportionment system works, how this system has been in place in the state. You're trading one set of corporations for another, under this Amendment. You continue to have refunds under the existing set of circumstances, court cases and law in this state. Those people will still get refunds and draw down the revenues that would, otherwise, go to governments in this state. You would place in the position, under this Amendment, another set of corporations going the opposite direction, as I understand the Sponsor's answers. I know he's attempting to do what he believes is right, but I submit to you his own answers belie the need for this particular Amendment; and, for those reasons, it should receive a 'no' vote."

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

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the.. of the House. After talking with some of the local school district people, the administrators and the board members, they are concerned about the impact on schools and local governments. I might remember... remind the Members of the House that the Department of Revenue has stated that the combined apportionment is a fair and equitable way to determine tax liabilities of unitary businesses. Obviously, the Supreme Court unanimously agreed. A conservative estimate of revenue loss to the state is 180 to 190 million dollars a year, if we didn't have the unitary method. Whenever the state loses this kind of revenues, the schools lose, the local governments lose, welfare recipients, senior citizens, many lose. Whenever we're faced with a loss of two million dollars of revenue per year, many must be concerned. I would urge your

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thoughtful consideration to a 'no' vote on this Amendment."

Speaker Daniels: "The Gentleman from Sangamon, Representative Kane."

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

Speaker Daniels: "He indicates he will."

Kane: "Do you think that business should pay any taxes at all to the State of Illinois?"

Bell: "Obviously, or we would do away with corporate income tax, and that's not what we want to do."

Kane: "How do you arrive at, or what is the fair amount of tax that... that corporations should pay to the State of Illinois? Or, what are the principles of fair taxation?"

Bell: "Yeah, we're not getting into how much a corporation should pay. All we're saying... trying to address here is what we feel is the fair way to... for corporations to pay, not how much, but what way they should be handled, and we feel that, with the competition we have of our neighboring states, Wisconsin, Michigan, Ohio, etcetera, that do not require combined apportionment, that most large industrial states or all large industrial states do not require or allow for combined apportionment; that it keeps us in good competition with them, that it's much fairer to our corporations to handle them in this way. We're not trying to get into how much they should pay. It's just how they should file."

Kane: "Well, I think that you're confusing two issues here, fairness and, also, how much one should pay. Do you think that the corporate income tax in Illinois, isn't that much lower than in any of the other states that you've mentioned? How does the total tax rate compare?"

Bell: "I don't believe it is. I'm not positive."

Speaker Daniels: "To the Amendment, Representative Kane."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, I think

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what we see here is mixing of apples and oranges. First, the Member from the other side says that business should pay some tax, but he doesn't know how much, doesn't know how to allocate it; and, what he wants to do is to give business or cut taxes of businesses as much as possible in the State of Illinois. If one looks at the figures generated by the Taxpayers' Federation and others, they say that the total business tax in Illinois is lower than most of the other states. Our corporate income tax, in particular, set at a four percent rate is lower than in almost every other state in the union; and, yet in addition to this, he wants to give all of the other tax breaks. And what have we done in recent years? We've cut the taxes on business in a number of ways. We've cut it probably as much as 300 million dollars a year; and, if you look around, you'll say, 'That should be an incentive for business to come here. It should be an incentive for jobs to come here.' And what have we seen? We've cut the business taxes, and we have lost jobs. All of the tax incentives that we've put on, in the last several years, have not generated new jobs. It's true that we should not tax more heavily than we should. We should not put business at a disadvantage, but the case is here, in Illinois, that the total tax burden on corporations is lower than in almost every other state. We're going on, and we're shifting more and more of the tax burden away from business and onto the property ta... onto the property owner and on to the individual worker. There is nothing to show, except the self-serving statements of corporations that, if we give them this additional tax break, that there will be more jobs here. What we have seen more and more is that, as business has... wants to get out from underpay... from paying their fair share. What they're saying is,

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'We're going to leave unless you give us another tax break'. Well, the people of Illinois, the individual wage earner, is going to start leaving, unless we start keeping a fair kind of system and that everybody paying their own... their own way. Business not only wants a fair ... fair tax, but they also want all of the services. They want the streets. They want the police protection, and they should pay their fair share, and I think that, if they're going to keep paying their fair share, we should turn down this Amendment."

Speaker Daniels: "Gentleman from Kendall, Representative Hastert."

Hastert: "Would the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hastert: "Mr. Sponsor, I just want to clarify a few things. First of all, something hazy in my mind. Are you Vice Chairman of the Revenue Committee?"

Bell: "Yes, Sir."

Hastert: "Just tell me, will this... do you... has this concept been heard in Revenue Committee?"

Bell: "It certainly would have if our opponents hadn't stopped us."

Hastert: "But you're saying, through some maneuvering or something, that it hadn't been heard in Revenue Committee. Is that correct?"

Bell: "That's right. The opponents of this legislation did not choose to have it heard in Committee and were able to inhibit it from going there."

Hastert: "Now, a couple of other things I'm not quite sure on. You said something from... There's some stats from DCCA about possible jobs four or five years from now. How about the Department of Revenue? Have you checked with the Department of Revenue on what the impact, specifically what

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the impact of this Bill is?"

Bell: "Yes, and they said they were unable to give us an exact figure, but DCCA was very..."

Hastert: "I'm not asking DCCA having 4900 jobs. I'm talking about dollars and cents, Representative."

Bell: "The Department of Revenue said they could not give us a figure."

Hastert: "They could not give you a figure."

Bell: "Yes, Sir."

Hastert: "Did they give you some kind of an implication of what kind of a figure it might be?"

Bell: "No, Sir."

Hastert: "Positive? Negative?"

Bell: "Potentially, 175 to 180 million, but they couldn't give us a hard figure."

Hastert: "That's loss. Is that correct?"

Bell: "Yes, Sir."

Hastert: "Thank you. One other thing I wanted to clear up here. Is there a case now pending before the United States Supreme Court dealing with this very issue?"

Bell: "Would you repeat that? I'm sorry."

Hastert: "Is there a case now pending before the United States Supreme Court.."

Bell: "Yes. Yes, there is."

Hastert: "...with this very issue?"

Bell: "Yes, there is."

Hastert: "Alright. Mr. Speaker, to the Bill, please."

Speaker Daniels: "Proceed, Sir."

Hastert: "Yeah, I think the Vice Chairman of the Revenue Committee has brought before us an Amendment that has some very, very catastrophic economic problems facing this state. I also think that, as the Vice Chairman of the Revenue Committee who has, for this Session of the General

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Assembly, ruled that Committee with rather an iron fist letting Bills in and out, I think it behooves us to take a look at this Bill. I don't think that this Amendment has had the hearing, has had the testimony, has given us one feeling one way or another on what the impact of this... this Amendment to this Bill would be. It is my understanding that House Bill 2588 was not heard, even though it is a revenue Bill, was not heard in the Revenue Committee, but happened to go through the Executive Committee. I think what we have here is a combination of faults, a combination of faults that, first of all, a Bill that got here through a deviate method. Secondly, an Amendment that should have had a hearing, that did not have a hearing is all of a sudden before this Body to deliberate, to make a decision on; a Bill that nobody can really tell what the impact of this Amendment will do. Some people say it will create jobs years ahead. Some people say it will cost hundreds of millions of dollars to state and local government in this state. I don't think this is the time nor the place to consider this Amendment to this Bill. I would ask the Members of this Body to consider these ideas and these facts that we've talked about and respond negatively to this Amendment."

Speaker Daniels: "Gentleman from Peoria, Representative Schraeder."

Schraeder: "Thank you, Mr. Speaker and Members of the House. What the previous speaker just mentioned, I think, was probably the... really critical to this issue of this Amendment. When this Amendment originally was introduced, and I might add, this was introduced in July of 1981; and yet, the Sponsor of this legislation hasn't even cleared his own Committee with it, hasn't had a hearing there. So, I think that speaks the very fact that it's not a

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knowledgeable subject in Members of Revenue Committee and those people who deal in these subject, as their question of the proper Committee, but it's interesting. The Department of Revenue themselves say they don't have a handle on how to judge the loss or increase in income because of this particular piece of legislation. They don't have a handle on it. Well, if the Department of Revenue don't know, then how can the Legislature, in their wisdom, pertain to know what's going on in regards to it. They say they don't have an... any knowledge, but they also say that House Bill 1926, as drafted, was poorly drafted and it should have additional work done it, in that regard. So, that's all the more reason it should not be on the House floor as an Amendment. It should be heard in Committee. But I think, in addition to all that, this particular legislation was in the Supreme Court for action there and they... the Supreme Court upheld it, and that particular verdict has been now appealed to the Federal Supreme Court; and, I think that, in itself, would indicate we should delay this type of thing. But, when you study all the corporations that are for and against, it would lead you to believe that no one has a handle on the outcome, and I don't think Illinois should be jumping into conclusions either for or against legislation which would hinder the tax structure in Illinois. We know what we have now. A 'no' vote on this Amendment will keep the status quo as it is. Your particular employer and corporation in your district will not be affected by leaving this Amendment off, but he will be drastically affected if we adopt this Amendment. The State of Illinois will be drastically affected, and all I'm saying is, let's send this to the Revenue Committee, bring it up next year when it's had sufficient study, the experts have looked at it.

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The Revenue Committee, in its wisdom, then can make a judgement and give it to us, and I would say this Amendment ought to be defeated at this time."

Speaker Daniels: "Gentleman from Cook County, Representative Barr."

Barr: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The problem is that we do not know what we have now, Representative Schraeder. We... We have no idea and neither do the taxpayers of the State of Illinois. This is a good Amendment. It is the policy... It is the income tax policy which this Legislature has stood by since 1969, when the Illinois income tax was first enacted. I'd like to review that very briefly. Back in 1969, this state adopted an Income Tax Act. One of the principle virtues is it's simplicity and straightforward nature. It's understandable by taxpayers from the most sophisticated, down to the individual taxpayer. It collects revenue at a flat rate. It has produced a great deal of money to support the operations of state and local government in this state. Ladies and Gentlemen, it works. Now, what has happened? It was very clear when that law was adopted in 1969 that the so-called unitary or combined apportionment method was not proper. It's clear from the statute itself. It's clear from the legislative history. This Legislature, when it passed that Act in 1969, specifically ruled out the use of combined apportionment. The use of consolidated returns are specifically forbidden. The unitary system, which has been notorious for its anti-business effects, was ruled out. In the mid '70's, the Department of Revenue, acting on its own without legislative authority, decided that, although the Income Tax Act as it existed then and as it exists now; because, it's never been changed, decided that that...that the Income Tax Act did not support the

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so-called unitary or combined apportionment concept. But, said the Department of Revenue, nevertheless, nevertheless, the Department was authorized to impose, on taxpayers in this state, the so-called unitary system, and the authority that they cited was the multi-state tax compact. This Legislature, in reaction to that bureaucratic fiat by the Department of Revenue, repealed the multi-state compact. The Legislature said, 'The only way we can get at the Department, the only way that we can restore the true meaning of the Income Tax Act is to repeal the multi-state tax compact', and the Legislature did that; and, as a result, the Department of Revenue withdrew its regulations authorizing the so-called unitary system and, again, we were back where we were supposed to be with the Income Tax Act, as originally enacted. And then one of the major corporations in this state, to whose advantage it would be to have the unitary system, and don't forget this unitary system. It cuts both ways. If you're a corporation that has foreign subsidiaries or, for example, with losses, you like the unitary system, because you can bring those losses into Illinois, combine them with your Illinois income and reduce or eliminate your Illinois income tax liability. So, a certain large corporation in this state, which very badly wanted the unitary system, because it would reduce that corporation's income tax liability for the year in question, brought a lawsuit contending that it was entitled to use the unitary system; and, the Illinois Supreme Court eventually held that... that that was... that that position was correct. Despite the legislative history and the wording of the statute, the Supreme Court held that a corporation is entitled to use the unitary system, and the Department of Revenue is entitled to force the unitary system on corporations in the State of Illinois; and,

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that's the case that's now pending in the United State's Supreme Court. The Illinois Supreme Court didn't hold that the unitary system is the best... is the better system. It didn't hold that it's fair, and reasonable and proper, or it means more money for the school children. What it held was that the Illinois Income Tax Act authorizes the use of this system in Illinois, and what the United State's Supreme Court is now being called upon to decide is whether or not that decision of the Illinois Supreme Court, not whether it's right or whether the Illinois Supreme Court has interpreted the statute correctly. That's not the question now pending. The question in the U. S. Supreme Court merely is, does the unitary system violate the equal protection provisions of the 14th Amendment to the United States Constitution? And, eventually, it will decide that, but that's not the question on which this Legislature should decide. What is the proper income tax, corporate income tax policy to be adopted in the State of Illinois? The present system imposed on the corporate taxpayers of this state, by the Department of Revenue, is not fair. It's based solely on a bureaucratic interpretation. It opens its way, very clearly, to harassment of corporations, because the Department functionaries, who wish to be tough on one corporation, can demand that all of its subsidiaries throughout the world, regardless of their relation to Illinois; that the income of all of those subsidiaries be included in its Illinois income, and they can take exactly the opposite position with regard to another corporation; and, as a practical matter, there is no defense. The simplicity of the statute is... is... is seriously injured, by the imposition by the Department of the unitary system, and what this Amendment seeks to do is return the Income Tax Act. The only way we can do it we can.. is to reverse

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the Department's position, by legislation, make it crystal clear, if it wasn't clear before, what the ongoing and continuing position of this Legislature has been; that unitary and combined apportionment is not permitted in the State of Illinois. And I urge, Mr. Speaker, the adoption of this Amendment."

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

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

Speaker Daniels: "He indicates he will. Representative Bell."

Darrow: "Representative Bell, you mentioned that California has combined apportionment. What results have they had out there with regard to businesses locating in that state?"

Bell: "The California Department of Economic and Business Development have stated, and I quote, 'that business perception of California's unitary tax has been a significant disincentive to businesses considering locating or expanding in that state'."

Darrow: "And who is it that you were quoting there?"

Bell: "That's the California Department of Economic and Business Development. It's the... It's California's answer to the Department of Commerce and Community Affairs."

Darrow: "Now, if your Amendment is adopted, what do you foresee as a long-range effect on the Illinois economy?"

Bell: "We see an estimate of about... of almost 5000 jobs per year and, over a ten-year period, an increase in tax revenues of 3.1 billion dollars."

Darrow: "Now, it's my understanding that these jobs would be in industries friendly to Illinois that..."

Bell: "Yes, Sir."

Darrow: "...industries that are building in Illinois, unlike a large industry that Representative Schraeder represents. Are you aware of Caterpillar ever building a plant in the

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State of Illinois within the last three or four years?"

Bell: "I... I believe most recently they've been in Indiana, Iowa and then just north of us."

Darrow: "So, what about John Deere and areas such as that in our quad city area? Aren't they constructing plants in Illinois?"

Bell: "Yes, Sir. They just recently did some more construction in Milan, Illinois, which is in our district."

Speaker Daniels: "Well, we would turn you on if we could... the system worked. Try Representative Getty's mike, Representative Darrow."

Darrow: "To the Amendment, Mr. Speaker."

Speaker Daniels: "Proceed, Sir."

Darrow: "As Representative Bell has... As Representative Bell has indicated, this Amendment is quite beneficial to the State of Illinois. Revenues will increase. The job market will increase. We're suffering severe economic recession at this time. There are layoffs in my area. Where there's farm implement manufacturing, the employment rate is between 10 and 20%. John Deere has been a good employer. They've hired the local men and women into their factories. They have not located outside the State of Illinois; yet, the people who are against this Amendment take pride in building their plants in Iowa, Wisconsin, Indiana. They're exporting jobs to other states. They're continually complaining about the business climate and; yet, they're opposed to legislation that would improve that business climate. What we're looking at is 98 corporations that want to hire people, want to hire Illinoisans, want to build plants in this state. They're in favor of this Amendment, but we're fighting one of the largest and that's Caterpillar. Representative Schraeder talks about sending this back to Committee. It's obvious he wants to kill this

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good Amendment. For the good of our citizens, for the good of our constituents, we should vote 'aye' on this fine Amendment. Thank you."

Speaker Daniels: "Further discussion? The Chairman of the Revenue Committee, Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, this issue has been besieging us now for a number of days. Most of us have talked to people on both sides of this issue and are certainly caught in the middle of a bad situation on whichever way we may go on this Amendment. There have been some very forceful arguments made here today; and, in the near future when you call for a vote, even I will have to make up my mind how I'm going to vote on this Amendment. I think there are some things that should be said though. Representative Barr made a good argument, but I think he failed to give all sides of that story. For instance, there are a number of companies who have already filed for a refund, not just Caterpillar, and I'm certain they have; but, the Department of Revenue estimates 1500 companies have filed for a refund, under the unitary method. That's equally, probably, as many that oppose it. There are big loser and big... (mike malfunction)... Turn... Is the mike on? Thank you. If we leave the Bill in its current status, the Department of Revenue says they would expect that we would have no loss of revenue and, eventually, an increase of 180 million a year, and that's over a several year period. If this Amendment is adopted, the Department says the best we could do is break even to a loss in revenue in the years ahead. The one solution that would make all of the business units happy, and I'm certain those on the other side of the aisle would be fast to support, would be to give us pro-choice, but this would only cost the state millions of dollars in the years ahead. This is

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a battle between... (mike malfunction)... in Illinois, and some of the people that haven't been heard from are the little taxpayers, the businesses who only operate in Illinois, and they're not going... they're the ones that are going to pay the tax, whichever way you go with this Bill. They don't have the sophisticated accountants to hide their ... (mike malfunction)... in other states that don't have an income tax. They don't incorporate in Delaware where financial matters and financial businesses are not taxed. They're right here in Illinois paying the tax, year after year, on whatever profit they make. There are a couple things that bother me. The unitary tax we... (mike malfunction)... companies bringing money ... or losses into Illinois to write off, and maybe Caterpillar wants to do that; but, also, there are companies who can hide their income in states that don't have an income tax, unless you have a unitary one. Or, the companies who oppose the unitary maybe have an unprofitable situation in the State of Illinois and; therefore, they want to be taxed on only that which they have in Illinois. Ladies and Gentlemen of the House, you'll have to make your own decision... (mike malfunction)... way you do, you certainly will find some of your constituents who will not be happy. This is not a one-sided issue. Definitely, there is two sides. Certainly, there are losers on both sides."

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

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will Representative Bell yield for a couple of questions?"

Speaker Daniels: "Indicates he will."

Bullock: "Representative Bell, there's a part of this Bill that deals with foreign corporations. Are those corporations exempt?"

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Bell: "Representative... Representative Bullock, as I said in my opening arguments, this Amendment is not 1926, and we have taken out everything other than combined apportionment. We have taken everything to do with foreign dividends, etcetera, out. This is only combined apportionment now."

Bullock: "Then my second question, do you recall, Representative Bell, the Supreme Court vote on the combined apportionment or unitary tax decision?"

Bell: "You're talking about the State of Illinois Supreme Court?"

Bullock: "Yes, Sir."

Bell: "Yes, I'm aware of the results."

Bullock: "Could you cite, for this Body, that vote on this concept?"

Bell: "I don't know the exact vote. I do know... all I know is what their ruling was. Their ruling was that they would... that the combined apportionment was the way that we were to pay taxes."

Bullock: "Mr. Speaker, the Bill."

Speaker Daniels: "Proceed."

Bullock: "Ladies and Gentlemen of the House, when you cut beneath the veneer for the corporate lawyers, the tax analysts, and try and reduce the concept to the layman's language, you find one thing is perfectly clear and has been ably enunciated by the Chairman of the Revenue Committee in his recent discourse on this matter. But, for the record, let me say, the Supreme Court of the State of Illinois voted unanimously and without dissent; that in the State of Illinois we should have combined apportionment or unitary taxing. The concept that we are asked to consider here today, separate accounting versus combined accounting, as has been said before, this concept, if we are to allow the economy to flourish, will be abdicated under Amendment #1 to 2588, and what you will, in effect have, are those

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corporations that only do business within the State of Illinois will be settled with the burden of paying the taxes in the State of Illinois. One of the things that is very ironic to me and that is the Multi-State Commission, the National Conference of State Legislators, the AFL-CIO, not just Caterpillar and the Continental Bank, all agree, all agree that the most conservative estimate; that if we adopt Amendment #1, in terms of lost revenue to the state, is 25 million dollars. But our own Department of Revenue has issued figures that range anywhere from 180 million dollars a year to, if you include a replacement tax loss revenue, to 298 million dollars a year lost revenue to the State of Illinois. We know the difficult economic times that we find ourselves in, in this state, and I don't think there's a one of us here that, if we acted responsibly, could justify, not a 25 million dollar loss to units of local government, to schools, fire districts, sanitary districts, but I know that we wouldn't, in our wildest imagination, expect the Governor to sign or expect the Senate to concur in a Bill that would allow this state to lose 200 million dollars. I think what we have here, Ladies and Gentlemen, is a very simple... (mike malfunction)..."

Speaker Daniels: "Every light on the board has gone out. Representative Bullock, you talk too long. The voting board has gone out. Representative Bullock, I warned you about your talking. How about shouting? There we go. We're back on. Representative Bullock."

Bullock: "Well, Mr. Speaker, I would take a 'no' vote and sit down and shut up."

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

Vitek: "Mr. Speaker, this is an important question, but you're

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talking about Amendment 1. I just noticed on my desk Amendment #15. So, if we continue, we're going to be in a long night. So, I move the previous question."

Speaker Daniels: "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 Gentlemen, Representative Bell, to close."

Bell: "Thank you, Mr. Speaker. I think that we've had some things here that are not too clear, and I'd like to address a few of them. First of all, the highest rate of immediate loss that we have seen or any kind of revenue loss is 175, 180 million dollars, and we know that fact; that, when the loss of jobs or with the increased jobs, rather, that we will have, if this Amendment is put on, the increased jobs will bring far more money into the state in taxes, far more money to local governments in taxes than any loss of state income tax. The Supreme Court decision we've heard talked about; first of all, it's not the Supreme Court that makes laws. It's this Body that makes laws. The Supreme Court decision is doing nothing more than interpret... interpreting, in their opinion. They have interpreted the statute. We think that they interpreted that statute wrong. If we have this... this current method, and if it stays and if this Amendment is not put on the Bill, who is going to, in the State of Illinois, want to come in and pick up a failing industry? If we have an industry failing, who is going to want to come in here, as a profitable company, purchase that industry, knowing good and well that it may be a loser for a while, and have their profits tied into that losing industry? We've also heard the argument about why this Bill did not get into the Revenue Committee. I think everybody on this floor is well aware that we did not get to the Revenue Committee, because

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we were stopped by a parliamentary procedure. We wanted to go there. Our opponents did not want us to go there. It's like the story of the children who shot their parents and then asked for the mercy of the court, because they're orphans. That's the argument we're hearing there. The filings of the people who filed for returns, under the Supreme Court decision, yes, there have been quite a few files. That doesn't mean that those people are all opposed to this Amendment. As a matter of fact, one of the corporations involved is Household International. They have filed for a refund, and they are supportive, very supportive of Amendment #1 to 2588. The State of Illinois will not lose. The State of Illinois, the people of Illinois will gain. Amendment #1 to 2588 means jobs. Jobs mean less spending for the State of Illinois. That means more money for other programs. More jobs means more tax revenue at all levels of the state. I could go into quite a few other arguments on this. I think that you heard as much or more than most of you want to hear. This, if we do not pass, if you do not adopt Amendment #1 to 2588, we have a disincentive to business in Illinois. The adoption of this Amendment means that we now are showing business that Illinois wants their business, and that we're actively seeking their business; and, I ask for your favorable support on Amendment #1."

Speaker Daniels: "Gentleman moves for the adoption of Amendment #1. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's over... open, and the Gentleman from Will, Representative Davis, to explain his vote. Timer's on."

Davis: "Thank you, Mr. Speaker, finally. I think the question here is obviously one of long-range tax policy. A lot of the opponents have dragged out figures, and fear and loss

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of impact. Under either method, there's going to be loss of... of economic revenue to the state and projected loss, if we go back to the... to the pre-unitary ruling by the Supreme Court. It's just as simple as this. There's a disincentive for profitable business, under unitary, to move into Illinois. If a profitable company wants to take over Wisconsin Steel, they're going to lose by taking over Wisconsin Steel under the unitary rule in Illinois. If a profitable company wants to take over a Chrysler plant that may or may not survive the next few years, and God willing that they do and that Belvidere plant is empty, a profitable company won't come into Illinois. If a company in Illinois wishes to export its income, they'll buy unprofitable companies in other states or build in other states and create losses in those other states, so they can use the unitary method. It's a question of long-term tax policy that we're talking about today. It is not the short run. There's going to be economic consequence whatever we do today. There's going to be consequence, but I can tell you that I believe the DCCA argument, I believe in the long run over the next ten years, if we do not adopt this Amendment, that we are going to be looking at a three billion, with a B, billion dollar tax loss in this state to the local taxing districts, the school district in the State of Illinois. It's an excellent Amendment. I know there's controversy. There's business community seems to be somewhat divided. There are a lot of one side, a few on another, but you have to have a comprehensive total long-range tax policy that we've had, up until recently, and then was reversed by a subjective and ambiguous rule written by a bureaucratic organization in this state without the stamp of this Legislature; and, that's what this Amendment seeks to do, is to put it back where it was,

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by legislative action."

Speaker Daniels: "Gentleman from Lake, Representative Pierce, to explain his vote."

Pierce: "Mr. Speaker, I'm not going to speak on the merits of this Bill. I think it's a disgrace to the General Assembly that the matter this important is taken on Second Reading on the floor and not heard in Committee. I don't know whose fault it was, probably both sides fault. I don't know whose figures are right, but I think they're all blowing smoke out their ear. They don't know how much money is going to be lost by this and how much money is going to be gained by unitary. Unitary is a complex subject. The courts don't make law. They interpret laws that we pass, the Illinois Income Tax Act. The litigation is not over as yet. We haven't waited for the litigation to determinate in the U. S. Supreme Court. We don't have accurate figures. We couldn't question witnesses in Committee. This whole action today, I think, reflects very poorly on the General Assembly; and, for that reason, I intend to vote 'no'."

Speaker Daniels: "Gentleman from Peoria, Representative Tuerk, to explain his vote."

Tuerk: "Mr. Speaker and Members of the House, it looks as if the dye is cast, ill advised at it might be, but I just wanted to make sure that the record is clear in responding to Representative Darrow's comments relative to making plant expansions and building new plants, by a major corporation in this state, outside of the state. It is true that Caterpillar Tractor Company has built plants in Indiana and Iowa and other states, but the thing that he didn't tell you and I think every Member of this General Assembly, particularly the House should know; that, while it's doing that, it's also expanding in Morton, in Mapleton, in

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Peoria. It's picked up a plant in Pontiac, all of which are in Illinois. In addition to that, it has expanded and updated plants in Aurora, Decatur and Joliet, and I just wanted the record to be clear on that particular point."

Speaker Daniels: "Gentleman from McClain, Representative Bradley, to explain his vote."

Bradley: "Not to... Mr. Speaker, not to explain my vote though. On a point of order, Mr. Speaker."

Speaker Daniels: "State your point."

Bradley: "My point, Mr. Speaker, on the assignment of Bills, in Rule 31-E, it says that any Bill that would increase or decrease the revenues of the state, either directly or indirectly, shall be referred or re-referred to the Committee on Revenue before final action is taken in the House. This Bill originally went to the Executive Committee, Mr. Speaker; and, if this Amendment now, as it appears, will be adopted, then, Mr. Speaker, the Bill shall have to be re-referred to the Executive Committee before final action can be taken, under Rule 31-E. And I'd like a ruling on that, Mr. Speaker."

Speaker Daniels: "At the appropriate time, we'll make the ruling."

Bradley: "Thank you."

Speaker Daniels: "Further explanation of vote? The Gentleman from Whiteside, Representative Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Just a moment to discuss a firm whom I have gone out to visit in Nebraska, 'IWA-B Processors' who told me, unequivocally, that they cannot afford to do business in the State of Illinois under the existing tax structure; and, as a consequence, I strongly urge an 'aye' vote on this measure."

Speaker Daniels: "Further explanation of vote? The Gentleman

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from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is one of the most difficult decisions I've had to make in all the time I've spent down here. It seems like we're standing in the middle of the corral as the shoot out is about ready to occur. Now, at the OK Corral, it's your own decision on who were the good guys and who were the bad guys; but, basically, what we have here is a vote that I'm going to have to cast for the industry wanting to come in to the State of Illinois and has purchased property in Bureau County. My sympathies, of course, have always laid with the Caterpillar Tractor Company; but, in this instance, I must support the industry in my Legislative District and the one that deeply wants to come in and be a part of the Illinois economy. Therefore, I vote 'aye'."

Speaker Daniels: "Have all voted who wish? Representative Darrow, you spoke in debate. We have 113 votes here. Representative Darrow."

Darrow: "Thank you, Mr. Speaker. To respond to Representative Tuerk, I stand corrected, Representative. I did not know they expanded in Illinois. I'm sorry about that. Most of the correspondence that seem to cross my desk indicate that Caterpillar is expanding outside of the State of Illinois due to unemployment and workman's comp.. I would appreciate it if later you would furnish me with the places you named and the employees and the reason they are expanding in the State of Illinois. Thank you."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. There are 116 'aye', 49 'no'. 1 voting 'present', and Amendment #1 is adopted. Representative Bradley, state your point."

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

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again, I call to the attention of the Chair Rule 31-E, which indicates that any legislation that's going to have an impact upon the revenue of the State of Illinois, must be referred or re-referred to the Revenue Committee, and this Bill was assigned originally and evidently went through the Executive Committee. It has not gone to the Revenue Committee and, Sir, with that... calling that to your attention, I would like you to so rule on the... my point of order."

Speaker Daniels: "Representative Bradley, your point is well taken; however, there has been a Motion filed by Representative Bell to suspend that rule. Representative Davis."

Davis: "Well, Mr. Speaker, I suggest that Speaker Redmond used to say, 'Let's bid that devil a good morning when we meet him'. There are further Amendments, I believe, offered to this Bill, and I believe Rule 31-E prescribes final action and not action on amendatory activation taken during this amendatory process. And I suggest that that... that that Motion will probably be debated at the end of this particular string of Amendments."

Speaker Daniels: "I believe your point is well taken, Representative Davis, and we'll take this point up at the time the Amendment stage is completed. Mr. Clerk, I believe there are 15 Amendments to this Bill. Is that correct? There are 15 Amendments, and we'll have to wait to see what other Amendments may or may not be adopted to the Bill; and, then we'll recognize whatever Gentleman wants to put whatever Motion on the Bill. Representative Bullock."

Bullock: "Mr. Speaker, Amendment #1 has been adopted. You've declared that the Amendment is adopted. Under the temporary rules of the House in Rule 34-D, at the

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appropriate time, I want to request the Chair to make a ruling as to the status of the Bill. My interpretation of the rules is that the Bill would be placed on Second Reading, First Legislative Day."

Speaker Daniels: "We'll recognize you for that purpose at the appropriate time. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Satterthwaite."

Speaker Daniels: "Representative Satterthwaite, on Amendment #2."

Satterthwaite: "Mr. Speaker, I ask to withdraw Amendment #2."

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Satterthwaite."

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

Satterthwaite: "Mr. Speaker and Members of the House, Amendment #3 is perhaps needed more than ever now, because Amendment..."

Speaker Daniels: "Excuse me, Representative Satterthwaite. Gentleman from DeWitt, Representative Vinson, for what purpose do you rise, Sir? Try my microphone, Representative Vinson. Try Representative Ewing's mike behind you."

Vinson: "You know, I haven't even pounded on the table to cause this to occur, Mr. Speaker. Will you have Representative Madigan's electrician come over and take a look at... Mr. Speaker, I would object to the germaneness of Amendment #3. Amendment #3 is not related to the title of the Bill nor the substance of the Bill. It totally exceeds the scope of the Bill, and deals with two different taxes and tax limitations, and it's unrelated. And I would urge the Chair rule that Amendment #3 be held non-germane."

Speaker Daniels: "Representative Vinson. Representative Satterthwaite... Representative Satterthwaite."

Satterthwaite: "Well, Mr. Speaker, I'm just calling your attention to the fact that Amendment #1 is titled, 'an Act

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relating to taxation'. I don't think there is any way that we could really refute the fact that my Amendment is an Act... is an Amendment of taxation, and so I would ask that the Parliamentary rule that my Amendment is in order."

Speaker Daniels: "Representative Vinson, Representative Satterthwaite, in looking at the Bill and discussing the same with the Parliamentary, the Parliamentary points out and the Chair will so rule that Amendment #3 is non-germane, in that Amendment #1 deals with the income tax; whereas, Amendment #3 goes far beyond the scope of an income tax and deals with the subject of a use tax. Therefore, the ruling of the Chair will be Amendment #3 is non-germane. Representative Satterthwaite."

Satterthwaite: "Mr. Speaker, would you indicate to me then how the Parliamentary could have found that Amendment #1 was, in fact, in order when it changed the whole title of the Act from a Revenue Act and still, when I'm seeking to change the title, which has to do with taxation, he rules that it is not germane to bring in another form of taxation?"

Speaker Daniels: "Representative Vinson."

Vinson: "Mr. Speaker, I would submit and would hope that the Chair would acquaint Representative Satterthwaite with the difference between direct and indirect taxes. In the case of the income tax and the property tax, we have taxes that have always been regarded as being direct taxes; and, in the case of the use tax, we have an indirect tax, and I believe that, because of that, the Parliamentary's ruling is correct because getting into the field of an indirect tax, in this Bill, would clearly not be germane when the Bill is totally confined, even with the Amendment, to direct taxes."

Speaker Daniels: "Representative Satterthwaite, Representative

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Vinson, the ruling of the Chair is Amendment #3 is non-germane. Further Amendments?"

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

Speaker Daniels: "Representative Hastert, Amendment #4."

Hastert: "Mr. Chairman(sic, Speaker), with your leave, I ask to table Amendment #4."

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Hastert."

Speaker Daniels: "Representative Hastert, Amendment #5."

Hastert: "Mr. Chairman(sic, Speaker), I ask to withdraw Amendment #5."

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #6, Hastert."

Speaker Daniels: "Representative Hastert, Amendment #6."

Hastert: "Mr. Chairman(sic), Ladies and Gentlemen of the House, Amendment #... Amendment #6 changes the scope of the Bill, with the addition of Amendment #1. As you know, Amendment #1 to House Bill 2588 provide... prohibits combined apportionment of both the replacement tax and the state corporate income tax. Amendment #6 changes this by providing that a combined apportionment is prohibited for the replacement tax only. This Amendment will not cause a reduction in revenues of the replacement tax beyond what will result from Amendment #1, but Amendment #6, by allowing the unitary method on state corporate income tax, will allow an increase in those revenues which are shared in part with local units of government. I ask that you would give positive consideration to this Amendment; that it's a good Amendment for local governments, and I would entertain any questions."

Speaker Daniels: "Any discussion? Gentleman from Madison, Representative McPike."

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

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House. I rise in opposition to this Amendment. The Economic and Fiscal Commission, which is our...which is the legislative's Bureau of the Budget, they estimate that if the utilities are allowed to file unitary taxes, that it will cut their contributions to the replacement fund by about 50 percent. As you might remember, when we passed the replacement tax a few years ago, utilities are taxed on the amount of invested capital, and they contribute nearly one-third of the total amount going into the replacement fund, or approximately 150 million dollars. To allow them to use combined apportionment would reduce the fraction of invested capital counted towards that tax and save them approximately 75 million dollars a year. So, if you would like to cut revenue to local governments by 75 million dollars, you should vote for this Amendment. If you think that the school districts, park districts and counties and townships around the state are strapped enough this year, then you should oppose the Amendment."

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

Bell: "Thank you, Mr. Speaker. I, too, rise in opposition to this Amendment, and I encourage a 'no' vote."

Speaker Daniels: "Representative Robbins."

Robbins: "I rise in support of the Amendment, due to the fact that, if the utilities' tax rates aren't set as high, then the poor people won't have to pay as much for electricity."

Speaker Daniels: "Representative Hastert to close."

Hastert: "Well, Mr. Chairman (sic - Speaker), Ladies and Gentlemen of the House, this is a good Amendment. In short, it gives something to both sides of the business community. It does not affect the replacement tax revenues beyond what was already been done by Amendment #1. What damage is done there has been done. Furthermore, this will

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result in increased state corporate income tax revenues, and urge you to vote 'yes' on Amendment #6."

Speaker Daniels: "Gentleman, Representative Hastert, has moved for the adoption of Amendment #6. All those in favor will signify by saying 'aye', opposed 'no'. 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. On this question there are 29 'aye', 120 'no' and 1 voting 'present'. The Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #7, Hastert..."

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

Hastert: "Mr. Chairman, Ladies and Gentlemen of the House...Mr. Speaker, Ladies and Gentlemen of the House, Amendment #7 provides for an investment tax credit for businesses against the Illinois income tax. If Representative McPike didn't like the last Amendment, he'll like this Amendment. It happened to be one of his Bills that was offered in this Assembly...I'm sorry, Mr. Chairman (sic - Speaker), I'd like to withdraw Amendment #7."

Speaker Daniels: "Withdrawn. Further Amendments?"

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

Speaker Daniels: "Representative Hastert, Amendment #8."

Hastert: "Excuse me. I'm sorry, Mr. Speaker and Ladies and Gentlemen of the House. I was anxious to get to an Amendment that Representative McPike would like, and Rep...Amendment #8 provides for an investment tax credit for business against the Illinois income tax, but doesn't affect personal property replacement tax. Now, this Amendment and several other Amendments, Mr. Speaker and Ladies and Gentlemen of this Assembly, deal with Amendments or Bills that have been presented to this House in the past year. Bill have been presented in this House as Amendment

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#8 was presented as a Bill in this House, effecting taxes and effecting revenue; but those Bills didn't come out of Committee. Now, I think it's only fair if the Vice-Chairman of the Revenue Committee can present a Bill or an Amendment, and never have a hearing in Revenue Committee. We ought to, at least, present those Bills that were killed in Revenue Committee, and let you vote on them up or down. And this Bill...Or this Amendment, Amendment #8 does exactly that. I'm sure that Representative McPike could speak to this Bill much better...or this Amendment much better than I can, and I will entertain any questions."

Speaker Daniels: "Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes. Thank you, Mr. Speaker. Will the Gentleman yield to question?"

Speaker Daniels: "He indicates he will. Excuse me, Gentleman from Rock Island, Representative Bell, for what purpose do you rise, Sir?"

Bell: "Yeah, Mr. Speaker, I...I rise in question of the germaneness of Amendment #8 to House Bill 2588, as amended by Amendment #1. I would request a ruling by the Parliamentarian."

Speaker Daniels: "Representative Vinson. Try Representative Ewing's mike again. No, you've permanently broken your microphone, Representative Vinson."

Vinson: "Thank you, Mr. Speaker. I would like to speak on the germaneness question, with regard to this particular Amendment. The Bill, as amended, deals with corporate income tax. The Act herein named, referred to in the title as the 'Corporate Income Tax'. The Amendment that we're dealing with, Amendment #8, is a corporate income tax Amendment, and I don't think you can get any more germane than that. The subject...The title is, as I recall, 'An

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Act in relation to taxation'. And certainly, the substance of this Amendment is...relates to taxation. I think this one's clearly germane."

Speaker Daniels: "Representative Vinson, Representative Bell, we've studied Amendment #8, and Amendment #8 is germane. Proceed..."

Vinson: "Now, Mr. Speaker, may I proceed with questions of the Sponsor."

Speaker Daniels: "You may, Sir."

Vinson: "Now, Representative Hastert, we have had, over the last several years, a variety of treatments...leg...legislation dealing with the...with investment tax credits. My recollection and a quick reading of this Bill, this would be an investment tax credit against the state corporate income tax. Is that correct? Could you turn Mr. Hastert on so he can respond?"

Hastert: "That's correct."

Speaker Daniels: "Representative Hastert."

Hastert: "That's correct."

Vinson: "Currently in law we have an investment tax credit, but that only is allowable against the replacement tax. Is that correct?"

Hastert: "Cor...Right."

Vinson: "This would apply the investment tax credit against all of the income taxes that a business spends money on in the State of Illinois, make the two taxes consistent."

Hastert: "Yes. Income tax rev...With the exception of the personal property replacement tax."

Vinson: "Okay. Are the rates and the dates for changing the rates consistent? In other words, do you...your phase-in rate...are your...are your rates the same as the corporate rates...as the replacement tax rates, and are the dates of phase-in the same?"

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Hastert: "No, they aren't."

Vinson: "How do they differ?"

Hastert: "Well, the rate is one percent of investments in a calendar year for 1983, '84 and '85; and it's two percent of investments in the calendar year of 1986."

Vinson: "How does that...How does...How does that vary from the replacement tax rates?"

Hastert: "I believe the replacement tax, which was a Bill that you have some familiarity with, was a half a percent, effective in 1983."

Vinson: "Half percent and one percent."

Hastert: "Right."

Vinson: "And, as I...Do you recall that, at various points in the discussion on the replacement tax, that Mr. McPike and a number of other people thought that that tax credit should be allowable against the income ta...the corporate income tax as well as the replacement tax?"

Hastert: "Sometimes my memory's a little hazy, but as I recall, that's my recol...recollection."

Vinson: "And isn't the biggest argument for the investment tax credit the fact that it stimulates business and development in the State of Illinois?"

Hastert: "It certainly is."

Vinson: "And, isn't that the argument of the Sponsors of Amendment #1..."

Hastert: "To my recollection, it was, Representative."

Vinson: "Well, I would join you, then, in supporting this Amendment."

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

Hastert: "Mr. Speaker and Ladies and Gentlemen of the House, I would just ask you to consider Amendment #8 to House Bill 2588. I believe that it...it does go along with the

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purpose of the original Amendment #1. It provides an incen...it added a tax incentive to the businesses of the State of Illinois. It is very similar to legislation that was introduced on the other side of the aisle, and I would ask for your affirmative vote."

Speaker Daniels: "Gentleman moves for the adoption of Amendment #8. All those in favor signify by saying 'aye', opposed 'no'. Gentleman moves for..."

Hastert: "Roll Call."

Speaker Daniels: "Roll Call. 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? The Clerk will take the record. On this question there are 25 'aye', 128 'no', 1 voting 'present'. Amendment #8 fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #9, Hastert..."

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

Hastert: "I ask to withdraw Amendment #9."

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #10, Hastert..."

Speaker Daniels: "Representative Hastert, Amendment #10."

Hastert: "Mr. Speaker and Ladies and Gentlemen of the House, Amendment #10 is an interesting Amendment. It was presented before this House in several ways last year. But, basically, what it does is in...index the...index the standard exemption on the state income tax. It amends the Illinois Income Tax Act, and provides for the automatic adjustment of the standard 1000 dollar exemption to reflection inflation. For example, if the rate of inflation were to increase by seven percent for one year, the standard exemption would be increased by seven percent to 1070. If this sounds familiar, it is a familiar piece of legislation, before we had...that we had before this

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House; but was held in the Revenue Committee, and was not let out of the Revenue Committee. But I think the Members of this Body ought to have a chance to vote on it up or down."

Speaker Daniels: "Representative Bell."

Bell: "Thank you, Mr. Speaker. I question the germaneness of this Amendment #10. It's dealing with the individual thousand dollar deduction income tax. The Bill, as amended, deals with corporate income tax. I question the germaneness, corporate versus individual."

Speaker Daniels: "The Amendment's germane. Representative Bell, do you care to question the Sponsor?"

Bell: "Not...Not really."

Speaker Daniels: "Further discussion?"

Bell: "I...I speak against this Amendment, and I certainly hope everyone will oppose it. I think that it deals with the individuals we're trying to get to with the Bill, as we amended it with Amendment #1. It is to improve the business climate in the State of Illinois, and I certainly encourage a 'no' vote on this Amendment."

Speaker Daniels: "Representative Hastert to close."

Hastert: "Well, Ladies and Gentleman of the House and Mr. Speaker, this is a very good Amendment. It certainly does give tax relief; not just to the big corporations out of the state that, evidently, the Representative from Rock Island or Moline or wherever he's from, is interested in doing. It gives a tax relief to people. And certainly like to have your consideration of this Amendment, and would appreciate your positive concern."

Speaker Daniels: "Gentleman's moved for the adoption of Amendment #10. All those in favor signify by saying 'aye', opposed 'no'. The 'nos' have it. Amendment #10 lost. Further Amendment?"

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Clerk O'Brien: "Floor Amendment #11, Hastert..."

Speaker Daniels: "Representative Hastert, Amendment #11."

Hastert: "Mr. Speaker and Ladies and Gentlemen of the House, I think it's become evident that probably this whole process has been somewhat greased. I wanting to ask to table some Amendments in a minute. But, I would like to make a comment. You know, we have a process in this House of Representatives; a process that we set up rules for, that we set up procedures for; and sometimes they're followed and sometimes they're not. I think it's become evident that if you pull the right strings, sometimes things aren't followed according to procedure. I'm going to ask to table Amendments 12 through 14, with your indulgence; but I do so with a bit of bad taste in my mouth, Mr. Speaker."

Speaker Daniels: "Amendments #11, 12, 13 and 14. Are you the Principle Sponsor of those, Sir?"

Hastert: "Yes, I am, Sir."

Speaker Daniels: "All right. Gentleman withdraws 11, 12, 13 and 14. Further Amendments?"

Clerk O'Brien: "Floor Amendment #15, Bradley..."

Speaker Daniels: "Representative Bradley on Amendment #15. Gentleman in the chamber? Representative Bradley. Representative...Representative Bell."

Bell: "I move to table #15 as the Sponsor is not in the chamber."

Speaker Daniels: "Here he comes. Representative Bradley, do you wish to proceed with Amendment #15, or do you want to table it? Representative Bradley on Amendment #15."

Bradley: "Thank...Thank you, Mr. Speaker and Ladies and Gentlemen of the House. What #15 really does, now, is to leave the legislation...or leave the law the way it is right now. We would have the status quo, so to speak, until we get a United States Supreme Court decision. I, personally, happen to think that that would be the best way to address

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this problem to resolve the issue. Let those who...who would want to use the...the method that they can today under the ruling of the Illinois Supreme Court continue to do that until we were given some direction by the United States Supreme Court. Like I say, I think it would...would be the best thing to do. This is a very complicated subject, very...very difficult to understand; and I think if we would...we could resolve the issue with adopting Amendment #15."

Speaker Daniels: "Gentleman from DeWitt, Representative Vinson. Try Representative Ewing's microphone."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would urge the adoption of Amendment #15. What we did with Amendment #1 was es...was essentially to make an argument that with a particular form of taxation, a number of companies would be benefited, and because of the benefit those companies would get, they would grow. And they would grow in the State of Illinois, that there would be economic growth in Illinois. Amendment #15, as I understand it, would grant a parallel benefit to the companies that were disadvantaged by Amendment #1. Now, what that does, it in no way impinges on Amendment #1. It just means the companies in both groups are going to be offered the opportunity to grow and expand in Illinois. If we add this Amendment to this Bill, I think that everybody who cares about economic growth, everybody who wants to see Illinois become a more vital state can be for the Bill. We can pass this Bill out of here 177 to nothing with Amendment #15 on there, because it provides fair incentive to both classes of corporations. It's a good Amendment. It's a pro-growth Amendment. It's a pro-development Amendment. I think Representative Bradley is to be commended for offering this Amendment. I would urge an

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'aye' vote on Amendment #15."

Speaker Daniels: "Gentleman from Rock Island, Representative Bell."

Bell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I also stand and rise in opposition of this Amendment. What this Amendment is doing is giving the corporations the option of...of filing unitary or otherwise. And it all effect...What this Amendment is doing, it's saying, 'Corporations, if you don't want to pay income tax, you don't have to pay income tax'. We might just as well do away with the corporate income tax as pass an Amendment like this. The only purpose of this is because they know it will kill the Bill. I strongly urge a 'no' on this."

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

Pullen: "I'd like to ask the Sponsor a question, please."

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

Pullen: "Does this Amendment have the effect of permitting corporations to choose, on an optional basis, which plan they would file under?"

Bradley: "Yes."

Pullen: "Thank you."

Speaker Daniels: "Gentleman from Will, Representative Davis."

Davis: "Just a brief question of the Sponsor. Representative Bradley, what's...does your Amendment carry a later effective date in it?"

Bradley: "Yes, the...Well, the effective date of...of this is July 1, '83."

Davis: "July 1, 1983. So, the dual...the dual function would be in...in...in effect until July 1, 1983, and then what happen?"

Bradley: "Well, we're...we're hoping it...we're giving that date, waiting upon the ruling of the United States Supreme Court,

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and we think that we'll have a ruling by...I'm sure we will by that time. And we will go from there."

Davis: "Well, in the event that the United States Supreme Court addresses the sub...substantive nature of unitary taxation, and finds the policy of the several in 50 states that is not a proper procedure, where would we be, then, in July 1st of 1983? Stuck with a dual system or, if they...if they rule... Do you understand where I'm going?"

Bradley: "Well, yeah. I think...I think you're...you're looking down the road at...at problems that...I really can't answer that question till we get the ruling; and I hope, at that time, then we will have to come back in here and write legislation based on the...the Supreme Court's ruling."

Davis: "Well, to...to the Amendment. Mr. Speaker and Members, it has some attractiveness, I must admit; because I can almost predict to you that next year the corporate income tax will probably be raised in the state, and then we'd have to take into account whatever revenue loss of the worst possible system of having each method in place, and then mounting whatever negative impact fiscally there is to local and state governments; would mount it almost to the sum or equality of both parts by the election process. If we did raise the corporate income tax next year, and I think it's generally felt that that probably will be attempted during the next General Assembly, then you would have to take into account that loss and build, then, on top of that. I'm not sure it's a very good idea; although it has some attractiveness to solve the dilemma that we're in. So, I think I would oppose the Amendment."

Speaker Daniels: "Further discussion? Gentleman from Whiteside, Representative Olson."

Olson: "...Speaker yield?"

Speaker Daniels: "He indicates he will."

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Olson: "Representative Bradley, on Amendment 15, was that intended to say 'as amended' rather than 'by deleting'? Mr. Parliamentarian, can you give us a ruling on that?"

Speaker Daniels: "Parliamentarian advises me that the Amendment is in order. On the Amendment, Representative Olson."

Olson: "The Amendment is in order?"

Speaker Daniels: "Yes, Sir."

Olson: "May I ask a question of Representative Bradley?"

Speaker Daniels: "Proceed, Sir."

Olson: "Is there an estimate of the fiscal loss to the State of Illinois, if this option were invoked?"

Bradley: "I don't have an estimate, no."

Speaker Daniels: "Further discussion? Gentleman from Livingston, Representative Ewing."

Ewing: "The Sponsor yield for a question?"

Speaker Daniels: "He indicates he will."

Ewing: "Representative Bradley, I was somewhat confused about the effective date."

Bradley: "Pardon."

Ewing: "The effective date on this Amendment, when..."

Bradley: "The effective date, if this Amendment is adopted, would be, as I said, July 1, 1983."

Ewing: "What will we have between now and July 1, 1983?"

Bradley: "We'll have just what we have right now, with...if we don't do anything."

Ewing: "We will have..."

Bradley: "Both systems. They will be optional."

Ewing: "Both systems will be in effect now...between now and July of '83."

Bradley: "Till '83, yes, Sir."

Ewing: "Yes. What happens in '83? We revert to one or the other."

Bradley: "Well, as I suggested to Representative Davis, that the

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purpose of the Amendment, Representative Ewing, is addressing itself to a very complicated problem that we had here before us on the floor of the House. This is my suggestion to the Body, to resolve the issue. Until we get the ruling from the United States Supreme Court, we'll have what we have. The status quo will be in effect until then, and I'm not running for reelection. I won't be here next year to help you solve that problem, but you will be. And I'm sure that you will be able to address the problem and come up with a solution that will be effective and..."

Davis: "Well, we're going to miss you, Representative. We...But the problem is, if we don't do anything in July of '83, what will happen? Will it just continue to be a pro-choice, a taxpayers choice? That's all I'm asking. What happens if we don't take action?"

Bradley: "I would assume that you're right."

Ewing: "All right. Ladies and Gentlemen of the House, I'm going to support this Amendment, because I think if Representative Tim Bell's proposal is good for one side, then this Amendment should be good for the other side. The arguments are just as strong on one side or the other here. And I think if we really want to show our sign to business, we'll allow them to have the choice. I'm sure that the Department of Revenue will be able to live with this and to administer it. And we can come back in '83 and address the problem after the U. S. Supreme Court has acted."

Speaker Daniels: "Gentleman from Peoria, Representative Schraeder."

Schraeder: "Mr. Speaker, I rise to support the...the Amendment, and I'd like to recommend to Representative Davis that he change his position. His argument was pretty good, but since we are going to be studying the question of income tax and other tax structure during the forthcoming year, I

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think he would want to delay this so it wouldn't complicate the problem. And Representative Davis, please consider and vote 'yes' on this Amendment."

Speaker Daniels: "Representative Bradley to close."

Bradley: "Well, Mr. Speaker, I...this has been debated for a long time here this afternoon. I think we all know what the issue is on this Amendment, and I simply ask for a favorable Roll Call. Thank you."

Speaker Daniels: "Gentleman, Representative Bradley, moves for the adoption of Amendment #15. Question is, 'Shall Amendment #15 be adopted?'. 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. There are 43 'ayes', 112 'no', none voting 'present'. Amendment #15 fails. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Representative Bullock."

Bullock: "Mr. Speaker, does this conclude the Amendments printed and distributed for this Bill?"

Speaker Daniels: "There are no further Amendments."

Bullock: "Mr. Speaker, I refer to temporary rule 34(D). According to the reading of these rules...Why does it always cut off on me, Mr. Speaker? According to rule 34(D)...I said that there in the first sentence there, John. I would like to request that this Bill be placed on Second Reading First Legislative Day. I would like for the Chair to make a ruling on that request."

Speaker Daniels: "Your request is in order. Representative Davis."

Davis: "Well, I defer to...I think there's a Motion on file...I defer to Representative..."

Speaker Daniels: "There is. Did you want to speak on that

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request, though, or..."

Davis: "I defer to Representative Bell."

Speaker Daniels: "Representative Bell has filed a Motion to suspend rule 34(D) and advance House Bill 2588 to the Order of Third Reading. Is the Motion filed? On that Motion, Representative Bell."

Bell: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House, I think that we have...we know what this is that we're going to move to Third Reading, and that's all I'm asking you to do is let us move it on to Third Reading. And I move to suspend rule 34(D) and advance House Bill 2588, as amended, to the Order of Third Reading."

Speaker Daniels: "On the Motion, Representative Schraeder."

Schraeder: "Well, Mr. Speaker, there's a Motion on the floor, but I think there was a pref...a previous Motion made in regards to 31(E), which said it should be rereferred to Revenue, since it was a change in the...in the language and had to be rereferred to Revenue for...which it should have come from in the first place, and I would ask a ruling on that."

Speaker Daniels: "Representative Schraeder, the Motion on the floor is relating to 34(D). That is the pending Motion. Do you wish to address that subject, Sir?"

Schraeder: "Well, Mr. Speaker, I think that Motions out of order because, if that Motion would pass, then you would not have an opportunity to raise a question of...of the proper procedure and where the Bill should go. And, it would seem to me that the 31(E) ought to be acted upon before that Motion was called."

Speaker Daniels: "The Motion is to suspend the provisions of rule 34(D). Once we dispose of that Representative Bradley will be recognized for the purposes of 31(E), and we'll take it up at that time. On the question of 34(D), is there any

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discussion? Representative Bullock."

Bullock: "Well, Mr. Speaker, the Gentleman, I presume, has made a substantive Motion to advance it...or to suspend the appropriate rule. Is that the Gentleman's Motion, to suspend rule 34 (D)?"

Speaker Daniels: "The Motion is to suspend the provisions of rule 34 (D)."

Bullock: "Okay, Mr. Speaker, to the Motion."

Speaker Daniels: "To the Motion, Sir."

Bullock: "Mr. Speaker and Ladies and Gentlemen of the House, I firmly stand in opposition to the Gentleman's Motion; however, I'm not oblivious to the fact that there has been, obviously, some bipartisan spirit on this Bill. I would only say that I'm rather chagrined that Democrats, particularly on my side of the aisle, who have saw fit to advance social programs and request funding for those programs, that we would stand and that some of them would stand here today and vote for this financial windfall and this financial boondoggle. As previous speakers have said, this Bill deserves better than it's receiving. It deserves timely, fair and expert deliberation, and we have not given it here today. And I submit that we hold ourselves up to ridicule if we persist in the hasty action that we're taking here today; and if we persist to advance this Bill to Third Reading today, a Bill that has far reaching ramifications and immense financial impact on the citizens of the State of Illinois and, particularly, on local property taxpayers, and I certainly stand in opposition. Would urge a 'no' vote on the Motion, Mr. Speaker. And, if it's appropriate, I intend to verify the Roll Call if the vote is even close."

Speaker Daniels: "Gentleman from Will, Representative Davis."

Davis: "Well, Mr. Speaker, I think the prior speaker should have

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probably addressed the next Motion, if this one should succeed, since that was his argument. This Bill has been hotly contested and debated in the legislative halls; although, not until this very day, the merits of this particular Bill, as amended. But I can only tell you that there were 15 Amendments offered to this Bill. We've had a thorough debate on further Amendments, and I would support the Gentleman's Motion from Rock Island to advance this Bill to Third Reading where we can have, then, a full and thorough debate on the issue at a subsequent date."

Speaker Daniels: "Gentleman from Cook, Representative Bullock, has raised the provisions of rule 34(D). Gentleman from Rock Island, Representative Bell, has moved to suspend that rule. It will take 89 votes. All those in favor of the Motion to suspend rule 34(D) will signify by voting 'aye', opposed by voting 'no'. The voting's open. ...Bullock."

Bullock: "Inquiry of the Chair."

Speaker Daniels: "Proceed."

Bullock: "Did you state that, to suspend the rule it requires 89 votes?"

Speaker Daniels: "Yes, Sir."

Bullock: "Could the Parliamentarian explain to someone who's uninformed as to why that only take 89 votes, not 107?"

Speaker Daniels: "That's the..."

Bullock: "Could the Parliamentarian explain that? Or refer me to the rule book. I'd be glad to read it."

Daniels: "It's provisions of the rules, Sir. Why don't you come up here and he'll point it out to you. Have all voted who wish? Have all voted who wish? Record Representative Capparelli as 'aye'. Have all voted who wish? Take the record. There are 113 'aye', 50 'no', none voting 'present'. The Gentleman's Motion to suspend the ru...provisions of rule 34(D) prevails. Now Representative

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Bradley raises the provision of rule 31(E). Representative Bell has a Motion to suspend the provisions of rule 31(E). On that Motion, Representative Bell."

Bell: "Yes, thank you, Mr. Speaker, we have discussed this issue quite a bit. We know the reason why we are handling this on Second Reading on the floor, and I simply...I simply move to suspend the provisions of rule 31(E), which means that we will be able to hear this in the House without going through a committee hearing which would, obviously, now kill the Bill. I...I think we know the arguments pro and con on this, and I certainly would appreciate a favorable support."

Speaker Daniels: "Gentleman from Kendall, Representative Hastert."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, you know, we've...have done some discussing, but, you know, nobody's come up with any facts. We haven't had any expert testimony on this Bill. Nobody knows how it's going to affect one side or how it's going to affect the other side. You know, the Gentleman from...from..."

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

Katz: "A point of parliamentary inquiry. Is the Motion to suspend in the Calendar, Mr. Speaker, today?"

Speaker Daniels: "No, Sir."

Katz: "Well, I object to the consideration of the Motion, if it's not on the Calendar, Mr. Speaker."

Speaker Daniels: "The rules do not provide that this particular Motion appear on the Calendar. The Motion is before the House, and is properly considered by the House. On the question, Representative Hastert. Continue, Sir."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, I'd just simply like to say that the Gentleman from Rock Island

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has brought forth for us a Bill, an Amendment that is very dear to his heart. He's bulldozed this thing through the House of Representatives, and certainly will have a catastrophic impact on the State of Illinois. I think we ought to take it back to committee and have further testimony on it. Thank you."

Speaker Daniels: "On the Motion, Gentleman from Sangamon, Representative Kane."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, it's true that we're familiar with the arguments pro and con on this Amendment. We've heard the arguments. We've heard the arguments on one side that says 'Give the particular subset of corporations this windfall in tax breaks and more jobs will be created'; and we've heard the arguments on the other side. It's not a question of whether or not we're familiar with the arguments. The question is whether the arguments have any factual foundation to them, and, unless we have an opportunity to have this Bill heard in committee, we won't have any idea of whether the arguments are factual or not. All of the evidence indicates that, when it comes to jobs and the location of factories and the location of...of business activity, is that, as a whole, the state and local tax system does not have much effect; that what most corporations and businesses look at is the labor market, is transportation, access to raw materials and all of those kinds of things. Mostly, also, they look at the kinds of services that are paid for by taxes. They want to know whether there's a good road system. They want to know whether there's a good education system. They want to know whether there's good recreation, the existence of parks and all of those kinds of things. And so, when we say that, in order to attract business, we're going to cut taxes, we're working against ourselves. And I think that

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if we're going to get to the bottom of this to see whether or not the number of the figures produced by the Department of Revenue are accurate; whether, indeed, this kind of Bill is going to generate jobs; whether or not it's going to generate an additional 1.5 billion dollars worth of tax revenue in the next ten years, as claimed by the Representative from Rock Island is true or not; what is the basis of that claim; what are the assumptions that are built into that, we're not going to know any of those things unless this Bill goes to committee to have an opportunity to hear some witnesses and to question them. And I would urge that we do not suspend this rule; that this rule is here for a good reason, and we ought to honor the committee system. And I would urge that we vote 'no' on this Motion."

Speaker Daniels: "On the Motion, Gentlemen from DeWitt, Representative Vinson at Representative Telcser's microphone."

Vinson: "Thank you, Mr. Speaker. Has the Motion been reduced to writing?"

Speaker Daniels: "Yes, it has."

Vinson: "Would the Clerk read the Motion?"

Speaker Daniels: "Mr. Clerk, read the Motion."

Clerk O'Brien: "Motion to suspend the provisions of rule 31(E) to House Bill 2588, Representative Bell."

Speaker Daniels: "Further discussion?"

Vinson: "Mr. Speaker, in reference to the Motion, I would urge the Members of the House, vote against the Motion. I voted to move the Bill to Third Reading rather than to hold it on Second Reading First Legislative Day. I did that because two days on this floor are not going to enlighten anybody. There are a variety of other Bills under consideration. Nobody's going to be enlightened on the subject. But, as

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Representative Kane stated, I think very well in this case, a full consideration of this proposal by the Committee on Revenue could enlighten us substantially. I'm not sure, after listening to lobbyist from both sides, whether this is good or bad for the State of Illinois. I don't think anybody does, because I don't think anybody really knows what the ultimate economic impact of this Amendment is. I would urge gr...negatives votes on the Motion to suspend the rule. The rule is there for a purpose. The Committee on Revenue is there for a purpose, and they ought to have a full hearing on this Bill. I would urge a 'no' vote."

Speaker Daniels: "Further discussion on the Motion to suspend rule 31(E). Representative Bradley."

Bradley: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I'll be brief because the two previous Gentlemen have said it.....here today, as to what this is all about; except, Mr. Speaker, what really we're addressing are two issues on this Motion. Do we obey and go along with the rules, temporary rules, of this House? And, do we honor the committee system? That's just what this Motion is all about. Probably, there have been very, very few Bills this spring or last spring that bear as much an impact and will bear an impact upon the revenue of the State of Illinois as this legislation. If there was ever a piece of legislation that needed a hearing in a Rules Comm...or in a Revenue Committee, this is...this is one. And so, what we're really voting on is whether we believe in the committee system or not, and whether we want to abide by the rules of the House, the temporary rules. And I urge a 'no' vote, and I urge, then, that, as a direct result of the 'no' vote, the Bill will go...be rereferred as our rules say that they should, and there will be a hearing in the Revenue Committee. Thank you."

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Speaker Daniels: "On the Motion, Representative Schraeder from Peoria."

Schraeder: "Well, Mr. Speaker, I don't want to take the time of the House, but I think it's so important. This piece of legislation, in my mind, is one of the most important fiscal pieces of legislation we've discussed and debated since the replacement corporate.....property tax Bill a couple, three years ago. This is extremely important. There is no one on this House floor, even having heard the debate that's taken place, knows exactly what the fiscal impact of this Bill is to the State of Illinois and to individual corporations within its boundaries. It would seem to me quite logical and within the true intent of the rules to send this back to Revenue, hear the witnesses and then let the people support it on the House floor as they desire. But I would certainly ask that this Motion be defeated."

Speaker Daniels: "The Gentleman, Representative Bradley, has raised the point in the provisions of rule 31(E). Gentleman, Representative Bell, has moved to suspend the provisions of rule 31(E). The question is, 'Shall rule 31(E) be suspended?'. All those in favor of suspending rule 31(E) will vote by sig...will vote 'aye', all those opposed will vote 'no'. Takes 89 votes. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 103 'aye', 56 'no' and 2 voting 'present'. The Gentleman's Motion to suspend rule 31(E) prevails. Representative Bell, there are two requests for a fiscal note that have been filed. We'll have to hold this Bill on Second Reading till you file the fiscal note. Consideration Postponed, page 10 of your Calendar. House Bill 2577, Representative Stearney. Read the Bill, Mr.

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Clerk."

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

Speaker Daniels: "Excuse me, Representative Stearney. Gentleman from Sangamon, Representative Kane, for what purpose do you rise, Sir?"

Kane: "Parliamentary inquiry."

Speaker Daniels: "Proceed."

Kane: "How did we get here from where we were...just were?"

Speaker Daniels: "I just announced it."

Kane: "Don't you have to have leave of the House?"

Speaker Daniels: "No, Sir. We finished the Order of Second Reading. We moved to the Order of Consideration Postponed. Strictly within the rules, as usual, Sir."

Kane: "Is this the first Bill on the Order of Consideration Postponed?"

Speaker Daniels: "Certainly is, Sir. If you'll look on your Calendar on page 10, you'll see the first Bill on that Order, House Bill 2577, which we are now proceeding with. Thank you, Representative Kane, if you agree to that. Representative Stearney on House Bill 2577. Read the Bill, Mr. Clerk. Representative Stearney"

Stearney: "Mr. Speaker...Mr. Speaker and Ladies and Gentlemen of the House, this particular Bill would create a 12 member Labor Law Rev...Revisory Commission to study the codification administration of laws relating to labor and employment. Yesterday we debated this matter. There were certain people who spoke in opposition. Those matters...Those grievances have been addressed, and differences have been resolved; and, at this point in time, I know of no one who is in opposition to this matter. Therefore, I would ask for a favorable Roll Call."

Speaker Daniels: "Any discussion? Being none, the Gentleman

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moves for the passage of House Bill 2577. 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. Record Representative Collins as 'aye'. Take the record. On this question there are 135 'aye', 27 'no', 1 voting 'present'; and House Bill 2577, having received a Constitutional Majority, is hereby declared passed. Representative Giorgi, would you step up to the podium, please? Consideration Postponed, House Bill 2622. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2622, a Bill for an Act relating to games of chance, and amending certain Acts herein names. Third Reading of the Bill."

Speaker Daniels: "Representative Giorgi."

Giorgi: "Mr. Speaker, I'd like to yield to Representative Roland Meyers on this Bill for a moment, then I'll close."

Speaker Daniels: "Representative Roland Meyer."

Meyer, Roland: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill was put on Postponed Consideration. There were a couple items that were questioned yesterday, and I think we've got the answers on them. One was that, in the Bill it does not provide for the use of other than U. S. currency, funny money. It's my understanding the Department of Revenue can set those rules, and what we're saying that, if we get the sufficient votes to take it out of the House, we will ask the Senate to amend it; and make sure that that is in the Senate version. Number two, some of the people that I've talked with had a problem with the Bill. And what we are will...are willing to do, then, if it gets the necessary 89 votes in the House, we will also ask the Senate to put a sunset clause on this Bill, to alleviate the fears that some Members had. If there are

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any questions on the Bill, I would be glad to answer them."

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

Beatty: "Yes, many churches and charitable institutions now have Las Vegas nights, and they don't pay 50 dollars to anybody for any license, and they don't pay five percent gross. Why would a charitable organization or a church that is now doing it free want to pay the state 50 dollars and five percent?"

Speaker Daniels: "Representative Giorgi to answer that question."

Giorgi: "Representative Beatty, we introduced the not-for-profit raffles and chances because people were doing that illegally, and they were subject to arrest. We had Boy Scouts and PTA members out selling raffle chances and it was illegal. The community thought for years bingo was legal till we legalized it. This is an attempt to legalize something which is now somewhat illegal, and that's why we're doing this."

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

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

Speaker Daniels: "Which one?"

Leverenz: "The real Sponsor."

Speaker Daniels: "The real Sponsor. Representative Meyer."

Leverenz: "He said it for himself."

Speaker Daniels: "Proceed."

Leverenz: "Is there a limit to the amount that you can bet? Or, is there a bet limit in the Bill?"

Speaker Daniels: "Representative Meyer."

Meyer, Roland: "Yes, the bet limit is 2 dollars, and the prize limit is an aggregate of 500 dollars."

Leverenz: "How will that be enforced?"

Meyer, Roland: "Those rules would be set by the Department of

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Revenue on the enforcement."

Leverenz: "The...The Revenue agents, collectors and auditors will be touring the state making sure that they're going to only bet 2 dollar limits. Is that correct?"

Meyer, Roland: "The Department has that...that obligation, yes, Sir."

Leverenz: "They have that obligation. Is...Is there an appropriate appropriations Bill to pay for that type of police action in the state?"

Meyer, Roland: "Yeah, we made that appropriation last week."

Leverenz: "Would this...voting 'yes' on this Bill, in any way, be interpreted as a vote for legalizing gambling in the sense that you would be letting the camel get his nose under the tent?"

Meyer, Roland: "No more so than the lotteries are, right now, or bingo games."

Leverenz: "You have answered in the affirmative?"

Meyer, Roland: "I say no. It's under the same Act as the Bingo Act is."

Leverenz: "You say no, but, as we did when we licensed bingo, right?"

Meyer, Roland: "I imagine it's a matter of interpretation."

Leverenz: "So, you're saying no but yes. Is that true?"

Meyer, Roland: "It's a matter of interpretation, Representative."

Leverenz: "It's not no but yes, but it's yes but no. Thank you."

Meyer, Roland: "You're welcome."

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

Friedrich: "Would one of the Sponsors yield to a question? I don't care who."

Speaker Daniels: "Representative Giorgi indicates he will."

Friedrich: "About how many licenses do you anticipate will be taken out on this?"

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Speaker Daniels: "Representative Giorgi."

Giorgi: "Representative Friedrich, at the present time, 1600 not-for-profit corporations have bingo licenses. They're the only people that can acquire one of these licenses, and I don't know what the amount would be."

Friedrich: "So, we...Okay, then, I'll speak to the Bill."

Speaker Daniels: "Proceed, Sir."

Friedrich: "1600 licenses, each one can have ten nights a year. That's 16,000 nights, 16 casino games going on in the State of Illinois. I don't know why we just don't legalize gambling and quit sc...fooling around, getting in a step at a time. If that's what you want to do...every year Representative Giorgi comes in with another gambling Bill, and here we go again. Casino nights, 16,000 nights in the State of Illinois we'll be having casino."

Speaker Daniels: "Gentleman from Winneb..."

Friedrich: "I just think we're going in the wrong direction. If we...If the churches and so on have to resort to this sort of thing to exist, then maybe there's something wrong with the church members. If the legion has to have this to exist, maybe there's something wrong with the legion. We don't have enough patriotic veterans. But I tell you that I think we're on a one-way street downhill when we go this direction."

Speaker Daniels: "Gentleman from Winnebago, Representative Giorgi, to close."

Giorgi: "Mr. Speaker, as...as kind and as humble as I can be, I'd like to refute a couple of statements made, especially by the great Senator from near Mr. 'Ginati's', Ted Leverenz. He should know that racing in Illinois has been legal since the 20's. And we've gleaned almost 2 billion dollars in taxes from racing. The people of the State of Illinois in 1970 made it a point to drop the prohibition against bingo

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in the new Constitution. We legalized the lottery, and that's grossed over a billion dollars. And, then, we realized that people were subjecting themselves to...to being arrested for selling raffles and chances for not-for-profit corporations. This argument about gambling is a perennial, but I'd like to give credit to Dwight...Representative Frederich, Representative Dunn and the southerners that were in this House years ago, when they realized the golden goose that was skimming at the track. They took the money and they put in two beautiful sounding funds, the Agriculture Premium Fund, isn't that a beautiful sound? And the other...The other noi...The other names are the Metropolitan Exposition and Authority Fund. Aren't those two beautiful sounding names? Every buck in those two funds are skimmed at the track. In fact, I'd like to tell the world that the people that go to the track are paying for the Rockford Metro Center, which is costing 20 million dollars, and next week you can come up and enjoy Kenny Rogers on me if you want to come up. But, the point is, this is Roland Meyer's Bill, and I applaud him for...for trying to legalize something that is illegal in the marketplace now. And I urge an 'aye' vote."

Speaker Daniels: "Gentleman has moved for the passage of House Bill 2622. Question is, 'Shall House Bill 2622 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The Gentleman from Perry, Representative Ralph Dunn, to explain his vote."

Dunn, Ralph: "Thank you, Mr. Speaker. Thank you, Mr. Speaker, Members of the House. I think the Bill has been clearly talked about enough. I just want to remind people, there's some things been said on this floor that aren't exactly true. This...Revenue from this of money, if it does pass, would not be subject to the bingo two percent of the

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percentage tax. It would be a 50 dollar license. They could play bingo for ten nights. I...I think this is a terrible thing for us to start in Illinois. If we want to take Atlantic City or Las Vegas, why, make it into Illinois. That's what you're doing. I would urge a 'no' vote, and if it gets 89 votes, I'd like to have verification, please."

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

Lechowicz: "Well, Mr. Speaker, Ladies and Gentlemen of the House, we can have a lot of comments to make on behalf of legislation, but I would just strongly recommend that this House read the report by the Illinois Investigating Commission in the reference of bingo. And, what they specifically recommended was a reduction in the prize money in trying to restrict a number of...number of dates that are available to play bingo at a specific site location. This Bills takes in totally contrary, 360 degrees, and asks that they expand the number of locations, or the number of times that are available to 10 per licensee. This is in total contradiction of the Illinois Investigating Commission recommendations, and I strongly recommend a 'no' vote."

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 76 'aye', 78 'no' and 6 voting 'present'. Gentleman, Representative Giorgi."

Giorgi: "Would you poll the absentees, please?"

Speaker Daniels: "Requests a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Alexander. Barnes. Beatty. Henry. Huff. Krska. Kucharski."

Speaker Daniels: "Record Representative Alexander as 'aye'. Representative Younge, are you changing your vote? How is

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Representative Younge recorded?"

Clerk O'Brien: "Lady's recorded as voting 'no'."

Speaker Daniels: "Change her from 'no' to 'aye'. Proceed."

Clerk O'Brien: "Continuing the Poll of the Absentees. Henry. Huff. Krska. Kucharski. McBroom. McCormick. McMaster. Oblinger. Reed. Margaret Smith. Stewart. Turner. Woodyard and Mr. Speaker."

Speaker Daniels: "Lady from Cook, Representative Topinka."

Topinka: "Yes, Mr. Speaker, would you change my vote, please, to 'aye'?"

Speaker Daniels: "How is the Lady recorded?"

Clerk O'Brien: "Lady's recorded as voting 'no'."

Speaker Daniels: "Change her to 'aye'. Representative Griffin."

Griffin: "Please change mine to 'no'."

Speaker Daniels: "How is the Gentleman recorded?"

Clerk O'Brien: "Gentleman's recorded as voting 'aye'."

Speaker Daniels: "Change him to 'no'. Representative Kucharski. Recorded Representative Kucharski as 'aye'. Representative Giorgi."

Giorgi: "Mr. Speaker, House Bill 2622 was originally introduced because of the sunset clause on raffles and chances, and I gave Representative Meyer two shots at his chance to put his Bill on this. His Bill was his only Bill when he...he introduced this Session, and it was killed by the Rules Committee. I have a sunset clause here that I'd like the Parliamentarian to advise me as to how to retain the sunset clause, by taking Meyer's Bill off of this, then. I just gave him a chance with his Bill."

Speaker Daniels: "Representative Huff, for what purpose do you rise, Sir?"

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

Speaker Daniels: "How is the Gentleman recorded?"

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

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Huff: "Vote me 'aye' on this."

Speaker Daniels: "Record Representative Huff as 'aye'.
Representative Ralph Dunn."

Dunn, Ralph: "Mr. Speaker, I don't want to change to 'aye'.
I...I want to say that Representative Giorgi's altogether
wrong in asking something about this Bill now. It's on a
Roll Call. You have recorded 80 votes. I...I think it's
time that you declared the Roll Call and beat this bad Bill
instead of letting Representative Giorgi talk about taking
it back to Second or whatever he wants to do."

Speaker Daniels: "Gentleman from...Gentleman from Lake,
Representative Matijevich."

Matijevich: "Well, I...I would plead...I would plead with Ralph
Dunn, because I know him to be a reasonable man. And I
think his only objection of this Bill is the Meyer
Amendment to it. And I think Representative Giorgi was a
big man by allowing somebody to amend the only vehicle he
had to put that Amendment on, and now it's been defeated.
And I would think most of this Body would be amenable to
allowing this Bill to go back to Second and take that
Amendment, and leave him have a shot on this Bill the way
it really was intended to be. I don't think that's
unreasonable. I think, you know, judging your character on
the floor, Ralph, I think it's something you would do. I
just can't believe that you would be against that."

Speaker Daniels: "Gentleman from DeKalb, Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker, I think we've debated the Bill. I
think you ought to call the roll."

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

Pullen: "Mr. Speaker, is it my understanding that the Gentleman
has requested some way to pull this back to Second and take
off the rest of the Bill or something?"

Speaker Daniels: "That is our understanding, too, Ma'am."

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Pullen: "Mr. Speaker, I have never heard that done before, when it's being voted on Postponed Consideration. I thought that was normally what someone does when a Bill is put on Postponed Consideration, not on its second Roll Call, and I don't see how he can do it, under the rules."

Speaker Daniels: "You're in your sixth year here, I'm in my eighth, and we're learning every day. Representative Darrow."

Darrow: "Mr. Speaker, having voted on the prevailing side by which this Bill lost, I hereby move to re..."

Speaker Daniels: "Representative Darrow, the...the voting is still open, Sir. Representative...All right, have all voted who wish? Have all...Representative Ewing...Ewell, do you wish to explain your vote, Sir? Your 'present' vote?"

Ewell: "Yes. We don't have to worry about Mr. Giorgi's Bill. We're going to have about 50 Conference Committees. He's in Leadership. His Bill's going to live, so I think you ought to get on with the business of the House, so we aren't here Saturday and Sunday."

Speaker Daniels: "Your point's well taken. Have all voted who wish? Have all voted who wish? The Clerk will take the record. There are 80 'aye'...Record McCormick as 'no'. Representative Robbins, your light is on, Sir. All right. 80 'ayes', 78 'nos', and the Bill is lost. Representative Darrow."

Darrow: "Speaker, I now move, having voted on the prevailing side, to reconsider the vote by which this Bill lost."

Speaker Daniels: "Gentleman, Representative Darrow, moves to reconsider the vote...Gentleman Ralph Dunn."

Dunn, Ralph: "Table."

Speaker Daniels: "Moves to table. Question is on the tabling Motion. All in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Motion prevails."

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Representative DiPrima, can you come to the podium?
Messages from the Senate."

Clerk O'Brien: "A Message from the Senate by Mr. Wright,
Secretary. 'Mr. Speaker, I am directed to inform the
House of Representatives the Senate has passed Bills with
the following titles, passage of which I'm instructed to
ask concurrence of the House of Representatives to wit:
Senate Bills #1289 and 1302, passed by the Senate May 19,
1982.' Kenneth Wright, Secretary."

Speaker Daniels: "Give your attention to Representative DiPrima."

Speaker DiPrima: "Thank you, Mr. Speaker. Ladies and Gentlemen
of the House, as you know annually we have our Memorial Day
Poppy Day Program. And I want to begin by being very
grateful to our Speaker, who is allowing us this time to go
ahead with this program, when we have so much business on
hand. But, our Speaker, George Ryan, has constantly
supported the veterans and has been to...thoughtful of
their illnesses and everything, and he's always
pro...helped promoted this program. This Memorial Day
Program is being dedicated to our own late and beloved
colleagues, Senator David Shapiro, who served in this
House, late Louis Capuzi, and Vincent Malloy. I would
appreciate it if everybody would bow their heads in silent
prayer for one minute. Thank you. All right, now we will
have the Pledge of Allegiance by our own Gordon Ropp, who,
initially introduced this legislation and which we follow
every day. Representative Ropp."

Ropp: "Thank you, Mr. Speaker. Members of the House will please
stand. I pledge allegiance to the flag of the United
States of America and to the Republic for which it stands,
one nation under God, indivisible, with liberty and justice
for all."

Speaker DiPrima: "Thank you, Mr. Ropp. All right, now we will

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have the poem 'Memorial Day', which was written by Annette Wynn, and it will be recited by our own Ray LaHood. Ray. I hope he's there. Well, we'll pass him up momentarily and go to the next order of business. Now, we have our own Susan 'Anthony' Catania, the ERA Belle, who will give her version of 'In Flanders Field the Poppies Grow'. Susan Catania."

Catania: "Flanders Fields. In Flanders fields the poppies blow between the crosses row on row, that mark our place. And in the sky the larks still bravely singing fly scarce herd amid the guns below. We are the dead. Short days ago we lived, felt dawn, saw sunset glow, loved and were loved; and now we lie in Flanders fields. Take up our quarrel with the foe. To you, from failing hands, we throw the torch, be yours to hold it high. If ye break faith with us who die, we shall not sleep; though poppies grow in Flanders fields."

Speaker DiPrima: "Thank you, Susan. Thank you. Now, we'll hear from Jim Kelley, who will present us with a President John F. Kennedy remembrance. Jim Kelley."

Kelley: "Thank you, Mr. Speaker. In 1962, President John F. Kennedy was reminded, during a public address, of the old verse scrolled on a 'century' box more than 300 years ago. God and soldier, all men adore, in times of trouble and of yore. For when war is over and all things are righted, God is neglected and the old soldier slighted. Recent events bear out the late president's belief, that the more distant time moves from the sound of battle, the more dim public memory becomes of the sacrifices exacted at the price for victory. And the greater the inclination to challenge the veterans' programs, once accepted, as just and reasonable."

Speaker DiPrima: "Thank you, Jim. A truer word was never spoken. Now, we will have Carol Braun, another EAR (sic - ERA)

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belle, who will give us her rendition of the song, 'My Buddy'. Carol Braun."

Braun: "Nights are long since you went away. I dream about you all through the day. My buddy, my buddy, nobody quite so true. Miss your voice, the touch of your hand. Just long to know that you'll understand. My buddy, my buddy, your buddy misses you."

Speaker DiPrima: "Very nice, Carol. Thank you. All right, now we'll have Barbara Currie, another ERA belle, who will recite what Memorial Day means to us. Barbara Currie."

Currie: "In times of peace, in times of war, men and women of the armed forces have stood ready to protect our ideals of democracy. We will not forget their heroic deeds, for they were done in the name of freedom. We cannot forget their loyalty, for it gave their struggle meaning and kept this nation strong. And we must not forget them, for they gave their lives so that this nation might live. On Memorial Day, let us pay grateful tribute to those who lived and died so courageously for their country."

Speaker DiPrima: "Thank you, Barbara. Now we will have the Oreo Trio, comprised of the Poppy Day Belles, Ethel Alexander, Jill Zwick and Judy Koehler. They will give us their rendition of the song titled 'Trees', composed by Joyce Kilmer, who was killed in World War I; was killed in action in World War I."

Alexander, Zwick and Koehler: "I think that I shall never see a poem lovely as a tree. A tree whose hungry mouth is pressed against the earth's sweet flowing breast. A tree that looks at God all day, and lifts her leafy arms to pray. A tree that may, in summer wear, a nest of robins in her hair. Upon whose bosom snow hath lain, who intimately lives with rain. Poems are made by fools like me, but only God can make a tree."

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DiPrima: "Very nice, girls. Speak into the mike, I can't hear you, let alone see you."

Zito: "Mr. Speaker, that was lovely. But I wonder if Representative Zwick and Representative Koehler could join in now."

Speaker DiPrima: "They'll start practicing from now on, and be ready next Memorial Day Program. Now, I'm going to back up back to the poem, 'Memorial Day', which was written by Annette Wynne, and will be recited by Ray LaHood."

LaHood: "Sorry, Mr. Speaker, I was out in the hall speaking to some constituents."

DiPrima: "All is forgiven."

LaHood: "Did you say I was forgiven?"

Speaker DiPrima: "All is forgiven."

LaHood: "Thank you. You just gave me absolution. Is that correct?"

Speaker DiPrima: "Right."

LaHood: "Thank you, 'Reverend'. Is it enough to think today of all our brave, and put away the thought until a year has sped? Is this full honor of our dead? Is it enough to sing a song and deck a grave, and all year long forget the brave who died that we might keep our great land proud and free? Full service needs a greater toll, that we who live give heart and soul to keep the land they died to save and be ourselves, in turn, the brave."

Speaker DiPrima: "Thank you, Raymond. Now we will have 'A Day of Remembrance', by Judy Topinka. Judy."

Topinka: "For many, the memories which come to mind on this day are bittersweet, memories of loved ones who gave their lives for their country and for freedom. There are memories of those who served and came home from war to live out their lives amongst our loved ones. Their service and sacrifices were essential to the preservation of freedom,

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just as were the sacrifices of those who died on the fields of battle. On this day of remembrance, parades, memorial church services, and special memorial programs, remind us of our indebtedness. Across the land, thoughtful Americans visit cemeteries, and with bright, new American flags, mark the final resting places of those who served. The living thus pay tribute to the dead, with loving expressions of remembrance. For them, Memorial Day holds a special meaning. This day holds special meaning for the Gold Star Mother, as she fondly remembers a son who died for his country, painfully aware that the passage of time can never completely heal the sense of loss. This day also holds special meaning for the nation's thirty million military veterans, as they remember their former comrades in arms. And, this day holds a special meaning, a singular meaning for all Americans; that is, we have not forgotten. In closing, please, buy a poppy."

Speaker DiPrima: "Thank you, Judy. All right, well, as you know, those of you that have been here in the past, I've always brought up about the fact that there was a preacher back in the '20s by the name of Billy Sunday, and then, Billy would have the plate passed around and he would ask that not a sound be heard. In other words, he wanted you to put in the long green. And, as time goes on, and the economy, what have you, and money is short, money is needed all the more by the veteran organizations that service the veterans in the hospitals. So, we're going to have them go around and sell the poppies. Now, on the Republican side, we'll have... chaired by Jake Wolf, Vice Chairperson Judy Topinka, Vice Chairman Phil Collins, and Vice Chairman Ray Hudson. They will do the collecting on the Republican side, and on the Democratic side, we have Taylor Pouncey as Chairman, Eugenia Chapman as Vice Chairperson, Ed

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Kornowicz, Vice Chairman, and Robert Pechous as Vice Chairman. They'll go around, and, please, let's open our hearts. I've already got... Certain individuals knew that we were going to have the Poppy Day, and they came. I've already got close to fifty dollars. There are individuals who gave me five and ten dollars, and I'll name them tomorrow. You know, but see who else comes in with the big ones. Now, I would like to close this program by having all the Members of the House singing the song 'America'. Let's all get together and sing 'America'. (All sing) Thank you all. Thank you ever so much. Open your hearts now, when the fellows go around with the containers. Yes, Phil?"

Collins: "Mr. Speaker, would you lead us in the second verse?"

Speaker DiPrima: "The second verse?"

Collins: "Please."

Speaker DiPrima: "I don't even know the first verse. I'm ashamed of myself."

Clerk Leone: "Representative Peters, in the Chair."

Speaker Peters: "House Bills Third Reading. Page four of the Calendar. Representative Peters in the Chair. Representative Conti, for what purpose do you seek recognition?"

Conti: "Well, Mr. Speaker, how do I apply for equal time?"

Speaker Peters: "Representative Younge, 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. Third Reading of the Bill."

Speaker Peters: "Representative Younge."

Younge: "Yes. Thank you, Mr. Speaker and Members of the House. House Bill 960 would create the Metro-East Economic Development Authority, which would provide long-term low

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interest financing to private companies for the purpose of constructing and equipping businesses in the Metro-East area. The overall objective of this authority is to maintain and... and expand job opportunities, and to increase the tax base of the area down there. The Metro-East Authority would concentrate all of its time and resources in the Metro-East area, and would greatly stimulate the economy by making available revenue bonds for the modernization of industry. We have experienced, in Illinois, a tremendous slide in the economic base, particularly in the St. Louis metropolitan area. If the prediction of 36,000 additional jobs are lost, then this means that one... ten million dollars in additional tax income will not come into the State Treasury. This Bill would help the tremendous potential for economic development that is current in that area, and I ask for your approval of this measure."

Speaker Peters: "Any discussion? Representative Tuerk."

Tuerk: "Well, Mr. Speaker and Members of the House, this Bill was heard by a Subcommittee of the House Labor and Commerce Committee during the recess. It was reported back to the Committee with a quasi-recommendation of 'do not pass'. However, it's true, the Lady did come to Committee with this Bill. It did get out of Committee. However, I stand in opposition to the Bill. We already have the Illinois Industrial Development Authority in place. We have the Illinois Housing Authority in place. It's certainly not clear within the provisions of the Bill, of the authority... the Metro-East Authority. There is a Bill pending in the Federal Congress. I think it's Senate Bill 1140 by number, which would reduce the tax status on IRB's and make it more difficult to issue. The... East St. Louis, itself, as a home rule community, can issue

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industrial revenue bonds. I just don't feel there is a need for the Bill that we should be considering, and therefore, I would rise in opposition to it, and ask you to cast your vote accordingly."

Speaker Peters: "Further discussion? There being none, the Lady from St. Clair to close. Representative Younge."

Younge: "Thank you very much. The Governor's Office has withdrawn all opposition to this Bill because, clearly, it... it would just be able to issue revenue bonds. There is a tremendous development potential in the Metro... Metro-East area, and, over the last twenty years, this state has lost sixteen million dollars worth of tax revenues because of 55,000 manufacturing jobs leaving the state. This Bill would reverse that trend, and therefore, not only be healthy for the Metro-East area, but healthy for the state. This Bill is supported by the Associated General Contractors. It is needed, and be... because all of the objection that was from the Governor's Office has been withdrawn, I ask for your support of this matter."

Speaker Peters: "The question is, 'Shall House Bill 960 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 Mays, to explain his vote. One minute."

Mays: "Yes, thank you, Mr. Speaker. Just a moment to explain my 'no' vote on this measure. It's questionable as to whether this authority - Metro-East Development Authority actually has jurisdiction statewide or not. I don't know whether previous speakers have brought that out, bonding limitations and things like that. This is a questionable Bill. I don't question the intent of the Sponsor, however, but I think we ought to look real hard at this one before we let it sail out of the House."

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Speaker Peters: "Have all voted who wish? Have all voted who wish? Rep... Representative Younge, to explain her vote."

Younge: "Right. The Bill... The Bill's jurisdiction is just the Metro-East area. There is no intention for it to be statewide, so I wanted to clear that up for Representative Mays. There is a tremendous amount of vacant land in the Metro-East area, and vacant land next to the Mississippi River offers tremendous opportunity for development. The Metro-East area is an area that has been hit by the exodus of... and plant closing, and people moving out, basically because of federal programs. It becomes incumbent upon us to re... reverse that situation, and I think that a... an authority working full time to reverse that situation is what is needed, and that is the intent of this Bill. The Capital Development Board issued a report that basically said that there is no development entity in that area that can promote growth. This Bill would give it."

Speaker Peters: "Representative Wikoff, one minute."

Wikoff: "Thank you, Mr. Speaker. I don't want to question the Sponsor on a statement, but as a member of the AGC of Illinois, I know of no endorsement of this."

Speaker Peters: "Representative Karpriel, one minute."

Karpriel: "Yes. Well, I would respectfully disagree with the Sponsor of the Bill, because on the third, on the second page of the Bill, it says that, 'It is the policy of the state in the interest of promoting health, safety, morals, and general welfare of all the people of the state, to increase job opportunities in labor surplus areas throughout the state, particularly in areas of substantial and persistent labor surplus, by making available, through the Metro-East Economic Development Authority, created under this Act; funds for industrial, commercial, commercial, manufacturing development', and I also want to

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remind the House that, with yesterday's Amendment, it also includes housing developments... 'to locate, remain or expand within the state'. We have a situation, here, where, I think, jurisdiction is a little vague, and the Metro-East Economic Development Authority could be loaning money to any area of the state, from the way I read the Bill."

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

Stuart: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the... Sponsor, Representative Younge, who's certainly worked very hard on this and similar Bills. I think that the 96 green votes there are a vote of confidence, not only in her efforts, but a vote of confidence in the fact that perhaps we can turn around the economic conditions facing East St. Louis, which is, indeed, a blighted area. I hope that those 96 'yes' votes will hold solid, and I believe that that's a responsible and good vote for a good Bill. Thank you."

Speaker Peters: "Further discussion? Take the record, Mr. Clerk. On this question, there are 99 voting 'aye', 51 voting 'nay', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1072, Representative Wolf. Out of the record. House Bill 1119, Representative Preston. Out of the record. House Bill 1173, Representative Hallock. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 17..."

Speaker Peters: "Yes."

Clerk Leone: "...33, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Peters: "Representative Hallock."

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

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Bill 1733 is a fairly simple Bill. It merely allows school employees to review and duplicate their files. There will be a fee for that of fifty cents, which will allow the school board to cover the cost, and I would ask for your favorable support. Thank you."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House... Representative John Dunn?'"

Dunn, John: "Question of the Sponsor. Fifty cents for what?"

Hallock: "Per page, if they want to review and duplicate any part of the file, they can pay a... a fee of fifty cents duplicating costs per page, for that information in the file."

Dunn, John: "And what... And... And how does this represent a... a change, if a student wants a copy of a transcript or..."

Hallock: "No. Excuse me. This applies to employees, so it would apply more to employees than teachers. If they want to review their file, they can duplicate that as well, if they pay a fifty cent per page cost. This applies to employees, not to the students."

Dunn, John: "Okay. Are... are there... There were some Amendments on this Bill, also, weren't they... or, weren't there?"

Hallock: "Yes, there were. One of the Amendments was the one which put in the fifty cents per page cost. It was discussed in Committee, that we should allow the employees to duplicate their files, but in order to make sure the school boards don't suffer any revenue loss, we put in the fifty cents per page item."

Dunn, John: "Thank you."

Speaker Peters: "Further discussion? Representative Zito."

Zito: "I... My... My questions were answered. Thank you, Mr. Speaker."

Speaker Peters: "Thank you. If there be no further discussion,

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the question is, 'Shall House Bill 1733 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? Take the record, Mr. Clerk. On this question, there are 136 voting 'aye', 10 voting 'nay', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. You'll have to fill out a slip, now, John. We'll have objections. House Bill 1841, Representative Karpziel. Out of the record. House Bill 1894, Representative Friedrich. Read the Bill, Mr. Clerk. Give the Gentleman your attention."

Clerk Leone: "House... House Bill 1894, a Bill for an Act to reinstate the common law doctrine of contributory negligence. Third Reading of the Bill."

Speaker Peters: "Representative Friedrich."

Friedrich: "Mr. Speaker and Members of the House, first I'd like to take a minute to tell you how we got where we are. For years, the common law in Illinois, of course, was contributory negligence. The Supreme Court decided they'd get in the legislative business, and they said, 'Well, the Legislature failed to act, so we're going to decide, as of now, it's pure, comparative negligence.' Now, I can tell you, number one, I didn't appreciate their doing it, but in doing it, they not only got... invaded the prerogative of this Chamber, but they also created a situation which is really a disaster in the insurance business. We have been working with all the people that are interested, and we've checked to see what's been done in other states. Frankly, I would like to go back to, strictly, contributory negligence, but I realize that that probably is not possible, so we worked on a number of alternatives, and finally agreed to take Representative Leinenweber's

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Amendment, which is, actually, at this point, the Bill which we propose. I can assure you that it is far better than pure, comparative negligence, and I would like to yield to Representative Leinenweber to explain his Amendment, which is the Bill."

Speaker Peters: "Representative Leinenweber."

Leinenweber: "Thank you. Thank you, Mr. Speaker. House Bill 1894 was amended about a week and a half ago with Amendment #3 which became the Bill and we amended House Bill 2096 today so it is identical. I explained the Amendment #3 to 2096 so I will not go into great detail because both of those Bills are now in the posture of being identical on Third Reading. Very briefly, the Bill does not do what the synopsis says. It does not repeal the comparative negligence law in the State of Illinois. What it does is modify it in one way and in one way only. Currently Illinois is operating to the best of our knowledge based upon rather limited court decisions on a pure comparative negligence law. House Bill 1894 with Amendment #3 would modify that to provide that comparative negligence would apply identically in all cases with the exception of those cases where the plaintiff's negligence is greater in degree than that of either the defendant or aggregate of the defendants, which means that in those instances where the plaintiff is 51% or greater responsible for his or her injuries, then that plaintiff would not be allowed to recover. Any lesser responsibility on the part of the plaintiff, the plaintiff would be dealt with in precisely the same way as dictated by the Supreme Court in the 'Alvis decision' last June. So just giving you some examples: if a plaintiff goes through a red light and has an accident and it is determined that that plaintiff is 90% responsible for his or her injuries, that plaintiff, under House Bill

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1894, would not recover. If that plaintiff was determined to be 50% responsible, the defendant or defendant's aggregate 50%, the plaintiff would recover half of his or her damages as present...under the present law. If the plaintiff is 40% responsible, the defendant's 60%, the plaintiff will recover 40%. If there are multiple defendants and one plaintiff, the plaintiff is 49% or 50% responsible, the defendants..four defendants each 12 and 1/2% responsible, the plaintiff could recover one half of the damages. It's that simple. We've been over it twice before. It's an attempt to provide some relief to the escalating costs of liability insurance and I think this is a reasonable approach. Nobody is happy with it, which I..makes me think it's probably the best possible way to go. The plaintiff's personal injury lawyers don't like it. The insurance companies are not happy with it, but I think it, therefore, meets the criteria of being a reasonable compromise. I urge your adoption of House Bill 1894."

Speaker Peters: "Representative Johnson."

Johnson: "Just a couple of questions of the Sponsor before I address the Bill. Representative Friedrich, you mentioned in your introductory remarks that you didn't like the Supreme Court changing the law in Illinois. Are you familiar with the fact or are you aware of the fact that for most of the early history of Illinois, from its inception in 1818 until almost the end of the 19th century, that the law was then by Supreme Court decision exactly what the law is now. And further, that the contributory negligent system was only a...was ..that you apparently believe in, was only a system or a rule of law that was devised by the Supreme Court in 1890 or so and then about 20 years after that decision, the Supreme Court and other Appellate Courts in Illinois began to chip away at that law

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with the Last Clear Chance Doctrine, willful and wanton and so forth, so that really what we're talking about is simply returning to what the common law was from the very inception of the State of Illinois. Are you familiar with that fact?"

Speaker Peters: "Representative Tate. Who asked a question?"

Representative Johnson, did your mike go out?"

Johnson: "No. It did and now it's back so I'll.."

Speaker Peters: "All right. Well.."

Johnson: "I guess that's a rhetorical question. The fact of the matter is that for many, many years in the history of this state the law was what it is now and that's a very clear, simple, understandable system of compare par..pure comparative negligence. What the Sponsors of this Bill would say is that if you had a situation where an individual was working in a machine shop as an employee and was dealing with a defectively installed or maintained machine and got his or her hand cut off as a result of that defectively maintained machine and that somehow that employee or that worker was at least partially at fault, that he put his hand too far into the machine or ran too many copies of whatever he's working on at once, and lost his hand, incurred let's say \$100,000 in damages, medical losses and loss of employment and so forth, and the jury would determine that that individual was 49% at fault in terms of contribution to that result, that he could recover \$51,000. But that a minute a jury determined that individual was 2% more at fault, just 2% out of 100, he could recover absolutely nothing, absolutely nothing for defectively manufactured or defectively installed or maintained machines, lost his hand, incurred \$100,000 in damages, and the jury is going to give him absolutely nothing if we adopt this modified system that

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Representative Tate and Representative Friedrich have offered. There's no indication anywhere other than just conclusion that there's increased costs and claims in the system. I've talked to trial lawyers, defense lawyers and Judges all around the state who are..some of whom are objective and I guess some of whom aren't, and none of them indicated there's any kind of flooding of the courts or a crisis in our system as a result of the adoption in the 'Alvis decision' of a pure comparative negligence system. It's just simply not there. What more fair system is there in the world? What more just system can we have than the fact that an individual can only recover to the extent of someone else's fault? If someone else is 10% at fault, the individual can recover only 10% of his damages. If somebody else is 95% at fault, they can recover 95% of their damages. That's an easy system for the plaintiff to understand, an easy system for the defendant to understand, and an absolutely easy system for a jury to administer. If we adopt this system, if we adopt House Bill 1894, we're going to have gone in a period of slightly more than a year from contributory negligence system to a pure comparative negligence system to a modified system with different effective dates, different instructions to a jury and you talk about confusion and you talk about chaos in the area of injured peoples' claims, we're certainly going to have it in that system. This is an absolutely fair system. There isn't any boon to plaintiffs. Nobody's going to allow a plaintiff to recover for damages that they didn't incur. We're simply going to allow an injured person, somebody who lost their hand or who's paralyzed for life or simply has a \$5,000 automobile wreck, to be able to recover to the extent that somebody else contributed to the accident or to their injuries. Now, I don't know what more

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fair system; I don't know what more system of justice we can...we can enact in here in Illinois than what we've done. I agree with Representative Friedrich. I would have rather seen the Legislature address this question. But the fact is they didn't and like, in some other areas throughout our history, civil rights and other areas, sometimes the courts have to step into areas where the Legislature should have..should have trod before. I think this is a bad Bill. I think it doesn't make sense to change a system that's been operating for a year, whether it has or hasn't been operating well; and the early indications are, it has; and to go to a system that nobody would know what it means, and would mean a substantial denial of injured people's rights. And, for those reasons, and for the reasons that, I'm sure, others are going to allude to, and that you've heard already, I urge a 'no' vote on House Bill 1894."

Speaker Peters: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Question of the Sponsor, please."

Speaker Peters: "I forget, now. Who is the Sponsor? Representative Leinenweber. He indicates he'll yield."

Breslin: "Okay. Representative, what kinds of cases does this apply to?"

Leinenweber: "Negligence resulting in death or injury to person or property."

Breslin: "So, it applies to more things than just intersection accidents. Isn't that correct?"

Leinenweber: "That's correct. Any act... Any cause of accident arising for damages to property or person arising on the theory of negligence."

Breslin: "So, it applies also in slip and fall cases? Is that right?"

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Leinenweber: "That's correct."

Breslin: "Construction accident cases, where scaffold is not involved?"

Leinenweber: "If the theory is negligence, that's correct."

Breslin: "Factory cases, where there's tractor trailers loading and unloading, and accidents involved..."

Leinenweber: "If the theory is negligence. If not... If it's products liability, like Representative Johnson was talking about, it would not be involved."

Breslin: "Isn't it common, however, in... in all of these cases in... in elevator shaft falls, in amusement park accidents, in utility accidents, where there are explosions, especially gas explosions, where children are involved, that it is common to have a negligence clause?"

Leinenweber: "Well, quite often, those are brought under the strict liability theory of... or products liability or strict liability in tort, which would not apply to, if there was... if it was brought under the theory of negligence, then it would apply if there were... alternate theories, then whoever... well, depending on which one was successfully carried forth."

Breslin: "But, it is common to have one count of common law negligence in those cases, isn't it?"

Leinenweber: "Well, it... probably less so, depending on the nature of the facts."

Breslin: "In the situation..."

Leinenweber: "If you have an exploding pop bottle case, I would say that you would carry it under strict liability... products liability."

Breslin: "Okay."

Leinenweber: "You might throw account in, but you would rely, probably, on strict liability."

Breslin: "In the situation that you described, where there has

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been an accident, and the plaintiff is found to be 51% at fault, and the defendant found to be 49% at fault, you have indicated that the plaintiff will not recover any damages..."

Leinenweber: "That's correct."

Breslin: "... But that the defendant will recover 49% of his or her damages. Correct?"

Leinenweber: "Correct."

Breslin: "In that situation, the jury that is returning the verdict under your Bill, does the jury re... know that the plaintiff will not receive anything in accordance with their verdict?"

Leinenweber: "There's nothing in the Bill on that. That would be subject to court rule. It would be my feeling that the jury probably would not be told. That's just based upon, when there is currently such things as limitations and dollar amounts, in law, the jury is not told; but this would be, I think, subject to the judicial rule power."

Breslin: "And, is it your preference that they not be told, and if so, why?"

Leinenweber: "Well, that would... that's purely a guess on my part, but what was your follow-up question?"

Breslin: "Why should they not be told? Why should they not know the... the results of their verdict?"

Leinenweber: "Well, for some reason, the judiciary in the state has made it a practice in eliminating those considerations. For example, they do not tell a jury in a criminal case what the penalty... possible penalties are, upon a certain decision. They do not tell the jury in a dram shop case that, no matter what their verdict is, it will be limited to 15,000 dollars. There's a lot of things that they don't tell the jury. They don't tell them about insurance, and a whole range of things, because of some fear or other that

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the jury might become confused, and this very well might be one area. For another example, under the previous law, it was customary that a jury be giving... given special interrogatories, testing whether or not they believed a plaintiff to be contributory negligent. They were not allowed to be told that, if the jury answered the instruction in a particular way, that that, and that alone, would foreclose recoveries. So, I... I... I'm just analogizing. I really have no way of knowing how it would come out, or why, but it has been the practice not to tell the jury what the ultimate result of the their verdict would, or would not, be."

Breslin: "The rule of law that you proposed in 1894, applies in those cases where there is no insurance involved, too, doesn't it?"

Leinenweber: "That's correct. If it's brought under the theory of negligence."

Breslin: "In the situation where a plaintiff is returned, or a jury has returned a verdict for the plaintiff, in the amount of, oh, let's say 100,000 dollars in.. in damages, but have found the plaintiff to be 20% negligent, how is the award determined, under your Bill? Who determines the award, first of all?"

Leinenweber: "Well, it would be the same way as... Well it depends, again, how the jury is instructed, and what type of verdict forms are given. Under... It would be handled, I would believe, in precisely the same way it's done now, which is confused; because there's two different ways they do it. One is, that they have the jury to come in with a special finding of total damages, the percentage of responsibility, and then a special verdict in the ultimate amount. The judges have also, in some areas of the state, given them merely the questions, the special

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interrogatories, set the total amount, and set the percentage of plaintiff's responsibility, and then, the judge makes that ultimate determination. There... It's done both ways. The pattern in jury instructions go the first way, though, which makes the jury make the ultimate computation."

Breslin: "Okay. That's under the present law, correct?"

Leinenweber: "Yes, and that would not be changed."

Breslin: "Okay. What is the effect of, or how are setoffs handled, under your Bill?"

Leinenweber: "Setoffs are not handled under the Bill. The same... We don't know how setoffs would be handled, 'cause the Supreme Court has not addressed that question. Your Bill, which passed the House, but, I understand, was held up in the Senate, prohibited setoffs, but that question has not been addressed by the Supreme Court, to my knowledge. My Bill doesn't address it."

Speaker Peters: "You have... You have three minutes, Representative Breslin. three minutes."

Breslin: "But, I'm just answering... asking questions."

Speaker Peters: "There's ten minutes per person, in debate."

Breslin: "Okay. What is the effect of willful and wanton misconduct on the part of the defendant, under this Bill?"

Leinenweber: "It only applies... It... Comparative negligence, only. That is a question, I understand, that is still up in the air, I think, from the Supreme Court; whether there is comparative willful and wanton..."

Breslin: "In other words, you don't know whether or not a defendant who is found to be willfully and wantonly negligent in the commission of their acts, would be held liable?"

Leinenweber: "Contributory negligence has never been a defense to willful and wanton misconduct, so this does not change

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that. If a person is willful and wanton, then the Supreme Court, it is my understanding, did not address that either. If you are contributorally willful and wanton, it is my understanding, we don't know whether or not that's a complete bar, or whether or not there would be a percentage reduction. In any event, the Bill would not affect the willful and wanton theory of action."

Breslin: "I understand that one of the... the major problems with the Wisconsin form is the... the difficulty in settling cases. We have had no difficulty in settling cases under the pure comparative form."

Leinenweber: "Well, a that's point of view, I suppose. One of the nice things about the pure one is the point of 'can't lose', under 1894, the plaintiff potentially could lose, which would give the plaintiff, presumably, more incentive to settle than currently they have. The defendant, now, presumably has more incentive to settle under the current law."

Breslin: "Representative, I understand that the major reason for the proposal of this legislation is at the request of the insurance industry, because they believe that comparative... that their... their business will be affected by the comparative negligence rule in Illinois. Do you have any statistics to determine that premiums earned are lower, or that losses incurred are greater in the one year that we have operated under the pure form?"

Leinenweber: "Well, the... the question is obvious, the case involving a very... well, any type of accident, with the possible exception of, let's say, a rear end... when you run into someone who is stopped for a stop light; potentially is recoverable by both parties. Both parties can recover their damages, which means that the incidence of claims made and claims retained open, has to be higher,

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just stands absolutely, totally, logically, it has to be...
it has to be more expensive."

Breslin: "Do you have any..."

Speaker Peters: "Time is up, Representative Breslin.
Representative Preston? Yes, Representative Breslin?"

Breslin: "Well, first of all, I think that since a lot my time is
used up in responses, that... that..."

Speaker Peters: "Representative, you may have a very good point.
I suggest you take that up with the Committee, and if
that's what the Rules Committee decides, we'll do it. Ten
minutes is the time allotted for each person in debate
question and answers. The next light that I have on is
Representative Preston, and then Jaffe, and Birkinbine. If
they... And then Donovan, fourth. If any one of them wish,
in that order, I'll be happy to yield their time to you.
Representative Preston?"

Preston: "Mr. Speaker, I'd be pleased to yield five minutes of my
allotted time to Representative Breslin."

Speaker Peters: "Okay."

Preston: "Mr. Speaker, I'd like to go on."

Speaker Peters: "Representative Preston."

Preston: "Mr. Speaker and Ladies and Gentlemen of the House, I
rise in opposition to this Bill for a number of reasons,
many of them mentioned by Representative Breslin today, and
when this Bill was previously discussed, and many comments
against the Bill I agreed to, when the Bill was previously
discussed; but the...the overriding consideration, to me,
is why should there should be a bar to recovery, when one
party to an injury... one party to an accident may be the
only party who has been injured. The defendant caused that
injury to the extent of 50%, and yet, that defendant gets
to go away scot-free. In the following example, where two
individuals, who might be intoxicated while driving in

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opposite directions on a highway, each cross the center line and that results in a head-on collision; but, miraculously, one of those two individuals remains uninjured, and the other individual is paralyzed from the neck down, for life. They were both negligent. They both, wrongfully and negligently, crossed the center line and caused the accident in equal proportions, but only one of the individuals was dastardly injured, and the other one is not. But, because the plaintiff, the injured party, here, was 50% negligent, that individual is barred any recovery notwithstanding, that for the rest of that person's life, they are paralyzed from the neck down. This is not a hypothetical that's been conjured up. This happened in Cook County. This happens all over the United States, from time to time. One person may be negligent, the other person also negligent, but only one individual is the injured party, and that injury may be extreme, it may be substantial, and yet, the person causing half, or perhaps, even a little less than half of the injury or... or contributing half, or... or somewhat less of the negligence to the injury, goes away without his or her having to pay five cents towards the terrible damages that were caused one party. That is unequal justice. There is no reason, no overriding reason, to incorporate that into the law in Illinois. The present pure comparative negligence has been on the books for less than one year. At least, we should give it an opportunity to be tested, to see if, indeed, settlement is not encouraged by virtue of... pure comparative negligence, to see if there is any injustice that is caused by that standard. We have not had an opportunity to see whether or not there is anything, other than the encouragement of settlements, under the present system in Illinois, that's been in effect for under one

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year. The courts saw fit to give it a chance. The Legislature, previously, saw fit to give it a chance, and we should not, in this short period of time, reverse that posture, unless there is some overriding reason to do so. We have not seen that overriding reason, but we have seen an overriding reason to have a comparative form of negligence to encourage settlements, to encourage a defendant and a plaintiff to get together and to see if they can avoid litigation. That's what the present standard does, and it also goes further in that, in being fair in that whoever is negligent, and where that negligence causes injury, for that individual to have to pay; not for a penny more, but also not for a penny less, than the result in injury caused by that individual's negligence. For that reason, or for many of the other arguments that have been rendered here, I would ask you to give this an 'aye' vote. We need this to remain the law in Illinois, at least until it's had a chance to see what the long term effects are. To go and change the law every few months, doesn't make any sense."

Speaker Peters: "Representative Jaffe."

Jaffe: "Yes, Representative..."

Speaker Peters: "Representative Preston suggests a 'no' vote. Representative Jaffe?"

Jaffe: "Yes, Mr. Speaker, Members of the House. It's sort of interesting to watch the history of this Bill, because there was, really, only one concept that was ever heard by a House Committee, and it wasn't passed out to the floor of the House; and that, of course is the present law, the... the law of pure comparative negligence. It's sort of interesting that this Bill was never really heard by a Committee. It was never sent to the Judiciary Committee. It was sent to the Insurance Committee, and the Insurance

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Committee never even heard it, and of course, the Committee was discharged and was reported to the floor of the House. I don't think that that's the way we ought to handle legislation in the House of Representatives. Pure... pure comparative negligence, which is the law at the present time, passed out of this House only last year, by a vote of 100 to 42, and I see no reason why we should change our mind at this point in the game. As you know, what happened was that, for years and years and years and years, the Supreme Court has issued their opinions, and they have stated that they thought that the Legislature ought to come up with a concept of pure comparative negligence, and in spite of the fact of our studying that for many, many years, the Legislature never did that, and then, of course, the Supreme Court came out in the case of 'Alvez v. Bavarre' and indicated that the law of the state was now going to be pure comparative negligence. And, when the Supreme Court did that, they did not do that on a flippant basis. They did it after studying this law very, very extensively, and after making recommendations for a number of years. As an example, the Supreme Court, you know, quoted extensive studies. We offer here, the argument that this type of law would actually cost more to the consumer. The Supreme Court has given and quoted studies extensively, and state that they... those studies reveal that there really is no difference in rates between pure comparative negligence and.. and the modified comparative negligence that is advocated in this Bill. I might say to you that, as a matter of fact, the Supreme Court states that after studying Wisconsin, it is their belief that modified leads to... to delays in court cases, and the reason that you have delays in court cases is because, most of the motions that they deal with in the State of Wisconsin deal with

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whether or not there is 49% fault or 50% fault, and those motions actually lead in delays in those court cases; and because of those delays, insurance companies, then, will not settle cases, because they always think that there's a chance of between 49 and 50, and... and they think that perhaps they can actually beat the rap. It would seem to me that, if you read every legal scholar who writes on comparative negligence, and if you talk to every Judge who deals in this area, they only... they all believe that pure comparative negligence is actually the best concept. It's the concept that we have now. It is not the concept that we should throw away lightly, and we should vote 'no' on this Bill, and defeat this, and let pure comparative negligence stand, in the State of Illinois."

Speaker Peters: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker. 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? In the opinion of the Chair, the 'ayes' have it. Representative Tate... Who? Who's closing? Representative Tate, to close."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, the Supreme Court has seen fit to do the job that eleven million Illinois citizens elected us to do, and they have done it in an extremely poor manner. Just share with you the Chief Justice of the Illinois Supreme Court's remarks in a dissenting opinion in 'Alvez v. Rebar'. 'I am bothered by the idea that no more than four individuals, four Members of this Court, can radically change the fabric of the law that will, hereafter, govern the conduct of the eleven million residents of this state. I am bothered by the fact that this Court has snatched the problem from the

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hands of two hundred and thirty six elected Representatives of those eleven million people, and has decreed that it, not the elected Representatives, shall determine whether this state will follow the... the comparative negligence or whether it will fol... follow a pure, or modified, form. The pure comparative form which the Supreme Court has burdened our constituents with, has caused considerable problems. In the area of insurance claims handling, I have received numerous complaints from consumers who are only remotely at fault, but because the more negligent party wished to go to court, hoping for a higher percentage judgment, the remotely at fault party must await the court system, or file a claim under their own insurance policy. The present system penalizes the less negligent party, and House Bill 1894 will help resolve these unfortunate delays to remotely at fault individuals, by encour... encouraging settlement and reducing litigation. The pure comparative form allows the more negligent party to collect greater damages from a less negligent party. Recently, in... in Joliet, a jury awarded an individual who ran a stop sign and was judged 95% at fault, 10,000 dollars, because that party, legally proce... proceeding through the stop sign, was judged 5% at fault, and required to pay 5% of the 95% party's 200,000 dollars in damages. House Bill 1894 would prevent this distortion of the legal system by prohibiting a more negligent party's ability to recover from a less negligent party. Since the Supreme Court's decision, the underlining incentive for litigation has caused increased court backlogs. The Illinois Court Administrator recently reported a new high of 55,297 jury cases in the Cook County Department backlog. Insurance costs are also climbing because of our pure comparative doctrine. One major domestic automobile insurance writer has needed an overall

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10% increase in their auto policies in Illinois. They have attributed the reason for an increase to the adverse claim experience they have encountered under the pure neg... pure comparative negligence doctrine. An overall estimate of the increase in insurance costs attributable to comparative negligence is 167 million dollars that we're going to ask our constituents to pay, if we don't reform this Bill. There are costs borne by Illinois consumers, your constituents. The Cook County jury verdict report has shown a six month increase in awards and 25% increase from September of 1981. House Bill 1894 addresses the sources of the cost increases to insurance costs to your constituents and your consumers. This is a consumer Bill. It will help keep insurance costs in line, not only for automobile motorists, but for... also for all businesses in this state. I urge your 'aye' vote on this crucial issue facing the citizens of Illinois, and let's rid ourselves of this present pure comparative system, which acts only as a retirement program for the Illinois trial attorneys. Thank you."

Speaker Peters: "The question is, 'Shall House Bill 1894 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? Representative Friedrich, to explain his vote."

Friedrich: "Mr. Speaker and Members of the House, there have been a lot of weeping and wailing around here by a bunch of lawyers who are talking about their bread and butter, and there have been some misstatements made that I think they know about. For example, the one that Mr. Johnson made about the fellow that got his hand in the machine. He knows that this man can get money from Workmen's Compensation. I talked to one of the lawyers, trial

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lawyers, and they said, 'Hey, Buddy, don't fool with this. That's my bread and butter.' Well, what they're saying is that this... the money that you're going to be paying for extra legal fees and extra insurance costs, it's all going to come back on you and your constituents. Go ahead and vote 'no', and I can tell you that your constituents and you will be paying higher insurance premiums and higher legal fees in the years to come."

Speaker Peters: "Ladies and Gentlemen of the House, the Chair would just remind those Members who spoke in debate and were not Sponsors of the Bill, that they are not, under the rules, allowed to explain their votes. If they seek recognitions for other purposes, we certainly will give them that recognition. Representative Johnson, for what purpose do you seek recognition?"

Johnson: "Yes, I... my name was mentioned in debate. In fact, in rather derogatory terms, and I assume the rules would permit me to respond to that."

Speaker Peters: "Proceed, Sir. Proceed."

Johnson: "So far, this debate on this issue, all through the Amendment stage, and even at the discharge stage, between Representative Friedrich and Tate on the one hand, and some of us who oppose this Bill on the other, was done in gentlemanly terms, and in terms of the merits of the issue, pro and con. But, quite frankly, Mr. Speaker and Members, I resent the comments of Representative Friedrich, both with respect to myself and other people. First of all, he's not a lawyer, and he's trying to involve himself in an issue that he doesn't know anything about. The example I gave is an absolutely accurate example of how this Bill would apply in reality, and anybody who tells you to the contrary is a damn liar. That Bill... at that example, is absolutely applicable in this case, as it is in any other

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case, a slip and fall or an intersection case, and to... to infer that people are for or against this Bill based on... based on... I don't what his word was, 'our bread and butter'. Anybody in this chamber has a certain amount of... is a captive, to a certain extent, of their background, but we're here trying to represent the people of the State of Illinois, and of all the various interests here, to... to... to single out our profession, as opposed to the insurance profession, or the contractors, or anything else, is an absolute affront, not only to me, but to other people who legitimately oppose this Bill, based on... based on the merits of the Bill, and what we think is right for the people of the State of Illinois. And, I really resent Representative Friedrich, because he's conducted himself well, prior to now, because he's getting beat and he's going to make the 'century club', in trying to resurrect a horrible Bill, to... to stoop to those kind of tactics; and I... and I really think, and I... I had hoped that we wouldn't... we wouldn't go to that level, but we have, and I think it's appropriate for me and some other people to respond to absolutely scurrilous comments and a damned lie."

Speaker Peters: "It's what made America. Representative Neff, to explain his vote. Representative Neff, did you have something to add."

Neff: "Thank you, Mr. Speaker."

Speaker Peters: "Representative Neff. We'll proceed in an orderly manner. You're entitled to explain your vote, Representative."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'm real surprised that we don't have more green votes up there. I think every Legislator here has had letters and complaints on the way they have been treated by

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insurance companies since the Supreme Court ruling."

Speaker Peters: "Give the Gentleman... just... Let us give the Gentleman your attention. Proceed, Sir. Proceed, Representative Neff."

Neff: "I don't think there's any Legislator here, or very few of us, that haven't had complaints on the way the insurance people have been... they've been treating the clients, and I want to say this; if you talk to the good, reliable insurance companies, and they also feel that this regulation should be changed. Thank you."

Speaker Peters: "Representative... Representative Friedrich. His name was... Now... Now... Now... Now, the Members can provide a calming influence. Rep... Rep... Representative Friedrich. His name was... His name was mentioned."

Friedrich: "Mr. Speaker, I don't care how many times my name's mentioned, but nobody calls me a damn liar, and if it's going... if you're going to permit that on the floor of this House, I'm going to ask that Mr... Representative Johnson be censored. It's obviously in a violation of the rules. He knows it. Everybody else knows it, and if... and if that's the way it is, he ought to be censored and thrown out of this House."

Speaker Peters: "The... Take the record, Mr. Clerk. The... The Chair... The Chair is powerless among... against those who wish to say what they want to say. Representative Johnson. I'll follow the rules."

Johnson: "I... I want to... I want to make something real clear, because the press, a year ago, in a situation with Rep... Senator Rhodes and Senator Vadalabene, made it into a... a two-way fight. I've... I've maintained that this chamber, like the Senate, is a chamber of dignity, and I want people to understand, and you can ask the guards and anybody else back there, in... in terms of what happened, so there's no

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misinterpretation. Representative Friedrich, because he said... I didn't say he was a damn liar, I said he mis... what he said about the Bill was, he asked me to come back, and then attacked me physically. I didn't respond to him. I don't intend to respond to him, and I don't intend to make this house into a boxing match; but, I also don't want the press to say that I was involved in fisticuffs, because I wasn't, and I don't intend to be. That isn't any way to resolve differences. Representative Friedrich and I will be friends, at least I will be, in two minutes, as I will be tomorrow, and I didn't involve myself in any way in that activity, and anybody who says I was, is wrong."

Speaker Peters: "On this... On this question, there are 57 voting 'aye', 105 voting 'nay', 3 voting 'present', and this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 1913, Representative Huskey. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1913, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Peters: "Representative Yourell, are you ready? Repre... Representative Collins."

Collins: "Mr. Speaker, Mr. Speaker, I understand on this evening's card, we have just had the preliminary, and now we're proceeding to the main event."

Speaker Peters: "Now... Now... All right. Ladies... Ladies and Gentlemen, we have had our bit of fun. It was serious to the... the the Members involved, I think. Let us... Let us take that into consideration and get back to where we're supposed to be. Representative Yourell, if it is important, I'll recognize you. Proceed, Sir."

Yourell: "It's important for the media, Mr. Speaker. I... You did mention my name in the debate, and I don't do anything unless Mike Royko's present to observe it firsthand."

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

Clerk Leone: "House Bill 1913, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Peters: "Representative Huskey."

Huskey: "Well, Mr. Speaker, Representative Yourell is a Gentleman at all times. Actually, on the... I would like leave of the House. I promised Representative Van Duyne that I would move this back. Could I have order, Mr. Speaker?"

Speaker Peters: "Give the Gentleman your attention, please. The Gentleman asks leave of the House to return House Bill 1913 to the Order of Second Reading for the purpose of Amendment. Is there objection? There is objection, Representative. Do you wish to make a Motion?"

Yourell: "Well, Mr. Speaker, I had promised Representative Van Duyne. He had an Amendment and asked me if he could put it on and... Oh, they object to it over there? Then, I move..."

Speaker Peters: "Just a second. Representative Leverenz."

Leverenz: "No objection."

Speaker Peters: "The... The Gentleman asks leave to bring House Bill 1913 back to the Order of Second Reading for purposes of an Amendment. Is there objection? There being no objection, leave is granted. Second Reading. Read the... Any Amendments, Mr. Clerk?"

Clerk Leone: "Floor Amendment #4, Van Duyne, amends House Bill 1913."

Speaker Peters: "Representative Van Duyne, Amendment #4."

Van Duyne: "Thank you, Mr. Speaker and Members of the House. This Amendment #4 is an attempt to make the people who... who apply for the CV plates to be more responsible and to prove that they are responsible charitable organizations. It just said that they have to file their... their proof of exemption from the Federal Income Tax as a prerequisite to

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qualify for the special vehicle registration fee, and I move for its adoption."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall Amendment #4 be adopted?' Those in favor will signify by saying 'aye'. Those opposed? In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #5, Van Duyne, amends House Bill 1319 (sic - 1913), as amended."

Speaker Peters: "Representative Van Duyne, Amendment #5."

Van Duyne: "I had only filed the following Reso... Amendments just in case that one hadn't passed, so I'd like to have leave to..."

Speaker Peters: "The Gentleman withdraws Amendment #5. Any further Amendments?"

Clerk Leone: "Floor Amendment #6, J. J. Wolf."

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

Clerk Leone: "Yes."

Speaker Peters: "Representative Wolf, on Amendment #6."

Wolf, J. J.: "Thank you... Thank you, Mr. Speaker. Amendment #6 would provide that the owners of CV cars pay one-half the annual registration fee... fee for first division automobiles. The additional revenue generated by the proposed license... the increase would be somewhere in the area of about 196 or 197,000 dollars annually, and I would move for the adoption of this Amendment."

Speaker Peters: "Ladies... Will those who are not entitled to the floor, please leave? All right. Will those not entitled to the floor, please leave? Representative Schraeder."

Schraeder: "Well, Mr. Speaker, I appreciate your trying to get a little order, but I wasn't quite sure I heard Representative Wolf. Are you saying that you're going to

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increase the fees from four dollars to something in the neighborhood of eighteen or thirty or perhaps to forty four, if the new law goes into effect?"

Wolf, J. J.: "Mr. Schraeder, what this Amendment... Frankly, if I thought I could do away with the whole thing and get the votes to do it, we would do it. We... We passed a similar Amendment in the last Session. Unfortunately, it was not acted upon in the Senate. What I propose by this Amendment is that a CV plate would pay one half of the registration fee of all first division vehicles. It is currently eighteen and thirty dollars, which means it would be nine and fifteen dollars, and if we do raise the fee, that would go up accordingly. Whatever the fee would be, it would be one half of the amount, rather than eight dollars for two years, which it is now. It would seem to me that anybody who has a Cadillac, or a Buick, or any car, for that matter, that nine dollars a year or fifteen dollars a year wouldn't put them out of business. It will raise about 196, 197,000 dollars a year additional fund for the Road Fund."

Schraeder: "Well, Mr. Speaker... Could I have a little order, please?"

Speaker Peters: "Will those individuals in front of Representative Schraeder give the Gentleman the courtesy to which he is entitled? Will the Members please give Representative Schraeder your attention?"

Schraeder: "Well, I think, all in fairness to the man that's got the Amendment, he has the right to be heard too, but I want to point out whether you vote for this Bill or not is.. or this Amendment is entirely up to you. I'm not trying to convince anybody to support me on it. I'm just trying to indicate that this is a tax increase for our churches, our charitable groups, whatever they may be. I'm talking about

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legitimate, charitable groups who have vehicles; and all I'm saying is, you're going to increase that fee from four dollars on up to this... astronomical increase, and I want everybody to know that. I personally am going to vote against it, but I want you to know that you're voting for a tax increase."

Speaker Peters: "Further discussion? Representative Yourell?"

Yourell: "Yes, thank you, Mr. Speaker. I thought... I thought Representative Wolf can perhaps clear this up, or maybe Representative Huskey, the Sponsor of the Bill. I thought the whole thrust of this legislation, and what I had read in the newspapers and... and material distributed, that we were trying to get at those individuals who had applied for some religious organization and became a minister and formed a church and were then entitled to the... to the liberal benefits generated by the Secretary of State's office for a charity... charity vehicle license plate. Now, with this Amendment, this will have nothing to do with keeping those people out. They will still be able to purchase, at reduced prices, a charity vehicle license plate. Is that correct, Representative Wolf?"

Wolf, J. J.: "What they will do is, it will increase the amount that they pay. If they have a small car, a 6,000 dollar car, a compact car, they are currently paying four dollars a year, whether it is a compact car, whether it is a Cadillac, whatever it is. This would increase that to nine dollars or fifteen dollars maximum. At... At least, it would increase the amount that they're paying."

Yourell: "Yes, but again, and perhaps Representative Huskey wants to get in this... in this exchange of ideas, or questions and answers, but I thought the original premise of the Huskey Bill was to get those people out of the business of getting free or cheap license plates, and this Amendment

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will not do that. I think I agree with Representative Schraeder. This is a tax revenue Bill, now, and certainly does not get at the... get at the object of the legislation originally; to keep the tax cheats out of the business of getting a reduced license plate. Perhaps Representative Huskey wants to comment, because I know that I read some articles in the paper, and he was very, very upset about these people getting these reduced license plates, but this Amendment will not keep them from doing that, and I don't know if there's anything in the Bill, now, that will do that, either; and so, I'll have to oppose the Amendment until somebody can tell me that the Secretary of State, through its rules and regulations, can prevent these people from getting a reduced license plate."

Speaker Peters: "Further discussion on the Amendment? Representative Huskey."

Huskey: "Well, Mr. Speaker, I certainly, reluctantly oppose this Amendment. We heard this Bill in the Motor Vehicles Laws Commission. We've studied it in our... the... in our Motor Vehicle Law Committee, and the only way that we were able to pass the Bill out was to... we were going to charge, and we discussed very... at long length charging twenty dollars, increasing the charitable plate to twenty dollars for every two years, but as... as you heard Representative Schraeder, who was part of those hearings opposed to that; and I'm afraid that this will kill the Bill. I... I very reluctantly will say that I'm going to oppose Representative Wolf's Amendment. It is a very fine Amendment, but I don't think that this is the year for it, and I'm afraid that it will gut the Bill, and I would hope that we would defeat this Amendment."

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

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Wolf, J. J.: "Mr. Speaker, I... I would have permission to withdraw the Amendment."

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

Clerk Leone: "Floor Amendment #7, Van Duyne, amends House Bill 1913."

Speaker Peters: "Representative Van Duyne, Amendment #7. The Gentleman asks leave... The Gentleman withdraws Amendment #7. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Peters: "Third Reading. Representative Huskey?"

Huskey: "Mr. Speaker, could I have leave to hear..."

Speaker Peters: "The Gentleman asks leave for the House to hear House Bill 1913 on the Order of Third Reading. Is there objection? Without objection, leave is granted. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1913, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Huskey: "Mr. Speaker, we're going to take a... a scalpel approach at the CV plates, rather than a meat axe approach. I, personally, would probably rather take the meat... I, personally, would rather take the meat axe approach, but it isn't the feeling of the Members of the Committee or the House, so we're taking a scalpel... scalpel approach. The current fee for a CV plate is eight dollars for every two years. One of the things that House Bill 1913 does, is, at the request of the Secretary of State, is put the CV and the CB plates together. In other words, he issues one plate rather than two plates, which are both at the same cost, and the charitable bus and the charitable vehicle will have just one plate, which is a cost saving measure for the Secretary of State. The Secretary of State then has his own discretion of the color and etcetera. House Bill

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1913 also provides that the charitable vehicle for which the license plate is displayed, display their name that's readable a hundred feet from the vehicle. This will make the charity of... who owns the vehicle put their name so the... the... the taxpayer can see who is getting this special break, if they're entitled to it; because, actually, there's a big uproar, there's been a tremendous amount of publicity, both in the Chicago Tribune, the Chicago Sun-Times, and other newspapers throughout the state, and the public is really upset about the abuses, when you see CV plates on Cadillacs, Mercedes Benz, all the luxury cars running up and down the street, and the purpose of a CV plate is for a religious or charitable vehicle for business use only. This Bill will clarify that. It's a good Bill, and it's a step to... It does not hurt the legitimate charitable or religious institution. Absolutely does not, and I have had very little opposition on this Bill as it is, and I move for your favorable support."

Speaker Peters: "Any discussion? Representative Yourell."

Yourell: "Yes, just a few questions. I think I am in favor of this legislation, but it disturbs me that part of it now is that a...a sign or whatever, some kind of painting has to be placed on an automobile to identify it. Representative Huskey, my church, St. Germaine's, has a Chevrolet and a Lincoln. Are they now going to have to paint, in letters high enough to see from 100 feet away: St. Germaine's Church, 99th and 'Colen' Avenue, Oak Lawn, Illinois 60453?"

Speaker Peters: "Representative Huskey."

Huskey: "It doesn't necessarily have to be paint, Representative Yourell. I notice now, in most cases, most all legitimate vehicles are putting their names on. Some of them are just taking decals..."

Speaker Peters: "Excuse me, Representative. One of the things

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that makes it difficult is that when there is an open microphone and people around it are talking, it reverberates around. So, where there is necessary conversation, please take it a couple seats back of where there is an open mike. Proceed, Sir."

Huskey: "Some of them are taking just paper decals and gluing it on, others are using metallic plastic....and putting it on. The only thing it does is to identify who owns the vehicle. St Germaine's Church, they should be proud to show their name throughout wherever their vehicle goes, and..."

Yourell: "Now suppose all of the church groups or whatever has to display now this...this wording, how does that keep those who are not entitled to it from doing what they have always been doing? What does that solve?"

Huskey: "Well, it puts it in the public view, and then it is up to...the public is the ones that are outraged over the abuses of this plate, not...and I am certain that anyone who stands on the street corner at any day, and it is going to solve our problem with our taxpayers that justifies why this General Assembly saw within their hearts to give this big, free...practically free license plate to people who have either a legitimate organization or people that are using the CV plate to abuse the generosity of the House of Representatives of the State of Illinois."

Yourell: "Okay, now assuming that is correct, what is the penalty if you don't display that verbage?"

Speaker Peters: "Further discussion?"

Huskey: "The Secretary can revoke the license, Representative Yourell."

Speaker Peters: "Further discussion? Representative McAuliffe."

McAuliffe: "I was going to move the previous question."

Speaker Peters: "The question is, 'Shall the previous question be put?'. Those in favor will signify by saying 'aye', those

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opposed. In the opinion of the Chair, the 'ayes' have it.
Representative Huskey to close."

Huskey: "Ladies and Gentlemen, I always have to work a little
harder than most of you do in passing a Bill. I just move
for your favorable consideration."

Speaker Peters: "The question is, 'Shall House Bill 1913 be
adopted?'. Those in favor will signify by voting 'aye',
those opposed by voting 'nay'. Mr. Clerk. Representative
Leverenz to explain his vote."

Leverenz: "Just to point out that the Sponsor did say that the
signs would have to be on the sides. They would cost more
than a regular set of license plates, that if they are
magnetized signs, as the Sponsor has indicated, they would
simply take the magnets off when they are running around
the streets at night. It is a little ludicrous, but the
whole thing is going to cause somebody on the outside more
than if they bought a regular license plate."

Speaker Peters: "Have all voted who wish?"

Leverenz: "Vote 'no'."

Speaker Peters: "Have all voted who wish? Take the record, Mr.
Clerk. On this question there are 129 voting 'aye', 13
voting 'nay', 6 voting 'present'. This Bill, having
received the Constitutional Majority, is hereby declared
passed. House Bill 1925, Representative Hallock. Out?
Out of the record. House Bill 1954, Representative Vinson.
He thinks not. 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. Third Reading
of the Bill. Representative Younge."

Speaker Peters: "Senator Younge."

Younge: "Thank you, Mr. Speaker..."

Speaker Peters: "Excuse me. Mr. Clerk, did you read the Bill?"

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Representative Younge."

Younge: "Yes, thank you, Mr. Speaker. House Bill 1969 creates the Illinois Municipal Assistance Corporation. It grants the corporation the power to lend and transfer monies to municipalities that request assistance and the power to invest funds in the debts obligations of municipalities. There are municipalities in the State of Illinois that are having difficulty providing essential city services. Essential city services, of course, means fire protection, police protection, the lights along the streets and things like that. This Bill would make funds available to municipalities through the establishment of the Municipal Assistance Corporation fund made up of one-tenth of one percent of the General Revenue Fund. One-tenth of one percent of the General Revenue Fund, at any one time, might be, as for example, if there was \$100,000,000 in the Fund; it would be \$132,000. The Bill puts a cap on the amount that could go in that Fund of \$2,000,000. The Bill provides that, if the Corporation issues any bonds pursuant to its desire to help a municipality, the citizens of that municipality must have the municipal authority pass an ordinance taxing the citizens and residents of that municipality. And, then that ordinance has to be adopted and confirmed by referendum. One of the things that we wondered about as we were holding hearings on this Bill all over the state was whether or not the municipalities wanted this and whether or not they would feel comfortable with a provision that requires any municipality which wishes assistance to provide and furnish copies of all financial statements, budgets, forecasts and projections in reference to any information requested. The municipalities that testified said they feel comfortable with that, and there would be no problem to them. There are municipalities in

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this state that are having severe problems. One of the witnesses that testified was a Mr. Sharp of Chapman and Cutler, and he said that several, several of his clients needed this Bill. One particular municipality, we might give an example, might be the City of East St. Louis. The assessed valuation of East St. Louis has dropped from \$178,000,000 down to \$38,000,000. Fire houses are being closed there. The library is closed. The civic centers are closed. The trash is not being collected, and there is a general disaster. I know you've taken some actions today to help reestablish the tax base, but those actions and those Bills will take time. This is an emergency matter to help a city during an interim period. The Bill specifically states that no municipality will receive assistance for a period longer than five years. I think that we have covered all of the points that would shore up and make this a very good Bill, and I ask for your approval of this measure...measure."

Speaker Peters: "Any discussion? Representative McAuliffe."

McAuliffe: "Mr. Speaker, I'd like to ask the Lady a question."

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

McAuliffe: "Do I understand you right to say that we're going to sell revenue bonds...create an authority to sell revenue bonds to finance the everyday operations of local governments?"

Younger: "These bonds would be corporate bonds of the Municipal Assistance Corporations. The bonds would be retired by the municipality passing an ordinance taxing itself with the approval of the residents. It would be corporate bonds that would be paid out of tax monies due that municipality or tax monies that the municipality agreed to tax itself for."

McAuliffe: "I don't see how the municipalities could pay for the

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bonds if they can't pay for the service now. Five years from now they will have to still pay for the services, and they will also have to pay the service on the bonds: so if they can't get by now without bonds and paper...street sweeping and picking up the garbage, how are they going to, five years from now, be able to pay for ordinary services of running the city and, at the same time, have to pay the cost of the bonds? It seems like a very, very poor business practice to use bond money for day to day operations. I would have to oppose this Bill."

Speaker Peters: "Representative Conti."

Conti: "The Sponsor yield to a question?"

Speaker Peters: "She indicates she will."

Conti: "Directors...you say the directors will serve without pay? The directors will serve without pay?"

Younger: "That is correct. I'll...I'll look for the provision in the Bill."

Conti: "Yes. How about a per diem? Do they get a per diem?"

Younger: "Yes, I believe the..."

Conti: "Isn't the per diem, Representative Younger, isn't the per diem \$100 a day?"

Younger: "It says, 'The directors of the corporations are entitled to reimbursement for his actual and necessary expenses'. And..."

Conti: "The directors will serve without pay, but when they meet they will get \$100 per day per diem. Is that right?"

Younger: "A per diem allowance of \$100 when rendering services as such director."

Conti: "Alright."

Speaker Peters: "Further discussion? Representative Harry Smith."

Smith: "Sponsor yield?"

Speaker Peters: "She indicates she will."

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Smith: "This Bill, as you amended it, only applies to cities that are basically bankrupt. Is that correct?"

Younger: "The eligibility clause has been very carefully written. It says that, 'The corporations shall provide assistance only to those municipalities that either have defaulted on their obligations to pay principle and interest or will in the near future default'."

Smith: "So this Bill, in no way, would help a municipality that has run itself in an efficient manner or has proven capable of doing things by taxing their people all along, would it?"

Younger: "The...the Bill is available for those municipalities that need assistance, that are having difficulty providing for their essential municipal services."

Smith: "Well, if they can't provide for their essential services by taxing, who is going to buy their bonds, whether Chapman and Cutler approve them or not?"

Younger: "The bonds that are being purchased would be the bonds of this corporation that is being created, not the bonds of the municipality."

Smith: "Well then, in five years, would not the State of Illinois be stuck with those defaulted bonds?"

Younger: "The defaulted bonds of the municipality is not what the state is...is the subject matter of this. We're talking about creating a new instrument that would have the tax revenues to provide cash flow to municipalities as a result of its issuing bonds, not the defaulted bonds of the municipality."

Smith: "Like...like Representative McAuliffe, I would have to ask the Assembly to join in and vote 'no' on this matter."

Speaker Peters: "Representative Ewing. Representative Ewing."

Ewing: "Would the Sponsor yield for some questions?"

Speaker Peters: "She indicates she will."

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Ewing: "Representative, this Bill went through what Committee?"

Young: "It went through Financial Institutions Committee."

Ewing: "Does it create...create a new financial institution, or does it affect revenue?"

Young: "It creates a...a...the Illinois Municipal Assistance Corporation."

Ewing: "But it affects tax revenues. Is that correct?"

Young: "It establishes the Municipal Assistance Corporation Fund."

Ewing: "Do you have any idea why anything that so substantially affects revenue wasn't heard by the Revenue Committee? Did you request that it go to Financial Institutions?"

Young: "I accepted the assignment given the Bill by your...your assignment officer, Representative, and I didn't question that. It is a financial institution. It went to Financial Institution Committee."

Ewing: "Representative, this provides for a bonding authority. Is that correct?"

Young: "It...it provides for a financial institution that can issue corporate bonds."

Ewing: "Yes, and what would those bonds be used for?"

Young: "Those bonds would be used to make funds available to municipalities that are having difficulty or that cannot provide essential city services like police protection, fire protection, et cetera."

Ewing: "I...I thought that that was what they got from the percentage of the General Revenue Fund, the one percent."

Young: "I didn't hear you."

Ewing: "I thought that that...those services were to be funded through the one percent of the General Revenue Fund; that this would go into here. You...the Bill provides for a transfer of one percent of the General Revenue Fund to the Municipal Assistance Corporation Fund."

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Younger: "The...on page three of the Amendment, the one-tenth of one percent had been...has been removed, and \$2,000,000 has been put in its place."

Ewing: "Pardon? What was that figure?"

Younger: "\$2,000,000."

Ewing: "\$2,000,000? Where does the \$2,000,000 come from, Representative?"

Younger: "It comes from the General Revenue Fund."

Ewing: "Well, is that a one-time transfer?"

Younger: "That is a one-time transfer. The funds to retire the bonds come from tax monies due the municipality. It comes from taxes which the municipality has agreed to assess itself. The \$2,000,000 would merely create a fund as the tax monies come in."

Speaker Peters: "Representative Hallock. Are you concluding?"

Ewing: "I am not through."

Speaker Peters: "Proceed, Representative Ewing."

Ewing: "Well, Representative, our analysis said one percent, or one-tenth of a percent was transferred from the General Revenue Fund, but you say that is not the case now. It is a \$200,000,000 transfer."

Younger: "No, I said that the one-tenth of one percent has been deleted, as found on page three of the Amendment, and in lieu thereof has been inserted, 'The sum of \$2,000,000'."

Ewing: "Alright. Mr. Speaker, Ladies and Gentlemen of the House, I would hope that through the questioning and the debate here, everybody, everybody in this chamber will be aware of the type of legislation we're considering. Of course, they can all make their own decision, but if we have \$200,000,000 extra in the General Revenue Fund when we aren't funding education, and we aren't paying for hospital cares, and we aren't giving the increases needed for public aid; I hardly believe that this is the type of institution

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we want to create at this time, and I certainly would think that we would want to hold this measure over until the State of Illinois is in a better financial position."

Speaker Peters: "Representative Piel."

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

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

Younger: "Representative Ewing has talked about \$200,000,000; and I think that is a distortion if he heard me correctly. The intent here is that a fund of \$2,000,000 be established, but that the payment to retire the bond would...would flow in as a result of tax funds levied by the people of the particular municipality that is seeking assistance. Each municipality is entitled to sales taxes from the state. That is would be the second way that they municipality's bonds could be paid for. We have a number of municipalities in this state that are undergoing a period of transition. Great effort has to be and is being taken to help those municipalities reestablish their tax base. But in the meanwhile, the question is, 'What do we do with a town that has no police protection, that has no fire protection? The library is closed, and that the municipality is unable to pay its municipal employees'. That is what this Bill is about. It is about helping in a transitional period the municipality to provide the services that that...those people in that municipality are entitled to. This is a much needed Bill, and I ask for your approval of this matter."

Speaker Peters: "The question is, 'Shall House Bill 1969 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Mr. Clerk, the voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Take the record, Mr. Clerk. Representative Younge to explain her vote."

Younge: "Mr. Speaker and Ladies and Gentlemen of the House, we cannot afford to have municipalities in this state that cannot provide essential city services, that cannot provide...that cannot pay their employees, that cannot provide police protection. This Bill will give a municipality that is willing to tax itself and pass a referendum the ability to do so. And so, therefore, it is a much needed Bill, and I ask for your support."

Speaker Peters: "The Chair would ask leave of the House to dump this Roll Call. There are a number of Members here seeking recognition to change or add. It would be a lot easier, I think, if the Chair was given permission to dump this and to start all over again. Is there...is...alright, without objection, then, Mr. Clerk, dump the Roll Call. Well, you'll have to...someone will have to say it earlier in the game. Now, I cannot read minds. Cannot read minds. The question is, 'Shall House Bill 1969 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'no'. The Chair has been informed there will be a verification, so please vote your own switches. Representative Ewing, you spoke in debate, Sir. Representative Ewing."

Ewing: "Yes, I think it was obviously clear that we objected to dumping that. You went ahead without it. That has nothing to do with the Bill."

Speaker Peters: "Now, Representative, wait a minute. Now, where was it? Where? I don't want to get argumentative with you, Tom, but you...you didn't say a word, not a word. And I asked four times, four times. Have all voted who wish? Representative Matijevich to explain his vote."

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Matijevich: "Mr. Speaker, we...I think that is the third fight we've had, Republican versus Republican. I can't wait for the next one."

Speaker Peters: "Now, Representative, you're wrong. It wasn't Republican versus Republican. Representative McBroom to explain his vote."

McBroom: "No, not to explain my vote, but I think that any Members who have listened to me know how ridiculous I think the explanation of votes are. No one listens. No one cares, and minds are made up. But, I notice it is 6:00 o'clock in the evening. There is votes up there on both sides of the aisle of people that aren't here, so I suppose that we will laboriously go through verification of the Roll Call, call the absentees. I'd suggest you dump it again and remind the Members to vote their own switches."

Speaker Peters: "There is objection. Representative Bullock to explain his vote."

Bullock: "Well, Mr. Speaker, I just want to rise in support of Representative Younge's Bill. I think it is being done a disservice because of the brouhaha that has occurred on your side of the aisle. I am glad that Representative Younge has put forth a Bill that will bring us together. I suggest that we give her the requisite number of votes. It will be a fitting tribute for us to adjourn and go to the Gridiron Dinner. She has worked very hard on this legislation. She has worked with both sides of the aisle. She has discussed it with the Governor's Office. We know that she works hard for East St. Louis. I think that the individuals who believe, as they have indicated earlier with the unitary tax legislation, that Representative Younge is trying to do no more or no less than to help stimulate the economy, and we ought to give her some support. I hope that you will give her an affirmative

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vote. She had 86 votes the last time. I know no reason that we shouldn't add three more to it and push her over the top. I am certain that you know this Bill will get a fair hearing when it reaches the Senate, and you know the Senate tends to give all Bills fair hearings sooner or later. And, I would urge an 'aye' vote, and I cast an 'aye' vote."

Speaker Peters: "Have all voted who wish? Take the record. On this question there are 84...just a second. I heard it. Please. This question there are 84 voting 'aye', 73 voting 'nay'. Representative Younge."

Younge: "Thank you, Mr. Speaker. Postponed Consideration."

Speaker Peters: "The Lady asks Postponed Consideration. Postponed Consideration. House Bill 1974, Representative Catania. Read the Bill, Mr. Clerk. And we've got one more after this."

Clerk Leone: "House Bill 1974, a Bill for an Act in relationship to access to public records. Third Reading of the Bill."

Speaker Peters: "Representative Catania."

Catania: "Thank you, Mr. Speaker and Members of the House. House Bill 1974 establishes a new Freedom of Information Act in the State of Illinois. As you probably recall, we voted last spring on a Freedom of Information Act that was sponsored by Representatives Leinenweber, Getty and myself with several other Cosponsors. It went out of the House with an overwhelming Majority, but it died in the Senate Executive Committee. So, I introduced this Bill on which I had worked in previous Legislative Sessions in the fall, which is why it comes to us now. It has been carefully scrutinized in past Sessions by everyone who has an interest in providing information and in acquiring information. In the latter category, I would include all of the members of the press who have looked at it in every

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Session and freely expressed their opinions about how they wanted to have access to documents from public bodies. So, their interests are represented here. The Municipal League has freely expressed their opinions. We have incorporated some of the suggestions, but not all of the suggestions, of the Municipal League. And I think we have carefully balanced the responsibility of the agencies and the burdens of the agencies in providing information with the public's right to know, with the public ranging from the media through the entire range of people who are included when we talk about the general public. It begins with a statement of policy and says that the people have a right to know the decisions, policies, procedures, rules, standards and other aspects of government activity that affect the conduct of government and the lives of any or all of the people. It also says, however, that it is not intended, in any way, to be used to violate individual privacy nor for the purpose of furthering a commercial enterprise or disrupting the duly undertaken work of any public body. It has very carefully drawn definitions, and it includes every public body in the State of Illinois. Except that in the case of the courts, it includes only financial records. It defines public records. It defines persons to mean any individual, corporation, partnership, firm, organization or association acting individually as a group; and it defines what is meant by copying. It also deals with the question of categorical requests...."

Speaker Peters: "Yes, Representative Wolf."

Wolf: "Mr. Speaker, I wonder if we could have a little order. It is very difficult to hear the Lady's explanation."

Speaker Peters: "Would you give the Lady order? This is freedom of information. I am sure you will be interested. Representative Catania."

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Catania: "Thank you, Mr. Speaker. As I was saying, individual people make requests for individual types of information, and it also goes on to talk about how categorical requests will be dealt with. When a request is made calling for all records falling within a category, it specifies that, 'These shall be complied with, if it is reasonably possible, to determine which particular records come within the request and to search for and collect them without unduly burdening the operations of the public body'. It says that, 'The burden on the public body must be substantial when balanced against...'"

Speaker Peters: "Excuse me. Representative Stearney, what purpose do you seek...Oh, questioning later? Proceed, Representative Catania. I'm sorry."

Catania: "It says that, 'The burden on the public body must be substantial when balanced against the public interest served by disclosure if the access to those records is to be denied'. If it is denied, it provides for a conference so that it can be worked out in a reasonable, manageable way between the requestor and the agency. It goes on to talk about what types of information are specifically declared to be public information, including such things as administrative manuals and instructions to staff that materially affect a member of the public: final opinions and orders made in adjudication of cases, substantive rules, procedural rules that materially affect a member of the public, statements and interpretations of policy which have been adopted - this is after they have been adopted by a public body - final planning policies; and as I said, there is a list of similar kinds of information which must be made available with the emphasis on final policy so that working memoranda, development documents, are not required to be accessible. Our own Bill analysis, for example,

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would not be included in documents that had to be made available to the public, because they are working documents that do not enunciate policy. And, I would add that a special Amendment was put in at the request of the Municipal League to take out 'documents relied upon in connection with any action of the public body', because it would felt...it was felt that that would be too broad, and that these would be working documents that ought not to be included. The Bill also says that a public body shall prominently display at each of its offices and make available for inspection a brief description of itself with a block diagram showing its functional subdivisions, the total amount of its current budget and the number and location of its offices. And I would point out here that this kind of organization diagram - it was observed in the forward to the report from the Governor's Special Blue Ribbon Panel to Streamline State Government - these kinds of organization diagrams, unfortunately, frequently are not available in state agencies. This is just good business, and this requires that these kinds of diagrams be available in the agencies that come under its jurisdiction. We changed the requirement that an index of available documents must be kept to a list of documents, because we don't want people to think that they have to have computer indexes. This is not intended to be nearly that complimented...complicated. It simply says that lists of the types of records, not every record, but just the types of records available, must be provided. The exemptions are very carefully drawn, and we have compiled them through the years; and I will be delighted to read them to you if you like, but I suspect that you don't want to listen to all of the exemptions. I think Representative Matijevec who chaired the Executive Committee when the Bill first went

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there a couple of Sessions back will attest to the fact that we have indeed very carefully drawn exemptions to protect personal privacy and the privacy of records. We protect trade secrets, proposals and bids to enter into any contract or agreement until the time for opening of bids, formula, designs, drawings and research data, test questions, architects plans; just to give you an example of how carefully drawn the exemptions are. If a public..."

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

Van Duyne: "A parliamentary inquiry, Mr. Speaker. How much time are we allowed, under the rules, to explain a Bill at the offset?"

Speaker Peters: "The Lady has a few more minutes."

Van Duyne: "How come you haven't got the timer on then?"

Speaker Peters: "I have it right here."

Van Duyne: "I've timed here, she's been talking 12 minutes. I thought she was relation to Ewell."

Speaker Peters: "Yes, you have to get a Bulova. Representative Catania."

Catania: "Representative Van Duyne, it is about freedom of information and public access to information, and I don't want anything in it to be hidden, submerged. I want to be sure it is all there for the record. It establishes, I think, a very carefully drawn document that anyone can read; and, in fact, a lot of people in a lot of municipalities have read it. They can use it to charge fees so that the taxpayers will not have an unreasonable burden when someone comes in and asks for massive amount of information. It establishes something that we do not have now; very clear standards for disclosure of records to members of the public so they don't have to go to court to get what they want. And, I will be happy to answer

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questions; although, I hope I've anticipated most of them, and I would ask for your support."

Speaker Peters: "Representative Davis. Representative Davis."

Davis: "I'm terribly sorry, Mr. Speaker. Will the Sponsor yield?"

Speaker Peters: "She indicates she will."

Davis: "Representative Catania, it has been brought to my attention that there was no address...address in your...in your proposal to address the concerns of the Department of Corrections. Other law enforcement agencies, I believe under Section 4, have been addressed under your proposal. Is it true that you specifically did not address, or was it an omission on your part to remove or to include the Department of Corrections in your Bill?"

Catania: "The Department of Corrections appeared in Committee and said that they had problems with the Bill. I said, for the record, in Committee that I would be happy to work with them in addressing their problems, and that we certainly had no intention of divulging any kind of confidential records about how security will be maintained in the prisons, for example."

Davis: "Yeah."

Catania: "And I, then, offered to work with the people from the Department of Corrections who declined to do that. However, the Bill still has to go to the Senate, and I will continue to work with everybody, including the Department of Corrections, to try to find reasonable language to address their concerns. We called them several times, and they declined to work with us. But I certainly will be happy to try to express, in an exemption, what their problem is if it is with security and include it even if they don't want to cooperate."

Davis: "Well, thank you, Representative Catania. I have a

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representative from the Department of Corrections here that indicated that it was a mutual declination because of the people who called them, on your behalf, to work out that mitigation in the Bill. Apparently, they could not agree, and it was not directly with you. Well, anyway, to the Bill."

Speaker Peters: "Proceed, Sir."

Davis: "Mr. Speaker, I understand Representative Catania's willingness to go ahead on that basis, but I have some grave concerns on an area. As you know, I come from Will County, and we have three correctional centers: Stateville, Joliet Correctional and a youth center, a maximum security youth center in Will County. And, we all know what Stateville and Joliet Correctional are all about. They are maximum security prisons. And without the exceptions of which I just referred and which Representative Catania, apparently, is willing to address, what would happen is that the hostage plans, the riot plans, pictures of internal affairs, officers and undercover agents that are inside the correctional walls would be exposed for public view. And, I don't think we really want to see that happen. So, I address this concern now that should this Bill pass, I certainly would hold Representative Catania to that commitment that the Department of Corrections would be considered a law enforcement agency under the exemption provisions of this Bill, simply because we would be putting a loaded gun in the hands of those who might not use it well, inside the walls that are...and behind the bars. Maybe even in the bars."

Speaker Peters: "Representative Matijevich."

Matijevich: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, this Bill has had a long history, and I commend the Sponsor of the Bill because of her persistence in trying to

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work out what I feel is necessary legislation so that the public's business is the public's business. As Chairman of the Executive Committee, I know we had a Subcommittee on this issue, and Representative Catania cooperated in every way to make sure there were some exemptions that went to legitimate concerns. She's done that again all through the process. She's been very cooperative in working out whatever problems they may be. When we consider legislation like this, you can never have a perfect Bill. We all know that. So, you try to compromise. And all through this, she has attempted in every way to come up with a Bill that is now a compromise but a good Bill. I would urge the Members to support it. I think it is needed, and I would...and I am sure that if you polled your constituents, they would feel that it is necessary and good. So, I would urge the Members to vote in support of it."

Speaker Peters: "Representative Swanstrom."

Swanstrom: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill, and I hope the Members of the Body are paying close attention to what this Bill does. Very briefly - although the concept of the Freedom of Information Act may be a good one, I think there is a very real probability that instead of it being useful and a good Act, it could turn into a real nightmare. I think the Bill is so extensive that it opens up for publication and copy, all of our correspondence, the correspondence of every person involved in any type of...or any unit of local government. I would just urge a 'no' vote on this Bill. Thank you."

Speaker Peters: "Representative Conti."

Conti: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I don't know where the Sponsor, or how the Sponsor or who

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the Sponsor ever approached that was denied any access. This is another one of those Bills like the political honesty coalition group. It has a nice ring to it, and voting against this would be like voting against motherhood and apple pie. But, I have been in office for some 30 some years now, and I don't know; I have never denied anybody access to any public records. I think that a better name for this Bill would be freedom of harassment. All I can see that this Bill would create is around election time, opponents coming in and trying to harass the officials all day long for information that they should have, and they could have, and they...that it is available to them. And, if they don't get it, they have a State's Attorney in their county, and they should go to the State's Attorney's office and tell him they can't get information from that particular municipality or governmental agency. I cannot see clouding up the state statutes with another book that village officials, public officials should be doing right now. There is no need for this type of legislation, and as I said before, I think a better name for this Bill would be freedom of harassment around election time."

Speaker Peters: "Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. I am delighted to learn that Mayor Conti is as accessible and is as open with the information in his village as he tells us that he is. Not everyone is fortunate enough to live in the Village of - is it Elmwood Park? Some of us live in municipalities in which the...the bureaucrats, the holders of power are not quite as open with their information as, perhaps, you are with yours. Many of us live in the state whose agencies are not always as responsive or as open as we, ourselves, would like them to be, let alone the citizens whom we represent in this Assembly. The most

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compelling reason to vote for House Bill 1974 is the careful draftmanship that has already gone into it. The concerns that it's opening up some wide kind of opportunity for harassment of state or local officials, I think, is just plain not there in the language of the Bill. Representative Davis' concern that riot plans would have to be made available; I think pretty clearly the language of the Bill would not support that contention. Violations of individual privacy, furtherance of one commercial enterprise against another, disruptions of the workings of any public body; those are all legitimate reasons for refusing to open documentation, for refusing to permit information to be made available. What really is at stake in this legislation is public property. The actions, the activities of state or local officials are public property. And all this Bill says is that the public whose property it is should have an opportunity to have access to that kind of information that those bodies are responsible for. Since I have been on this House floor, I have heard any number of complaints about intransigent 'autocratic' bureaucracies, bureaucracies who go about subverting the will of a popularly elected Assembly, bureaucracies who mandate their own ways of doing business to the unfortunate ends of the citizens for whom they are supposed to be working. This Bill, it seems to me, gives the citizens a tool that we, ourselves, frequently ask in the Legislature to make the bureaucracy more accountable, to make it clearer whether state agencies, municipal agencies are doing the kind of job that we intend them to do and that the citizens pay for them to do. This is a Bill about public property. It's carefully drafted so that there will not be invasions or violations of needs for secrecy or needs for privacy. It is a Bill that...that the Sponsor

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has worked on hard, long and carefully; and I hope that we will all be voting 'yes' on House Bill 1974."

Speaker Peters: "Representative Winchester."

Winchester: "Thank you, Mr. Speaker. I also stand in opposition to House Bill 1974, primarily for the same reasons as my good friend, Representative Conti, does. I...we have a Federal Freedom of Information Act in Washington that applies to the United States, and it is not working out. It is causing mass confusion. It is letting vital information to national security slip into the wrong hands. It is doing all kinds of things. It is negative, and derogatory and harmful to this country; and I am sure that this type of legislation in the State of Illinois would do the similar type, have the same type of effects in State Government as it does in Federal Government. But, I notice in my analysis that - and I am sure that our staff has contacted the news media - and the news media also opposes this type of Bill, and I would have first have thought that the news media would be in support of this concept. But they say that they are opposed to it, because it will not provide additional access, and it may provide additional means for public bodies to limit access or delay disclosure of public records. And I also had three state institutions in my district, and I am not convinced that this is not going to do a considerable amount of harm to our correctional...to the Department of Corrections and our correctional institutions in the type of information that is going to be available to...to inmates. Inmates of those institutions that would be required to get vital, and top secret and classified information as to how those institutions are run and so forth. I, you know, I know that the Representative has put a considerable amount of work into this Bill. I understand it was introduced in the

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80th and the 81st General Assemblies, and I assume that it, obviously, was defeated. I am sure she has good intentions, but really, we stop and think about it, I don't think that we need a state informa...State Freedom of Information Act just because we can look at what the Federal Government has; and it's not working. So, let's not always feel that we have to do what the Federal Government does, because as we all know, the Federal Government doesn't always know what it is doing."

Speaker Peters: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I would like to move the previous question."

Speaker Peters: "The question is, 'Shall the pre...Representative...Representative Conti on a point of order.'"

Conti: "Yes, Mr. Speaker, I forgot to mention this does preempt home rule. How many votes would this take to pass this Bill?"

Speaker Peters: "Mr. Parliamentarian. The question is, 'Shall the previous question be put?'. Those in favor will signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Catania, do you want...do you want to close or wait for the ruling? Representative Catania to close."

Catania: "Thank you, Mr. Speaker..."

Speaker Peters: "Mr. Clerk, let us see the Bill. Representative Catania to close."

Catania: "...And Members of the House. First I would like to point out that there is a corrected staff analysis which makes it quite clear that they professional media groups are in favor of it. The Chicago Tribune editorialized in very strong support of it on Sunday and pointed out how carefully balanced it is. I would also like to point out

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that it certainly does not open up our correspondence. And as I stressed in my opening remarks, which I think that not everyone heard, it talks about policy statements, adoption of policies and availability of final documents; not working memoranda, not working papers. It protects the privileged attorney - client relationship between public officials of public bodies and their attorneys, and I did go through some of the exemptions and some of the protections of privacy that it does include. I think that anyone who takes the trouble to look at the Bill will see that those are, indeed, as careful as you could possibly wish. It includes architects plans for private buildings and on and on so that it in no way resembles any of the things that the Gentleman said are wrong with the Federal Freedom of Information Act. It will, in fact, make it much easier for the village officials that we heard about from the Gentleman from Elmwood Park to know what they are expected to provide to people and what they need not worry about having to provide to people. And unless we provide these kinds of standards, now that it is public knowledge that they know how to do this so well in Elmwood Park and Leyden Township, we may have people coming from all over the state saying, 'Show us how you do it and how you make these records so accessible'. This is not something that is easy to decide all by yourself, and this spells it out for everybody so that all they have to do is turn to this and say, 'Oh, this is what we have to provide. This is what we don't have to worry about at all, and we can establish our own reasonable times for compliance and charge appropriate fees'. I think that it is an entirely reasonable Bill, and as I said, I will be delighted to work with the Department of Corrections, even if they don't want to work with me, in the Senate and put in whatever security

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provisions are necessary. I ask for your support."

Speaker Peters: "...Opinion of the Chair that it will require 89 votes to be adopted. The question is, 'Shall House Bill 19...Pardon? The question is, 'Shall House Bill 1974 be adopted?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Representative Jack Dunn to explain his vote. One minute."

Dunn: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I think that we've all received letters from nearly every community in our districts concerning this kind of legislation and to a community, they are opposed to it. Now look at the example of the definitions here of a public record. A public records means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information of all other documentary materials regardless of physical form or characteristics. This is an untenable situation. Communities cannot come up with these kinds of things and still get their day to day work done. And I agree with one of the earlier speakers that it could be a tremendous method of harassment. Some of you folks might remember that. In addition to that, you have to have certified copies of everything. Why should they have to be certified? It's a bad Bill, and I certainly hope it does not pass."

Speaker Peters: "Representative John Dunn to explain his vote. Excuse me. There are 17 people seeking recognition, so be patient. Representative John Dunn."

Dunn: "I'll be very brief and very patient and out of respect to my namesake, I think he probably wants to change his vote down there. He spoke in opposition to the Bill. Mr. Speaker, I suggest that we do vote for this Bill. We

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all...we all support, philosophically, the concept of this Bill. It may not have everything worked out in it, but there is the House of Lords, the upper chamber, to add some Amendments to this Bill. And it does provide access to information in public records, and openness in government, we all know, is the best way to protect the people, to provide access to them, to let...to give them a chance to come in and look at their records, look at the files. There are adequate safeguards in this legislation. Exemptions are provided for things which must be maintained, at least temporarily, on a confidential basis; and it is a good Bill. I wish we would all support it and vote 'aye'."

Speaker Peters: "Representative Barr."

Barr: "Mr. Speaker, I just would like to say that this Bill has been studied. It has been worked on. It has been analyzed. Representative Catania and others have spent a great deal of time with it. She has committed to correct the one problem that has been pointed out; that is dealing with the Department of Corrections. Representative Conti is correct. It is a shame that we need a Bill like this, but all of us know in dealing with agencies of government, local and statewide, that this is a terrible problem which this Bill is designed to correct, and I urge some more green votes on that Board."

Speaker Peters: "Representative Stearney."

Stearney: "Mr. Speaker and Ladies and Gentlemen of the House, I did vote for this Bill in Committee, but on the condition that the problems with the Department of Correction would be worked out. Unfortunately, they have not as of yet, and there is no assurance that the Senate would ever work out those problems. If there is a possibility that the prisoners, the inmates of Joliet Institution would have

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access to the hostage plan and the riot plan, how could you expect to have a guard working in those institutions? Mind you, there in nobody...sitting in this Body here who would work as a jail guard now, and how could you every expect anyone to do so later? And if you think the courts would interpret it otherwise, I suggest perhaps we should not place such great faith in them. If there is not a specific exemption for that types of...that type of material, perhaps a court would say that type of information has to be divulged, and we should not, not pass this Bill out of the House at this time until this problem is resolved. She could bring it back to Second Reading and correct it. And need I remind you that I have a personal interest in this, because I have an individual, a certain individual who, I hope, is going down to Joliet for the next 60 years; and I want to make certain that he doesn't have access to certain materials. I want him to be kept safe and sound for a great number of years down there. So, in effect, I would ask that we vote 'no'. Keep it here. Perhaps she could take it back to Second Reading, satisfy the Department of Corrections, and then pass it out tomorrow."

Speaker Peters: "Representative Stewart."

Stewart: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Some of the opposition arguments put forth clearly demonstrated a need for silence and lis...good listening habits when the Sponsor was speaking, because obviously there is a lot of confusion over this Bill. It is a good Bill. The public certainly has a right to know, and I think that, of course, once again, an appropriate vote is a green vote."

Speaker Peters: "Representative Leinenweber."

Leinenweber: "Thank you, Mr. Speaker. I would take issue with a couple of things that some of the Mayors said on this Bill.

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One of them is, you cannot go to the State's Attorney and have the State's Attorney enforce your right to get information from a public body, because the only statutory authority is the State and Local Records Act which is very strictly limited to matters of expen...receipt and expenditure of public funds. So there is no...there is a vague, vague common law right which would involve a very lengthy lawsuit. So, I think that a Bill like this which will establish, once and for all, what people are entitled to and what they are not entitled to, will clarify the matter, and make it much easier to...for municipalities, particularly around election time, to function; because you'll find a lot of times your opponent will come in and demand all kinds of things which they are definitely, under no theory of law, would ever be entitled to. Then they run to the press and say that you're keeping a very closed society. This way you'd have something to point to. I think it is a good Bill. Most of you people voted for a Bill last year. It did not die in Senate Committee. It got slaughtered in Senate Committee, but I would suggest that this Bill deserves your vote also."

Speaker Peters: "Representative Fawell."

Fawell: "Thank you, Mr. Speaker. I rise to...to support this Bill. I did have some objections, originally, in Committee. One of the main ones was from my mayors who suggested that this was going to be a very expensive Bill. I told the Sponsor that I would only vote for the Bill if she would correct that. She has by putting the words, 'actual' rather than reasonable costs, and I have been assured that that actual cost also includes any costs of personnel that would be involved. And since this is a Bill which I think is needed and will not be cost...will not be costly to the taxpayers, but rather will only cost the

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people who require this information; I would suggest that we get more votes up there. Thank you."

Speaker Peters: "Representative Deuster."

Deuster: "Representative Leinenweber alluded to a very important part of this Bill, and that is what is so important, is that this Bill sets forth those instances where the local official can deny some screwball or ridiculous request, because it sets forth in Section 3(C) that if a request is unreasonable, then the official can deny it. Up till this point, you had to...you're poking around in the fog trying to figure out when you can say no. This Bill sets forth in the statute when you can say no where something is unreasonable. And that is very, very important from the point of view, not of the citizen who wants information, but from the local official who is being harassed by a really unreasonable request. And that is an important aspect that reflects how balanced this legislation is, and I urge more green votes."

Speaker Peters: "Representative Zwick."

Zwick: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have heard in the past some pretty farfetched arguments about what the possibilities of some of the Bills that we look at in this House are. But, I don't think, to date, I have heard some more farfetched ones that I have heard...than I have heard in relation to this particular Bill. I am sure that you've all received letters from municipal...various municipalities concerning this Bill, as I have, making statements to the effect of it costing huge amounts of money...well, just some statements that I think are very inflammatory that the Bill absolutely will not do if you take the time to sit down and really read the Bill. Look at what you are saying. Listen to the conversation on this floor. You are saying that you do not believe the

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records of the State Legislature, the records of local government; and all of our agencies should not be available to the people that sent us here and that are paying our salaries. That is what every red light on that Board is saying, and I wish you would think about that before you keep it red. I would recommend a green vote. Thank you."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Last time. Have all voted who wish? Mr. Clerk, take the record. On this question there are 97 voting 'aye', 60 voting 'nay'. Representative Winchester."

Winchester: "Well, I would request a verification of the Affirmative."

Speaker Peters: "Poll the Affirmative Roll, Mr. Clerk. Representative Kane, for what purpose do you seek recognition, Sir?"

Kane: "Can I be verified?"

Speaker Peters: "Representative Winchester, Representative Kane asks leave to be verified. Leave."

Clerk Leone: "Poll of the Affirmative. Alexander, Balanoff, Barr, Bower, Bowman, Bradley, Braun, Breslin, Brummer, Bullock, Carey, Catania, Chapman, Christensen, Cullerton, Currie, Darrow, Deuchler, Deuster, DiPrima, Donovan, Doyle, John Dunn, Ewell, Farley, Fawell, Findley, Garmisa, Getty, Giglio, Giorgi..."

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

Laurino: "Would you change my vote to 'no' please?"

Speaker Peters: "Change Representative Laurino from 'yes' to 'no'. Proceed."

Clerk Leone: "Continuing with a Poll of the Affirmative. Greiman, Hallock, Hallstrom, Hanahan, Hannig, Henry, Hoffman, Huff, Huskey, Jaffe, Kane, Katz, Keane, Klemm, Koehler, Kornowicz, Kucharski, Kulas, Kustra, Leinenweber, Leon, Levin, Madigan, Matijevich, Mautino, McBroom,

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McClain, McGrew, McPike, Mulcahey, Murphy, O'Brien, O'Connell, Ozella, Peters, Pierce, Pouncey, Preston, Rea, Rhem, Robbins, Ronan, Saltsman, Sandquist, Satterthwaite, Schneider, Slape, Irv Smith, Margaret Smith, Steczo, Stewart, Stuffle, Telcser, Topinka, Tuerk, Turner, Van Duyne, White, J. J. Wolf, Sam Wolf, Younge, Yourell, Zito and Mr...Zwick and Mr. Speaker."

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

Kornowicz: "How am I recorded?"

Speaker Peters: "How is the Gentleman recorded?"

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

Kornowicz: "Vote me 'no'."

Speaker Peters: "Change the Gentleman from 'aye' to 'no'."

Representative DiPrima, what purpose do you seek recognition?"

DiPrima: "Yes, Sir, Mr. Speaker, how am I recorded?"

Speaker Peters: "How is the Gentleman recorded?"

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

DiPrima: "Please mark me 'present'."

Speaker Peters: "Change the Gentleman to 'present'."

Representative Braun."

Braun: "Can I be verified?"

Speaker Peters: "Representative Winchester, Representative Braun asks to be verified. Fine, leave is granted. Any other changes, additions before we proceed? Representative Robbins. Representative...change Representative Robbins from 'aye' to 'no'. Representative Winchester, proceed, Sir, with the verifica...Mr. Clerk, where are we st...we are starting with 93 'ayes'. Proceed."

Winchester: "Representative Henry."

Speaker Peters: "Henry. The Gentleman...he's here."

Winchester: "Representative Bradley."

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Speaker Peters: "Bradley is here."

Winchester: "Representative Wolf."

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

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

Speaker Peters: "Remove him from the Roll."

Winchester: "Representative Chapman."

Speaker Peters: "Representative Chapman is here. Just a second, Sir. She's...the Lady is here. Representative Garnisa."

Winchester: "Representative Doyle."

Speaker Peters: "Wait a second now."

Garnisa: "Mr. Speaker, will you change my 'yes' vote to 'present' please?"

Speaker Peters: "Representative Garnisa from 'yes' to 'present'. Now, Representative Winchester. Do you have that, Mr. Clerk."

Clerk Leone: "Yes, I do."

Speaker Peters: "Proceed, Representative Winchester."

Winchester: "Representative Doyle."

Speaker Peters: "Representative Doyle. The Gentleman's in the rear."

Winchester: "Representative Hanahan."

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

Winchester: "Representative Hoffman."

Speaker Peters: "Representative Gene Hoffman. The Gentleman in the chamber? He's here."

Winchester: "Representative Huskey."

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

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

Speaker Peters: "Remove him from the Roll."

Winchester: "Representative Greiman."

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Clerk Leone: "Representative Greiman. He's here."

Winchester: "Tell him to get in his seat. Representative Katz."

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

Winchester: "Representative Koehler."

Speaker Peters: "Representative Koehler. The Lady is in the chamber."

Winchester: "Representative Leinenweber."

Speaker Peters: "Representative Leinenweber is in...yes, he's in the chamber."

Winchester: "Representative Huff."

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

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

Speaker Peters: "Remove him from the Roll."

Winchester: "Representative Sandquist."

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

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

Speaker Peters: "Remove him from the Roll."

Winchester: "Representative Stanley."

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

Winchester: "Oh, I'm sorry, Mr. Speaker. He's voting 'no'."

Speaker Peters: "Alright."

Winchester: "Representative Kustra."

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

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

Speaker Peters: "Remove him from the Roll."

Winchester: "Representative McGrew."

Speaker Peters: "Representative McGrew. The Gentleman's in the chamber."

Winchester: "Representative McPike."

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Speaker Peters: "Representative McPike. He's in the chamber."

Winchester: "Representative Ozella."

Speaker Peters: "I'm sorry. I didn't hear that, Sir."

Winchester: "Ozella."

Speaker Peters: "Representative Ozella. The Gentleman is here."

Winchester: "Representative Preston."

Speaker Peters: "...Preston. The Gentleman is in the chamber."

Winchester: "Representative Pouncey."

Speaker Peters: "Representative Pouncey. The Gentleman is in the chamber."

Winchester: "Representative Smith, Margaret Smith."

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

Winchester: "Representative Kosinski."

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

Winchester: "I'm sorry, Mr. Speaker. He's voting 'present'. That's...Is Representative Rea here?"

Speaker Peters: "Representative Rea. He's in his chair."

Winchester: "That's all I have, Mr. Speaker."

Speaker Peters: "What's...on this question there are 87 'aye', 63 voting 'nay'...Representative Catania. Going once, twice, Postponed Consideration. Last one. House Bill 2002, Representative McClain. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2002, a Bill for an Act in relationship to the construction, reconstruction and maintenance of state maintained highway systems. Third Reading of the Bill."

Speaker Peters: "Representative McClain. The Gentleman asks leave of the House to take House Bill 2002 back to the Order of Second Reading for purpose of Amendment. Is there objection? There is objection. Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I would then move to suspend the appropriate

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rule to..."

Speaker Peters: "The Gentleman moves to suspend the appropriate rule so that House Bill 2002 can be taken back to the Order of Second Reading for purpose of Amendment. It is, but it will take...On the Gentleman's Motion. Representative Hanahan."

Hanahan: "Mr. Speaker and Members of the House, the hour is late, and I know this isn't a golf outing that we're going to. I know that the House of Representatives was treated so nicely by the press a week ago that we had to hurry up and adjourn tonight instead of debate issues so that we could attend the press' little festivity. I am sure the press will not be publishing this tomorrow that we're going to give up the people's business tonight to go and attend their festival. But, the reason why I am questioning the Gentleman's Motion is for a very simple reason. I've been here long enough to know that when a Gentleman gets up or a Lady gets up and asks leave of the House or makes a Motion to change the rules of this House, that the courtesy that should be extended to all the Members is to give us the reason of why they want to change the rules or change the procedure. This Gentleman just made a Motion. He didn't explain to the Membership what he intends to do if the Motion is successful. I am sick and tired of buying pigs in a poke around here, and until people move and explain their reasoning behind the Motion, we, as Ladies and Gentlemen of the House, should deny these Motions just given haphazardly. This is an important piece of legislation. It is important to me and to the constituencies of this state to at least know the reasons why we're being asked to change the rules at this late hour."

Speaker Peters: "Representative Cullerton. Representative

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McClain, would you want to...do you want to respond?"

McClain: "Yes, if I could, Mr. Speaker. Ladies and Gentlemen of the House, the purpose of asking for leave and subsequently the Motion to take this Bill back to Second Reading is Mr. Neff and I, when the Bill came up on Second Reading and was eligible to move to Third, we moved it to Third, but some Members came up and said that they wanted us to consider Amendments. We agreed, then, to them and gave our word that we would, then, move the Bill back to Second Reading for consideration of those Amendments. For instance, one Amendment is Mr. Dunn's Amendment which would make a distinction between large cars' vehicle registration fees and small cars. In other words, reduce the amount of money for small license plate fees. So, that would be an acceptable Amendment to us. There are some Amendments that are not acceptable. All Mr. Neff and I are trying to do is keep...we're trying to keep our word."

Speaker Peters: "On the Motion, Representative Cullerton."

Cullerton: "I wanted to inquire of the Chair how many Amendments have been filed, to date, on this Bill."

Speaker Peters: "The Chair will respond, although that is not on point. Fifteen."

Cullerton: "And, have they all been printed and distributed?"

Speaker Peters: "There are now 17 Amendments. I stand corrected. One through 15."

Cullerton: "So 16 and 17 have not been distributed."

Speaker Peters: "Not to this point."

Cullerton: "Thank you."

Speaker Peters: "The question is, 'Shall House Bill 2002 be moved to the Order of Second Reading for purpose of Amendment?'. Those in favor will signify by voting...Change the...you got a Motion on there? Alright. Those in favor will signify by voting 'aye', those opposed by voting 'nay'."

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Mr. Clerk, the voting is open. Have all voted who wish? Have all voted who wish? Last time, have all voted who wish? Take the record, Mr. Clerk. On this question, there are 111 voting 'aye', 32 voting 'nay', 1 voting 'present'; and the Gentleman's Motion prevails. House Bill 2002 is on the Order of Second Reading. Mr. Clerk."

Clerk Leone: "Amendment #3, John Dunn, amends House Bill 2002 on page one and so forth."

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

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #3 would increase the license fees for small passenger cars from \$18 to \$26.50 as opposed to an increase from \$18 to \$44 in the Bill itself. As you know at the present time, small car license fees are \$18, and large car fees are \$30. The Bill, as filed, would propose to raise the level of fees for both small and large cars to \$44. In my opinion, there should be a differential maintained between the fees charged for small cars and those for large cars to continue the philosophy that we have followed in the past to encourage people to drive smaller cars which are more fuel efficient. So, this Bill would provide an incr...or this Amendment would provide an increase, but only from \$18 to \$26.50, and I respectfully request your favorable vote on Amendment #3 to House Bill 2002."

Speaker Peters: "Discussion? Representative Hanahan."

Hanahan: "The Gentleman yield?"

Speaker Peters: "He indicates he will."

Hanahan: "Is there any proven statistics that cars that happen to be...you say large and small. Is the difference by horsepower or by weight? That is the first question I have."

Dunn: "I'm not a...the difference is set forth in the statutes at

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the present time. This Amendment makes no change in the definition of a small and a large car, and I think it is done by brake horsepower, if I recall correctly."

Hanahan: "So then, it really makes no real significant difference on the size of the car. You're talking about braking horsepower as the difference between the license fee from large to small."

Dunn: "Not necessarily. I think the decision, I would suspect, was made, because the braking horsepower is different for a car that is smaller and weighs less than it is for a car which is larger and weighs more."

Hanahan: "Is there any statistics that prove that somehow the roads are damaged? I mean, isn't this a reason why we use this as a revenue producing fee, because we want to replace the roads and the damage done? Is there any real conclusive proof that somehow a car with 54 braking horsepower does more damage than a car that has 48 horsepower?"

Dunn: "I think there is a lot of statistics that trucks that weigh 80,000 pounds or more damage...73,000..."

Hanahan: "I'm not talking about trucks. I'm talking about your cars difference. You're talking about cars."

Dunn: "Well, the point I am making, Mr. Representative, is that if you extrapolate data, you can sometimes lead to a very valuable conclusion. And, the larger the vehicle, the more damage it does to the road. That is a general principle, and I would imagine it applies in this case, the difficult...the damage may be difficult to measure, but I am sure that principle holds."

Hanahan: "Well, Ladies and Gentlemen of the House, I'd like to point out that some people like to drive these little foreign cars that, I think, have done more damage to the economy of this country than all the roads, all the highway

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trucks has ever done to the damage of this country and out economy. And, if you're going to tell me that if I drive a little Volkswagon or a little Datsun, that it is easier on the roads; I'd sooner have the roads crumbling than to have the unemployment that we've got by creation of a difference of some little foreign car paying less license fees and encouraging people to buy them. The best thing that this House could do is charge an extra fee for them small little things, then roller skates that are made over in Japan, or in Germany or someplace and buy American cars."

Speaker Peters: "Representative McClain."

McClain: "Thanks, Mr. Speaker. Ladies and Gentlemen of the House, we have rethought our position since our original piece of legislation. We think there ought to be a difference between small cars and large cars, and Mr. Dunn's Amendment would show the same percentage increase for the large cars, the small cars; so, we have no trouble with this Amendment. We would ask for the adoption."

Speaker Peters: "Representative Dunn to close."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Just briefly, the...the argument that a previous speaker made about the smaller cars is not a valid argument. We all know that one reason Detroit is in trouble, at the present time, is that they...Detroit failed to recognize the demand in the United States, by the American consumer, for smaller cars. Had Detroit tooled up to make smaller cars, we might not have found the United Auto Workers having to make concessions in their wages. The industry, itself, lagged behind. They refused to recognize the trend in the eyes or the mind of the public. The statutes of the State of Illinois recognize that differential. I think we should continue to recognize it. Amendment #3 provides for the same percentage increase in

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license fees for small cars as for large cars. It is a good Amendment, and I recommend an 'aye' vote, and I don't think you'll lose any flags for voting for this Amendment. I have my four flags from labor, too, and I think I'll keep them, however this Amendment turns out. I urge an 'aye' vote."

Speaker Peters: "The question is, 'Shall Amendment #3 be adopted?'. Those in favor will signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the Amendment is lost. Further Amendments? Further Amendments?"

Clerk O'Brien: "Amendment #4, John Dunn, amends House Bill 2002 on page one line 31 and so forth."

Speaker Peters: "Amendment #4, Representative...who? Representative John Dunn."

Dunn: "Yes, I still have my light on in connection with my request for a Roll Call on the previous Amendment, Mr. Speaker. I would like a Roll Call on Amendment #4. Amendment #4 would increase the license fees for small cars from \$18 to \$30, and that would take the license fee for small cars partway to the point where...where the Bill takes them. It still provides for a differential. I would urge an 'aye' vote on Amendment #4. I would like a Roll Call, and the arguments are the same on this Amendment as they were on the last one. I really think the last one was a little better Amendment, but this is still a good Amendment."

Speaker Peters: "Are there five Members that join with Representative Dunn?"

Dunn: "Join for what?"

Speaker Peters: "For a Roll Call on the Amendment. One, two...Representatives Greiman, Rea, White, Katz and Satterthwaite. The question is, 'Shall Amendment #...any discussion? Representative Hanahan."

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Hanahan: "The trouble with this Amendment, Mr. Speaker and Members of the House, is on the argument that we should be charging more, not less, for the foreign cars. So, I urge a 'no' vote."

Speaker Peters: "Further discussion? Representative Dunn to close."

Dunn: "Yes, I'd like a favorable Roll Call on Amendment #4, and I...I want a Roll Call on Amendment #4, Mr. Speaker."

Speaker Peters: "The question is, 'Shall Amendment #4 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? Enough time for everyone to make their record? Take the record, Mr. Clerk. On this question there are 45 voting 'aye', 90 voting 'nay'. This Bill, having failed to receive the re...this Amendment fails. Further Amendments."

Clerk O'Brien: "Floor Amendment #5, Representative McClain."

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

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I think in due respect to the Gridiron Dinner, and I want to thank the Speaker for keeping his word today. I think we'll take this Bill out of the record. My understanding is...my understanding is we'll take this Bill up first thing in the morning."

Speaker Peters: "Out of the record. Mr. Clerk, Senate Bills...Senate Bills First Reading."

Clerk O'Brien: "Senate Bill 1497, Rigney, a Bill for an Act to create the Conservation Tillage Risk Share Program. First Reading of the Bill. Senate Bill 1498, Rigney, a Bill for an Act making appropriation to the Department of Agriculture. First Reading of the Bill. Senate Bill 1499, Rigney, a Bill for an Act to make an appropriation to the

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Department of Agriculture. First Reading of the Bill. Senate Bill 1528, Koehler, a Bill for an Act to amend Sections of an Act relating to state finance. First Reading of the Bill. Senate Bill 1529, Koehler, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 1621, Ewing, a Bill for an Act to amend Sections of the Truth in Taxation Act. First Reading of the Bill."

Speaker Peters: "Representative Wolf."

Wolf: "Thank you, Mr. Speaker. I would move to suspend the posting requirements on Rule 18D so the Appropriations Committee can meet tomorrow morning on Senate Bills dealing with Fiscal '82 budget. This has been agreed with the Minority Spokesman of the Appropriations Committee."

Speaker Peters: "Representative Matijevich. The Gentleman asks leave. Is there objection? There being none, leave is granted. Representative Wolf."

Wolf: "For the record, I think I should read the Bills into the record. Senate Bill 1385, 1388..."

Speaker Peters: "Do you want to...hold on. Read the...yes, go ahead."

Wolf: "1385, 1388, 1392, 1395 and 1669. All Senate Bills."

Speaker Peters: "Representative John Dunn, you object. Representative Wolf moves that the appropri...Yes, Representative. John Dunn."

Dunn: "I may object, and I may not. It is nice that the Leaders on both sides of the aisle agree to this, but I am a Member of that Committee, just a rank and file Member, but I like to know, if I am going to be driving here for a meeting, why. There must be some reason we have to do this. What is the reason? If it is urgent, if there's...what is the emergency. If there is a real emergency, let's do it. If not, let's hear them at a regularly scheduled meeting."

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Speaker Peters: "Representative Wolf."

Wolf: "Yes, Mr. Speaker, these five Bills are supplemental and transfers for FY '82, and they are important and necessary."

Speaker Peters: "Representative Dunn."

Dunn: "I'll object."

Speaker Peters: "The Gentleman moves that the appropriate rules be suspended so that the House Appropriations Committee can meet...was it a posting rule?"

Wolf: "Yes, 18B."

Speaker Peters: "Suspend the posting rule so the Appropriations Committee can meet. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? Representative Matijevich."

Matijevich: "Speaker, I support this, and I would urge the Democratic Members, well the Republican Members, too, to be alert that we are meeting tomorrow at 8:30. Sometimes when we're voting for a Motion, we don't realize we...the purpose is that we do meet tomorrow, and this has been cleared, and I would appreciate your support."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 133 voting 'aye', none voting 'nay'. The Motion is adopted. Representative Johnson, what purpose do you...Representative Friedrich, what purpose do you seek recognition?"

Friedrich: "There will be a brief meeting of the Rules Committee in 114 immediately after adjournment."

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

Johnson: "Mr. Speaker and Members of the House, you can either...a person can either say what I am going to say because you believe it or because somebody thinks you

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should. I am going to say what I am going to say, because I believe it. I think myself, and Representative Friedrich and probably everybody else in here, in spite of some of the criticism of the Illinois Legislature, really believes in the dignity of the House, in the dignity of each one of the Members and what we're trying to do. Apparently during the debate on House Bill 1894, some of my comments, I guess particularly my responsive comments, were interpreted not towards the substance of the Bill as I intended them, but as a personal attack on other Members of the House, or at least one other Member of the House. In no way were my comments intended to be a personal attack on Representative Friedrich or anybody else. Representative Friedrich, since I have been here, has been a...and long before I was here, been one of the people that I have looked to for guidance. I think all of us, Representative Friedrich, and I and the other Members of the House can work together and are going to work together, in that when incidents like that happen, that we ought to clear the air for the best of all of us. And so, if any of my comments during debate were interpreted in any way as an attack on...on any other Members of this House, any kind of personal attack, anything other than to the substance of the Bill; they certainly weren't intended that way, and I wanted to express to the Members of the House and to Representative Friedrich my desire, and I am sure he shares that, to get together as we have already, and all of us get together even if we disagree on issues from time to time, to work in the best interests of our respective districts and the people of the state. And, I just wanted to get that in the record, and I appreciate the opportunity to say that."

Speaker Peters: "Thank you, Sir. Representative Friedrich. Representative Friedrich."

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Friedrich: "Thank you, Mr. Speaker, Members of the House. I, frankly, I had taken the remarks of Representative Johnson as personal, but he has assured me they are not, and to that extent, I accept his apology. I regret the events that followed, and I apologize to him for that and apologize here publicly. I have been very critical of things like this in the House and the Senate before, and I still am, and I think they reflect on the whole House. So, because of my involvement in this, I apologize to the whole House and regret that if it's caused any reflection on the House and this Body."

Speaker Peters: "Thank you, Sir. Announcements. Representative Rigney."

Rigney: "Announcement, Mr. Speaker. For those who were wanting to attend the conservation tillage tour this evening, a blue van is waiting out here west of the Capitol to take you out to that farm out at Loami. So, anyone still wanting to go, there is transportation."

Speaker Peters: "Agreed Resolutions."

Clerk O'Brien: "House Resolution...House Joint Resolution 86, Hudson - Hastert. House Resolution 928, Pierce - et al. House Resolution 929, Kustra - Madigan."

Speaker Peters: "Representative Conti."

Conti: "Mr. Speaker, Ladies and Gentlemen of the House, House...there is three Resolutions, all congratulatory Resolutions. I move for the adoption of the Resolutions."

Speaker Peters: "The Gentleman moves the adoption of the Resolutions. You've heard the Motion. Those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Resolutions are adopted. Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, I'd like to also add to those who are going to attend the tillage event

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tonight, there is a free pork chop dinner. Mr. Speaker, I move that the House stand adjourned until 10:00 a.m. tomorrow morning."

Speaker Peters: "You've heard the Gentleman's Motion, 10:00 a.m. tomorrow morning. Those in favor signify by saying 'aye', opposed. The House stands adjourned."