

STATE OF ILLINOIS
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HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

47th Legislative Day

May 20, 1981

Speaker Ryan: "The House will be in order and the Members will be in their seats. Chaplain for today is Pastor Paul Flesner from the Grace Lutheran Church in Springfield. Reverend Flesner."

Reverend Flesner: "Let us bow our heads in prayer. Gracious, heavenly Father we give You thanks for bringing us to the beginning of the day, for Your protecting care during the night. We give You thanks for the opportunity once again to serve You in our various walks of life and as we serve You as servants of the public of the people of this state. We pray today, heavenly Father, for the needs of people everywhere. We ask especially You to continue Your healing presence with Pope John Paul as he continues to return to his ministry. Be present in our midst today with Your Holy Spirit, guiding and directing us that we may seek to do all to the glory of Your Holy Name. Amen."

Speaker Ryan: "Thank you, Reverend. Representative Capparelli will lead the pledge today."

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

Speaker Ryan: "Roll Call for Attendance. While I've got a minute, we talked to Bill Margalus yesterday on the telephone. He's doing much better. The doctor's got him up moving around and he would like me to thank everybody for their help and their prayers and their flowers and their cards. He now has two pacemakers instead of one. So I think it will still be a while before he gets back here, but Bill extends his thanks for all of the sympathy and consideration shown by people here. Take the record, Mr. Clerk. With 165 Members answering the Roll, a quorum of

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the House is present. Representative Madigan."

Madigan: "Mr. Speaker, will the record show that Representative Redmond is excused because of an illness in his family?"

Speaker Ryan: "Record will so indicate. Messages from the Senate."

Clerk Leone: "Message from the Senate by Mr. Wright, Secretary. 'Mr. Speaker, I am directed to inform the House of Representative that the Senate has passed the Bills with the following titles and passage of which I am instructed to ask concurrence of the House of Representatives to wit; Senate Bills #1, 16, 17, 23, 26, 27, 42, 53, 61, 62, 63, 84, 88, 89, 100, 105, 108, 116, 123, 125, 128, 135, 138, 139, 147, 148, 154, 167, 168, 171, 172, 176, 179, and 181 passed the Senate May 19, 1981.' Kenneth Wright, Secretary."

Speaker Ryan: "Read the Journal."

Clerk Leone: "Approval of Journal, 30th Legislative Day, Wednesday, April 29, 1981, 12:00 noon. The House met pursuant to adjournment with the Speaker in the Chair. Prayer by Reverend Steven Elgin of the First Assembly of God Church, Joliet, Illinois, Representative Currie led the pledge of allegiance by direct of the Speaker. The Roll Call was taken to ask the... attendance of the Members as follows; 175 present. Temporary Committee assignments..."

Speaker Ryan: "Representative Stiehl."

Stiehl: "Mr. Speaker, I move the Journal be approved as read."

Speaker Ryan: "You've heard the Ladies Motion. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Motion carries. Representative Dunn, do you seek recognition? Ralph Dunn. No. ... reading of the Journal."

Clerk Leone: "Reading of the Journal, 31st Legislative Day, Thursday, April 30, 1981, 12:00 noon. House met pursuant

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to adjournment. Speaker in the Chair. Prayer led by
Pastor Paul Flesner..."

Speaker Ryan: "Representative Daniels."

Daniels: "Mr. Speaker, I move that we dispense with the reading
of the Journal and that Journal #30 of April 29 and
#30 (sic, 31) of April 30 be approved as read."

Speaker Ryan: "You've heard the Gentleman's Motion. All in favor
will signify by saying 'aye', all opposed 'no'. The 'ayes'
have it and the Motion carries. Resolutions."

Clerk Leone: "House Resolution 319, Kane-Bullock-Henry-Chapman."

Speaker Ryan: "Speaker's Table. Introduction and First Reading
of House Bills."

Clerk Leone: "House Bill 1901, Ted Meyer, a Bill for an Act in
relationship to financing of downstate public
transportation. First Reading of the Bill."

Speaker Ryan: "Page four, under the Order of House Bills, Third
Reading, Short Debate Calendar appears House Bill 1394,
Representative McCormick. Read the Bill."

Clerk Leone: "House Bill 1394, a Bill for an Act to amend the
Uniform Commercial Code. Third Reading of the Bill."

Speaker Ryan: "Representative McCormick."

McCormick: "Mr. Speaker, Ladies and Gentlemen of the House, on
House Bill 1394 it's a Bill to amend the Uniform Commercial
Code to allow anyone that has to hire an attorney or to be
out any cost in collecting a bad check to be able to charge
it against the person that wrote the bad check, if the
drawer has no account or insufficient funds or has
insufficient credit with the drawee. I don't know of any
opposition to the Bill. I would certainly appreciate a
favorable vote."

Speaker Ryan: "Representative Madigan."

Madigan: "Mr. Speaker, Ladies and Gentlemen of the House, I rise
at this time to enter into the record my dissent and

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protest which is accompanied by approximately 70 other Democrats to the further consideration of this Bill and all other Bills on the Order of Third Reading, Short Debate and Third Reading Regular Calendar. Yesterday I read into the record the formal dissent which I have in front of me now. Rather than read the entire dissent today, I would simply say that it is the opinion of myself and the other 70 Democrats who have joined me that all Bills, rather, all non-appropriation House Bills on the Order of House Bills Third Reading on the Order of House Bills Regular... House Bills, Third Reading, Short Debate and House Bills, Third Reading, Regular Calendar have been tabled pursuant to the rules and that to allow for further consideration of these Bills today or at any time later in the Session would require a Motion to take from the table."

Speaker Ryan: "Is there any discussion on the Gentleman's Bill, 1394? The question is, 'Shall House Bill 1394 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 135 voting 'aye', 1 voting 'no' and 5 voting 'present' and this Bill having received the Constitutional Majority is hereby declared passed. Representative Peters in the Chair."

Speaker Peters: "Representative Ebbesen, for what purpose do you rise?"

Ebbesen: "Yes, Mr. Speaker, on the voting board up there there was no indication of what Reading it was. I don't know whether that's significant or not."

Speaker Peters: "Thank you. House Bill 1570, Representative Younge. Is the Lady in the chamber? Out of the record. Representative Kelly, for what purpose do you stand?"

Kelly: "Yes, Mr. Speaker, she asked me to handle this Bill if she wasn't here this morning. If I get leave, otherwise..."

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Speaker Peters: "The Gentleman asks leave to handle House Bill 1570 for Representative Younge. Is there objection? There being none, Representative Kelly. House Bill 1570, Representative Younge, handled by Representative Kelly. Read the Bill."

Clerk Leone: "House Bill 1571(sic, 1570), a Bill for an Act to amend Sections of the Illinois Human Rights Act. Third Reading of the Bill."

Speaker Peters: "Representative Kelly."

Kelly: "Yes, thank you, Mr. Speaker and Members of the House. Representative Younge had requested that I handle this Bill. She wasn't here and this legislation under House Bill 1570 would provide for the empowering of the Department of Human Rights to investigate certain violations of regulations relating to minorities set aside programs and other minority business programs. This relates to the Department of Commerce and Community Affairs and the Department of Administrative Services in regard to any violations which they find under their rules and regulations and this gives the permission for the investigation for that purpose. This Bill had passed out of the Committee by a vote of 9 to 0 and, Public Institutions, and I request your favorable support."

Speaker Peters: "Does anyone stand in opposition? Representative Leinenweber."

Leinenweber: "Thank you, Mr. Speaker. House Bill 1570 seeks to amend the Illinois Human Rights Act to authorize the Department of Human Rights to investigate violations of regulations concerning minority set aside programs. It's a companion to House Bill 1565 which creates the State Government Minority Set Aside and Affirmative Action Program. In other words, this is, apparently, the enforcement wing of that particular idea. For some

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unexplained reason again known only to my seatmate, that Bill was sent to Executive while this Bill was sent to Public Institution and Social Services. The Bill which provides the program which this Bills seeks to enforce was tabled. So it seems very... It doesn't seem to make a great deal of sense for us to go ahead and give the duty to the Illinois Department of Human Rights to investigate violations of a particular program which was tabled. There is a companion Bill which also seeks to appropriate 4 million dollars I guess to the Department of Commerce and Community Affairs to monitor the program which also was tabled. Why there are three different agencies involved in something which doesn't exist doesn't seem to make a great deal of sense. I don't think there's any reason for us to go ahead and pass this Bill giving the power to the Department of Human Rights to enforce a Bill which was tabled."

Speaker Peters: "Representative Younge. Do you wish to close, Ma'am, or do you wish Representative Kelly to continue? Please, Representative Younge."

Younge: "I wish to close."

Speaker Peters: "Proceed, Ma'am."

Younge: "Right. We have gone a long way in trying to make available to minority businesses a fair opportunity of work for federal and state projects. These programs are not running as smoothly as they ought to. We have given the power of carrying out the affirmative action policy of the State of Illinois to the Department of Human Rights. It would then be appropriate for us to give them the power to investigate the programs that are available to give work opportunities to minorities, and that is the total subject matter of this Bill. We find that in the State of Illinois there are about 200,000 small businesses. A goodly

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percentage of those small businesses are minority businesses. These are the businesses that hire 95% of the people. Our policy is one that we wish people to work. Minorities work in minority businesses and in our efforts to move people from public welfare and DOLE and public assistance it would seem a consistent policy for us to encourage work, encourage fairness in minority businesses and; therefore, get people out of the pockets of the state in reference to public welfare and general assistance. Therefore, I urge your favorable consideration of this proposal to give the Department of Human Services... Human Rights the power to investigate these set aside programs so that the fair share of the work could go to these firms that hire people, and I ask for your favorable consideration of this matter."

Speaker Peters: "The question is, 'Shall House Bill 1570 pass?'. Those in favor will vote 'aye', those opposed will vote 'nay'. Representative Jones, to explain his vote."

Jones: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. On a point of clarification, House Bill 1565 which was tabled really does not effect the Act because part of the language is already there and that language was passed in 1974. I was the Sponsor of that language that provided for set aside contracts for small businesses. So 1570 should have an affirmative vote because most of the language is already on the statute. That language, as I said before, was passed more than six years ago. So Representative Wyvetter Younge is correct. This is a very good piece of legislation and it should have more green votes."

Speaker Peters: "Representative Braun, to explain her vote."

Braun: "Thank you, very much, Mr. Speaker, Ladies and Gentlemen of the House. This is a very good Bill. Representative

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Younge has made this proposal in the hope that we can actually have the programs that we already have for employment in the state, that we can help them to work. I am hopeful that we will get the 89 votes this is required to send this out of this House and over to the Senate. This Bill should be passed. It will provide some incentive, some teeth for the activities of the Department of Human Rights and will increase, no doubt, the employment in this state. We are all aware of the situation in Representative Younge's district. This not only pertains to her districts. It pertains to districts such as mine and perhaps such as yours. I would encourage another six votes to go up on the Board so that this Bill can be passed. Thank you."

Speaker Peters: "Representative Henry, to explain his vote. Representative Henry. Representative Jones, would you turn off Representative Henry's light please? Representative Younge, to explain her vote."

Younge: "Yes, most of the work world of America is embodied in small businesses. In the black communities, the small businesspeople provide the work and I think that the State of Illinois; therefore, has a very special interest in this class of business people. If they can grow and expand, then we take more people off of welfare and that ought to be our policy. That's a good policy."

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

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to encourage a 'no' vote. First of all, there is no documentation that to state whether Departments are meeting the 10% requirement act which the Sponsor is seeking to achieve. Second of all, we're all familiar with the fraud and the affirmative action program that has taken place in this country where minority fronts have been

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placed and people seek business illegally. I encourage a 'no' vote."

Speaker Peters: "Have all spoken who wish? Take the record, Mr. Clerk? On this question there are 96 voting 'aye', 37 voting 'nay', 8 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1591, Representative Kane. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1591, a Bill for an Act to amend Sections of the Illinois Coal and Energy Development Bond Act. Third Reading of the Bill."

Speaker Peters: "Representative Kane."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 1591 is part of a two Bill program that has been put together by both the environmentalists and the coal people in the state. It's endorsed by the Environmental Council, the Illinois Coal Association and the United Mine Worker's, and what House Bill 1591 says is that the bonds under the Illinois Coal Bond Act administered by the Illinois Institute of Natural Resources that they should give special consideration to projects which are designed to remove sulfur and other pollutants in the preparation of coal and in the use and operation of electric utilities. I would urge an 'aye' vote."

Speaker Peters: "Anyone stand in opposition? There being no one, Representative Kane, to close."

Kane: "I would urge an 'aye' vote."

Speaker Peters: "The question is, 'Shall House Bill 1591 pass?'. Those in favor will signify by saying 'aye', those opposed by saying 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 138 voting 'aye', none voting 'nay', 4 voting 'present'. This Bill having

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received the Constitutional Majority is hereby declared passed. House Bill 1592, Representative Kane. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1592, a Bill for an Act to amend Sections of the Illinois Environmental Facilities Financing Act. Third Reading of the Bill."

Speaker Peters: "Representative Kane."

Kane: "Mr. Speaker, Members of the House, House Bill 1592 is the second Bill in this series and it amends the Illinois Environmental Facilities Financing Authority and what this Bill provides is that for any financing for new coal fired utilities that the financing be limited to facilities which use Illinois coal. Again, this is endorsed by the United Mine Worker's, Illinois Coal Association and the environmental people, and I would urge an 'aye' vote."

Speaker Peters: "Anyone stand in opposition? There being no one, Representative Kane, to close."

Kane: "I would urge an 'aye' vote."

Speaker Peters: "Question is, 'Shall House Bill 1592 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Representative Kane, do you wish to explain your vote again? Take the record, Mr. Clerk. On this question there are 144 votes 'aye', 2 voting 'nay', 6 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1626, Representative Winchester. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1626, a Bill for an Act in relationship to non-coal mined lands and threatened public health and safety. Third Reading of the Bill."

Speaker Peters: "Representative Winchester."

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

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the House. This Bill is offered by the Abandoned Mine Land Reclamation Council. It would permit the Council to reclaim abandoned non-coal mine lands if it finds such action is necessary for the protection of public health, safety, general welfare and property from extreme danger of adverse effects on non-coal mining practices and I would ask for a favorable vote."

Speaker Peters: "Anyone stand in opposition? Representative Winchester, to close."

Winchester: "I would just ask for a favorable vote."

Speaker Peter: "Question is, 'Shall House Bill 1626 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 146 voting 'aye', none voting 'nay', 4 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1630, Representative Kosinski. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1630, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Peters: "Representative Kosinski."

Kosinski: "Mr. Speaker and Ladies and Gentlemen of the House, this is a public safety Bill demanding that only first line tires be used on our high speed trucks and buses on our highways, no retreads, no regrooves, no recaps. I've eliminated from the constrictions of this Bill farm equipment and short run, in-city delivery trucks. I repeat, public safety. Thank you."

Speaker Peters: "Does anyone rise in opposition? Representative Leverenz."

Leverenz: "Sorry. Short Debate. Go ahead. I'll explain my vote."

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Speaker Peters: "Anyone in opposition? Representative Kosinski, to close."

Kosinski: "I ask for your favorable vote."

Speaker Peters: "Question is, 'Shall House Bill 1630 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Voting is open. Representative Leverenz, to explain his vote."

Leverenz: "I believe the Gentleman talked about retread and regrooving and if you read Amendment 1, the opposite is true. That you can regroove. He took all the recappers out of it. I know my mic's (cut off)."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 102 voting 'aye', 29 voting 'no', 17 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1648, Representative Davis. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1648, a Bill for an Act to amend Sections of the Revenue Act. Third Reading of the Bill."

Speaker Peters: "Representative Davis."

Davis: "Thank you, Mr. Speaker and Members. 1648 requires notification of the taxing district by the Board of Review in the County or the State Property Tax Board of Appeals for property tax protestations on evaluations of 200,000 dollars or greater. The Bill was amended to only affect counties between 300 and 400 thousand which I think is just Will County at this point and time unless somebody can tell me different. There's a small fiscal impact involved but not a great deal and I recommend it to you. The Bill came to me from a local taxing district because of a unique taxing problem we have in Will County."

Speaker Peters: "Anyone in opposition? There being none, Representative Davis, to close."

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Davis: "Just to ask for a favorable Roll Call."

Speaker Peters: "Question is, 'Shall House Bill 1648 pass?'.

Those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative... Mr. Clerk. Add... Representative Ryan voting 'aye'. 137 voting 'aye', 3 voting 'no'. Birkinbine 'aye', Ryan 'aye'. On this Bill there are 138 voting 'aye', 3 voting 'no', 6 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1668, Representative Bowman. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1668, a Bill for an Act to amend Sections of the Election Code. Third Reading of the Bill."

Speaker Peters: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill does a number of miscellaneous things. I will attempt to summarize them but it did pass out of the Elections Committee unanimously and there was a Floor Amendment adopted, I believe, on a voice vote without any opposition. The Bill, as it came out of the Elections Committee provided that absentee voting in nursing homes should not begin before the posted hours. It also permitted election authorities to appoint additional judges if the number of ballots warranted it. Also provided protections to prevent nursing home residence from being hassled or electioneered during the voting. There was a provision in 1668 supported by the State Board of Elections which provided that they could levy administrative fines if orders which they had issued had been disobeyed so that there would not be... such fines would not be imposed in the absence of an explicit order to conform to the Campaign Finance Disclosure Act. Then on the floor we adopted an

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Amendment by Representative Koehler to clear up a small matter in the Peoria area in the case a court ordered special referenda to provide for a method for selecting judges of election in those cases. I ask an affirmative vote. I know of no opposition."

Speaker Peters: "Anyone in opposition? Do you wish to close?"

Bowman: "No, thank you."

Speaker Peters: "The question is, 'Shall House Bill 1668 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 146 voting 'aye', 2 voting 'nay', 3 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1695, Representative Birkinbine. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1695, a Bill for an Act to amend Sections of the Illinois Insurance Code. Third Reading of the Bill."

Speaker Peters: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1695 calls for a flexible policy loan interest rates on loans on cash value of life insurance policies. Presently, the State of Illinois sets an arbitrary rate of 8% on such loans. With the out of line interest rates that we've seen in the last couple of years, this has caused an incredible run on loans from various companies. This would apply to only new policies written after this law would take effect. It would not affect policies already in effect. It is a Department of Insurance Bill. It has the support of the Democratic Leadership on the Insurance Committee. It's in keeping with a number of other Bills that we've passed out of here."

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The direct reason behind is the strange, unusual situation we are in with interest rates being so far out of line approaching the 20% marker. I encourage your support."

Speaker Peters: "Anyone in opposition? Do you wish to close, Sir? The question is, 'Shall House Bill 1695 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. Representative Jones, to explain his vote."

Jones: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I don't know how this Bill got on Short Debate but you have to watch your vote on this Bill. If you own a life insurance policy, you pay it on a quarterly or a monthly basis, you are already paying interest on that policy. Now, you pay an annual premium, you do not. So, you better watch how you vote on this interest rate on your insurance policy because you're being charged the interest rate on any life insurance policy that you pay less than the annual premium. So I urge a 'no' vote on this piece of legislation."

Speaker Peters: "Representative Nelson, to explain her vote."

Nelson: "I'd like to explain my vote to the House. This does not refer to prices that you are paying for insurance at this particular time. This refers to those people who are taking out a loan against their insurance policy and they are, in some instances, taking a run on the insurance companies because of their ability to get loans at an extraordinary low rate in comparison to the price for money in other markets. I think that this is a fair Bill. I am a Cosponsor and I would not be Cosponsoring it if I did not think so. I would appreciate an 'aye' vote."

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

Fawell: "Thank you, Mr. Speaker. I, too, believe that this is a

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good Bill. This Bill was originally put in to prevent people from taking the run on the insurance companies. I had one letter against it. I looked into the Bill very carefully and it turned out that this is a very fair Bill and it only applies to new policies. It does not apply to policies that are presently purchased. I think it's a good Bill. We purchase life insurance to protect our loved ones and this puts this in jeopardy if we continually have this practice of allowing people to borrow the money from their policy and at an unfair rate."

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

Deuster: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I think one reason the votes plummeted from a high down to a low is because Representative Jones who spoke against the Bill is a very respected Member of the House, but I don't think, with all respect, that he understood the Bill. What this means is that new policies only, and nobody has to buy a new policy, new policies only that interest rate will not be fixed. Life insurance is supposed to help your family and your children after you pass on and if you have built into the law a provision that you can borrow on your policy at a low rate of interest and then go out and put your money in the money market or something else, you're just going to encourage by the statute people to be depleting their life insurance and you're going to children and you're going to hurt widows. And we've got to pass this Bill so that the life insurance companies will be able to offer policies that avoid that incentive. I would encourage more green votes. This is important for children and widows and survivors."

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

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Before the bizarre comments of the Gentleman

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from Chicago a few minutes ago I explained this Bill. I'll do it again if people would like to listen. First off, it does not affect any life insurance policies presently in force. Those happen to be contract. They are inviolate. They cannot be changed. Whether or not you pay your premium or not makes no difference whatsoever on the interest that will be charged on loans. If you have a life insurance policy, over the period of that policy life you accumulate cash value. You can take a loan on that cash value. Those loans are at attractive interest rates. The State of Illinois, for some reason, sets the rate at which those loans are to be taken. Presently, it's set at the arbitrary rate of 8%. Now, you know that money market funds and the prime rate have been running up close to 20%. As a result, people have been drying their money out of their cash value life insurance at an incredible rate because it's become a speculative item and I remind you that life insurance is bought in the first place to protect your family from death, not simply as a means of speculative funding. This Bill would set the 'Moody's' bond rate as the rate at which loans could be made on the cash value of life insurance policies. As an example of what that rate would be; when the prime rate hit 21% last year, Moody's rate was at 14.1%. It is still an attractive rate, but it is not the crazy speculative rate that we have today, and as I mentioned earlier, this is in keeping with a number of changes we have made to adapt the interest rates that we have to the crazy financial situation this country finds itself in. It is arbitrary and unreasonable for us to dictate to these companies that they must make loans at 8%. I repeat again that this would affect only new policies written after this goes into effect. It has the support of the Life Underwriter's Association and I

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hope to see more red ... green votes up there."

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

Leverenz: "Thank you, Mr. Speaker. I think I don't want to vote green because I'm not in the tank with the policy makers and I suggest that if we have a locked in interest at 8% on loans on the cash value of insurance policies that that indeed is the last bargain in insurance rates, and I encourage a 'no' or yellow vote. Thank you."

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

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I really don't understand why all the confusion about this Bill. It's really a very simple Bill. We have passed many Bills out of here raising the interest rate that can be paid on loans because of the... today's economy. That's what this Bill does. We're talking about the interest rate that can be paid if you're going to make a loan on your policy. It has nothing to do with the premium that you're paying, and as a matter of fact, if we don't pass this, the premiums will be going up because of the fact that the companies are losing on this low interest rate when people borrow against it. This is really a good Bill. It's not going to hurt the consumers but it's going to be more competitive. And when we pass so many out in raising interest rate on loans for banks and savings and loans, that's all this Bill is doing, and I should certainly urge more green votes."

Speaker Peters: "Have all voted who wish? Representative Brummer, to explain his vote."

Brummer: "Yes, thank you. There is a great deal of confusion I feel with regard to this. This was heard in Insurance Committee. I feel the provisions are fair. It is not, I repeat, it is not a variable interest rate as we have had with regard to mortgages. At the time you take the loan

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from the life insurance company against the policy, you will receive the loan on a stated rate of interest. It will not go up once you make that loan. It will be a stated rate of interest. The Bill merely provides some flexibility with regard to establishing that stated rate of interest tied to the Moody's carpet bond yield average which is a very conservative rating. This is a good Bill. I feel it is in the best interest of the consumers as well as the industry and I would urge more green votes on there."

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

Robbins: "This Bill will help keep our insurance companies solvent. It will help make low interest loans available to some of the people that cannot get their loan through branch banking. Now let's give them at least a half of an interest rate that the branch banking gives and I think you should protect the little people at least once instead of locking them totally out of this. The insurance companies cannot write these policies at this and they will not write something they're going to lose money on. Give them, the free enterprise system a chance to operate. Now, that's all this Bill does."

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

Giorgi: "This Thursday morning, the insurance companies don't need help on this Thursday morning. Now, you're borrowing you're own money back at 8% and you'd like them to be paying 15% interest according to your path, Sheriff Lobo. This is a bad Bill."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 80 voting 'aye', 46 voting 'nay'. Representative Birkinbine. Pardon? Postponed Consideration. House Bill 1763, Representative

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Telcser. Out of the record. House Bill 1789,
Representative Braun. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1789, a Bill for an Act to amend the
Emergency Medical Services Systems Act. Third Reading of
the Bill."

Speaker Peters: "Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. This Bill responds to the series about ambulance
inspections. It sets up a process for inspection by the
Department of Public Health without charging fees to local
governments and the like. The Bill is supported by the
Illinois Association of Firefighters. I know of no
opposition at this point. The provision of the Bill which
originally had required two EMT medical personnel on the
ambulances has been deleted and so that is not a
requirement, and, with that deletion, all the effected
parties that I am aware of supported the Bill."

Speaker Peters: "Anyone in opposition? Representative Braun, to
close."

Braun: "Thank you, Mr... Braun... Thank you, Mr. Speaker. I call
for a favorable vote."

Speaker Peters: "Question is, 'Shall House Bill 1789 pass?'.
Those in favor will signify by voting 'aye', those opposed
by voting 'nay'. Voting is open. Have all voted who wish?
Take the record, Mr. Clerk. On this question there are 137
voting 'aye', 4 voting 'nay', 14 voting 'present'. This
Bill having received the Constitutional Majority is hereby
declared passed. House Bill 1816, Representative Reed.
Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill .."

Speaker Peters: "I'm sorry. Representative Braun. I'm sorry.
Representative Younge."

Younge: "Change my vote to 'aye'. I'm sorry. I made a

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mistake..."

Speaker Peters: "Change the Lady from ... Record the Lady as voting 'aye' on 1789. The vote is 138 voting 'aye', 4 voting 'nay', 14 voting 'present'. House Bill 1789 having received the Constitutional Majority is hereby declared passed, for clarification of the record. House Bill 1816, Representative Reed."

Clerk Leone: "House Bill 1816, a Bill for an Act in relationship to the requirement of economic impact study for regulations proposed before the Pollution Control Board. Third Reading of the Bill."

Speaker Peters: "Representative Reed."

Reed: "Mr. Speaker, Ladies and Gentlemen of the House, the Institute of Natural Resources automatically must conduct an economic impact study everytime the Pollution Control Board changes its regulations. It's a costly procedure in time and dollars and it's not always necessary. This Bill sets up the procedure to provide for the exemptions."

Speaker Peters: "Anyone in opposition? The Lady to close."

Reed: "Just ask a favorable Roll Call on a good Bill."

Speaker Peters: "The question is, 'Shall House Bill 1816 pass?'. Those in favor will vote 'aye', those opposed will vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative Nelson, to explain her vote. Would you shut off your light, Ma'am? On this question there are 152 voting 'aye', 2 voting 'nay', 5 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1817, Representative Nelson. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1817, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Peters: "Representative Nelson."

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Nelson: "Thank you, Mr. Speaker and Members of the House. The next three Bills were developed by the Illinois Institute of Natural Resources. Their purpose is to encourage the use of solar energy systems. House Bill 1817 permits non-home rule municipalities to regulate structures which would hinder access to the sun for solar energy systems. Home rules units may do that now. I know of no opposition. The Bill passed in Committee by unanimous vote and I would appreciate your affirmative vote."

Speaker Peters: "Anyone in opposition? Lady to close."

Nelson: "I would ask for your affirmative vote, please."

Speaker Peters: "Question is, 'Shall House Bill 1817 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 147 voting 'aye', 1 voting 'nay', 6 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1818, Representative Nelson. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1818, a Bill for an Act relating to restrictions on solar energy use. Third Reading of the Bill."

Speaker Peters: "Representative Nelson."

Nelson: "Mr. Speaker, Members of the House, House Bill 1818 outlaws restrictive covenants which would prohibit solar energy use. Existing covenants are not effected. I would appreciate the same Roll Call."

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

Bowman: "Not really in opposition, Mr. Speaker. I would just point out to the Sponsor. I believe there is a misspelled word in line 11 that doesn't... the meaning is clear from the context but you may want to clean it up in the Senate and so if you'd... after the Bills passes, if you'd come

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over and see me I'll point it out to you."

Nelson: "Mr. Speaker, Members of the House, I would be glad... Thank you for pointing that out to me. I'd be glad to take care of that when it reaches the Senate."

Speaker Peters: "The question is, 'Shall House Bill 1818 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 151 voting 'aye', 7 voting 'nay', 4 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1863, Representative Nelson. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1863, a Bill for an Act to amend Sections of the Illinois Agricultural (sic; Architectural) Act. Third Reading of the Bill."

Speaker Peters: "Representative Nelson."

Nelson: "Thank you, Mr. Speaker and Members of the House. House Bill 1863 does exactly as the synopsis states. It amends the Illinois Architecture Act adding three words, 'energy, efficient, design'. Those are the three words and they're added as a subject that architects are tested on. The Illinois Council American Institute of Architects is not opposed to this Bill. I know of no opposition, and I would appreciate your affirmative vote."

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

Robbins: "I have a question of the Sponsor."

Nelson: "Yes, Sir."

Robbins: "Would this Bill affect the new all glass Illinois State Office Building in Chicago?"

Nelson: "No, this Bill would not affect that. This Bill relates to the test that architects in our state take. As it is now, they are tested on energy efficient design and what

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I'm really doing is just putting into law what is in fact being done now. Architects do study, they do know about solar installation and energy efficient design. And this is a recommendation by the Illinois Institute of Natural Resources to give more visability to our desire for solar installations and uses."

Robbins: "The architects understand this at the present time and yet they're going to single pane... glass in this building?"

Nelson: "I have my doubts about that too, Sir."

Speaker Peters: "Representative Nelson, to close."

Nelson: "I would ask for your affirmative vote."

Speaker Peters: "Those in favor will signify by... On this.... The question is, 'Shall House Bill 1863 pass?'. Those in favor will vote 'aye', those opposed will vote 'nay'. The voting is open. Representative John Dunn, to explain his vote. The Gentleman does not explain his vote. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk? On this question there are 151 voting 'aye', none voting 'nay', 7 voting 'present'. This Bill having reached the Constitutional Majority is hereby declared passed. The Chair will now inquire if any of the Members wish to place any of their Bills in Interim Study. Representative Huskey. Representative Huskey."

Huskey: "Mr. Speaker, and Ladies and Gentlemen of the House, I would like to have leave to put House Bill 229 from Third Reading into Interim Study."

Speaker Peters: "What page, Sir?"

Huskey: "On the Priority of Call. It's the sixth Bill down. If you want it on the Calendar, it's page six."

Speaker Peters: "Page six? Page six of the Regular Calendar. House Bill 229, Interim Study. Anyone else? Representative Ewing. Let's... Give me on the Regular

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Calendar so we keep it all in one place. Representative Ewing."

Ewing: "Mr. Speaker, there has been quite a bit of publicity about House Bill 1506 which dealt with a reduction or provided for a reduction in the corporate personal property replacement tax. I know that this Bill has been of great interest to local governments. Yesterday, this House passed the investment tax credit which would relate to that fund. In addition, we have just in the last year reduced the corporate personal property tax replacement rate to 2.5. I think, at this time, House Bill 1506 is premature. It could possibly injure local governments if enacted in addition to the investment tax credit. It is not my intent nor has it ever been my intent to deprive local governments of the funds which they had rightfully coming to them. For that reason, I would ask that this Bill have leave to be placed on the Interim Study Calendar."

Speaker Peters: "House Bill 1506, Interim Study. Representative O'Connell."

O'Connell: "Mr. Speaker, may I make an inquiry of the Chair?"

Speaker Peters: "Yes, Sir."

O'Connell: "If the Bills go to Interim Study, do they have to go through the Rules Committee before they're brought back to the floor?"

Speaker Peters: "My understanding is if there's a hearing in Committee they come back to the House floor."

O'Connell: "Mr. Speaker, I would request that House Bill 1123, which appears on page 11 of the Regular Calendar be placed in Interim Study."

Speaker Peters: "1123, Interim Study, page 11 of the Regular Calendar. Anyone else? Anyone else? House Bills, Third Reading, Priority of Call, House Bill 1022, Representative Bullock. Representative Bullock."

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Clerk Leone: "House Bill ..."

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

Clerk Leone: "... 1022, a Bill for an Act to amend Sections of the Illinois Banking Act. Third Reading of the Bill."

Speaker Peters: "Representative Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1022 which is supported by the Illinois Bankers Association, the Association for Modern Banking in Illinois authorizes the Commissioner of Banks to approve in writing merger of a state bank with another state bank or national bank in Illinois. Basically, this Bill is intended to aid sick banks. The purpose is to resolve and solve supervisory problems to prevent otherwise closed or liquidated banks. This Bill also has a condition that permits a supervisor of a merger that must be met as set out in Section 51 of the Banking Act. Additionally, the Commissioner must find that the emergency exists as defined in Section 52 of the Banking Act. The Commissioner must find that it's absolute..."

Speaker Peters: "Excuse me, Representative. Excuse me. We are going into the final hours. It is going to become hectic. The Chair is going to insist that staff and other members who are not entitled to the floor at the time a particular Bill is being called are not on the floor. If the Members have something to discuss, the Chair asks that you step off to the rear or off to the side. Proceed, Representative Bullock."

Bullock: "Thank you, Mr. Speaker. As I said, this Bill is supported by the Commissioner of Banks, the Illinois Bankers Association, the Association for Modern Banking in Illinois and the State Thompson administration. Forty-three states have such a supervisory merger power in their banking acts. I think it's an important tool for the

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regulatory authority to work itself out of bad situations. We had bank closures that all of us are aware of. It need not be emphasized here how important it is to avoid the disruption resulting from a bank closing. When this power had been available to the Commissioner, it is my humble opinion that the situation at the Des Plaines Bank as well as the southside bank in my district could possibly have been avoided. There were many banks within the provision of House Bill 1022 where the Des Plaines Bank situation could have been vastly improved and certainly the benefit would have accrued to the depositors. A supervisory merger could have been worked out and avoided considerable public inconvenience, worry and loss. This Bill is supported. I know of no opposition to it. I'd be happy to respond to any questions and I ask for a favorable Roll Call."

Speaker Peters: "Any discussion? Representative Bowman. Your light's on. Representative Greiman."

Greiman: "I wonder if the Gentleman would yield for a question or two?"

Speaker Peters: "He indicates he will."

Greiman: "How much notice does a shareholders meeting take to bring the shareholders of the bank into the process?"

Bullock: "Representative Greiman, as you know, this Bill is intended to have the approval of the stockholders and there are good reasons for that. More specifically, we want to avoid any type of panic situation that may occur and we have built into this Bill the necessary safeguards so that the Commissioner of Banks would not have unilaterally ability to approve but would be in consultation with the supervisor of the merger and, of course, the Bill also includes FDIC. In answer to your question..."

Greiman: "I understand that, but the question I asked you though is how much time and how much notice does it take to the

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shareholders so that there would be... so that they could have a meeting so there could be a meeting held?"

Bullock: "I'm not sure. I would imagine something with 48, 72 hours that that could be arranged."

Greiman: "I would just express some reservations about this Bill. Usually it's the Directors and not the shareholders who've gotten the bank into its financial pickle and usually the shareholders are investors, sometimes small investors and don't really have anything to do with the operation. And suddenly the Director's who have been.. by the way, have had probably 30 or 60 day letters from the supervisory authority and are well aware of their troubles and have rather concealed it from shareholders. Now we're allowing them to have a merger and to conceal and suddenly the shareholders find that they don't own anything any longer, haven't had a chance to question the directors and they're been getting glowing statements and suddenly they find that their stock investment, however small it is, is gone, that it's tied up in another bank and there is no time even for them to vote the merger. I think that, as a shareholder of a bank or of any corporation you should be entitled to hear from your directors and hear what the directors have to say. Again, the directors are the ones who are running the joint and they're the ones who have gotten them into the pickle. I think to do away with the shareholders meeting on a merger, no matter what the situation is, is perhaps foolhearty or at least unfair. Foolhearty may be too strong. Unfair perhaps and certainly the supervisory people have all the ability to go in and take over a financial institution without asking the directors or the shareholders. So I just have reservations about this."

Bullock: "Representative Greiman, this Bill, in effect, deals with merger. As you know, the provisions of the law that

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apply in terms of emergency sales are not changed and within those provisions there is ample protection for the shareholders to be consulted. Thank you."

Speaker Peters: "Representative Piel."

Piel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Speaking a little bit to the questions of Representative Greiman. This was brought up in Committee. As a matter of fact, I was the one that brought it up in Committee because I had the same concern that the you have just expressed, Al. What this does, this is when the Commissioner of Banks, after his annual audit has sent out an opinion that the bank is in dire financial condition. Let's face reality. If they have a stockholders meeting and say, 'Hey, our bank is in dire financial condition and the bank is going under', right away what's going to happen. Everybody's going to start withdrawing their deposits out of the bank and there's going to be mass panic. What this is trying to do is keep the bank at a level pace so the bank does not go under. And in all sincerity, this is... if this type of a thing was instituted in the minority areas of Chicago, a lot of the banks would not have folded. They would have been able to be purchased by another bank. After the report came out that there was a dire problem from the Commissioner of Banks and that it would have kept on with an even flow of the banking business in the bank that ended up failing."

Speaker Peters: "Representative Friedrich."

Friedrich: "I don't ... Mr. Speaker, Members of the House, I don't know of any other kind of business that you can do business in secret without telling the stockholders and particularly when you go to merge. Now, a bank doesn't get in the condition he's talking about in a few minutes. This has to be something that's gone on over a period of time

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and certainly the stockholders are entitled to know what's going on in that bank. They're the people who put up the capital to run it in the first place."

Speaker Peters: "Further discussion? Representative Bullock, to close."

Bullock: "Thank you, Mr. Speaker. The Commissioner must find that the merger is absolutely necessary in order to protect the depositors and the stockholders. The existing law has ample protection for the shareholders as was indicated by Representative Piel. I would respectfully request an affirmative vote."

Speaker Peters: "The question is, 'Shall House Bill 1022 pass?'. Those in favor will vote 'aye', those opposed will vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 96 voting 'aye', 35 voting 'nay', 16 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 211, Representative Vinson. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill..."

Speaker Peters: "Representative Vinson."

Clerk Leone: "House Bill 211..."

Vinson: "Out of the record, Mr. Speaker."

Speaker Peters: "Out of the record. House Bill 411, Representative Reilly."

Speaker Peters: "House Bill 411, Representative Reilly."

Clerk Leone: "House Bill 411, a Bill for an Act..."

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

Clerk Leone: "A Bill for an Act in relationship to meetings, Third Reading of the Bill."

Speaker Peters: "Representative Reilly."

Reilly: "Thank you Mr. Speaker. House Bill 411 seeks to clarify

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and strengthen the State's Open Meetings Act, both so that the public's business may be done in public but also, to help local government officials know what the Act means. Originally, when the Bill was introduced there was a great deal of controversy with some objections from local government officials. I am happy to say and to commend the people who've been involved with this that due to hard work and involving myself, the Attorney General, Representative Madigan, Katz, Getty, Barkhausen and many others with numerous city, county and school officials, most, if not all of these difficulties have been resolved. The restrictive definition of meeting that was in the original Bill has been changed. It now makes clear that those local government officials who were worried about being trapped in accidental, incidental social meetings have nothing to fear from this Act. It clarifies that action taken in closed session and only that action taken in closed session can be voided. It puts in a provision for emergency closed meetings which does not exist in the Act now and which is a benefit to local government. It puts in provisions that allow public bodies to confer in private with their attorneys when law suits are probable or imminent, a benefit for local governments, one that is not present in the law now. And finally, we responded to those objections from local government officials. They had the time to file suit under the Act was too long and we shortened that time. House Bill 411 as it stands before us, strengthens and clarifies the Open Meetings Act without unduly burdening local officials. It's been a tremendously difficult project to work on, and again I commend the bi-partisan effort that has brought to this stage and I would ask for a favorable roll call."

Speaker Peters: "Representative Katz."

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Katz: "Would the Gentleman yield to some questions?"

Speaker Peters: "I'm sorry?"

Katz: "Would the Gentleman yield to some questions?"

Speaker Peters: "He indicates he will."

Katz: "If a majority of a quorum of a public body get together or remain together with the intent to discuss public business without having..without notice having been given under the Act, is that a violation of the Act, even if the ostensible reason for the gathering was for social purposes?"

Reilly: "Yes, if a majority of a quorum formed the intent to discuss public business at any time or place or situation and do so, the Act is violated."

Katz: "Is the definition of public business confined to matters over which the public body on which they serve has some actual authority?"

Reilly: "Yes."

Katz: "With regard to the exemptions regarding litigations that is broadened under Section 2(h), I have a few questions. First, I direct your attention to the obligation to take minutes in the closed meeting between the attorney and the public body to discuss a legal action that is probable or imminent. Does the body have to identify the party involved?"

Reilly: "No."

Katz: "Does the record of the finding go into the public meeting minutes or the minutes of the Executive Session?"

Reilly: "The minutes of the Executive Session."

Katz: "In general, under the Act, will a technical or partial non-compliance with any of the minutes requirements invalidate actions taken by the Body?"

Reilly: "No, it will not."

Katz: "What would prevent a public body from meeting privately as a matter of routine with legal counsel to discuss just

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about any public matter because potential litigation could emerge from almost any type of discussion?."

Reilly: "It's clearly the intent of the language to mean that only potential litigation of a specific nature can be discussed at a closed meeting. For example, the attorney might want to discuss strategies to be used in the specific instance or warn the public body of the perilous legal situation in which it finds itself due to certain untoward events of a specific nature, or of perils to be avoided in a particular situation that might have given rise to a cause of action against the public body, or a member might be aware of a specific situation that he has reason to believe may shortly result in litigation. It is not the intent of the legislature that a public body can meet in closed session simply because its attorney is present and on the mere assumption that something might emerge during the discussion involving 'potential litigation'".

Katz: "What about routine questions from members of a public body to their attorney relative to such things as interpretation of statutes, legal policies or options generally available and so forth?"

Reilly: "These should not be discussed privately. The purpose here is to allow discussion in a closed meeting of imminent specific litigation, not just the vague possibility of a law suit by some unknown party at some unknown future time."

Katz: "With regard to the prohibition of taking final action in a closed session, I note that there is no definition of the phrase, 'final action', in the Bill. Is the general intent the same as the definition of 'final action' involved in Amendment #6?"

Reilly: "Yes."

Katz: "Would I be correct in assuming that the prohibition

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invalidates only actions taken in secret and that it would not invalidate any actions taken in a public meeting that is open with regard, for example, to an ordinance or approval of a contract or a bond issue even if at an earlier stage a closed meeting had in fact, been held where this matter had been unlawfully discussed?"

Reilly: "That is correct. The intent is to invalidate only final action improperly taken in secret."

Katz: "Does the provision for nullification of official action taken in violation of Section 3 of the Act cover the same area as the final action prohibition in Section 2?"

Reilly: "Yes."

Katz: "Mr. Speaker, may I address myself to the Bill?"

Reilly: "Proceed, Sir."

Katz: "Mr. Speaker, the Open Meetings Act is one of the most important laws that we have in Illinois. Recognizing its importance the Minority Leader, Mr. Madigan, convened a Democratic Task Force and we worked with the Attorney General and Mr. Reilly to try to work out the best Open Meetings Act that we could. Mr. Getty, Mr. Jaffe, myself and a number of other Democrats have met, held hearings in Chicago and in Springfield. And with the cooperation of the Sponsor and of the Attorney General, we've come to the conclusion that the Bill in the form in which it now is, is a significant improvement over the present law regarding Open Meetings. We acknowledge that the Sponsor and the Attorney General have accepted a number of our suggestions but in supporting it, we would like to direct attention to a couple of items that we think might be improved with the hope that it may be treated in the Senate in such a way that these provisions may be incorporated. The concept of coverage of the Act being dependent upon the presence of a majority of a quorum at a public meeting, which is the test

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of coverage under the law in the form introduced and presented here on Third Reading serves to insulate from coverage under the Act any meeting of a group of less than a majority of a quorum of a public body. This affords a rather simple way of circumventing the purposes of the Act. Thus, a group of twelve aldermen of the City of Chicago, being less than a majority of a quorum, could meet and conduct public business violative of the principles of open meetings without running afoul of the Open Meetings Act. We think that this is unfortunate and would much prefer a definitional standard rather than a numerical standard of coverage. Since we however, have not been able to persuade the Sponsor and the Attorney General to our position and since we believe the Bill as a whole is a significant improvement, we would support the Bill. There are a couple of other points that we would want to mention that the Bill does not include that we hope attention might be directed to. The Democratic Task Force proposed an increase in the penalties for the violation of the Act. Presently, a violation constitutes a Class C misdemeanor which carries a maximum fine of \$500 and a jail term of 30 days. We proposed that violations be punishable as a business offense, with a much higher fine but with no jail term. The Sponsor and the Attorney General would not agree to this change. We felt that the present maximum fine is really too small, \$500, is not really adequate enough to discourage violations of the Act. But this was not agreeable to the Sponsor. In addition, under the Bill in its present form, a unit of government can lawfully indemnify and hold harmless a member who has been fined for violating the Open Meetings Act. Thus, the person who has violated the Act and been fined even \$500 can be reimbursed the \$500 by the unit of government. This seems, to us, to

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be contrary to public policy. We do not think that a unit of government should be able to indemnify anyone for violating the provisions of the Act and we would hope that that might be straightened out. But as I indicated earlier, Mr. Speaker and Ladies and Gentlemen of the House, House Bill 411 in its present form is a decided improvement over the present law. It will permit some things that have not been clear to be clarified. Villages will be able to meet, for example, with attorneys regarding potential litigation, as well as the present coverage, which permits them to meet with regard to actual litigation. We think in the long run that units of local government will better understand their rights and that government will be able to operate in open and will be encouraged to do so by House Bill 411, and I would urge an affirmative vote."

Speaker Peters: "The Chair has carefully noted the number of speakers requesting to speak on this Bill in the order in which their lights came on. So that you know the order, Getty, Miller, Friedrich, Wikoff, Bluthardt, Birkinbine, Griffin, Conti, Johnson, in deference to the Minority Leader, Representative Madigan."

Madigan: "Mr. Speaker, why don't you just proceed with your order?"

Speaker Peters: "Representative Getty."

Getty: "Mr. Speaker, I want to make it clear that I have two points that I wish to raise. I'll proceed with the first one. I want the record, the tape record, to indicate that we have, that Representative Madigan and I have filed again today, a dissent concerning the failure of this House to take from the table all of those Third Reading Bills that were tabled on May 18th. In that regard, and as I say it has been filed because this by far the most significant Bill that we have taken since that time. I would

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respectfully suggest to the Chair and to Representative Reilly that it would be most appropriate in order to remove any cloud from this Bill that he move to take it from the table and move to suspend the deadline rule so that there would be no cloud on this very important Bill. And I would respectfully suggest that to Representative Reilly. Now, I would like to proceed to my second point and I would question the Chair as to the number of votes that would be required to pass this legislation. In support of that, I would say that since House Bill 411 amends the Open Meetings Act, both adding and revising restrictions on the operations of local government units. The changes in the Open Meetings Act made by this Bill clearly include additional limitations upon the powers of municipalities and counties which are not currently contained in the Open Meetings Act. The Open Meetings Act contains a Section 6, which provides that the Open Meetings Act is a limitation on Home Rule units. Now, that Section is not showing in the Bill before you, Ladies and Gentlemen, Mr. Speaker because that Section is not being amended by this Bill. But the effect of House Bill 411 will be to add to the specific limitations imposed by the General Assembly on home rule units with respect to the conduct of their business and affairs. Accordingly, I suggest that House Bill 411 is a home rule preemption Bill. The limitations of the Open Meetings Act on home rule fall under paragraph 6G of Article VII, Section 6 of the Constitution. The General Assembly is limiting the exercise of home rule powers which the State, itself does not exercise. Mainly, the conduct of meeting and the transaction of official business of those local government boards and city councils. For that reason, I suggest to you, that House Bill 411 requires a 3/5ths majority or 107 votes."

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Speaker Peters: "The question raised by the Gentleman from Cook, Representative Reilly."

Reilly: "Yes, Mr. Speaker, frankly, I am not particularly worried about the ruling in the sense that I'm sure that with the support of the Minority, as has been indicated, that will have 107 votes. However, I would direct the Chair's attention to the provisions of the Constitution, both those dealing with exclusive action by the State and those dealing with concurrent actions between states and units of local government. It seems to me that all we were doing here is and I think the Section 6 makes this fairly clear, is setting a floor...this is still in action that can be taken a power that can be exercised both by local governments and by the State. It seems to me that this is a concurrent jurisdiction and therefore does not run afoul of the requirement for an extraordinary majority to limit home rule powers."

Speaker Peters: "Any further discussion on this question? It would be the judgment of the Chair that the comments made by the Gentleman from Morgan, Representative Reilly, are on point and that the constitutional requirement for the passage of this legislation is 89 votes. Representative Getty."

Getty: "I just want to mention two things. First, in response to that, I think that the ruling of the Chair is going to create a constitutional issue and it might have the effect of doing just the opposite of what we all want to do and that is to clarify the law relative to open meetings. And it may indeed lead to litigation and nobody will know where they stand. For those reasons, I believe that the Chair should reconsider it. I also raised my first point and I want to make it right...very clear to Representative Reilly and the Body that I support House Bill 411. And I

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certainly had intended to vote for it, and I believe notwithstanding the fact that I have voted 'present' on every Bill since those Bills were tabled because of the very important nature and public policy nature of this Bill, I will vote for this Bill, notwithstanding my very clear disagreement with the handling of this matter and the failure to take from the table. But I would ask again, Representative Reilly, please, in the interest of removing any cloud concerning the tabling of this Bill, wouldn't you put a Motion to take from the table and extend the deadline so that we would have a proper Roll Call so that there would no issue that could be raised concerning this legislation?"

Speaker Peters: "Representative Miller."

Miller: "Thank you, Mr. Speaker. I have a question for the Sponsor."

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

Miller: "Representative Reilly, is it not true under your Bill as it is in its present form, that any two trustees of a township which consists...governing board which consists of a supervisor and four trustees would be in violation of the law if they happen to meet at the coffee shop and discuss township business?"

Speaker Peters: "Representative Reilly."

Reilly: "No. It..that's absolutely not...not correct. The whole reason that Representative Leinenweber in Committee put in the phrase and I can't overstress its significance, meeting for the purpose of discussing public business, is exactly to take care of the problem you want. Of course, we don't want to have such a situation be a violation of the Act. That would only be a violation of the Act, if they intentionally did it, if they said to themselves, hey, I figure out a way we can get around this Act, we'll go down

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to the coffee shop. But if as common in towns of the size you and I both represent, they just, incidentally as part of the course of their life happen to be there and one of them says to the other, hey, how'd you vote on that ordinance or whatever. That is not a violation of the Act and I think that is clear in the Bill as it stands."

Miller: "Is it your intention then that if the primary purpose of their meeting is to have coffee and the secondary purpose is to discuss business, they are not in violation and if the reverse is true, they are?"

Reilly: "I'm not sure what you mean by the primary and the secondary purpose, if they intentionally, if they are trying to get around the Act, if they are trying to evade the Act, I think that's what a court would look at. If the evidence all taken together suggests that they met there for the purpose of getting around the Act, then I think they'd be in violation. If they evidence all taken together suggests they didn't, then I think they're not. I'm not sure what you mean by primary and secondary purpose, but if they just get together there to drink coffee and some business casually comes up, that is not a violation of the Act."

Miller: "Is specific intent an element that would need to be proved to prove a violation of this Act?"

Reilly: "Yes."

Miller: "Assume that we're not at the coffee shop and that they are just discussing the business without a social element being present, would they then be in violation of the Act that they are discussing official business?"

Reilly: "Again, the presence or absence of the social element doesn't matter except that that's one element they would have in their favor in terms of indicating that they had not met for that purpose. Again, they could meet casually

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somewhere non-socially, they could meet casually in their office so long as the purpose was not to do business, the purpose was not to evade the Act."

Miller: "Okay, I think you've answered the questions. My main concern is that so few a number of two of a small township cannot get together and to discuss business and if I can address the Bill, Mr. Speaker?"

Peters: "Proceed, Sir."

Miller: "Ladies and Gentlemen, I think this is a pretty serious matter that's going to impact greatly upon rural constituencies, if you have any. They are not full time office holders. They generally serve at little or no remuneration. They do it at a service to their community. They are not in it for any political advancement and I think a Bill which would allow twelve powerful aldermen from Chicago to meet privately and does not allow two non-partisan, minor, civic-minded trustees of a small township to discuss business certainly lacks inconsistency and logic. I don't believe it is realistic in light of how downstate communities operate and I think operate very well on very little money. The Bill is very well intentioned. I don't think any of us want to close up government but I think we're putting to many road blocks, thank you Mr. Speaker, in the road of the operation of local government. I've received numerous comments and objections to this legislation from constituents in my district and for that reason I'm afraid I will be unable to support the Bill, notwithstanding some of the very good points it has in it. Thank you."

Speaker Peters: "Representative Friedrich."

Friedrich: "Well, Mr. Speaker, I'm concerned about this because the city councils in downstate areas, consist of the mayor and four people. A majority of a quorum is two of them.

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Any two councilmen and the mayor and certainly prior to meetings or when some serious matter is coming up, they are going to get together and talk about these things. Even our county board, which is 15 members, a majority of a quorum is five get together. They get together for lunch or anything else and they could get together specifically to talk about business but it's absurd to me to make criminals out of those people just because they don't call in the press and make a public meeting out of something where they want to discuss something prior to the meeting. Now, you know around here, how would you like to have it, any time you talked to another Legislator it would be a crime unless you called the press in? Well, this is not anti-press but that's the way business is conducted. Now it's pretty tough down home to get responsible people to run for the city council and the county board and if they're under the threat of a jail sentence or being a criminal, I'll tell you now, it's going to be tougher and tougher to get people to run for these jobs which with no pay at all. It's tough enough now and I think this is just another nail in the coffin of getting responsible people to serve in self-government."

Speaker Peters: "Representative Wikoff."

Wikoff: "Will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Wikoff: "Representative Reilly, does this Bill still have the provision in it where the Legislature is also included?"

Reilly: "It never had a provision in it. The State Constitution provides constitutional open meetings procedures for the State which in most respects are tougher than those provided in the Act. That...this Act as it stands on the statutes of this Bill if it became law would not include the General Assembly."

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Wikoff: "Well, having spent a little time over here there are many decisions made in rooms that the press is not available. If this is such a good law why is not the Legislature included?"

Reilly: "Well, as I indicated the constitution already provides stricter procedures. It takes the three-fifths vote of this House to close any meeting either of the House or of any of its Committees. All that is provided in this Bill is the simple majority vote."

Speaker Peters: "Is the Gentleman concluded? Representative Bluthardt."

Bluthardt: "Would the Gentleman yield?"

Speaker Peters: "He indicates he will."

Bluthardt: "Jim, does the Bill still contain requirements of keeping minutes of all Committee meetings? So, that even a meeting of a quorum of a quorum that may discuss official business will require to keep minutes of those meetings?"

Reilly: "Minutes in a very general way. The Act sets out that what has to be put in is essentially the general subject matter, certainly not any details, certainly not the names of the people who are being discussed but minutes, yes."

Bluthardt: "Don't you think, apparently you don't, incidentally, I want to compliment you and the first speaker on this. It was like a 'Lum and Abner Show', years ago, but.."

Reilly: "Thank you."

Bluthardt: "Don't you think, I think it was well rehearsed. Don't you think though that this is putting one heck of a burden on local government on the clerks for instance. The clerks who have to attend or an assistant clerk would have to attend every Committee Meeting, every meeting covered by this and there is very little not covered by the Act and keep minutes, typed up minutes, have those minutes approved. He'll be perpetually working on minutes, it

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would seem to me."

Reilly: "The municipal bodies I have worked with have always kept minutes of meetings. They're very brief in the case of a simple Committee Meeting but they always kept some record to refer to."

Bluthardt: "I think that's an exception rather than the rule. I know of very few small municipalities, when I'm talking about small municipalities I mean the non-home rule municipalities that keep minutes of Committee Meetings. There is another question, the provision that anybody who feels that the Open Meetings Act has been avoided or violated has a right to bring suit against the municipality or against that taxing body or public body within 45 days of the action that they object to, is that correct?"

Reilly: "Currently in the current statute they have that right and there is no time limit, but you are correct. We're limiting the time to 45 days at the request of some of the municipalities who came to us and objected to that."

Bluthardt: "But when you put it in this Open Meetings Act it is like a red flag out there saying, here go out and sue if you don't like the actions of your city council or your village board, go file suit. This to me would seem to jeopardize every piece of legislation, every ordinance that is proposed or enacted by local government for at least 45 days. I think that it might affect bond ratings, bond interest and I think it would be a poor practice to have. When you see it's already in the law, it's certainly is not in the same form that you propose in this Bill. Under the law there is no provision for a recovery of attorney's fees. I'm sure you always take care of the attorneys. There is no provision in the law for fine, for violation of the law, there is no provision of the law presently that authorizes the nullification of the acts of a legislative

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body. All these are new provisions that are really anti-local government. Incidentally, let me tell you, that I have observed at this Session, this is the most anti-local government Body Session that I've spent here in eight Sessions. But again, I might as well speak out against the Bill. I have no doubt whatsoever that the Bill is going to pass overwhelmingly and perhaps the best thing I can say about the Bill, is there has been a need for a better definition of a meeting, public meeting and this is better than we have in the present law. And I'm normally not against open meetings, in fact I worked on the Sub-Committee and where the Co-sponsor of the Scariano Bill that passed here about 1968. I worked on that, I voted for it and I believe in open meetings but I think this one goes to far. I think that the provision that one might file a suit to set aside the actions of a legislative body within 45 days is a bad provision. That it invites litigation that's going to bring about much doubt as to the validity of the actions. I think it's going to be expensive to local government. I think the provision requiring minutes of every possible meeting that is held is going to be also expensive an added burden on local government. I don't see any need for these. I actually don't see any need for all these additional provisions. Let's just amend the present Open Meetings Act to have a better provision or a better definition of what we mean by an open meeting or public meeting. That's all we need, we don't need the rest. We don't need to pass a Bill like this to help somebody get nominated for office. Now, I might be for that somebody but I don't appreciate him, you know, getting elected and being nominated at the expense of local government. I resent that. I'm opposed to the Bill because of the additional, unnecessary provision that it contains."

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Speaker Peters: "Representative Birkinbine. Representative Birkinbine. Representative Griffin."

Griffin: "Sponsor yield for two questions?"

Speaker Peters: "He indicates he will."

Griffin: "First, would the provisions of this Bill change in any way substantially the functioning of school boards? That is, secondary school boards."

Reilly: "I'm not sure exactly what you mean, Representative Griffin. My experience has been that school boards in response to word from among others the School Boards Association have been scrupulously good, for the most part about obeying the Act and do keep minutes and so on. I'm not sure, you know if there is a specific situation, maybe I could address that."

Griffin: "Well, I noticed Amendment #2 is concerned with particularly school boards. It does specify that students disciplinary questions are special ed programs."

Reilly: "That was reversed by a later Amendment so that's out. That, the School Board Association among others, objected to that Amendment which was put on in Committee by a later Amendment and we took that out. So, it will not affect that."

Griffin: "So school boards would be able to function substantially as they have in the past with the exception that Amendment #3 would apply to the number of people that would constitute a majority of a quorum?"

Reilly: "Well, that's right, although one answer I didn't give earlier and perhaps I should have. The present law has been interpreted for a long time to mean that two or more people can violate the Act. I'm not convinced as some of the critics of the Bill are that that's a change. But the answer is yes to your question."

Griffin: "So, it's really not that much more stringent in that

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respect then it has been?"

Reilly: "Correct."

Griffin "Now the other question I have is, you've got a number of people listed in our analysis as opposed to this Bill. Have the Amendments or subsequent changes dropped out any of those opponents from the list?"

Reilly: "Yes, I don't have the whole list in front of me but there were many groups on there who generally support open meetings but had some questions about the Bill. I think, as amended, they all support it now. I don't want to pull your leg, the Municipal League for example, I assume, still opposes the Bill and perhaps some of those groups but many of the groups, anyway on the list are supportive now of the Bill."

Griffin: "Have Common Cause dropped their opposition?"

Reilly: "I believe so, they haven't communicated with me but they are...the dialogue with Common Cause all along was whether we went far enough or too far, it was a matter of degree and I am reasonably confident that they support the Bill in this form."

Reilly: "Thank you very much."

Speaker Peters: "Representative Conti. Representative Johnson."

Johnson: "Mr. Speaker, Members of the House, I rise in strong support of Representative Reilly's Bill. One of the problems we've had for many years, at least in terms of public outlook towards what government does to them or for them is the popular idea that government operates in the back rooms, the smoke-filled rooms and the decisions are totally taken away from the domain of the public. This Bill is simply a modest attempt to better define and better provide enforcement for a law that brings government out into the open. I don't know what's unreasonable about an enforcement mechanism that puts some teeth in our Open

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Meetings Law, that provides for example, for the possible voiding of public action when the provisions of the Open Meetings Act are violated. Another important provision of this Bill that I think can do as much as anything to add to public scrutiny and ability to know what its government is doing, is the notice provisions, contained in this Act that require notice of meetings, whether private or public, to members of the media who have registered for a period of time prior to the meeting in question. I don't know what's unreasonable about a requirement that minutes be taken at whatever meeting and then later be made available. Some of the purpose of the enforcement in minutes mechanisms in the Bill is simply to define the question of whether there is in fact coverage under the Act. It is very easy to avoid the Act, if in order to do that all you have to do is maintain a shroud of secrecy, and this simply allows in a modest way the public and the news media to understand and to comprehend the nature of the meeting and what's going on in the meeting. I think it defines far better than the existing law does, what a meeting is. As many of you know, the Urbana City Council had a case that went all the way to the Illinois Supreme Court which eventually decided that quote-unquote, 'Urbana Nine' were in violation of the Illinois Open Meetings Act but it was difficult and as a matter of fact took Illinois Supreme Court decision to be able to define what that is. I think this Act by containing some specific language can define meeting a lot better. The overall intent of this legislation is to provide comprehensible, reasonable, modest standards along with appropriate enforcement mechanisms to be able to enforce an act that says to the people of Illinois, to all 12 million of them, that you've got a right to know what your government is doing. I don't think that's

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unreasonable. I think that's something a vast, vast majority of the people of Illinois support and I frankly see no reason why honest, open, local government would have any objection whatever to the people if they supposedly serve, and I think for the most part serve very well, from knowing what they do, why they are doing it and what their tax assessed dollars are being used for in the public sector. And for those reasons, and for the reason that I think that this is an idea and definition whose time is certainly long overdue, I urge a 'yes' vote on House Bill 411."

Speaker Peters: "Representative Madigan."

Madigan: "Mr. Speaker, I rise in support of this legislation as previously recited by Representative Katz, because of the serious nature of this...thank you, Mr. Speaker. As previously recited by Representative Katz, because of the serious nature of this problem, early in the Session I created a special Committee in my office to study the area, to receive testimony from interested parties and to make recommendations for change in the Open Meeting Statute with a view toward providing more clarity to those who are affected by this statute, the news media on one hand and units of government on the other hand. The Committee that I created held public hearings both in Chicago and Springfield. We accepted a great deal of testimony, we created an advisory Committee and through long hours of work and deliberation and then subsequently in conversations with Representative Reilly and Attorney General Fahner, we developed certain recommendations. Mr. Fahner and Mr. Reilly have accepted several of these recommendations and for that acceptance we commend them. Unfortunately, Mr. Fahner and Mr. Reilly have not accepted other of our recommendations and we feel that their refusal

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of those recommendations has left this Bill with certain imperfections which have already been addressed by Members of the Body. I feel that the issue is so important that even though there may be some imperfections in this Bill, those imperfections should not stop the passage of the Bill at this time. I think that the Bill should move along through the legislative process. It should be sent over to the Senate, possibly as it moves through Senate Committee and on the Senate floor certain of these imperfections that I have addressed will be eliminated by Amendment. I plan to vote 'aye', however I wish to point out to the Body, that this is a perfect example of the imperfections that will exist in all legislation considered yesterday and today. Mr. Reilly is sponsoring a very important Bill. He hopes that this Bill will become law. There are people who are opposed to this Bill because the Bill is being called under a cloud of abuse of the rules and because Representative Getty and myself and several other Democrats have filed a protest and a dissent to consideration of these Bills today, those who are opposed to this Bill will have available to them in the record of our proceeding, a perfect opportunity to launch a collateral attack against this Bill which could delay the implementation of these provisions for several years. I simply say to you, this is a perfect example of why Speaker Ryan should have permitted a motion to be put to this Body to suspend the rules for consideration of non-appropriation Bills both yesterday and today. Despite that problem and despite the imperfections I think the Bill should move along and I plan to vote 'aye' in favor of its passage."

Speaker Peters: "Representative Brummer."

Brummer: "Yes I wanted to speak but I think we've had full debate. I would move previous question and ask to be

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recognized to explain my vote."

Speaker Peters: "The Chair had indicated that it has taken down, just a second, Representative Brummer, as the lights went on and intended to follow those lights and Representative Brummer's light went on exactly when it did and is on the list and the Gentleman's motion is properly put. The question is, 'shall the main question be put?' Representative Brummer."

Brummer: "I withdraw the motion. Representative Dunn...Excuse me, next Representative Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, I intend to oppose the Attorney General of this State when he is wrong and to campaign against him when he is wrong. But when we have an idea that's a good idea, I see nothing wrong with supporting it. Now, the Bill as it came in and I was the chief Co-sponsor, needed considerable work and it received that work and Representative Reilly was cooperative as chief Sponsor of this Bill in having it put in decent shape. This Bill doesn't come out of nowhere, out of the sky. It comes about because local government units throughout this State were operating in secret behind closed doors and would not let the press or the public attend some of the important considerations that they were under taking in secret. The public wants the sun to shine in to public body meetings, taxing bodies and what's happened in the past and I'm not talking about downstate, I'm not talking about Chicago, right in our own suburban area. Many, many governmental units have excluded the press and the public from deliberation and from decision making, that's where this Bill comes from. It wasn't made out of whole cloth by Representative Reilly and myself or by the Attorney General. It came about to fill a need, a need that the public felt because they were being excluded

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from their governments operations. The Bill may not be perfect, as the Minority Leader stated, and I think he's right, it's not perfect but Representative Reilly has been reasonable in accepting Amendments. The Bill is now in a position where we can pass it. The public wants it and I'm proud to be a chief Co-sponsor of House Bill 411 and will vote for it in a few minutes and I hope a vast majority of you will follow."

Speaker Peters: "Representative Dunn. John Dunn."

Dunn: "Thank you Mr. Speaker. It's good to see you today. I have a question or two for the Sponsor of the legislation."

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

Dunn: "I was distracted during some of the debate and maybe this has been asked but obviously the Illinois Municipal League is probably viewed as taking one position with regard to this legislation and the Illinois Press Association another. Can the Sponsor tell me where these respective groups stand on this Bill in its present form?"

Speaker Peters: "Representative Reilly."

Reilly: "I cannot speak for sure about the Municipal League, though I assume that they still oppose the Bill despite the many Amendments that we accepted that move in their direction. The Illinois Press Association supports the Bill as do a great many other people."

Dunn: "Thank you. The next question, to get...I hate to get back into this but I do want to try to clarify something with regard to the question of the majority of a quorum and what happens if there is a board of five and two members meet. I did hear your discussion about the purpose, but can you...I'll give you an example, we have a town board where I come from and quite often before the meeting all five of them meet at the coffee counter in the court house before they go upstairs for their meeting. What can they do, what

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can they say, what can they talk about if this Bill becomes law, if anything, or can they even drink a cup of coffee?"

Reilly: "Yes, they can drink all the coffee they want. Under current law, under current law, if they or even two of them meet at that coffee house, run through the agenda, figure out, divvy up between them how each matter is going to come out, they violated the law, under current law. That doesn't change under this Bill. But if all they do there is meet to have coffee, they are getting ready to go to the meeting, you know and they just...it's a social matter, meet there. Somebody incidentally discusses without the purpose of doing so and they don't in fact do business, there is no problem under the current law or under this Bill."

Dunn: "If the legislation states, and I don't have the exact quote right in front of me, here...if they meet for the purpose of discussing public business, then there is a problem if two members of a five member board meet. And who has the burden of proof of going forward to show that the meeting could be held without notice? Does the public board have that or does the person challenging the board have that...have that burden or...what is the presumption?"

Reilly: "The presumption is that the meeting is valid. Anybody challenging that presumption has to prove that they met for the purpose of discussing public business."

Dunn: "Is that presumption so stated any place in the legislation?"

Reilly: "It's just a matter of ordinary common law. The plaintiff has the burden of proof."

Dunn: "Well, the concern is that if there is a social gathering that is regularly scheduled and a couple of members are there and they discuss business, can inferences be drawn

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and are....if there is to be a presumption in favor of the elected officials, then I would like to know other than the generally acknowledged body of common law, where is this presumption in the Bill or where is it expressly made part of legislative intent with regard to this legislation?"

Reilly: "Well we've just made it part of legislative intent by engaging in this dialogue. The intent is that the ordinary common law principle, the plaintiff has to prove rather than the defendant prove the negative of...remain."

Dunn: "There has been considerable controversy in recent years about deliberations of the Illinois Commerce Commission. Why are they still permitted to deliberate in secret as I read the Bill, they...I guess they still are?"

Reilly: "For the same reason that all other judicial and quasi-judicial bodies are. Because it is thought that what they are deciding is not in the ordinary legislative nature but rather is more in the nature of deciding a case. The jury doesn't meet in public, the jury meets in private and the general feeling over, not just in this, but over many generations has been that the values of having them conduct their deliberations in private outweigh any advantage of having them in public."

Dunn: "I understand your answer, I'm not sure I agree with it. With regard to the exemption for court litigation, the present law as I understand it says that a secret meeting can be held where litigation is being considered but the.."

Reilly: "No."

Dunn: "No?"

Reilly: "Where litigation is pending."

Dunn: "The present law?"

Reilly: "Yes."

Dunn: "I understand the present law to say, where a pending court proceeding against or on behalf of the particular

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governmental unit is being considered."

Reilly: "The first threshold is that it be pending, the phrase is, 'or were a pending court proceeding against or on behalf of the particular governmental unit is being considered.' We are broadening, thanks to Representative Barkhausen's Amendment, that wording. You could say that it's more than pending, it is also not only where it's pending, which is clear now, but it is probable or imminent."

Dunn: "Now that's my question. It seems to me that the present law says that if a governmental unit is going to consider legislation they can meet in secret to discuss it under the Bill as amended. It's my understanding that they cannot discuss litigation until it has been filed...is that correct or not?"

Reilly: "Representative Dunn with all due respect, the present law is very clear. It says 'or where a pending court proceeding is being considered' not where a court proceeding, the possibility of a court proceeding is being considered. All we've done is broaden that, not in any way narrow it."

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

Dunn: "In the event elected officials are sued for violation of Open Meetings Act, can costs and civil penalties be assessed against the elected officials individually?"

Reilly: "Yes."

Dunn: "And in the event a private citizen brings an action against elected officials for violation of the Open Meetings Act, under what circumstances can costs, attorney's fees or other penalties be levied against the petition..or the person bringing the law suit?"

Reilly: "If the action is malicious or frivolous."

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Dunn: "So if an elected official in good faith makes a mistake in...participates in a meeting, thinking he or she is doing the correct thing and is an error, they can suffer the penalty of costs and attorney's fees but the private citizen who decides to stir the pot and is...and can show that they have some issued to raid whether it is frivolous or not they can sue and be free of worry of costs and attorney's fees unless the suit is malicious or frivolous, is that correct?"

Reilly: "With all due respect, I think you're wrong on both counts. If the elective official met in good faith, it seems to me that goes a long way towards negating any suggestion they met for the purpose of evading the act, which in my opinion will become the..." Dunn: "That is certainly true. That's a presumption, as you know there will be issues raised and..."

Reilly "If you are saying somebody may meet in good faith and despite the clear language of the law, lose the law suit, that can happen, I suppose in any kind of situation..."

Dunn: "But if they lose they have to pay..."

Reilly: "As attorney's fees will be petitioned."

Speaker Peters: "Just a minute, Representative Dunn, you have two minutes left of your allotted ten minutes."

Dunn: "Mr. Speaker, I'll just speak very briefly to the Bill. I certainly do subscribe to the purpose of the legislation and I commend wholeheartedly the efforts to attack this very difficult subject matter. There are, however, a number of unanswered questions. It is unclear whether the difficult questions raised here have been solved and at the present time I would just recommend that this Bill be worked over a little more and that we hold this Bill until we are satisfied that we are taking care of the interests of those who are elected officials and need in certain

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circumstances to meet in secret and to be able to do that in good faith without concern or worry about lawsuits being filed against them and to balance against that need, the need of the public and the media who have access to deliberations of public bodies. I'm not sure we have yet achieved that goal. We should work this Bill over a little bit more and I think it should be held."

Speaker Peters: "Representative Rigney."

Rigney: "A couple of questions, Mr. Speaker. What about calls and conference calls, are they addressed in any way in the Bill?"

Reilly: "No."

Rigney: "So, in another words if Ma Bell is the go between, what ever we want to discuss over the phone is alright but if we assemble the bodies, it's wrong, is that...?"

Reilly: "No, I did not mean to be heard saying that. There were some suggestions that we specifically include conference calls. We did not. The...in the opinion of the..Mr. Denny, who runs the Attorney Generals' opinion...."

Speaker Peters: "Representative Rigney."

Reilly: "No, no, no, no."

Speaker Peters: "Or Reilly."

Reilly: "In his opinion the current law could be interpreted to make the conference call a violation. We're just not...I don't know the answer to that. I haven't studied it carefully enough. We're not making any change one way or the other in that."

Rigney: "The other question concerns minutes being kept in a closed meeting. Do I understand, has that somehow been changed by Amendment or are we still required to keep minutes in a closed meeting?"

Reilly: "You are still required to keep them but only in a very general way. You just need to record the date, time and

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place of the meeting, the members who were there, a general description of what was proposed, discussed or decided. You do not, one of the fears have been that some how you needed..if you were talking about a personnel matter you'd need to name, you know who said the superintendent was a dummy. You do not need to do that. All you need to do is indicate when you met, who met and that personnel matter was discussed."

Rigney: "At what time are these minutes opened up?"

Reilly: "They're opened up only under two circumstances, one if the body, itself decides to open them up at some later date. Perhaps the emergency or whatever is gone. The other case would be, if a court made a finding that they had met in violation of the Act, the court could, doesn't need to but could, then order them open. Otherwise they're closed."

Rigney: "The last question is, could there be any liability on the members participating in a closed meeting for statements they might have made in error? Information they gave that perhaps was not factual. Something that might have adversely affected someone as a result of information that they passed along in a closed meeting. That's the general area."

Reilly: "I think as a general answer, the answer is no. Now, if they commit liable, what would under any other circumstances would be liable and for some reason that meeting is later opened up, I suppose they could, but as a general matter members of bodies have some latitude in terms of...you know, as long as they're acting in good faith and aren't intentionally lying about someone. I don't think they would have any problem even if they say it in public."

Speaker Peters: "Have you concluded, Representative Rigney?"

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Representative Hannig."

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

Speaker Peters: "The question is, 'shall the previous question be put?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. No, no, no, no. Close the roll. This...the question is, 'shall the previous question be put?' Those in favor will signify by saying 'aye', those opposed by saying 'nay'. The 'ayes' have it. Who's closing? Representative Reilly to close."

Reilly: "Thank you Mr. Speaker. I will be brief and I appreciate the indulgence of the Body in such a long debate. I want to be clear of what we're doing and what we're not doing. There has been a lot of discussion about the two or more business. In the first place we modified that but more importantly, the present law a dozen years ago was interpreted to mean that it could apply to two or more. There is simply no change being made in that. If anything we are liberalizing it in that regard not making it more restrictive. Some indication was made that some how this could jeopardize ordinances that were passed for up to 45 days. That is untrue due to the suggestions of the Minority which we have suggested, which we have accepted which make it clear that only the action that takes place in the closed meeting can be voided not action that takes place in the open meeting. A Class C misdemeanor in the current law, it continues to be, there is no difference at all in the risk of local government officials to have a fine or anything else. Let me just in closing say this, there's been all kinds of suggestions as to the motivation for the Bill. The fact is that over the two decades since this Bill when this law became law, there has been dozens of requests for Attorney General's opinions, dozens of law suits. All seeking some clarification of the Act. The

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Attorney General, myself, Representative Madigan and the others who have been involved in this have sought to do the best we can in terms of clarifying the law. We ask that people meet in public not because it's fun or convenient or easy or anything else. We ask that they meet in public because that is right. We are not in any way trying to hurt local government officials. In my honest opinion, this Bill makes it easier for them because they will understand what the Act means, when they can, when they can't meet in public, because this is right, because we have worked hard on it, because it ought to move along in the legislative process. I ask for your affirmative vote."

Speaker Peters: "Representative Getty on a point of order."

Getty: "Mr. Speaker, this is a point I think of clarification of the prior ruling that this only required 89 votes and I'd like to inquire of the Chair if the Chair is ruling in this instance that the preemption clause, the existing preemption clause, does not apply to this Bill?"

Speaker Peters: "In clarification under Article VII, Section 6, sub-section (i), this is a concurrent exercise of power and therefore requires only 89 votes."

Getty: "Are you ruling that the existing preemption section does not apply to this Bill?"

Speaker Peters: "As far as the Chair can determine, it does not. Representative Getty. We're confused as to whether we're talking about the law or the constitution, where are you referring to?"

Getty: "I'm referring to the Statute. I said the existing Section 6."

Speaker Peters: "Section 6 of the Statute is not amended by this Bill."

Getty: "That's correct."

Speaker Peters: "And is in force and in effect now. Where do we

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go from there?"

Getty: "Then you are ruling that, you have ruled, that it does not apply to this Bill."

Speaker Peters: "The Chair was not certain of what you were asking, that's why we've asked you to restate your question. The Chair was confused as it sometimes on occasion is."

Getty: "My question was...does the existing preemption clause in Section 6 of the Open Meetings Act apply to this Bill?"

Speaker Peters: "Errare est humanum. Section 6 of the original Act is not amended by this Act and therefore would seem is still enforce and effect. Does it apply to this Bill? Representative Vinson."

Vinson: "Yes, Mr. Speaker, for purposes of an announcement. It looks like the Barr funeral parlor is now in operation right here."

Speaker Peters: "Representative Getty, if this Bill succeeds in getting through the entire process and is, in fact, signed and becomes law, if should all of that happen, and if a question should later arise, Section 6 of the Act would apply to the entire Act."

Getty: "Then the Chair is ruling, indeed, that the limitations on home rule units do apply, and I respectfully, suggest that that's inconsistent with your previous ruling, that it only takes 89 votes and I suggest that you should reverse yourself and now say that it takes 107 votes and take any cloud off of the passage, that aspect at least of the passage of this Bill."

Speaker Peters: "Comments are noted for the record, Representative Getty. The Chair rules 89 votes for passage. The question is, 'shall House Bill 411 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. Voting is open. Have all voted who wish?"

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Representative Brummer to explain his vote."

Brummer: "Yes, thank you. The Leadership on both sides of the aisle is supporting this. Undoubtedly, it's going to sail. I just do not think that is a good reason for doing so. Initially, when the legislation was drafted and introduced it included a definition of any gathering of two or more members. As I recall, even the Chicago Tribune editorialized against that, saying that was too tight a string around the neck of the public officials. I would remind everyone that as it applies to a city commission form of government, with two people to a township form of government, to a park district with five commissioners, we still are stuck under the new definition, 'with any two or more members of that public body meeting for the purpose of discussing public business'. That would preclude the Mayor of the city of Effingham, for example, from meeting with the Commissioner of Finance to simply review the budget, with...prevent the Mayor from meeting with the Commissioner of Streets and Alleys to go inspect the streets. I think that is too stringent. I think it will only drive another nail in the coffin which precludes individuals from wanting to run for office in the small municipalities, in the small townships as a public service item. It will only open them up to additional litigation. I suppose as a lawyer, I ought to support this because it will cause all kinds of litigation instead of clarifying the law but I think it is bad public policy and I would, respectfully, suggest that a 'no' vote is the proper vote."

Speaker Peters: "Representative O'Connell to explain his vote."

O'Connell: "Mr. Speaker, Ladies and Gentlemen of the House, there is probably no more thankless job in this State then being a local official. At the same time, I think the campaigns for achieving these elected official statuses are more

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vicious, more personally confronting than any other office in the State. In a period of time where we are trying to encourage local officials to even run, I think that this Bill presents some roadblocks to encouraging that laudable task. In my district, I understand that the village of Hillside had to advertise.."(cut off)

Speaker Peters: "It's one minute, Representative but conclude your statement."

O'Connell: "Thank you, Mr. Speaker. Just in conclusion, I think this Bill will present more harassment for local officials and be more of a deterrent for encouraging people to run for offices."

Speaker Peters: "Representative Mautino."

Mautino: "Thank you Mr. Speaker. Explaining my vote, since I'm not in the legal profession. If I understand your ruling correctly if this legislation gets 89 votes but less than 107, it would affect, basically and be enforced in downstate Illinois. If it passes with more than 107, it would be effective statewide. It seems to me if we're going to do this, we had better do it statewide and I think that the ruling is very discriminatory. For that reason, and that reason only, I think it should be effective for all the State. I'm going to vote 'present' until that's clarified."

Speaker Peters: "Representative Jack Dunn."

Dunn: "Mr. Speaker, Ladies and Gentlemen of the House, it occurs to me that if this is such a good Bill, how come we haven't extended it to the State Government? Why don't we let the sun shine into the House of..."(cut off)

Speaker Peters: "Proceed."

Dunn: "Why don't we let the House...the sun shine in the House and the Senate as well? Why limit this blessing to units of local government? I think it's restrictive legislation."

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It is going to hamper the day to day business of units of local government. I think we're being a little bit critical. We're going to let the sun shine in local government, let it in here, too. For that reason, I'm voting 'no'."

Speaker Peters: "Representative Matijevich."

Matijevich: "Mr. Speaker, in explaining my vote, I'm voting 'aye' for the people in Gurney and Bannockburn and Pocahtonias, but I'd just as soon vote 'aye' for the people in Chicago and Rockford and Waukegan."

Speaker Peters: "Representative Meyer, Robert Meyer."

Meyer: "Mr. Speaker, I rise to explain my 'no' vote on this matter. I subscribe to the public's right to know but I also subscribe to the public's right to honest and accurate reporting. You cannot find out who writes the editorials. You cannot find out what their interest is in a particular editorial as they write it. And when we address that, I will be glad to change my vote. Thank you."

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

Satterthwaite: "Mr. Speaker and Members of the House, I'm going to vote 'present' on this measure because I think using a term saying that this small number of people cannot meet to discuss public matters is far too restrictive. We will be, in fact, as Representative Brummer has said before, even restricting the possibility of getting together and deciding what is to go on the notice for the agenda for the following meeting. That seems to me to be counter-productive, in terms of public interest, and I vote only 'present' hoping that something can be done to further clarify this restriction."

Speaker Peters: "Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, this Bill is good in

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concept and bad in reality. It's over-restrictive on small downstate communities. It's a Bill to give another plug to the newspapers, and the Peoria Journal Star's nutso editorialists are going to badger those who vote 'no' or 'present' but you ought to do so, so you don't compel your people to stay away from each other in the course of necessary business downstate. It's a terrible idea as it is too restrictive on downstate people."

Speaker Peters: "Representative Van Duyne."

Van Duyne: "Thank you Mr. Speaker. Mine is more of a parliamentary inquiry and before...would you pay attention, Mr. Speaker? When you're through, I'd like to ask a parliamentary inquiry. Representative Mautino eluded to your ruling.."

Speaker Peters: "Representative, we are in explanation of votes. I'll be happy to..."

Van Duyne: "I cannot vote 'aye' on this until you explain your ruling and its impact, whether or not the 89 vote ruling not only exempts home rule units but I've been advised back here that it may be even under existing rule, Chicago is included in this and with your ruling they are automatically exempt. And I don't think anybody should be voting for this unless...until that question is answered."

Speaker Peters: "Representative Vinson."

Vinson: "Mr. Speaker and Ladies and Gentlemen of the House, I had initially agreed with the Chair's ruling. I have, subsequently, in light of some of the comments that have been made resurveyed the constitution, and I would reraise the issue as to whether this Bill requires 107 votes and ask the Chair to reexamine that issue."

Speaker Peters: "Representative Terzich to explain your vote."

Terzich: "Yes, Mr. Speaker, I cannot support this Bill at the present time since it doesn't contain the Death Penalty so

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I have to vote 'present'."

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

Stewart: "Yes, Mr. Speaker, I switched my 'yes' to a present vote because I think there should be...we...I think we should pass this Bill and I think we should pass it with no question. That it's applicable to the entire state both home rule and non-home rule. I think that your rule has put even passage of this Bill in jeopardy with regard to future law suits and I would suggest that you would respectfully amend your ruling. Thank you."

Speaker Peters: "Any further discussion? There being none. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative Van Dyne, do you have point of order?"

Van Dyne: "Well, yes, I would just like to reiterate what I ask you before, whether or not your ruling does preempt or exempt, I should say, home rule units and does it effectively remove, if this Bill is passed, does it effectively remove Chicago from the existing law?"

Speaker Peters: "Representative Reilly on a point of order."

Reilly: "Mr. Speaker as I've indicated to many Members of the Body, I have personally and as a lawyer mixed feelings on this. Mr. Denny, from the Attorney General's Office, here...is here and is quite confident this does not preempt home rule. The arguments that Representative Getty made earlier that it does, also sway me. I would ask that the Chair look carefully at this and consider whether Representative Getty may not have been correct."

Speaker Peters: "Representative Vinson to make your point."

Vinson: "Mr. Speaker, my point is simply that for my review of the constitutional provisions, it would take 107 and I would ask the Chair to reconsider that decision."

Speaker Peters: "Representative Mulcahey for a point of order."

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Mulcahey: "Well, Mr. Speaker until all of these legal minds around here can get their act together and come up with a consensus, change my vote from 'yes' to 'no'."

Speaker Peters: "Change the Gentleman from 'yes' to 'no'. Representative Younge wishes to be recorded as voting 'aye'. For a point of order, Representative Turner."

Turner: "I'd like to change my vote from 'present' to 'aye'."

Speaker Peters: "Representative Turner from 'present' to 'aye'. Representative Schuneman on a point of order, Sir?"

Schuneman: "Yes, Mr. Speaker, until some of these questions are resolved, I want to be changed from 'present' to 'no'."

Speaker Peters: "Representative Schuneman from 'present' to 'no'. Representative Irv Smith, on a point of order?"

Smith: "Mr. Speaker, change my vote from 'present' to 'aye'."

Speaker Peters: "'Present' to 'aye'. Representative Schraeder."

Schraeder: "Thank you, Mr. Speaker. I'm for this type of Bill but I don't think anybody should be exempt in the whole state and I'd have to change my vote to 'no'."

Speaker Peters: "Representative Schraeder from 'aye' to 'no'. There is now, considering the points of order being presented to it. Representative Giorgi on a point of order?"

Giorgi: "No, Sir, just to...we're done talking about our votes?"

Speaker Peters: "Well we have not announced a roll."

Giorgi: "Well, I just wanted to mention that this is...there are quite a number of suits now in Winnebago County on the Opening Meeting Law. And you know, I told you earlier, that I'm from the 16th Congressional District and we Democrats only learn what the Republicans are doing up there from these Open Meetings, and when they're forced to have Open Meetings otherwise we're shut out of the process of Republican County Board, school board, park district, sanitary district, the whole route, the whole district and

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I didn't want you to exclude Rockford or the Winnebago County area because we want to be in this Bill. We are having a lot of trouble with this now."

Speaker Peters: "The Chair having had an infusion of the gift of the Holy Spirit now states after having heard the points of order raised by the Members and in reconsideration of the vague and ambiguous provisions with which it had to deal now states that having had to reconsider a vague and ambiguous provisions of the constitutions on this point, the Chair would now rule that 107 votes and the limitations on home rule apply to all the units of government as specified by the Act. Representative Boucek."

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

Speaker Peters: "Boucek, from 'present' to 'aye'. Representative Cullerton. Cullerton votes 'aye'. Representative Stearney, votes 'aye'. Representative Schuneman, Representative Mulcahey votes from 'present', was it 'no'?"

Mulcahey: "No."

Speaker Peters: "From 'no' to 'aye'. Representative Carey?"

Carey: "Aye."

Speaker Peters: "Vote Representative Carey, 'aye'. Representative Macdonald from 'aye' to 'present'. Representative Beatty from 'present' to 'no'. Representative O'Connell from 'present' to 'aye'. Are we alright, Mr. Clerk? Representative Mays from 'aye' to 'present'. Representative Schuneman, Schuneman."

Schuneman: "Change my vote to 'yes', please."

Speaker Peters: "From 'no' to 'aye'. Representative Getty."

Getty: "Mr. Speaker, I would suggest that in view of your reversal of your prior position that it only takes 89 and that it now takes 107, the appropriate thing to do is to take a new Roll Call."

Speaker Peters: "I think there is well over 120 votes on this

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now, Representative. The voting is open if anyone wants to change, we'll be willing to make the changes. Representative Vitek."

Vitek: "Change my vote from 'present' to 'aye'."

Speaker Peters: "Representative Vitek from 'present' to 'aye'. Representative Preston, Representative Preston wishes to vote 'aye'. Representative White wishes to vote 'aye'. Representative Schraeder."

Schraeder: "Yes, Mr. Speaker, put me back on the green."

Speaker Peters: "Representative Schraeder goes from 'present' to 'aye'. Representative Christensen from 'present' to 'aye'. Representative Keane from 'present' to 'aye'. Representative Kornowicz from 'present' to 'aye'. Representative Ronan from not voting to 'aye'. Representative Jones from 'present' to 'aye', and that is it. Take the record, Mr. Clerk. Representative Brummer."

Brummer: "Yes, I would only like to comment that I'm really glad we clarified the existing laws so there is no confusion. It will give something for the graduating class of Northern Illinois University Law School something to do."

Speaker Peters: "On this question there are 133 voting 'aye', 8 voting 'present', 8 voting 'nay'. Start again. 133 voting 'aye', 8 voting 'nay', 21 voting 'present'. This Bill having received the Constitutional and extraordinary...Constitutional three-fifths Majority is hereby declared passed. House Bill 631, Representative Leinenweber."

Clerk Leone: "House Bill 631...."

Speaker Peters: "Excuse me, Representative Leinenweber, let's do something here first. Representative Kelley for the purpose of a presentation."

Kelley: "Thank you, Mr. Speaker and Members of the House, I'd like to take a minute to introduce some people from the

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34th District in Rockford, represented by Zeke Giorgi, John Hallock and myself. I would like to introduce Gene 'Coo' who is the winner of Container Corporation of America, themes on a great idea. It's an artwork and Gene is State winner and being the State winner he will have his work published in Time Magazine, Newsweek Magazine, Forbs and Fortune magazines. For a young man who is a sophomore in high school, 16 years old, this is quite a feat. Gene's family and six other students who are State winners are right above us in the gallery, and we'd like to welcome also his teacher. We'd also like to welcome his teacher, Sandy 'Yurham' from Rockford and Sandy and Gene would like to say just a couple words."

Sandy 'Yurham': "We're just glad that we could come down here today and especially show the students what everything looks like down here."

Gene: "This is such a great honor to be here and I think I like it and all, the way you guys are doing, but it's all...you know, more like it's confusing."

Speaker Peters: "House Bill 631, Representative Leinenweber. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 631, a Bill for an Act to amend Sections of the Real Estate Transfer Tax Act, Third Reading of the Bill."

Speaker Peters: "Representative Leinenweber."

Leinenweber: "Thank you, Mr. Speaker. After the last Bill you'll..."

Speaker Peters: "Excuse me. The press requests the TV light is on. Is that alright?"

Leinenweber: "After the last Bill you'll be happy to know that this is an easy one and will probably clarify some of the ways we operate around here for the young Gentleman that was just on the podium. House Bill 631 is a simple Bill,

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as I said, and it prohibits home rule units from levying a real estate transfer tax which is a privileged tax on transfer of real estate. The reason for the Bill, and as set forth in the statement of statewide policy, is to prevent the imposition of municipal taxes on real estate transfers which hamper the closing of real estate transfers. It will return us to the uniformed tax structure which was in existence for a long time involving state and county transfer taxes only. An example of the problem is in a community in suburban Cook County which will go unnamed but requires deeds, whether exempt or not, to be presented to the city with a declaration and state tax declaration in order to purchase stamps. They must be...this must be done before closing which means in effect you almost have to have two closings. This has hampered real estate transfers greatly. This Bill is one of the, probably the, priority item of your friendly real estate broker back home. So, I urge your support."

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

R. Meyer: "Mr. Speaker, just a point of information. You indicated that this is home rule units. Is that to imply that non-home rule units have this authority now?"

Leinenweber: "No, they don't have the power now to do it, only home rule units."

R. Meyer: "Thank you."

Speaker Peters: "Representative Getty in opposition?"

Getty: "No. I'm not..."

Speaker Peters: "On a point, other...?"

Getty: "Another parliamentary inquiry, Mr. Speaker. In view of the limitation and referring you to Section 6G, which provides the General Assembly by a law approved by the vote of three-fifths of the Members elected to each House may deny or limit the power to tax, et cetera, regarding home

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rule units. I now ask how many votes are necessary?"

Speaker Peters: "On that point, Representative Leinenweber. We aim to please. Representative Leinenweber."

Leinenweber: "Yes, I would call the...I would call the Speakers attention to Article VII, Subparagraph (i), which allows us to limit the concurrent exercise of a power of a home rule unit by 89 votes. I would point out that the State currently exercises the power to tax real estate transfers with home rule units."

Speaker Peters: "Representative Getty, it's the opinion of the Chair that this takes 89 votes. Proceed, Representative Getty. Representative Getty."

Getty: "Well, Mr. Speaker, on this I think I'm going to have to file a dissent on this. I think that it's very clear that this is a limitation on the power to tax of a home rule unit. I would like the Chair to explain to me how you can get around the plain language that says, the General Assembly by a law approved by the vote of three-fifths of the Members elected to each House may deny or limit the power to tax.' The second Section that refers in that, that refers to (i) has to do with other power or function. I would respectfully suggest to the Chair that the Chair may have misread the second half of Section G and that this is clearly a limitation on the power to tax of a home rule unit and it takes 107 votes."

Speaker Peters: "At this point, Judge Bowman."

Bowman: "As long as the Chair is pondering this, let me point out to the Gentleman from Will, who raised the concurrent jurisdiction question, that the Constitution does not prohibit the State from levying a property tax, for example, a tax on real property. If the Gentleman from Will prevails in his point of view, it seems to me that any legislation that this General Assembly might pass that

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would restrict, say impose tax rates, tax rate limitations on home rule units of government would thereby require only 89 votes. I think the intent of the Constitutional Convention was quite clear when it established the principle of home rule and the intent was to give units of...home rule units of government flexibility in levying real estate taxes in particular. So, I believe the, if the Gentleman from Will prevails in his point of view, we have opened up a Pandora's box of some potential legislation that will be very restrictive indeed. More restrictive than the Gentleman from Will would care to see."

Speaker Peters: "Representative Leinenweber."

Leinenweber: "If that needs a response, it appears quite clear to me that Subsection G involves limiting home rule units where the State is not exercising or performing that power or function and Subsection (i) applies to limiting home rule units where the State or State is concurrently exercising. We do not concurrently exercise the real estate tax. So, the Gentleman's suggestion does not apply."

Speaker Peters: "Point on that....on a point, Representative Stuffle."

Stuffle: "Mr. Speaker...Yes, Mr. Speaker and Members, I rise to make an introduction. In the south gallery are a group of people from my county, from Coles County, representing the Farm Bureau. They're represented in the House by Representative Woodyard and Representative Miller."

Speaker Peters: "Representative Ebbesen."

Ebbesen: "Yes, could I ask a question of the Sponsor?"

Speaker Peters: "Let's just quickly conclude this point here. We are arriving at the crucial point. Representative Leinenweber."

Leinenweber: "Before we...why don't we get on the matter. I will

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see to the Gentleman's point and proceed as though it, Subsection (g), applies."

Speaker Peters: "Ruling of the Chair, it's 107 votes. Representative Getty."

Getty: "I just wanted to say for the record, that I always knew Representative Leinenweber to be a very good lawyer. Thank you."

Speaker Peters: "On the legislation, Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker, I'd like to ask a question of the Sponsor. According to the analysis that there are some where near 11 municipalities that are at present imposing this transfer tax and the total that it generates of the 11 communities is about five and one half million dollars. Now, does this mean that we're going to be involved as far as General Revenue Funds, are the State reimbursing?"

Leinenweber: "No, by way of amplification, I'm glad you raised that point because I forgot to point out that the Bill was stamped by the Reference Bureau as State Mandates Act may require reimbursement to local governments. As a result, a fiscal note was obtained from the Department of Commerce and Community Affairs which says approximately what you said it says. However, if you read the State Mandates Act there is serious question, A, if I can find my copy of the Mandates Act, A, whether or not this is a...no question in my view under the Mandates Act that this is not reimbursable. There is no question because the only reimbursable mandate is when you effect the tax base on real estate ad valorem tax. This is a privileged tax, a privilege on transfer, therefore, is not reimbursable."

Ebbesen: "Well, if your Bill was signed into law, Representative Leinenweber, what would happen to the taxing authority, then, are these that are already taxing these 11 municipalities? Would they lose it or are they

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grandfathered in?"

Leinenweber: "Yes, they would lose it. They would no longer be able to levy a tax on the privilege of transferring real estate."

Ebbesen: "Well, did you now find the Mandates Act? Are you going to cite something out of there that...? I'd appreciate hearing it."

Leinenweber: "Under the State Mandates Act, State reimbursement to local governments for increased cost arising from certain mandates, Section 6, this is the provision in the law providing for reimbursement, the only one having to do at all with this type of mandate which would be possibly if you...a tax exemption mandate, if you interpret the definition of that extremely loosely, the only requirement for reimbursement though, for a tax exemption mandate is under Subparagraph C, which provides 100% loss of revenue of a local government directly attributable to a mandated classification or exemption of property for purposes of ad valorem real estate taxation, enacted after the effective date of this Act, shall be reimbursed by the State. This is not an ad valorem real estate tax, real estate property tax. This is a privilege tax on the privilege of transferring real estate, consequently, there is no provision in Section 6 requiring reimbursement."

Ebbesen: "Thank you."

Leinenweber: "I did not draft the mandate section."

Speaker Peters: "Representative Barkhausen."

Barkhausen: "I move the previous question."

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

Leinenweber: "I would urge the passage of House Bill 631 which

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will eliminate a real snag in orderly closing of real estate transactions."

Speaker Peters: "Question is, 'Shall House Bill 631 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Representative Madigan to explain his vote."

Madigan: "Mr. Speaker, I rise to explain my 'no' vote in opposition to the passage of this Bill. Local units of government are like everyone else during these times of spiraling inflation. Their costs have risen just as much as the cost for maintaining a home, maintaining the operation of a public utility or maintaining the operation of State government. I don't think it's fair for us today to be through the passage of this Bill, taking away from units of local government a source of revenue which has been adopted by that unit of local government. These governments are required to provide services to the people who live within their municipalities. They're expected to provide police service, fire service, water service, sewage service, sanitation service and I just don't feel now is the time to be taking away from them a source of revenue that they obviously need. And for those reasons I would stand in opposition to this Bill."

Speaker Peters: "Representative Bowman to explain his..."

Bowman: "Thank you, Mr. Speaker. Well, the Sponsor of this piece of legislation is a very smart lawyer. However, I think he realizes that the question of whether the State Mandates Act applies is an open one, at least, and certainly if this legislation passes it will be litigated. My personal view is the State Mandates Act does apply. If the courts rule that way, the State will not only have to pay a lot of money but most of the money, frankly, would have to be paid to the City of Chicago. I assume that the downstate people would not like to pay general revenue to the City of

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Chicago if they can help it. So, why not let the various units of local government, the homerule communities, levy their own taxes. If indeed he is correct and this is a privilege tax, then it seems to me that any privilege tax levied by any unit of local government around this State immediately becomes subject to cancellation by the General Assembly and every such unit..."(cut off)

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

Leinenweber: "Well, first of all, I did not draft the Mandates Act. There does happen to be a loop hole a mile wide in the Mandates Act which I assume was put in there because they wanted to give the General Assembly power to eliminate privilege taxes if they could get the requisite vote without having to reimburse them. I did not draft it. It does not provide for reimbursement. The only provision for reimbursement is for an ad valorem real estate tax. Now, this is, as I pointed, a very important Bill for the real estate industry because in effect in communities that do have this type of transfer tax because it is complete...they are completely different from one community to another, you have to find out that piece of property is in or outside of a community. You have to find out what procedures that community adopts, as opposed to the State and county real estate transfer declaration which is uniformed throughout the State. There is certainly...this is a good Bill. It's a necessary Bill for orderly transfer of real estate because of the fact that real estate..."(cut off)

Speaker Peters: "Have all voted who wish? Representative Conti to explain his vote."

Conti: "Well, Mr. Speaker, Ladies and Gentlemen of the House, it's very seldom I get up and talk against homerule units but this is one of the reasons that if there is anything

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wrong with homerule units, it's this particular Bill, itself. That's why I'm voting for it and I think it's necessary for the duplication of Bills that we do have, taxes that we do have. The County of Cook will put on this transfer tax and now most of these other municipalities are piggy-backing on the county and these...where all these hidden taxes are coming from, and I think if we get enough pressure on them we've..straightened some of these homerule units out to stop some of these hidden taxes and I think this...we should have an 'aye' vote on this Bill."

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

Madigan: "I request a verification."

Speaker Peters: "The Gentleman requests a verification of the affirmative vote. Representative Leinenweber requests a Poll of the Absentees. Proceed with the Poll of the Absentees."

Clerk Leone: "Capparelli."

Speaker Peters: "Excuse me, the starting the count, Representative Madigan, is 113. Proceed, Sir."

Clerk Leone: "Capparelli. Deuchler. DiPrima. John Dunn. Epton, Garmisa, Hanahan, Kulas, Margalus, Oblinger, Redmond, Saltsman, Satterthwaite, Slape, Terzich, and Yourell."

Speaker Peters: "Representative Yourell votes 'present'. Proceed with the verification of the affirmative vote."

Clerk Leone: "Poll of the affirmative. Abramson, Ackerman, Alstat, Barkhausen, Barnes, Bartulis, Bell, Bianco, Birkinbine, Boucek, Bower, Breslin, Brummer, Carey, Christensen, Collins, Conti, Daniels, Darrow, Davis, Deuster, Donovan, Jack Dunn, Ralph Dunn, Ebbesen, Ewing, Fawell, Findley, Flinn, Virginia Frederick, Dwight

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Friedrich, Giglio, Griffin, Grossi, Hallock, Hallstrom, Hannig, Hastert, Hoffman, Hoxsey, Hudson, Huff, Huskey, Jaffe, Johnson, Karpel, Jim Kelley, Dick Kelly, Klemm, Kociolko, Koehler, Kucharski, Kustra, Leinenweber, Leverenz, Macdonald, Martire, Matijevich, Mautino, Mays, McAuliffe, McBroom, McCourt, Barr, McCormick...excuse me. McCormick, Barr, McGrew, McMaster, Ted Meyer, Roland Meyer, Miller, Mulcahey, Murphy, Neff, Nelson, O'Connell, Ozella, Pechous, Peters, Piel, Pierce, Polk, Pullen, Rea, Reilly, Richmond, Rigney, Robbins, Ropp, Sandquist, Schneider, Schraeder, Schuneman, Irv Smith, Stanley, Stearney, E.G. Steele, C.M. Stiehl, Stuffle, Swanstrom, Tate, Telcser, Topinka, Tuerk, Van Duyne, Vinson, Watson, Wikoff, Winchester, J.J. Wolf, Sam Wolf, Woodyard, Zwick, and Mr. Speaker."

Speaker Peters: "Representative Reilly, for what purpose do you arise?"

Reilly: "Thank you, Mr. Speaker, just to introduce a class from the Passavant School of Nursing in Jacksonville who are here in the gallery to my left. If they would stand please."

Speaker Peters: "Representative Barr wishes to be verified. Representative Madigan. Who is verifying? Representative Giorgi, Representative Barr wishes to be verified. Alright, now before we...and Klemm? And Klemm. Zeke, now listen. It is Barr, Klemm,...you got objections just let me know. Ebbesen, Ralph Dunn, Nelson, and that is all that ask leave to be verified. Now, Representative Deuster."

Deuster: "Mr. Speaker, I would like to change my vote from 'yes' to 'no'."

Speaker Peters: "Deuster goes from 'yes' to 'no'. We...Representative Redmond. Pardon."

Redmond: "Record me as 'aye' please."

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Speaker Peters: "Record Representative Redmond as 'aye'.
Representative Johnson."

Johnson: "I want to be verified if I could."

Speaker Peters: "Does the Gentleman have leave? Representative
Giorgi. Leave. Representative Schuneman."

Schuneman: "Same request, Mr. Speaker."

Speaker Peters: "Asked to be verified. Leave. Schuneman,
Johnson - here are some more, Zeke - Pawell and Hoffman.
Okay."

Giorgi: "I hope their getting excused for some good reasons."

Speaker Peters: "And Stuffle. Proceed with the verification. We
are now...beginning with what number, Mr. Clerk? 113. 113
minus Deuster. 112 plus Redmond. 113."

Giorgi: "Okay, Representative Barkhausen."

Speaker Peters: "Representative Barkhausen is here, and
Representative Matijevich wishes to be changed from 'yes'
to 'present'."

Giorgi: "McAuliffe."

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

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

Speaker Peters: "Take him from the Roll."

Giorgi: "Representative Woodyard."

Speaker Peters: "Representative Woodyard is here."

Giorgi: "J.J. Wolf."

Speaker Peters: "Representative J.J. Wolf is in his seat."

Giorgi: "Tuerk."

Speaker Peters: "Representative Tuerk. Representative Tuerk.
He's in the aisle."

Giorgi: "Telcser."

Speaker Peters: "Representative Huff."

Giorgi: "Telcser, Telcser."

Speaker Peters: "Telcser, he's here."

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Giorgi: "C.S. Stiehl...C.M. Stiehl."

Speaker Peters: "C.M. Stiehl is here."

Giorgi: "Stearney."

Speaker Peters: "Representative Stearney. Is the Gentleman in the chamber? How is he recorded? Where is he at? Where is Stearney? Representative Stearney, are you in the chamber?"

Giorgi: "Call the FBI."

Speaker Peters: "He's there."

Giorgi: "Stanley."

Speaker Peters: "Stanley is in the center aisle."

Giorgi: "Pullen."

Speaker Peters: "I'm sorry, Zeke."

Giorgi: "Pullen."

Speaker Peters: "Representative Pullen. She's in the rear."

Giorgi: "Mulcahey."

Speaker Peters: "Representative Mulcahey. Is he in his seat? The Gentleman in the chamber? How is he recorded?"

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

Speaker Peters: "Take him from the Roll."

Giorgi: "Macdonald."

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

Giorgi: "Murphy."

Speaker Peters: "Representative Mulcahey has returned. Put him back on the Roll."

Giorgi: "Murphy."

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

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

Speaker Peters: "Take him from the Roll."

Giorgi: "McGrew."

Speaker Peters: "Representative McGrew. Is the Gentleman in the chamber? Take him from the Roll."

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Giorgi: "McCormick."

Speaker Peters: "He's there."

Giorgi: "McBroom."

Speaker Peters: "I..who?"

Giorgi: "McBroom."

Speaker Peters: "McBroom, he's in the center aisle."

Giorgi: "Leverenz."

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

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

Speaker Peters: "Take him from the Roll."

Giorgi: "Kelly, Dick. Dick Kelly."

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

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

Speaker Peters: "Take him from the Roll."

Giorgi: "Kustra."

Speaker Peters: "He's here."

Giorgi: "Karpiel."

Speaker Peters: "Karpiel is in the rear."

Giorgi: "Ewing."

Speaker Peters: "Ewing is in his seat."

Giorgi: "Daniels."

Speaker Peters: "Daniels is in the center aisle."

Giorgi: "Collins."

Speaker Peters: "Collins the center aisle."

Giorgi: "Martire."

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

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

Speaker Peters: "Take him from the Roll."

Giorgi: "Abramson."

Speaker Peters: "Representative Abramson. Is the Gent...He's in

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the rear."

Giorgi: "...."

Speaker Peters: "He's in his seat."

Giorgi: "Griffin."

Speaker Peters: "Leverenz is back in the chamber."

Giorgi: "Griffin."

Speaker Peters: "Griffin is in his seat."

Giorgi: "Miller."

Speaker Peters: "Miller is in his seat."

Giorgi: "Hallstrom."

Speaker Peters: "Hallstrom, the Lady is in her seat."

Giorgi: "Piel."

Speaker Peters: "The Gentle...Piel. The Gentleman is in the rear."

Giorgi: "Kane."

Speaker Peters: "Kane. Is the Gentleman in the chamber? He's on the side."

Giorgi: "Did you announce Huff off, Ron? 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: "Take him off the Roll."

Giorgi: "McMaster."

Speaker Peters: "He's there."

Giorgi: "Neff."

Speaker Peters: "He's in his seat."

Giorgi: "Kucharski."

Speaker Peters: "He's in his seat."

Giorgi: "Jim Kelley."

Speaker Peters: "He's here."

Giorgi: "Virginia Frederick."

Speaker Peters: "Virginia Frederick. She's in the rear."

Giorgi: "Carey. John Carey."

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Speaker Peters: "Carey."

Giorgi: "John Carey."

Speaker Peters: "How is he recorded?"

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

Speaker Peters: "Is he in the chamber? I...take him from the
Roll."

Giorgi: "Tim Donovan."

Speaker Peters: "John Donovan?"

Giorgi: "Tim Donovan."

Speaker Peters: "Tim...Donovan. Is he here? Is the Gentleman in
the chamber? Donovan. How is he recorded?"

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

Speaker Peters: "Take him from the Roll."

Giorgi: "Aaron Jaffe."

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

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

Speaker Peters: "Take him from the Roll. Representative
Kosinski. Change Kosinski from 'present' to 'aye'."

Giorgi: "O'Connell. John O'Connell."

Speaker Peters: "John O'Connell. Is the Gentleman in the
chamber? How is he recorded?"

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

Speaker Peters: "Take him from the Roll."

Giorgi: "Mautino."

Speaker Peters: "Mautino. Is he there? Center aisle.
Representative Kosinski from 'yes' back to 'present'."

Giorgi: "You can announce the Roll, Mr. Speaker."

Speaker Peters: "Any further questions?"

Giorgi: "You can announce the Roll."

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

Deuster: "Mr. Speaker, I think I was originally recorded 'yes',

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and I slid off. I would like to slide back and be recorded as 'yes'."

Speaker Peters: "The Gentleman goes from 'no' to 'aye'. Representative Bradley votes 'aye'. Mr. Clerk. Bradley from 'present' to 'aye'. Representative Jaffe has returned to the chamber. Return him to the Roll. Are we all set? Representative Steele. Representative Steele."

Steele: "Mr. Speaker, how was I recorded on this Roll?"

Speaker Peters: "How is the Gentleman recorded?"

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

Steele: "I want to remain 'aye'. Thank you."

Speaker Peters: "Anyone else? Representative Ropp."

Ropp: "Mr. Speaker, how am I recorded?"

Speaker Peters: "How is the Gentleman recorded?"

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

Speaker Peters: "Recorded 'aye'."

Ropp: "Thank you. Thank you."

Speaker Peters: "Representative Huskey."

Huskey: "Mr. Speaker, I just wanted to make sure that I wasn't removed from the Roll Call. How am I recorded?"

Speaker Peters: "Is the Gentleman recorded?"

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

Huskey: "Okay, thank you."

Speaker Peters: "Representative Catania."

Catania: "How am I recorded?"

Speaker Peters: "How is the Lady recorded?"

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

Speaker Peters: "Representative Catania."

Catania: "Please change that to 'aye'."

Speaker Peters: "Change the Lady from 'present' to 'aye'. Representative...Take the record, Mr. Clerk. He has not had his light on. He raised his hand and he put his hand down, and he has been in consultation, Representative

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Cullerton. I would be happy to call him. One on one off.
Representative Giglio."

Giglio: "How...how am I recorded?"

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

Giglio: "Vote me 'no'."

Speaker Peters: "The Gentleman is recorded as voting 'aye',
wishes to be recorded as voting 'no'. Any...Representative
Ebbesen."

Ebbesen: "Yes, Mr. Speaker. I had asked to be verified. I left.
Was I verified or was I taken off the Roll Call?"

Speaker Peters: "How is the Gentleman recorded?"

Clerk Leone: "The Gentleman is recorded as 'aye', and he has been
verified."

Speaker Peters: "He has been verified. You're on the Roll.
Representative Boucek."

Boucek: "Mr. Speaker, how am I recorded?"

Speaker Peters: "The Gentleman is...how is he recorded? Pardon?
Boucek."

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

Boucek: "That is the best vote. Thank you."

Speaker Peters: "Representative Karpziel."

Karpziel: "Mr. Speaker, I was standing in the back and I heard my
name. Was I taken off the Roll?"

Speaker Peters: "Is the Lady on the Roll?"

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

Speaker Peters: "Recorded as voting 'aye'."

Karpziel: "Thank you."

Speaker Peters: "Representative Collins."

Collins: "Well, Mr. Speaker, it gives me great pleasure to
announce to you that Representative Leinenweber has now
sold all of his tickets for the German - American Dinner,
and I would like to thank the Body for their assistance.
However, however, I have a number of tickets left, and I

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think Representative Jake Wolf...are you trying to recognize somebody? I'll...I'll yield."

Speaker Peters: "Representative....let's proceed. Representative Ewing. Ewing. Representative Reed."

Reed: "Switch me to green please."

Speaker Peters: "The Lady wishes to be changed from...from 'no' to 'aye'. Representative Kelley."

Kelley: "Yes, Mr. Speaker, how am I recorded?"

Speaker Peters: "How is the Gentleman recorded?"

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

Speaker Peters: "Representative Schuneman."

Schuneman: "Mr. Speaker, I asked leave to be verified. I understand that I may have been taken off. How am I recorded?"

Speaker Peters: "Was the Gentleman taken off the Roll?"

Clerk Leone: "The Gentleman has not been removed from the Roll."

Schuneman: "Thank you."

Speaker Peters: "The Gentleman has not been removed from the Roll. Representative Darrow."

Darrow: "I have sat here two days. This is the second day the other side of the aisle played this game getting up asking for how they are recorded, things like that. I was going to support this legislation. I didn't make any commitment on it to the realtors. I was going to support it, but I am going to change to 'present' now based on the action of the other side of the aisle. If they can't get their votes up, then that is their problem. We should go ahead and not delay the House. Vote me 'present'."

Speaker Peters: "The Chair will call everyone whose lights are flashing. And there is as many on this side as on that side, I assure you. Representative Darrow from 'aye' to 'present'. Representative Schraeder."

Schraeder: "'Present'."

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Speaker Peters: "Representative Shraeder from...how is he recorded, Mr. Clerk?"

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

Speaker Peters: "From 'aye' to 'present'. Representative Saltsman."

Saltsman: "'Present'."

Speaker Peters: "Pardon."

Saltsman: "'Present'."

Speaker Peters: "Record the Gentleman as voting 'present'. Representative Mautino."

Mautino: "Please change my 'aye' to 'present'."

Speaker Peters: "Change the Gentleman from 'aye' to 'present'. Representative Stearney. If he comes...your light is on. Shut off Representative Stearney's light. Representative Leverenz."

Leverenz: "How am I recorded?"

Speaker Peters: "How is the Gentleman recorded?"

Clerk Leone: "The Gentleman has been removed from the Roll."

Leverenz: "Well, Representative Collins wanted to make sure I got back on. I would like to get back on red, 'no'."

Speaker Peters: "And Collins votes 'no'. Collins votes...Collins votes 'yes'. Leverenz votes 'no'. Representative Mays."

Mays: "Am I...how am I recorded?"

Speaker Peters: "How is the Gentleman recorded?"

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

Mays: "Thank you."

Speaker Peters: "The Chair is interested in full democracy. Representative Leinenweber."

Leinenweber: "Well, Mr. Speaker, several Members of the other side of the aisle praised me as a lawyer. I would once again point out that there is a difference between Subparagraph G and Subparagraph I of Article 7. Subparagraph G speaks of limiting powers of home rule units

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other than a power performed by the state or not exercised by the state, and I seems to be, to me, very clearly limiting power of a home rule unit when there is concurrent exercise."

Speaker Peters: "Representative Madigan."

Madigan: "Has the Gentleman finished?"

Speaker Peters: "Yes."

Madigan: "Thank you."

Speaker Peters: "Do you wish to speak, Representative Madigan?"

Madigan: "No, no thank you."

Speaker Peters: "Shut the light off. The Chair is going to call everyone whose lights are flashing so that he is not accused of not calling on anyone. Now, what is the count, Mr. Clerk? Representative...we were not explaining our vote. We were verifying. How many 'aye'? On this question there are...Representative Van Duyne. On this question...Representative Mautino."

Mautino: "Point of personal privilege. For the downstaters in this House, I would like to make mention the fact for Mr. Mike Royko that it was those downstate hillbillies, that he put in his story today, that were here helping the City of Chicago out of their financial dilemma, and I want it mentioned for the record."

Speaker Peters: "Representative Leinenweber, on what point to do rise?"

Leinenweber: "Put it on Postponed Consideration."

Speaker Peters: "Postponed Consideration. On this there are 104...104 voting 'yes', 37 voting 'no'. The Gentleman asked Postponed Consideration. House Bill 637, Representative Vinson."

Clerk Leone: "House Bill 637, a Bill for an Act to amend certain Acts in relationship to public personnel, Third Reading of the Bill."

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Speaker Peters: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 637, the Amendment to it, becomes the Bill. The Amendment in the Bill would abolish the Civil Service Commission, transfer its functions to the Department of Personnel, and provide for judicial review. I want to catagorically say that it does not abolish civil service. It abolishes one of the two agencies involved in civil service in the state and transfers the functions of that agency to the Department of Personnel. I, again, want to emphasize the fact that it provides for full judicial review. And I would urge an affirmative vote for the Bill."

Speaker Peters: "On the question, Representative Matijeich."

Matijeich: "Mr. Speaker and Ladies and Gentlemen of the House, I would hope tha the Members would look closely at this Bill. This would eliminate the State Civil Service Commission. In the appropriations process I think we get the ability to really examine State Government and those agencies which we think are doing a good job and those which are not doing a good job. In my six years in the appropriations process here in the House, I have been able to assess the job of the Civil Service Commission. And I think that they have done a good job. The Auditor General agrees with that assessment of the Civil Service Commission. It is a protection for the employees of the State of Illinois, and I think if you pass this Bill, you are taking away that protection for the state employees. I would urge the Membership to protect our employees. And I want to stand publically and say that I believe that the Commission and Bruce 'Pinney' have done a commendable job. Don't take away that by voting for this Bill. I would urge the Membership strongly, on both sides of the aisle, to vote

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against House Bill 637."

Speaker Peters: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Sponsor of this legislation may be, indeed be correct that it does not abolish civil service. However, what it does do is it expands the powers and duties of the Director of Personnel, at least in its amended form, to do such a thing as hear appeals of employees under the physician classification plan, to hear and determine written charges seeking to discharge, demotion or suspension of employees, transfer appeals, to hear and conduct investigations of lay-off appeals filed by jurisdiction of the employees and so forth. In other words, the Director of Personnel becomes a patronage chief. I mean, this is Governor Thompson's patron...institutionalized patronage chief Bill, and Representative Vinson is kind enough to carry the legislation for him. I think if you want to institutionalize patronage and have the Director of Personnel be a patronage chief, then fine. Go ahead and vote for the Bill. But if you don't, if you want to keep our system...personnel system running with basic decency and rules and procedures that are not subject to the whim of such patronage personnel, then...then I think you would want to join me in opposing this piece of legislation."

Speaker Peters: "Representative Winchester."

Winchester: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of Representative...Representative Vinson's House Bill 637. It is a good government Bill. It does end duplication of services. It does place the responsibility of the present Civil Service Commission with the Department of Personnel. It does provide judicial review. It is ending a

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duplication of service. It is going to be a cost saving piece of legislation, and I think that that is what we're here, at least during this Session, trying to find duplication of services in State Government and abolish that so we can save valuable taxpayers' dollars, and I would ask for a favorable vote."

Speaker Peters: "Representative Ebbesen."

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

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to take the time of the House to deal with a couple of points that some people have referred to. Number one, I have not discussed the...this subject with the Governor of the State of Illinois or with his staff. This is my Bill, my idea. Number two, the Governor of the State of Illinois has uniformly pointed in his administration long-term personnel experts who have been long-term employees of the Department of Personnel. He has made no effort to subvert the Personnel Code. I say that, and I believe that you all know that if you'll just chat with some of your Republican colleagues on this side of the aisle. The purpose of the Bill is not for patronage or anything of that sort. The purpose of the Bill is to save money. It is an effort to abolish a duplicative agency. The Department of Personnel currently makes recommendations on every subject the Civil Service Commission reviews. The agency, therefore, has the current staff to do...to do the function. Finally, we can save by this \$272,000. We can abolish a duplicative agency. We can put that money to use on something far more important for the people and reform

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State Government in the process. I would urge an 'aye' vote on the Bill."

Speaker Peters: "The question is 'Shall House Bill 637 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. To explain her vote, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, we asked the Auditor General to review the Department of Personnel. He came up with a report that says that the Department of Personnel's system of classifying and reporting appointments and separation transaction result in inaccurate and misleading information. Along with that he gave a very positive report in regard to the Civil Service Commission and its fairness in these matters. I would simply say, if it ain't fixed...if it ain't broke, don't fix it. And more 'no' votes ought to go up there."

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

McClain: "Thank you very much...thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of this legislation. I do for several reasons not counting the issues of politics, but just a matter of also the worker that is troubled by some sort of charge being placed against him. Right now he has to hire a lawyer. It takes a long process. He is under tough scrutiny. It is a mind-boggling problem. What you would do here with removing the Civil Service Commission is you would have almost a speedy trial provision. These things would be resolved quickly and handily, and the employee would know one way or the other and would save legal fees. And I am in favor of this piece of legislation."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 58 voting...Representative Frederick, for what purpose do you

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rise?"

Frederick: "Mr. Speaker, I did not get to vote on this. Could I please be recorded as voting 'no'?"

Speaker Peters: "The Gent...the Lady asks to be recorded as voting 'no'. On this question there are 58 voting 'aye', 90 voting 'nay', two voting 'present'. This Bill having failed to receive the Constitutional Majority is hereby declared lost. House Bill 717, Representative Pullen. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 717, a Bill for an Act in relationship to rezoning of land, Third Reading of the Bill."

Speaker Peters: "Representative Pullen."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 717 provides that if a property is rezoned in such a way as to cause it to lose value the property owner is entitled to just compensation. When government takes property for road right of way, public facilities or the like, just compensation is provided by the Constitution, is paid to the person from whom the land was taken. When government takes or damages property through zoning regulation, that is, reducing the value of private property in the name of public use just compensation is not normally paid to the person from whom the land was taken. The fifth Amendment to the U.S. Constitution contains a taking clause which provides, 'nor shall private property be taken for public use without just compensation.' Article I, Section 12 of the 1970 Illinois Constitution provides a right to remedy. Every person shall find a certain remedy in the laws for all injuries in the wrongs which he receives to his person, privacy, property. Section 15 of our State's Constitution goes on to provide, 'private property shall not be taken or damaged for public use without just compensation as provided by law. Although the State

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Constitution mandates the presence of these protections in the laws, there's apparently a void in the statutes on the matter of down zoning real property. When local government changes the zoning classification of a parcel of real estate without the expressed consent of the property owner it sometimes results in a lowered fair market value of the property. Often this happens when the zoning change limits the use of the property or prohibits the property owners from altering the property or from selling it without approval of some governmental Body. Such additional restrictions are essentially forced on the property owner in the name of the public good. The property owner, however, often suffers damages from such action because the property frequently will have a lesser market value after the zoning change than it did before the change. Currently, there is nothing in the statutes to remedy the financial damages experienced by a property owner who has his or her property down zoned. House Bill 717 addresses this issue and would fill the apparent void in the statutes. This measure would require that any damage or loss experienced by the owner of a property which has been down zoned would have to be reimbursed. It does not prohibit local government from down zoning property but it does protect the rights of financial security of the owner of the effected property. This Bill was brought to me by the Illinois Association of Realtors who are concerned about people's property rights and I urge your favorable consideration."

Speaker Peters: "On this question, Representative Johnson."

Johnson: "Well, Mr. Speaker and Members of the House, Representative Pullen, with whom I disagree sometimes, gets my award for the most logical Bill of the year. If you start from the presumption that an individual owns property

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and subject to reasonable restrictions have as a right to do with his property as they please. It seems to me that zoning restrictions being in some cases logical restrictions of that when they're changed would certainly allow any... certainly would and ought to allow any property owner to have compensation when the value of their property is decreased because government changed its mind on how it's to be used. If you had the misfortune of having a fire, having undeveloped property, having property that goes unused for a certain period of time and the government has changed its permitted use in the meantime you're just out the window. This is, to me, totally in keeping with the history of two or three hundred years in the United States and England whereby a persons property if taken in whole or in part a person deserves compensation. This seems to me to be completely in line with that. It's a very reasonable Bill. It's supported by the Illinois Realtors Association and I think to my knowledge there shouldn't be any logical opposition to it. And for those reasons I would urge you to join Representative Pullen and give her 177 votes on this good Bill."

Speaker Peters: "Representative Madigan."

Madigan: "Mr. Speaker, I rise in opposition to this Bill. I can understand the motives of the Sponsor in attempting to provide some compensation for a property owner who has suffered a decrease in value because of a rezoning. That is understandable. However, I think that there is a greater and broader concern that we must be concerned with here in the General Assembly. Under the Illinois system of laws the determination as to city planning, the determination as to land use and the determination as to density which will be permitted on a particular piece of property has been vested in local government. Local

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governments, municipalities, counties, have been vested with the authority and the responsibility to determine where a section of land will be developed as residential. Where another section of land will be developed as commercial and where a different section of land shall be developed as industrial. That authority, that responsibility has been given the local government, the people of our state expect local government to exercise that responsibility and to plan the future of counties and municipalities. A well-intentioned local official concerned with possible deterioration of an area within his jurisdiction could legitimately determine that that area should be down zoned. That higher uses or obnoxious uses should not be permitted in that area because it might lead to further deterioration. In my mind, that is a good purpose and an official who would pursue that purpose is well-intentioned and should be commended. This piece of legislation would mitigate against that purpose. It would mitigate against the accomplishment of that purpose and I don't feel that the Legislature should pass legislation that would establish a road block or a bar to local officials who are pursuing objectives of that nature. That is what this legislation would do. It would say to a local official who is attempting to plan for the future in his town that you will not be able to do that because if you do take that action you may be causing or giving rise to a cause of action in one or a few pieces of property that might be adversely affected by the action even though the action is in the overall good for the entire municipality. And for those reasons I would rise in opposition to the Bill."

Speaker Peters: "Representative Klemm."

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

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House. I agree with the Minority Leader. I really believe that this would be detrimental really to the realtors and to the community. When you stop and realize that land use planning is a responsibility that municipalities and counties much take seriously and that it is done for the good of the people but you have to stop and think that many times we must have some zoning changes. I can envision and I know I've experienced in the counties where I came from a flood plains where we restricted growth in building in flood plains to protect those to build and to live there. And it was right decision on the parts of the municipal leaders. And in this particular case, the cost of that would have been tremendous to a county to have down zoned. If a municipality wishes to annex property normally from a county it would have to change the zoning and this would again be prohibitive of that municipality to even afford to consider annexation. If there were perhaps a trust fund that if those properties that were down zoned or and also were increased because of actions by the municipalities and counties were to replace or to give the municipalities that extra benefit of added value then it would at least be offsetting for the municipalities to use that fund to do it, and I can certainly understand attempt to preserve and to protect the people's properties. But I think zoning transcends individual properties to the best interest of all. I think really this would be a very short sided approach to a problem that the realtors would suffer for more years than we would hope to solve. So, therefore, I really think this is poor. This Bill should not be passed for the best interest of all the communities in Illinois. Thank you."

Speaker Peters: "Representative Katz."

Katz: "Will the Lady yield? Assume a situation where a village

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is along the lake and assuming that there is severe erosion that is taking place along the property around the lake. And assume that the village enacts some kind of zoning restriction for the purpose of preventing the erosion that is continuing on the lake. It may be a restriction that might preclude a building within a certain feet of the actual shore of the lake. Now, in that situation wouldn't an individual property owner even though the ordinance was already passed and the zoning regulation passed to reserve that strip wouldn't the individual owner be able to sue the village for the value that has been lost because that owner can no longer build any place he wants to on that property?"

Speaker Peters: "Representative Pullen."

Pullen: "This House has repeatedly turned down legislation that would diminish the rights of people who own land along the lake front. I believe probably if a local government did restrict the use of that land in such a way that it would diminish the property value it would constitute damaging that property and, therefore, the property owner would be entitled to just compensation."

Katz: "Excuse me. Mr. Speaker, I just wanted to speak very briefly on it. I think this really is a example really of cutting off the nose to spite the face. I mean there may really be situation in which property owners along the lake really need some local control. The legislation we considered in the past had to do with the state interposing plans that precluded the local area from being able to enact certain regulations. But I think that if a village could not impose certain building restrictions to prevent a serious erosion problem the result of this kind of legislation would simply be to lose large strips of property. Sometimes you really cannot have an erosion plan

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that is only confined to certain pieces of property. Due to the nature of erosion you may simply have to have a plan that takes into account all of the adjacent strips. But if one of a dozen property owners could then sue the village for having prevented him from being able to build where he wanted to that would indeed be a travesty that we would have done something that we really shouldn't have done. And I think that we have managed very well for a number of years without this kind of legislation. I am not aware of any unfairness that our courts in Illinois have permitted with regard to the taking of property without just compensation. I think we are getting into a Pandora's Box here and I would oppose this Bill."

Speaker Peters: "Representative Huskey."

Huskey: "Well, 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. The 'aye's have it. Representative Pullen, to close."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, this Bill addresses the situation where government has damaged the value of property by down zoning it. It does not say that local government cannot change zoning but it would introduce consideration for local government to recognize that it is causing damage to the property owner and if the government still felt that it was in the best interest of the people of that community that the property be down zoned then they could do it. But that property owner should, under the Illinois and United States Constitutions, be eligible for compensation. This Bill protects the rights and financial security of the owner of the affected property in down zoning cases. The freedom to own property, to use it, to improve it and to dispose of it is

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an important right enjoyed by our citizens. House Bill 717 recognizes this right and protects the individual property owner. I urge you to support the Bill and give it your 'aye' vote. Thank you."

Speaker Peters: "On a point of order, Representative Getty."

Getty: "Mr. Speaker, I would make an inquiry of the Chair that since there is no expressed statement in the Bill as amended that would indicate a limitation on home rule authorities that there is no limitation on home rule power."

Speaker Peters: "The Chair has no opinion to express on the substance of the Bill. Representative Getty."

Getty: "Well, then, Mr. Speaker, you are ruling that it will only require 89 votes because there is no limitation. Is that correct?"

Speaker Peters: "If that is the inquiry of the Gentleman the answer is 89 votes."

Getty: "Alright, now this Act, as the title is amended, is amended to read, 'enacted relation to the rezoning of land.' I would point out that existing statutory language provides that it does not apply to any county which is a home rule unit."

Speaker Peters: "The Chair is advised to indicate again that it expresses no opinion on the substance of the Bill and that 89 votes will be required. The question is, 'Shall House Bill 717 pass?' Those in favor will vote 'aye', those opposed will vote 'nay'. The voting is open. Representative Vinson, to explain his vote."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What the Lady's Bill does is to say that if your property is taken, if your property is substantially damaged, if the value is taken away from you that you have to be provided compensation. Now, I don't find that to be

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an enormously egregious concept. That's inherent in our concept of due process. That's inherent in laws we have recognizing eminent domain. What she is simply saying by this Bill is that if through the zoning process you take land you deprive a person of value then you have an obligation to pay for that value. I don't believe that that's an inordinate mandate for local government. I don't find that to be unreasonable. It ought to be a simple matter of due process, a simply matter of right, a simple matter of justice. I would urge an 'aye' vote on the Bill."

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

Bowman: "Well, thank you, Mr. Speaker. If I could finish the speech of the previous Gentleman. On that theory it seems to me that the Bill is defective because it does not provide that in those instances where a community rezones upward and increases the value of the land that the landholder has any obligation to pay a compensating amount to the municipality. It seems to me in that case the municipality would be doing the landowner a favor and the landowner then would owe the municipality and the taxpayers that municipality for the favor that was done. The Bill is deficient because it does not address the symmetric condition. And accordingly and for other reasons stressed by Representative Getty I vote 'no'."

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

Huff: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To begin with I would disagree with Representative Bowman's analogy that it does not complete the equation. He makes the statement that if the municipality zone upwards that the property owner would benefit without paying. But I submit to you that if the municipality was to create a zoning evaluation that increased the value of the property

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the property owner would pay in higher taxes. To the Bill specifically, I don't see anything wrong with this Bill. It does not prohibit the municipalities from zoning downward. All it does is provide the proper guidelines for recourse for the property owner to... (cut off)."

Speaker Peters: "The Chair is asked to remind the Members of the electronic media in the gallery that there is no filming allowed during the explanation of votes. To explain his vote, Representative Miller."

Miller: "Thank you, Mr. Speaker. I think if the Sponsor was truly attempting to fill a constitutional void that home rules would have been included as well. And since they're not I think that certainly that's not their intention. Secondly, if there was a true taking or damaging as the language in the Constitution refers to, then in fact, the property owner is protected and there is no statutory remedy that's needed. What's being done here though is to make zoning a far more expensive tool for local governments to use in protecting the valid property rights that it has an interest in protecting. It will make it very expensive. And it will hold the public good held ransom. And we should not do this. There is no remedy that's needed because they are protected under the Constitution and it would do a great deal to .. (cut off)."

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

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, many of you have talked to people that own property and have gone in to have it zoned. Subsequently had their property zoned sitting there for awhile, ready for development plans then only to be the subject of rezoning, downzoning that property once again, showing a great decrease in value. You'll know exactly what it means to take property without just compensation. This is an extremely reasonable Bill.

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It protects the property owner and the legitimate developer that purchases property in order to make, yes, make the legitimate profit on it. Now, those of you that say you should compensate people for upgrading property it's totally ridiculous for the very simple reason that a municipality benefits from an increased assessed evaluation on that. This is an extremely reasonable Bill. I think we ought to pass this Bill and send it over to the Senate and solicit your 'aye' vote."

Speaker Peters: "Representative Yourell. Did you change your mind? Representative Yourell, to explain his vote."

Yourell: "Thank you, Mr. Speaker. I want to explain my vote why I'm voting 'no'. This will have a chilling effect on the upgrading of zoning in any municipal corporation because of this provision of payment for downgrading zoning. These municipal corporations will be very very careful in what they do with upgrading zoning because they know unless a person is ready to build immediately that they're going to be sued. And so I think that is enough reason for me and many others to be voting 'no'."

Speaker Peters: "Representative Getty."

Getty: "I think that it ought to clearly appear in the record that the Act would not apply to a county which is a home rule unit. In other words, it's going to affect you downstaters but not affect Cook County."

Speaker Peters: "Have all voted who wish? Representative Gio.... Your light is not on, Representative. Greg, Giorgi's light does not flash."

Giorgi: "Mr. Speaker, a number of cities have written new zoning ordinances and classified every parcel property within the city with a new zoning ordinance. In the case of Rockford, in 1973 the entire city was put in a new zoning category and it resulted in three-fifths of the properties being in

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non-conforming use. With this Act, three-fifths of the properties in Rockford can go into court for relief from that zoning ordinance, and it could very well bankrupt the City of Rockford. This zoning ordinance is being tested constantly in the courts. It's created for a lot of litigation in Rockford and it's a dangerous precedent because many cities unbeknownst to us have rezoned their entire towns in the new zoning ordinances. And in the case of Rockford three-fifths of the properties were put in non-conforming use. I build a home in 1955, the City of Rockford rezone my area in 1972 and they have the audacity to put my home in non-conforming use. This is a very dangerous precedent."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 94 voting 'aye', 61 voting 'nay'. Representative Giorgi asks for a verification of the affirmative vote. The Lady asks for a poll of the absentees. McPike, 'no'. Mr. Clerk, we are starting out with 94 'ayes', 61 'nays'. Add 62 with Representative McPike. Representative Braun. Add Representative Braun as voting 'aye'. Proceed with a poll of the absentees."

Clerk Leone: "Poll of the absentees. Beatty. Deuchler. DiPrima. Epton. Garmisa. Hanahan. Jackson. Margalus. McAuliffe. Murphy. Oblinger. O'Brien. Pierce. Slape. Irv Smith. Stewart. Terzich and Turner."

Speaker Peters: "Representative Terzich votes 'aye'. Before we proceed with the verification, any other changes, additions, subtractions, multiplications, divisions? Representative Huff. Okay, proceed, Mr. Clerk. Verification of the affirmative vote."

Clerk Leone: "Abramson. Ackerman. Alstat. Barkhausen. Barnes. Bartulis. Bell. Bianco. Birkinbine. Boucek. Bower.

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Braun. Breslin. Bullock. Catania. Christensen.
Collins. Daniels. Darrow. Deuster. Donovan. Doyle.
John Dunn. Ralph Dunn. Ebbesen. Ewell. Ewing. Farley.
Findley. Flinn. Dwight Friedrich. Giglio. Grossi.
Hallock. Hallstrom. Hannig. Hastert. Hoffman. Hoxsey.
Hudson. Huff. Huskey. Johnson. Karpiel. Keane. Jim
Kelley. Kociolko. Koehler. Kucharski. Leverenz.
Macdonald. Martire. Mautino. Mays. McBroom. McClain.
McCormick. McGrew. Mulcahey. Neff. O'Connell. Pechous.
Peters. Piel. Polk. Pullen. Rea. Redmond. Richmond.
Rigney. Robbins. Ronan. Ropp. Sandquist. Schneider.
Schuneman. Stanley. Stearney. E.G. Steele. C.M. Stiehl.
Stuffle. Swanstrom. Tate. Telcser. Terzich. Topinka.
Tuerk. Van Duyne. Vinson. Vitek. Watson. Winchester.
J.J. Wolf. Sam Wolf. Woodyard and Mr. Speaker."

Speaker Peters: "What's the starting count, Mr. Clerk? There are, Representative Giorgi, 96 'aye'. Representative Fawell."

Fawell: "Mr. Speaker, how am I recorded?"

Speaker Peters: "How is the Lady recorded?"

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

Fawell: "Mr. Speaker, will you change my vote to 'aye'."

Speaker Peters: "Fawell from 'present' to 'aye'. Representative Ewell."

Ewell: "Would you record me as 'no'?"

Speaker Peters: "Ewell from 'aye' to 'no'. Any other changes before we go any further? Proceed, Mr. Giorgi."

Giorgi: "Representative Rigney."

Speaker Peters: "He's in the front."

Giorgi: "Stuffle."

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

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

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Speaker Peters: "Remove him from the Roll."

Giorgi: "McGrew."

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

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

Speaker Peters: "Remove him from the Roll."

Giorgi: "Kucharski."

Speaker Peters: "Kucharski. Is the Gentleman in the chamber? Is that him? How is the Gentleman recorded?"

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

Speaker Peters: "Remove him from the Roll."

Giorgi: "Collins."

Speaker Peters: "Collins. He's here."

Giorgi: "Farley."

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

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

Speaker Peters: "Remove him from the Roll."

Giorgi: "John Dunn."

Speaker Peters: "John Dunn. Is the Gentleman in the chamber? How is he recorded?"

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

Speaker Peters: "Remove him from the Roll. Restore Representative Stuffle. John Dunn, remove him from the Roll and add Stuffle."

Giorgi: "Monroe Flinn."

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

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

Speaker Peters: "Remove him from the Roll."

Giorgi: "Doyle."

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

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

Speaker Peters: "He's in the center aisle."

Giorgi: "Hoxsey."

Speaker Peters: "Hoxsey's here."

Giorgi: "Hudson."

Speaker Peters: "Hudson is here."

Giorgi: "Martire."

Speaker Peters: "Martire's in the rear."

Giorgi: "C.L. McCormick."

Speaker Peters: "C.L. Representative McCormick. He's in the aisle."

Giorgi: "Mulcahey."

Speaker Peters: "Mulcahey. Is the Gentleman in the chamber? There he is. He's here."

Giorgi: "Piel."

Speaker Peters: "Piel. He's here."

Giorgi: "Stanley."

Speaker Peters: "Stanley's here."

Giorgi: "O'Connell."

Speaker Peters: "He's here. Any further questions, Sir?"

Giorgi: "Representative Woodyard."

Speaker Peters: "I'm sorry."

Giorgi: "Woodyard."

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

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

Speaker Peters: "Remove him from the Roll."

Giorgi: "What's the count now, Mr. Speaker?"

Speaker Peters: "You're not quite there. What's the count, yes? What's the count, Mr. Clerk. There are presently 90 voting 'aye'."

Giorgi: "Carol Braun."

Speaker Peters: "Pardon."

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Giorgi: "Carol Braun."

Speaker Peters: "Representative Braun. How is she recorded?"

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

Speaker Peters: "Remove the Lady from the Roll. Is she in the chamber? Remove her from the Roll."

Giorgi: "Vitek. John Vitek. Eddie Doyle."

Speaker Peters: "Doyle is here. He was verified. Can Representative Macdonald be verified. Leave. And Boucek asked to be verified also. Representative Woodyard. Return the Gentleman to the Roll."

Giorgi: "Richard Mautino."

Speaker Peters: "Woodyard to the Roll. Representative who?"

Giorgi: "Mautino."

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

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

Speaker Peters: "Remove the Gentleman from the Roll."

Giorgi: "Jerry Bradley."

Speaker Peters: "Representative Gerald Bradley. He's here."

Giorgi: "McGrew."

Speaker Peters: "We are... who?"

Giorgi: "McGrew."

Speaker Peters: "We already took off McGrew."

Giorgi: "Could you take him off again?"

Speaker Peters: "Is that it? Representative Domico. Representative Domico votes.."

Giorgi: "No more questions."

Speaker Peters: "Domico votes 'aye'. Take the record, Mr. Clerk. On this question there are 90 voting 'aye', 62 voting 'no', one 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 760, Representative Leverenz. Read the Bill, Mr. Clerk."

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Clerk Leone: "House Bill 760, a Bill for an Act in relationship to use of non-public funds or instrumentalities of government, Third Reading of the Bill."

Speaker Peters: "Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 760 would provide that no unit of government may receive, hold, or expend, or use non-public funds except as provided by law. And Amendment #1 also included that for local governments that they would be able to expend non-public funds as they would pass ordinances. This Bill has an impact to parts of State Government that hold local money and call it private money. And this would provide that it is actually money that we would have then, the capability to audit. Some of you are knowledgeable about our problem with the Supreme Court. This has been drafted as a direct answer to that problem. I would answer any questions you might have and solicit your 'aye' vote."

Speaker Peters: "Is there any discussion? There being none, the question is 'Shall House Bill 760 pass?' Those in favor signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this...add Collins 'aye'. On this question there are 133 voting 'aye', three voting 'nay', five voting 'present'. Gentlemen, we're going to start moving now. Tate, 'aye'. 134 voting 'aye', three voting 'nay', five voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 282, Representative Stuffle. Read the Bill, Mr. Clerk. We now have 189 Bills left on Third Reading."

Clerk Leone: "House Bill 282, a Bill for an Act to amend Sections of the Illinois Insurance Code, Third Reading of the Bill."

Speaker Peters: "Representative Stuffle. Read the Bill."

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Stuffle: "Yes, Mr. Speaker and Members of the House. This is the Bill that we debated through 19 Amendments, so..."

Speaker Peters: "Excuse me. Representative Daniels in the Chair."

Stuffle: "This is the Bill that was debated through 19 Amendments on Second Reading that provides for a non-deductible on the auto windshield only. As you will recall on Second Reading, those 19 Amendments attempted to gut the Bill and to raise the question of taking the deductible off of mechanical items on the car. This Bill deals only with the windshield item and nothing else, a non-mechanical item. And as you know, too, many of the insurance companies have been writing you in opposition to the Bill, and I think you know why they are writing you in opposition to the Bill. The Bill is presented as a safety Bill. We've collected figures from throughout the country and those states that have this same Bill on the books there. And contrary to what the insurance companies say in trying to protect their profits, the figures from those states with this type of glass legislation show that only a three point two loss ratio is incurred on 100 cars for full auto glass coverage. And only in the case of those situations with a \$50 deductible, that ratio drops to a two point two loss ratio on 100 cars. In cases where there is full comprehensive glass coverage provided for in the law with no deductible, the increase in premiums was only two dollars a policy. So I think the arguments made against this Bill and the letters you've received from the insurance companies are very very self serving. The only way that comprehensive premiums would rise if this Bill were passed is if we were to relate this Bill to those situations in covering fire and theft. We have no intention of doing so. The Bill doesn't do so. The Bill covers only auto glass, and in the

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case of auto glass, only the windshield. In fact, if you take a look at the State of Kentucky which instituted this Bill in 1979 and covered all auto glass, not just the windshield on a non-deductible basis, that state has experienced literally no, no increase in comprehensive rates since that time for this coverage. The problem the Bill seeks to address is simply one of immediate safety. Because about 30% of the people who have broken windshields are not initially repairing those windshields. The \$50 deductible charge that is standard now for auto glass is, in my opinion, for the figures I have cited and the figures cited from national organizations and from those states with this Bill, a basic consumer rip off. The arguments of the insurance companies are exactly backwards. The deductible charge for auto glass is unjustifiable in the face of the figures. Now, I know that the people representing the insurance companies will rise to oppose the Bill and suggest they're in the consumers' interest. You know better, and I know better. The current situation of deductibility prevents immediate repair of windshields. It is a hidden charge because the consumer doesn't realize until the windshield is broken and the impact is made on him or her that the deductible exists. If we're to increase the deductible, and they are from \$50 to \$100 and \$200 in many cases, then that problem of safety, that problem of already having 30% of non-immediate repairs is going to go up. A greater burden is going to be placed upon the consumer unjustifiably. The cost studies show that this Bill is needed. The safety factors show that this Bill is needed. Representative Epton, the Chairman of the House Insurance Committee, supported this Bill in Committee as did Representative O'Brien, the Minority Spokesman. The efforts to gut the Bill on Second Reading

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were an obvious attempt, in my opinion, to play to the insurance companies, including even an Amendment that attempted to make this a felony not to have a windshield. I urge an 'aye' vote on this Bill on behalf of the consumers keeping in mind that if the insurance companies really, really thought this Bill would help them as they claim, they would be here trying to kill the Bill. Not kill the Bill, but help the Bill. They are trying to kill the Bill because it helps consumers. There is nothing else, I think, that needs to be said, and I would appreciate a favorable vote."

Speaker Daniels: "The Gentleman from Whiteside, Representative Schuneman."

Schuneman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, as the Sponsor of this Bill indicated, I did offer a lot of Amendments to this Bill on Second Reading...Reading. The reason that the Amendments were offered was not to support the insurance companies or anything of the kind. It was simply to draw your attention to the Bill and how foolish the Bill is. The Sponsor makes the argument that the Bill is offered as a safety means, as a safety mechanism. Now, I suggest to you that if, in fact, safety was the true reason for this Bill to be introduced, the Sponsor would have approached it in a different way. He would have offered a Bill which would have made it illegal to drive with broken glass in your car. He would have required that every motorist who drives a car with a broken windshield or broken glass would get a ticket by an officer and would have to pay a fine and therefore bring about compliance with the requirement that all windshield glass be replaced. That isn't the direction that they took. The direction that they took was to try to strike out at you as an insurance buyer and say that you could no longer

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buy a deductible on your automobile insurance policy. Now, this is nothing more than pure and simple than an accounts collectible Bill for the glass industry. At the present time, if you have automobile insurance on your car and you have comprehensive insurance, you may or may not buy a deductible. That is your option. The Sponsor would take that option away from you and say that you could no longer save any money on your premium by buying a deductible. Now, I suggest to you that this is anti-consumer legislation. I don't think the insurance companies care one way or another whether you pass this Bill. If you pass the Bill, they'll raise your premium. If you don't pass the Bill, they'll allow you to buy either a deductible at a lower premium or at your option buy full coverage at a higher premium. This is a bad idea. This Bill has been around here many many years. Has never been passed, and it shouldn't be allowed to get out of the House this year. I urge a 'no' vote on what I think is a very bad Bill."

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

McBroom: "Well, Mr. Speaker, Members of the House, I don't like to arise in opposition to my good friend, Representative Schuneman, but probably most Members would agree that Representative Epton is as knowledgeable as any Member of this Body in the field of insurance. He is the Chairman of the Insurance Committee. I was there the day that it was passed. Representative Epton did support the Bill. I am inclined to feel if he were with us today he would speak in favor of it. It is a safety measure as Representative Stuffle pointed out, and I would solicit an 'aye' vote."

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

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

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Speaker Daniels: "The Gentleman has moved the previous question. The question is 'Shall the main question be put?' All those in favor signify by saying 'aye', all those opposed 'nay'. The 'ayes' have it. The Gentleman from Coles, Representative Stuffle, to close."

Stuffle: "Yes, on behalf of the Bill. I appreciate Representative Schuneman's remarks, but I would point out to you that the insurance companies very much want to defeat this Bill. And I think that is one of the best reasons for realizing its consumer orientation. If he doesn't think they're against it, then why have they sent their lawyers here? Why have they sent their lobbyist here to defeat the Bill? Why have they written you all? Why did they appear one after one in Committee submitting witness slips against the Bill? Why are they in the gallery now? The chief concern that I have on the Bill is simply that it is a safety measure. Some have argued that it is a receivable Bill for the glass companies. That could be no farther from the truth. You know and I know that if you have a broken windshield, you either fix it now in Illinois and pay the deductible, or you wait with it broken and keep it a safety problem, and when you go to trade it in, you either pay the \$50 then having created a problem of safety all that time, or you let the person you trade it to knock \$150 or so off of the trade value and you let them get it fixed. I think the figures we presented here, and no one has stood to refute them, from those states that have this type of Bill show clearly that the existing deductible on this item only is unjustifiable and creates a safety hazard. I submit to you, too, that the Department of Insurance has no figures to justify what the insurance company claims are. The insurance companies know that because they don't want any figures down there. They

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don't want the consumer to know that he is getting ripped off in this case. They don't want any controls, and they don't want any rating. I submit to you that this is a good Bill for the people. If you want to vote for the people, if you want to give them a consumer break, and I would agree there is a safety problem and you ought to support the Bill. If you want to vote for the insurance companies and continue their rip offs, then you ought to vote against the Bill. The day the insurance companies come down here to help the people, the dome will fall from this Capitol. That day is not here, and I don't think it will arrive. I ask an 'aye' vote."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 282. All those in favor will signify by voting 'aye', all those opposed by voting 'nay'. The voting is open. The Gentleman from Cook, Representative Birkinbine, to explain his vote. The timer is on."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Sponsor of this Bill insults the intelligence of everybody here. He seems to think that simply by saying the insurance companies think this is a good...bad idea that there are knees going to be jerking all over the floor and you're going to vote against them. I suggest to you that comprehensive insurance covers a multitude of various perils. The number one claim the companies have, both dollar item and reoccurrence of accident, is in windshield glass. If we exclude windshield glass from the deductible, the companies on a strictly financial basis will take away that deductible. Now, I use a deductible to lower my life....my accident insurance rate. If you have a \$50 deductible, Allstate gives you a 20% break. Now, if that is not consumer oriented, I don't know what is. This Bill would strip the companies of offering the deductible

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because it simply would not make economic sense to go on with it. And taking away the deductible..."

Speaker Daniels: "The Gentleman to conclude his remarks."

Birkinbine: "Thank you. I suggest to you that taking away the deductible from people in this state in no way is consumer oriented. And, Mr. Speaker, if this should receive 89 votes, I would verify the vote."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. Ladies and Gentlemen of the House, House Bill 282 having received 46 'aye', 97 'nay', 12 'present'. Representative Jones wishes to be recorded as 'aye'. 47 'aye', 97 'nay', 12 'present'. This Bill having failed to receive a Constitutional Majority is hereby declared lost. Representative Leinenweber."

Leinenweber: "Yes, I would like to have leave of the House to put House Bill 631 from Postponed Consideration to Interim Study. Yeah, 631 from Postponed Consideration to Interim Study. I would like leave of the House to do that."

Speaker Daniels: "The Gentleman has asked for leave. House Bill 631 to place in Interim Study. Does he have leave? Leave is granted. Representative Sandquist."

Sandquist: "Yes, Mr. Speaker. On page 13 of the Calendar, I would like leave of the House to put House Bill 1434, of which I am the Sponsor, in Interim Study."

Speaker Daniels: "The Gentleman has asked for leave of the House to place House Bill 1434 in Interim Study. Does he have leave? Leave is granted. Interim Study. Representative Schneider."

Schneider: "While we're doing this, Mr. Speaker, I might...I know you can't make the decision, but perhaps the Parliamentarian can advance an inquiry to the real Speaker about whether or not there will be a Spring Calendar which

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is, of course, quite different from an Interim Calendar. And perhaps somewhere during the middle of the day we'll find out. Thank you."

Speaker Daniels: "We'll check that out. The Gentleman from Macoupin, Representative Hannig."

Hannig: "Thank you, Mr. Speaker. I just have a Parliamentary inquiry that the Parliamentarian might consider. If a Bill that is on Postponed Consideration which is subsequently put in Interim Study should advance back to the Order of Third Reading, would the Sponsor be entitled to two Roll Calls? It is not really relevant at this point, but it at some point in the future it may be."

Speaker Daniels: "We'll take that under advisement, Sir. Thank you. The Lady from Cook, Representative Barnes."

Barnes: "I would like to have House Bill 837, which is sponsored by Oblinger, Wolf, and Barnes, to be placed in Interim Study. It is on Third Reading."

Speaker Daniels: "Are you the chief Sponsor of that, Representative Barnes?"

Barnes: "She's not here today, and she sent a letter and asked that I do that for her."

Speaker Daniels: "Does the Lady have leave? Leave is granted. House Bill 837 is placed in Interim Study. You have another Bill?"

Barnes: "House Bill 1872. I believe that is on the table, and I would like to have that go into Interim Study."

Speaker Daniels: "18...what was the number?"

Barnes: "72."

Speaker Daniels: "1872 is currently on the Speaker's table. You want to take that from the table, place it in Interim Study. The Lady asks leave. Is there leave? Leave is granted. Unanimous leave is granted to the Lady to do so. Excuse me, Representative...Representative Braun."

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Braun: "None of those Bills included the Library Bill by any chance, did they? Was one of those the Library Bill?"

Speaker Daniels: "No."

Braun: "No."

Speaker Daniels: "Representative Barnes."

Barnes: "I believe according to the local papers that Representative Yourell ran over it with a steam roller, to answer your question."

Speaker Daniels: "Representative Yourell."

Yourell: "Point of personal privilege. No, that was a 10 ton tank."

Speaker Daniels: "Thank you, Sir. Ladies and Gentlemen of the House, we are now moving to House Bills Third Reading Regular Calendar. Pursuant to Rule 37A-2, we will move to Bills of the same subject matter so that all Members of the House can consider those Bills in consecutive order and at the same time relating to unemployment insurance. Ladies and Gentlemen of the House, if you want to mark these Bills, I'll tell you the order that we're going to call them in. If you take your pencil and paper, this is the order that the Bills on unemployment insurance will be called. The first Bill will be House Bill 139. Then House Bill 140. Then House Bill 115, House Bill 179, House Bill 229, House Bill 228, House Bill 672, House Bill 627, House Bill 675, House Bill 731, and House Bill 1023. I'll do that again for you quickly starting at the top. 139, 140, 115, 179, 229, 228, 672, 627, 675, 731, and 1023. The Gentleman from Cook, Representative Preston. No, Representative Yourell."

Yourell: "Yes, inquiry of the Chair. Have any of these Bills been considered before?"

Speaker Daniels: "Not that I know of, Sir."

Yourell: "Have any of these Bills been taken out of the record?"

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Speaker Daniels: "They may have been. I don't know the..."

Yourell: "Well then if they've been taken out of the record, would you not say that they have been considered once before?"

Speaker Daniels: "Not if they were taken out of the record, Sir. And the purpose of this order is to go to the order of business so that all Bills of the same subject matter can be dealt with at the same time."

Yourell: "I understand that. I understood it the first time you said it. What I am suggesting, Sir, is that the Speaker said that everybody would get an opportunity to have their Bill called at least once. Now, if these Bills have been considered before and taken out of the record, I don't think it is fair to the rest of the Membership who have not had their Bills called at least once to now go back to...to these Bills that, as you have indicated, have been taken out of the record."

Speaker Daniels: "Representative Madigan, are you seeking attention, Sir?"

Madigan: "Mr. Speaker."

Speaker Daniels: "Yes, Sir."

Madigan: "The last time that the Chair employed this Section of the rules to establish a category of Bills for consideration, the Chair reached the first Bill in the ordinary course. Having reached that Bill, the Chair declared a subject area for consideration and then named the numbers of the other Bills that would be considered within that subject area. Could you explain to me how you reached House Bill 139?"

Speaker Daniels: "Mr. Madigan, we have considered the legislation in the same subject matter in both fashions. And after reviewing the rules, we have determined that this is the best fashion to consider the group of category of

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unemployment insurance relating under Rule 37A-2. And I am sure you have that in front of you. Mr. Getty has it there, which states that the Speaker, at his discretion, shall upon commencing a given order of business, call Bills or Resolutions pertaining to similar subject matter for consideration at the same time or in consecutive order so that the House may consider and resolve the subject matter at one time. The purpose of this is to get to the order pursuant to moving to House Bills Third Reading Regular Calendar and one subject matter. And that was the decision of the Chair."

Madigan: "Mr. Speaker, I refer you to the preceding paragraph which reads that the point of which an order of business is left shall be the point at which business is resumed when the House returns to that order of business. And I suggest to you, Mr. Speaker, that the Subparagraph below that does not control the paragraph above it, but rather that the paragraph above controls the paragraph below. And I suggest to you, Mr. Speaker, that one of your predecessors in the Chair did, indeed, exceed to my suggestion that you must reach a Bill in the ordinary course. Either you must be proceeding numerically or you must be proceeding in the priority of call and then reach a certain Bill and then declare that subject area and name the other Bill numbers that will be considered within that subject area."

Speaker Daniels: "Mr. Madigan, your attention is noted, and the Chair is determined that this is the proper fashion in which to move in order to consider the subject matter. Mr. Madigan."

Madigan: "Mr. Speaker, has the Speaker's office published a criteria for the determination of which subject areas shall be considered at one time such as you are doing now? And if that criteria has been published, is there any provision

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for Member input from either side of the aisle?"

Speaker Daniels: "No, it has not, but I will tell you this, that if any Member has a Bill dealing with the subject of unemployment insurance that was not on the list, they should make sure that I have that Bill number so that we can include that in the listing. I might just add, if I might, Sir, that I did...I was in error in saying House Bill 229. If you'd all strike that from your list because that has been placed in Interim Study. So that Bill would not be one of the Bills to be called. Mr. Madigan."

Madigan: "Mr. Speaker, I was not addressing myself to the mechanical procedure of a Member giving you a Bill number. I was addressing myself to the criteria that is used by the Speaker in deciding when we will have a certain subject area considered at one time. I think that it would only be fair and appropriate if the Speaker would indicate what criteria he uses, unless the only criteria used what he and Arty and Zale want to do, when they want to do it."

Speaker Daniels: "The Speaker has determined that it is appropriate at this time to move to that category of business since there is some approximate 10 Bills due. And placed upon his discretion which the rules have given him a right to do in accordance with that rule. Mr. Madigan."

Madigan: "I would suggest to you, Mr. Speaker, and to the entire Body that now we see the Speaker, Mr. Ryan, in complete controvention of himself because his stated reason for postponing the deadline for consideration of House Bills on the Order of Third Reading on a verbal Motion, in violation of the rules, was to afford every Member an opportunity to have their Bill heard. But here, he has established a category for consideration which will occupy most of the afternoon and which will impair the ability of many Members to get a fair hearing on their Bill. So that, I say to all

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of you, to my fellow Members, again, we see more of the stumbling, the stumbling management that has...that has reflected adversely on all of our personal images and reputations and that we'll have to answer for when we go home. So to begin with in this Session, there were to be no deadlines. And then someone decided not to call the rules for permanent consideration so all of a sudden we had deadlines that fell on a Monday. And then we were told, well, let's work over a weekend and then we'll finish on Monday night. And then suddenly three people decided on Monday, let's put it over until Wednesday so that everybody can have an opportunity to hear their Bill called. And now here we are selecting a subject area that will probably impair the ability of everybody to have their Bill heard. So it is just more of the stumbling management that I know is becoming increasingly irritating to all of us. And I know, Mr. Daniels, that you're not to blame for this, that you're just put in the Chair when they know the heat will come on. They give you a poop sheet and they tell you here is what you do. Just give Madigan a dirty look."

Speaker Daniels: "Ladies and Gentlemen of the House, we are now going to move on to House Bills Third Reading, unemployment insurance. House Bill 139, Representative Wikoff."

Clerk Leone: "House Bill..."

Speaker Daniels: "Out of the record. House Bill 140, Representative Wikoff, out of the record. House Bill 115, Representative Wikoff, out of the record. House Bill 179, Representative Wikoff, out of the record. House Bill 228, Representative Schuneman. The Clerk will read the Bill."

Clerk Leone: "House Bill 228, a Bill for an Act to amend the Unemployment Insurance Act, Third Reading of the Bill."

Speaker Daniels: "Representative Schuneman."

Schuneman: "Thank you, Mr. Speaker. I would request leave, Mr.

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Speaker or ask the Chair to return this Bill to Second Reading for purposes of an Amendment as provided under Rule 35 (i)."

Speaker Daniels: "Mr. Schuneman, under rule 35 (i), it states that a Bill on the Order of Third Reading shall be returned to the order of Second Reading at the request of the Chief Sponsor. You are the Chief Sponsor, is that correct, Sir?"

Schuneman: "I am."

Speaker Daniels: "For the purpose of ordering..offering an Amendment, one second, Sir. Let me finish this, I'll get to you. Proposed by the Legislative Reference Bureau to correct technical errors in the Bill, is that your purpose, Sir?"

Schuneman: "That is correct, Sir."

Speaker Daniels: "Pursuant to the Gentleman's request, this Bill will be returned to Second Reading. House Bill 228 is now on Second Reading. Is there an Amendment?"

Clerk Leone: "Floor Amendment #5, Schuneman amends House Bill 228, as amended."

Speaker Daniels: "Representative Schuneman."

Schuneman: "Thank you, Mr. Speaker."

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

McPike: "Mr. Speaker, the Sponsor said that this was being brought back for a technical Amendment. There is nothing technical about Amendment #5. It is all substantive changes to the Bill. Now, under what rule do you bring this back? This is clearly not technical. How can you say this is a technical Amendment? It's absurd."

Speaker Daniels: "Representative Schuneman."

Schuneman: "Mr. Speaker, I don't believe I said that it was a technical Amendment. What I asked was for...could we have

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a little order, Mr. Speaker?"

Speaker Daniels: "Just a second, Representative. Just....Gentlemen...Representative McPike, let me hear Representative Schuneman. I will come back to you, Sir. Representative Schuneman."

Schuneman: "What I asked was that this Bill be returned to Second Reading under the terms of Rule 35 (i). Now, the reason that we're asking for this, Mr. Speaker, is that when the Amendment was adopted to House Bill 228, the Amendment was discovered to be defective after the Amendment was adopted and this is what is provided for in rule 35 (i). The Amendment was defective, in that the Reference Bureau did not insert the date of '19...of June of 1981' as they had been specifically instructed to do and instead of that the Amendment came out with the date of 'June 1980'. Now, that made an entire change in what we had intended in this Bill, Mr. Speaker, and at no time did I, as a Sponsor of this Bill, ever intend that unemployment compensation benefits be ruled back retroactively to 1980. At no time did we give the Reference Bureau instructions to do that. What we were requesting was a prospective freeze on unemployment compensation benefits. That was our specific instruction to the Reference Bureau. They have acknowledged that and we are therefore asking that under the terms of Rule 35 (i) that this Bill be amended as provided for in our rules."

Speaker Daniels: "Mr. Clerk, may we see the Amendment. Representative McPike."

McPike: "Mr. Speaker, rule 35 (i) says that the Amendment must be proposed by the Legislative Reference Bureau to correct technical errors in the Bill. I would like to know who at the Legislative Reference Bureau proposed this Amendment?"

Speaker Daniels: "Representative Schuneman or Representative Friedrich."

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Friedrich: "Well, Mr. Speaker, we went to the Reference Bureau and pointed out the errors that they had made and the Amendment was proposed by Stanley Johnston as a way to correct these errors which have been made."

Speaker Daniels: "Representative McPike."

McPike: "I would like to see in what form that Stanley Johnston proposed this Amendment because it clearly does not simply change '1981' to '1980'. There are other substantive changes in this Amendment besides that. I would like to see the proposal as Stanley Johnston made to correct the technical errors. If that was his proposal to the Legislature, I would like to see it in writing where he said and how he suggested that we could change the technical errors."

Speaker Daniels: "Representative Schuneman."

Schuneman: "Mr. Speaker, there were two errors created by or caused or made, rather, by the Reference Bureau. One was the date, Representative McPike, which you have mentioned and which we've responded to. The other one was, that we had given instructions to the Reference Bureau to reinstate dependent's allowances in the Unemployment Compensation Act. Those dependent's allowances were, in fact, reinstated in other parts of the Bill, but the Reference Bureau erred in that they did not reinstate those dependent's allowances in one Section of the Bill. So, through an error of the Reference Bureau the Bill, one Section of the Bill becomes inconsistent with the rest of the Bill, and I submit to you, Mr. Speaker, that the Reference Bureau should never have issued the Amendment in that way. That they...that it is a flaw created by the Reference Bureau and we are attempting to correct that flaw by an Amendment proposed by the Reference Bureau and I think the only ruling you can make, Mr. Speaker, is that

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this Amendment is in order."

Speaker Daniels: "Representative McPike."

McPike: "Mr. Speaker, it is clear to the Chair that these are not technical changes. Now, this is a disservice to the House to say that Members do not have the responsibility to read the Amendments before they are offered and it can then come on the floor at a later time, make substantive changes to Bills and Amendments and tried to blame the Reference Bureau. This is a complete disservice to even suggest that the Reference Bureau is involved in this and that these were not Republican proposals to begin with. These were clear, definite changes in the law and this is a substantive change to that Bill, and it's a disservice to every Member here to try now to blame the Reference Bureau. This has nothing to do with any technical changes that may or may not have been made by a clerk in the Reference Bureau. This is a fraud and you know it."

Speaker Daniels: "Representative Matijevich."

Matijevich: "Well, I would like to reiterate that point of order. It's very unfortunate, Ladies and Gentlemen of the House, that this is coming up on a Bill like this where my point of order would be misinterpreted because I think the Members ought to know that this is a very dangerous precedent that we are following, if we allow .35 (i) to be used in this instance, because these are not technical errors. It is obvious that they aren't technical errors and it is obvious too that if they were, the Amendment would not be offered by the Gentleman Sponsor. The Reference Bureau would have proposed it on their own initiative, which they haven't. That rule is there for the purpose that the Reference Bureau shall propose Amendments where there are technicalities to be prepared on their own initiative and we've used that rule on occasion. But to

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use it in this instance when rather than this rule, the Gentleman Sponsor ought to be amending another Section of 35 and the reason that he is not is that he knows that he's got to wait another Legislative Day, but to use this ruse on the Members of the House and thereby, I think, subverting the whole intention of all our rules, is a real dangerous precedent. And again I add to the Members, that it is unfortunate that it is on this type of Bill because I don't care what type of Bill it is, all of us Members should stand in opposition to trying to use 35 (i) and I would urge, I would even urge the Gentleman that sponsored the Bill that he reconsider. He ought to know what he's doing. I think that his whole reputation is jeopardized as a Member because it ought to go around all through the State of Illinois that a Sponsor is subverting the intention of the rules and I don't think he should, in this instance or ever."

Speaker Daniels: "The Gentleman from Marion, Representative Friedrich."

Friedrich: "Mr. Speaker, I think we are overlooking one thing, they are reading part of this Bill or this rule. It says 'formal or technical problems' and certainly, this is one of those because of the intent was clear to amend...make it ..the Bill consistent all the way through and it is a very involved Bill. So, they just didn't amend the one Section which they were suppose to have done and this merely makes the Bill consistent and that's all that this actually, is being taken for. I think it is ironic that this Amendment would help the very people that the Gentleman on the other side proposes to be trying to help, and I can't quite understand his objection because this would certainly make the Bill more palatable to them but beyond that, it's my opinion that this does conform to rule 35 (i)."

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

Yourell: "Thank you, Mr. Speaker. Did I understand the Sponsor of this Motion to say that the Reference Bureau had made a mistake?"

Speaker Daniels: "The Sponsor of the motion said that the Reference Bureau had made an error. This Bill is now on Second Reading."

Yourell: "The Reference Bureau had made a mistake. Well, that's contrary to the opinion that is held by some Members of this House that the Reference Bureau never makes any mistakes and every product that they hand out is true and nonerroring."

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

Tuerk: "Mr. Speaker, Members of the House, not only does this conform to the rules but in response to the previous speaker the Reference Bureau is capable of making an error on occasion. It did truly, make an error. It was not the intent of the Sponsor to roll back the benefits. I think he's doing us not only a service to this House but a service to the whole State of Illinois, and I think this Bill should go back to Second Reading. The Amendment ought to be considered and then it should be returned to Third and considered for a final vote."

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

Katz: "Mr. Speaker and Ladies and Gentlemen of the House, there seems to be no limit to which the other side of the aisle will go today, and yesterday, and a few days ago. Now, very obviously, I've been around here a long time. I've been around here for eight terms and we've always had certain rules that we've played by. We could fight with each other but we never involved the legislative agencies

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in our fight. They are people who serve all of us. The Reference Bureau is my agency as much as it's Mr. Friedrich's agency. He may head it but it's my agency and I have never, ever try to use it in the way to influence the course of events on the floor, here. Now, once we begin this process there will be no end to it. It happens that you have a majority and you may control the Reference Bureau at this moment. If you look at the Amendment and hear what has been said, it is very clear the sneaky maneuver that is being attempted here. This Amendment to 37 (i) was put in because, really, there are sometimes problems that the Reference Bureau discovers and it has to be corrected before the engrossing process is completed and so the language is very clear. That, at the request of the Chief Sponsor for the purpose of offering an Amendment, proposed by the Legislative Reference Bureau to correct technical errors in the Bill or to resolve formal or technical problems. Now, what do the Gentlemen say? They say that they went to the Reference Bureau because they discovered that something hadn't been put in the Bill that they had requested be put in the Bill. That's not a technical error. That's not a formal error. That's not something proposed by the Reference Bureau. It is the responsibility of a Member of this House to read the Bills that are drawn. We have put a provision in to assist the Reference Bureau and to insist the Enrolling and Engrossing Unit to do the job and they are now seeking to mis-use that provision to flout another provision that we have in there which requires that once a Bill is amended that it has to be heard the next day. We have that provision in out of fairness because any Member ought to be entitled to study the Amendment over night before they have to vote on it. Well, I would say that it is a low blow to bring the

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Reference Bureau into this. I am disappointed in the distinguished Gentleman, Mr. Friedrich, who, while he presides over that agency has no concern about protecting its reputation or insulating it from the partisan considerations on this floor. I ask them, really, if they really have concern for the integrity of the Reference Bureau and the Legislative Council that they leave them out of our fights. That they fight on their own ground with us in a partisan way but do not lay a hand on the Reference Bureau or the Council because those agencies belong to us as much as they do to you, and I'm deeply disappointed that you would use this sneaky maneuver to try to bring the Reference Bureau into a partisan matter on this floor, and I ask again that they reconsider before they do this."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would first like to call the attention of the Membership, if you have a copy of the Rule Book before you, to Rule 35 (i). What Rule 35 (i) says, is that on the one hand the Legislative Reference Bureau can offer Amendments to correct technical errors or on the other hand, Members can offer Amendments to resolve formal and technical problems arising from Amendments already adopted. Now, it would seem clear to me that what we're doing is the latter course, which is thoroughly permitted by the rules. But let me go on to something more significant. The real function, as Representative Katz has already mentioned, of rules, is to create an orderly process before the House. Now, what that means is, is to bring issues before the House in an orderly fashion, in my judgment. The issue has been thoroughly litigated here. It's been thoroughly discussed. I think everybody knows what's going on in

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this, totally. Everybody knows the substance of the Amendment. Everybody knows the purpose of the Amendment, and I think people are being..bearing witness to a very orderly process but beyond that there is another issue here. The other side would suggest that the Amendment is a substantive Amendment. Now, let's take that under consideration for just one minute. If the Amendment is a substantive Amendment, it's an Amendment that's in favor of the working man. It's an Amendment in favor of labor. I can't believe the other side could oppose an Amendment in favor of labor if it were a substantive Amendment, and for that reason alone, I would urge the other side to suggest, that this must be a technical Amendment. The only reason they could oppose the Amendment would be if it were a technical Amendment because if it were a substantive Amendment they would certainly would not care to fight against organized labor and the common man."

Speaker Daniels: "The Gentleman from Whiteside, Representative Schuneman."

Schuneman: "Well, thank you, Mr. Speaker. There's been a lot of rhetoric on this issue and frankly, I understand the...some of the points that have been made on both sides. I'll have to say that I resent some of the comments made by the former Chairman of the Rules Committee. To stand on the floor of this House, and suggest that I'm trying to pull off something sneaky or a low blow and that some how we control the Reference Bureau, Representative, you know better than that, and I think that's a little bit below you."

Speaker Daniels: "Ladies and Gentlemen of the House, it is the ruling of the Chair that House Bill 228 is on Second Reading for the purposes of a technical Amendment pursuant to Rule 35 (i). Amendment #5, Representative Schuneman."

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Schuneman: "Thank you, Mr. Speaker. When 228, when the Amendment to 228 was drafted, it was my intent and it was my instructions to the Legislative Reference Bureau that the Amendment be drafted in such a way that Unemployment Compensation benefits be frozen after the next increase which will effect in June, 1981. That was my intent, that was my instruction. The Bill as it was drafted or the Amendment as it was drafted and adopted had the date '1980' in there, instead, and it was purely a typographical error or some kind of an error within the Bureau. Also, as I mentioned before, it was my intent to reinstate the dependent allowances that are presently in the law. That was done in the Amendment to 228 in every respect except in one Section of the Bill where that wording was left out. Amendment #5 would simply correct those errors and I offer the Amendment."

Speaker Daniels: "The Gentleman has offered Amendment #5. On that Amendment, the Gentleman from Madison, Representative McPike."

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

Speaker Daniels: "He indicates he will."

McPike: "Representative Schuneman, you've indicated to the Body that this is a technical Amendment that was a misunderstanding. That you had never intended to take dependent's allowances out of the law and they simply left the words 'plus dependent's allowances' out. Is that my understanding? It was not your intent to take out dependent's allowances, is that your explanation?"

Schuneman: "In the Amendment to House Bill 228, Representative, it was not the intent to delete 'dependent's allowances'."

McPike: "Okay..."

Schuneman: "Now, I think you are mixing up..."

McPike: "No, I'm not..."

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Schuneman: "...What I said, but that's what I said."

McPike: "Fine. It was not your intent, if you could follow me I would like to go through this Amendment with you and ask you a question on it. You change, on line 3, you add the words, 'plus dependent's allowances' after the word 'amount'. Is that correct?"

Schuneman: "Would you hang on just a minute, please? I'll get the Amendment. Yes, that's correct, Representative."

McPike: "And you did that and the Reference Bureau misunderstood and left those words out, so that you could then bring...because you wanted to keep it in conformance with present law. Is that what you're saying? They simply left those words out and you wanted to keep this in conformance with present law?"

Schuneman: "I did not want to delete 'benefit's allowances' in this Amendment."

McPike: "Fine. And then on the next place where you add 'plus dependent's allowances', that is on line 5 after the word 'period'. Now, I would submit to you, Mr. Sponsor, that by adding the words 'plus dependent's allowances' in this spot, you are putting into law something that we have never seen before. This is a complete new idea. We have never added dependents allowances to gross wages but that's what you're doing. You're not making a technical change, this is substantive. You name one place in law where we say that your weekly allowances depend on ...depend upon your gross income, plus your dependent's allowances. There is nowhere we have ever did that, and you know it. Can you cite anywhere in current law where we say, your weekly benefit this week will depend upon your gross wages, added to your gross wages the dependent's allowances that you received last week? This will change your weekly amount that you receive every week."

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Schuneman: "How does it change it, Representative?"

McPike: "I just explained..."

Schuneman: "Does it increase it or decrease it?"

McPike: "You have put forth to this Body that this is a technical change, and now you're asking me if it increases or decreases it. You are making a change in the law. Something we've never had before and are telling this Body that it's a technical change. Now, I would have to agree with Representative Katz, that that's sneaky."

Speaker Daniels: "The Gentleman from Lake, Representative... Representative Schuneman."

Schuneman: "As you very well know, there are dependent's allowances in the unemployment compensation law. Those allowances are added to the benefit, are they not? Well, of course they are, and what we are attempting to do here under this new method of computing the number of weeks that a, well, I'll try to respond to the questions, Mr. Speaker, if I'm allowed to. What we're trying to do here is simply make this part of the Act consistent with the rest of the Act. There is nothing new intended here at all except the new provision which was a part of the Amendment to 228. That's already in there. The thing that you're complaining about is already in the Amendment."

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

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, I need, I intend neither to vote for nor against this Amendment because we really, in my mind, are voting on a nullity. This whole procedure, I think, is one that we've never done before. It is dangerous. I'm going to ask that my name, and I'm sure, Harold Katz's name and Jim McPike's name, we are going to write a written dissent and that that be journalized. I think the Sponsor has just told us that

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what he's trying to do with this new provision. Right after that he said it's nothing new. That's how confusing he is about his own subject matter. We know what he's trying to do, he's trying to subvert the rules so that he can hear this issue today but I believe, like Harold Katz, that we've got to live by those rules and I, therefore, as I say, intend not to vote for, nor against but 'present' on this Amendment and also, I'm going to journalize the dissent."

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

Katz: "Mr. Speaker, would you kindly get the original of the Amendment in front of you when I ask my inquiry, please? I have just spoken to the Director of the Legislative Reference Bureau and he advises me that when Amendments are proposed by the LRB pursuant to Rule 35 (i) that it is stamped 'proposed by LRB' and, for example, I have in my hand here, Amendment #1 to House Bill 600 that bears the stamp proposed by LRB. I would like to inquire as to whether the original of Amendment #5 to House Bill 228 bears a stamp proposed by LRB? And I would like further to inquire as to whether if it does not, how can it come within the province of Rule 35 (i) since that is directed to Amendments that come from LRB as their proposal? Would you answer, first, whether the original of that Amendment bears a stamp proposed by LRB?"

Speaker Daniels: "We're looking at that right now, but in the meantime, Representative Friedrich."

Friedrich: "Mr. Speaker, Members of the House, I don't know what...how you define the word 'proposed' but when we went down to find out how to correct this, this is the proposal he made and drafted the Amendment. Now, if that isn't proposed, I don't know what proposed is, maybe you have a different definition of proposed than I do but that's what

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my Websters Book says. This is his solution. I'd like to inquire, Mr. Speaker, if you've ruled on this? If you do, then the alternative for those across the aisle is to appeal the ruling of the Chair."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I thought that I had resolved Mr. McPike's problem and Mr. Matijevich's problem a little bit earlier, apparently I didn't. The language in 35 (i) does not require the Legislative Reference Bureau to propose an Amendment. It requires the Legislative Reference Bureau to provide an Amendment where it's to correct a technical error in the Bill but it lets a Member propose an Amendment to resolve formal or technical problems arising from previous problems in the Bill."

Speaker Daniels: "Mr. Katz, Mr. Vinson's point is well taken and that's how the Chair will so rule. Alright, Representative McPike, Gentleman from Madison. Mr. Katz, Gentleman from Cook."

Katz: "Mr. Speaker, my first question to you, Sir, was whether or not the original of Amendment #5 to House Bill 228 bears the stamp proposed by LRB? You have not given us the answer to that question."

Speaker Daniels: "No."

Katz: "Alright, now if that is so, Mr. Speaker, this certainly gives the lie to the proposal that has been made. This is not a 35 (i) Amendment. It was not proposed by the Reference Bureau. It is perfectly apparent to every Member of this House that anyone can walk down to the Reference Bureau and say you didn't draw the Amendment I gave you, now give me one and march down to the floor and say that it should be able to be... come in under 35 (i) because they

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didn't draft the Amendment I told them about. That is not a 35 (i) Amendment. A 35 (i) Amendment is an Amendment and I quote, "proposed by the Legislative Reference Bureau to correct technical errors in the Bill or to resolve formal or technical problems arising from Amendments". Now, Mr. Speaker, if this, if the original of this Amendment does not bear the stamp proposed by LRB it is very clearly not an appropriate Amendment under 35 (i), and I would ask you and the Parliamentarian to rule, Sir, that this Amendment is not in proper form to proceed under 35 (i) and that the Sponsor must proceed like the rest of us ordinary people in this House, without clout we got to live by the rules and we want everybody to live by those rules, Mr. Speaker."

Speaker Daniels: "Mr. Katz. Mr. Katz, Ladies and Gentlemen of the House, the Chair has ruled this Bill is on Second Reading for purpose of Amendment #5 pursuant to Rule 35 (i). That was the ruling of the Chair, that is the ruling of the Chair. We are on the Amendment, Representative McPike, speak to the Amendment, Sir."

McPike: "I move to appeal the ruling of the Chair."

Speaker Daniels: "It's too late for that, Sir. We returned that sometime ago. Representative Madigan."

Madigan: "That's precisely what your Speaker did on the day of the Governor's State of the State address which threw this House in a total turmoil. In a Democratic society, you can never deny a person a right to appeal the ruling of the Chair. You're intelligent enough to know that and I would hope that your smart enough to stand up there and to show some personal integrity and not to be covering up for lies that are coming out of that side of the aisle. One of your Members has stood up and said that an Amendment has been proposed by the Reference Bureau and you don't have the courage to tell us whether it has the Reference Bureau's

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stamp on it. I suspect, because it doesn't. Now, you have a personal reputation to carry and if these people over here want to engage in lies and use state agencies to accomplish their purpose don't become a part of it and don't deny a person a right to appeal the ruling of the Chair."

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

Telcser: "Well, Mr. Speaker, Members of the House, the Minority Leader's self-righteous indignation really doesn't sound to sincere to me. It's a typical partisan harangue in order for the Gentleman to try and rouse a few votes toward his point of view. It is something we did, indeed, talk about the first few days of this Session and as I recall, I said something to the effect that any high school student knows how that works. The fact of the matter is, is that the Gentleman at that podium is doing his best to handle a great many parliamentary inquiries and there is indeed a sincere difference about how rule 31 (i) or whatever the number is, 35 (i), should be interpreted and the Minority Leader ought not try to polarize this into something to which it really is not. Now, if you give the Speaker an opportunity to look at inquiries and think about them, I think you'll find him to be very fair. And perhaps a lot fairer than you deserve because it seems to me, you thrive on hollow, partisan attacks which have little if any substance."

Speaker Daniels: "Ladies and Gentlemen of the House, we are on Amendment #5. We are moving to a vote on Amendment #5. Representative Madigan."

Madigan: "I'd like to pose a question to the Great Defender of Civil Liberties who travels in all of the liberal circles of the Northside, Mr. Telcser. Do you think that a Member

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of this Body has a right to appeal the ruling of the Chair?
Would you answer on the record?"

Speaker Daniels: "Representative Telcser."

Telcser: "I think the Minority Leader before he draws a
conclusion ought to wait until the Speaker finishes making
a ruling."

Madigan: "He has already said that a person cannot appeal the
ruling of the Chair, and he has already said that there is
no stamp on the..."

Telcser: "The Minority Leader knows full well that motions from
time to time are in order or are not in order. Now, I have
not been involved in this debate and I don't know under
what circumstances you or someone else put a motion but you
know very well, Mr. Minority Leader, that motions are in
order at certain times and not in other times and I now
commend you after all your years in public life of being
considerate of civil liberties because your record is
certainly lacking in that area every since you became
active in public life."

Speaker Daniels: "Ladies and Gentlemen of the House, Ladies and
Gentlemen of the House, the Gentleman requested an appeal
of the Chair. That request was untimely since the matter
was already returned to Second Reading pursuant to
House..pursuant to Rule 35 (i). The Chair ruled that that
request was untimely. Representative Katz asked a question
whether or not it bore the Reference Bureau stamp. That
question was answered. Representative Katz heard the
answer, the answer was no. The Chair has ruled, in
accordance with 35 (i), this to be a technical Amendment
pursuant to the Sponsor's explanation. Representative
McPike has moved to appeal the ruling of the Chair. The
question is 'shall the Chair be
sustained?'...overruled...'shall the Chair be overruled?'

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If the Chair is to be overruled, you will vote 'aye', if not you will vote 'nay'. The voting is open. Representative Davis."

Davis: "Well, thank you, Mr. Speaker. I'm voting 'no' on the motion because it was very clear to me and the record will indicate a great many minutes ago, probably eighteen minutes ago you made the ruling. Representative Vinson was absolutely correct and it seems to me that we're losing sight in this partisan issue, we're losing sight of the decorum of this House. I for one, am sickened by these personal attacks from both sides of the aisle and I hope you can restrain yourselves, Gentlemen, so we can go about the business. I would further point out to you, Mr. Speaker, I would further..."

Speaker Daniels: "Excuse me, excuse me for interrupting. We're going to allow everyone that speaks...that wish. I'm going to put the timer on one minute."

Davis: "I would further point out to you, Mr. Speaker, that there has been a great deal of showboating and grandstanding on the other side of the aisle for the purposes of the gallery and that the gallery are here at the sufferance of this General Assembly and demonstrations are not permitted in the gallery."

Speaker Daniels: "Representative Madigan. Representative Madigan."

Madigan: "Point of order. Explain to the last speaker that the public does not come here at the sufferance of the General Assembly. The public is here to see their Representatives doing the people's business and when the day arrives when we allow or dis-allow people to observe our activities, that's the day we're in trouble, Sir, and that's precisely the reason I'm voting to overrule the Chair. The Chair has taken a rule that was put into the rules for technical

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purposes only. They put their Members on record in out-right blatant lies which have been refuted by the Director of the Reference Bureau. Refuted by...in complete ignorance of the rule. That's why I'm voting to overrule the Chair."

Speaker Daniels: "Representative McPike."

McPike: "Three months ago, the Sponsor of this Bill and the Sponsor of this Amendment placed into this House of Representatives, House Bill 672 with the identical wording, the identical wording that appeared in his Amendment to 228. He has now...has the gall to come on this floor and said that what he introduced three months ago and what he passed out of his own Committee and what he introduced the other night, which is identical, he now has the gall to say that he instructed the Reference Bureau not to do that. Now, that is the most blatant lie I have ever seen on this House floor. I have never seen that type of conduct and for the Chair to condone it, to condone a blatant lie and try to cover it up under a technical rule brings disgrace to every Member on this floor, and it says to every person in the State of Illinois that the Republican Party...him about rather or not the laws are obeyed, the rules are followed. We will violate where we wish, when wish and we will shove down your throats anything that we desire. This is a disgrace."

Speaker Daniels: "The Lady from....Ladies and Gentleman from the gallery, we will have no demonstrations from the gallery. You are here at the pleasure of the General Assembly. The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, the very purpose for having the Reference Bureau put the special stamp on an Amendment that they have requested is to prove that it does fall under Rule 35 (i). It is obvious from

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the Amendment that was circulated on the floor here that this Amendment does not have that stamp, was not initiated as a technical Amendment on the part of the Reference Bureau and it is ridiculous that we cannot have that kind of protection and can have the rules used on whatever side of any issue that the Leadership cares to take. This is really something that goes far beyond the domain of this particular issue but one that can be used against any Member of this House at any time the Leadership so desires. The guarantee that it is requested by the Reference Bureau is provided by that stamp which is definitely lacking on this Amendment and it's for that..."(cut off)

Speaker Daniels: "The Gentleman from Lake, last speaker, Representative Matijevich."

Matijevich: "Yes, Ladies and Gentlemen of the House, the purpose for Rule 35 is for the Legislative Reference Bureau to propose Amendments to correct technical errors or to resolve formal or technical problems arising from earlier adopted Amendments. That's what it's for. All of us that were here when that rule was adopted know what...what it's for. It's too bad that we even have to appeal the ruling. It's too bad that it's become partisan and it is a dangerous precedent. I wish that some could forget the partisanship of it because we never should use this and never again but you are establishing a precedent, a dangerous one."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Gentleman from Cook, Representative Ewell."

Ewell: "Mr. Speaker, rarely in the annals of American history do we see this type of travesty or incident. I suggest that what we are about to embark on, the program that we are embarking on is a program that is fraught with lies and

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deceit. The first suggestion that I would have, is that we have the real Speaker come out and take charge and responsibility for the rulings that go down. We do not need the E. Gordon Liddy's and Mitchell's to take the blame. We no longer need the Magruders to sit up and make the explanations from the position of Majority Leadership. We're asking that the real Leader of this Body come out and assume the responsibility for the decisions that are made so he can no longer be heard to say that I didn't know and didn't..."(cut off)

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

Huff: "Thank you, Mr. Speaker. I rise on a point of personal privilege to state that I find it somewhat disturbing that in your admonishment of the gallery, that you would tell them that they are here at the sufferance or the pleasure of the Members. I think you'd be better to qualify that statement that...to explain that their demonstration might interrupt the business of the House but I would remind you, Sir, that everything in this House, including the Chair that you're sitting here belongs to those people in the gallery."

Speaker Daniels: "So noted. Representative Vinson."

Vinson: "Mr. Speaker, the purpose of explaining votes is to explain votes. The subject at hand is simply whether the Chair is supposed to be overruled on the subject of 35 (i). I would urge you to restrain Members from explaining other issues and to take the vote on this."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? The Clerk...Ladies and Gentlemen of the House, we are going to take the record and we are going to move on. The last speaker will be Representative Getty."

Getty: "Mr. Speaker, we are now considering amending a Bill not properly before us since it was tabled in accordance with

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House Rule 35 (g)..."

Speaker Daniels: "On the motion, Representative Getty."

Getty: "No motion to take from the table has been offered in accord with Rule 63 (b). We reached this Bill in clear violation of Rule 37 (a) which provides, quote, 'the point at which an order of business is left, shall be the point at which business is resumed'. We left at House Bill 554, the next Bill on the order of Third Reading is House Bill 555. The Amendment is before us under the guise of a technical Amendment proposed by the Reference Bureau, under 35 (i) when, in fact, it does not bear the stamp of Reference Bureau and it is quite obviously substantive. I suggest to you that this is a new high in violation of our rules."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this question there are 85 'ayes', 85 'nays', 1 voting 'present' and the motion fails. Amendment #5 having been moved by Representative Schuneman for adoption, all those in favor signify by saying 'aye', all those opposed 'nay'. The 'ayes' have it. Who would like a Roll Call? Representative Cullerton, Roll Call? On that question...we'll wait for the machine... just a second, we'll call the Roll Call. Amendment #5, the adoption of Amendment #5, all those in favor signify by...just a second. Excuse me. Representative Schuneman."

Schuneman: "Well, Mr. Speaker, I didn't get a chance to close on the Amendment and I would like that."

Speaker Daniels: "Representative Schuneman to close."

Schuneman: "Ladies and Gentlemen of the House, we've had a lot of rhetoric. We've heard a lot of rhetoric here. I think almost everyone..."

Speaker Daniels: "Excuse me. Representative Schuneman, excuse

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me. Representative McPike, for what purpose do you arise?"

McPike: "Mr. Speaker, why are you allowing him to open and close without allowing anyone else to debate the Amendment?"

Speaker Daniels: "Representative McPike, nobody on this floor, on this Amendment has debated it more than you. You have been called on several times. You have had every opportunity.."

McPike: "We have been debating on whether or not this was allowed under 35 (i). There has been no discussion of the Amendment. We are debating whether or not it was allowed under 35 (i), whether or not it was technical. He opened and now he's closing on a Reference Bureau Amendment without allowing anyone to even debate it."

Speaker Daniels: "Representative Schuneman."

Schuneman: "Well, Mr. Speaker, the last speaker was called on to debate the Amendment and chose to do something else. So, I would like the opportunity to close, Mr. Speaker, before we take the vote."

Speaker Daniels: "Representative Darrow."

Darrow: "Mr. Speaker, Ladies and Gentlemen of the House, a few evenings ago we adopted Amendments to this Bill without giving them serious and thorough consideration. Mr. Schuneman has offered this Amendment without going into much detail on it. It has not been discussed. I would appreciate it, if rather than closing, Mr. Schuneman would open on his Amendment so that we can have a thorough and full discussion. I don't feel that we've had that. I am opposed to putting this Amendment on or taking it off or doing anything with it until it is fully discussed, and I would ask the Chair to have Mr. Schuneman open and have full discussion of the Amendment. Thank you."

Speaker Daniels: "Representative Darrow, you have any questions on the Amendment?"

Darrow: "I would like to hear Mr. Schuneman explain the

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Amendment."

Speaker Daniels: "He explained the Amendment, Sir. Do you have questions of him?"

Darrow: "He did not explain the Amendment as to its financial effect, how much of it would be coming out of the worker's money and how much of it would be coming out of the company's money. He did not go into specific details as to the amounts. He did not fully explain it. He merely stated, I believe, that it adds dependent's benefits and from that point on there was a discussion of the technicalities of it. I would like more in-depth discussion by Mr. Schuneman since he is well versed in this area."

Speaker Daniels: "Is that a question of the Gentleman, Sir?"

Darrow: : "Yes, I would like to know how many millions of dollars this will save the Unemployment Trust Fund?"

Speaker Daniels: "Representative Schuneman."

Darrow: "....That after he opens."

Schuneman: "Well, the answer to the Gentleman's question is that this Amendment, #5 will not save any money. What it will do, is make a more liberal payment to the unemployed worker."

Darrow: "In that case, how much will it be depriving the Unemployment Trust Fund....it indicates prior to this Amendment that there would be 514.5 million dollars coming away from the employee's share. That would be taken away from the workers. There would be 44 million dollars taken from the employers. My question then is, how much is this going to hurt the Unemployment Trust Fund?"

Schuneman: "Well, Representative, I'm not sure what numbers you're looking at. If you're looking at the numbers that were prepared by the Bureau of Employment Security, who are instructed to draft numbers based upon the original intent

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of the Amendment which was going to freeze benefits as of June of 1981. Then it will have no effect on those numbers you are looking at. Now, I presume that those are the numbers you have in front of you. Those are the only numbers that I know that are creditable around here on all these issues because they are prepared by the Bureau and not by the Democratic Staff or the Republican Staff."

Darrow: "Representative Schuneman, if someone now, under your legislation, is layed off and applies for Unemployment Compensation, what will the benefits be for that individual who has a family?"

Schuneman: "The numbers, you mean after the Amendment or...?"

Darrow: "After your Amendment is adopted?"

Schuneman: "After the Amendment, the maximum amounts for a single person after June of 1981 would be \$148.00. The maximum amount for an unemployed worker with dependent spouse would be \$178.00. The maximum amount for a dependent or for an unemployed worker with dependent children, would be \$198.00. That's the purpose of this Amendment, to allow the next increase to take affect, and then freeze the benefits."

Darrow: "What would he be receiving if this Amendment is not placed on this Bill, in fact, what would he be receiving if this legislation is not passed?"

Schuneman: "The same amounts that I just quoted you. If this legislation is not passed, then he will be receiving the same amounts that I just quoted to you. The legislation does not touch the amount of Unemployment Compensation benefits to be received by an unemployed worker after June of 1981 but prior to January of 1982. It simply freezes it at that amount."

Darrow: "Alright, then let's say that in 1983, his benefits would be the same, is that correct?"

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Schuneman: "No, that is not correct."

Darrow: "Was there an inflation factor built into this then if you're freezing them?"

Schuneman: "Well, I think you're on the Bill now, Representative, rather than the Amendment but...and we'll discuss that on the Bill."

Darrow: "Alright, as far as the Amendment goes, then I have no further questions."

Speaker Daniels: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Will the Sponsor yield for a question, please?"

Schuneman: "Sure."

Speaker Daniels: "He indicates he will."

Mautino: "Thank you. Representative Schuneman, with the inclusion of the freezing, as of June of 1981, that would bring the top level to \$148.00, I believe you stated."

Schuneman: "For a single, right."

Mautino: "\$178.00 for a married with a non-working spouse, and \$198.00 for a person with dependents?"

Speaker Daniels: "For what purpose does the Gentleman from Macon, Representative Tate, arise?"

Tate: "Mr. Speaker, I think the Gentlemen are speaking to the Bill, rather than the Amendment."

Speaker Daniels: "Please, limit your questioning to the Amendment. The Gentleman from Bureau, Representative Mautino."

Mautino: "Mr. Speaker, my questions are to the Amendment, to the provisions of the freezing as of June 1, of '81. Cal, you're very familiar with supplemental unemployment benefits in the steel industry, is that not correct?"

Schuneman: "No, I wouldn't say that I'm very familiar with them."

Mautino: "Well, I have before me the sub-benefits of the Northwestern Steel and Wire Company of Sterling, Illinois."

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As it pertains to those amounts of weekly benefits that would be addressed by your Amendment under their existing contract by lowering those amounts in the basic steel industry and knowing full well that the company pays for the differential between their...their weekly wage and unemployment benefits, who would pick up the tab on the reduced weekly benefits? Would it not be the company who is under the contractual provisions of supplemental unemployment benefits almost double what they are now?"

Schuneman: "Well, Dick, you are not on the Amendment, you're on the Bill, I'll be happy to respond to your question when we get to the Bill. Right now we are trying to act on the Amendment, and I'll be happy to respond to your question when we get to the Bill."

Speaker Daniels: "Please limit your questions to the Amendments, Sir."

Mautino: "Well, you're changing the date of the freeze, I understand. You're moving it upwards. It's prospective. So, in that regard, I do feel that question is very pertinent to who will be picking up the additional cost of the reductions that are implied on that freeze."

Schuneman: "Okay, to the best of my ability and knowledge, Dick, I will respond to you this way. I am not familiar enough with the sub-pay benefits to be completely responsive to your question but I assume that if those benefits are to be paid and are contractual arrangements between the employee's union and the company, that the company would probably have to pick it up, but I, in no way want to pose as an authority on that subject because I really don't know."

Speaker Daniels: "Would the Gentleman please bring his question to a close?"

Mautino: "I'd be most happy too. I do want to have it in the

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record that I agree with what Cal said. Yes, the company is going to pick up the additional benefits according to this Amendment, and therefore, I will speak to the Amendment, Mr. Speaker. What we have.."

Speaker Daniels: "Proceed."

Mautino: "What we have in Central Illinois is those industries that are involved in basic steel not only in Sterling, Illinois but also in Kewanee and LaSalle-Peru and other areas. Those industries that are under supplemental and Peoria, as well, those industries that are under supplemental unemployment benefits with this type of an Amendment will almost double the costs to the employer as we reduce down the maximum benefits. I want everybody in this House to understand what you're doing with the Amendment. The company now that picks up \$80.00 a week in sub-benefits under unemployment compensation will probably be picking up \$150.00 because with the freeze level, the company pays the difference of what the person earns per week and what they receive on unemployment benefits. So, I hope that everybody understands what you're voting on."

Speaker Daniels: "The Gentleman from Whiteside, Representative Schuneman, to close."

Schuneman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, there was never any intent on my part or anyone else having anything to do with the Amendment on House Bill 228 to put in that Bill a freeze on unemployment compensation benefits as of June of 1980. It is ludicrous to suggest that and that's precisely what's been suggested time after time over there, and it's precisely what's been suggested to the people up in the gallery. Now, I think everybody knows better than that and it never was the intent of this Legislature to do that and it certainly was never my intent. All we are talking about here is correcting that

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error. Now, as to the point that you just made, Representative Mautino, if we are going to...by means of this Amendment, delay the freeze, then in fact, the point that you just made was in error. If there is any impact on employers it will not come until after the freeze becomes effective. If there is any impact on employees it will not be effective until after June of 1981. We're talking about...this argument has gotten into a ridiculous situation. If you favor the employer, you certainly want to vote for this Amendment. If you favor the employee you certainly want to vote for this Amendment. Let's get on with the adoption of the Amendment. If you don't like the Bill, that's another thing but the Amendment should certainly be adopted. I move its adoption."

Speaker Daniels: "The Gentleman has moved for the adoption of Amendment #5. All those in favor signify by saying 'aye', all those opposed 'no'. The 'ayes' have it. You want a Roll Call? The 'ayes' have it. Alright, Amendment #5 is adopted. Just a second, Sir. There is a request for a fiscal note. The Chair rules that the Fiscal Note Act in inapplicable and pursuant to its ruling on 35 (i) that this was returned for technical Amendment, therefore, this Bill will be placed on Third Reading. Mr. Greiman."

Greiman: "I ask for the fiscal note and I think I should at least have an opportunity to discuss that issue. There is no limitation, there is no limitation on Section 32 (e) which provides that a Bill is to remain on the order of Second Reading until the note has been supplied or determined to be inapplicable. There is no inapplicability. Every Bill must stand the critique of a fiscal note including this Bill and it's not how it comes on Second Reading but the fact that it is on Second Reading, Sir. That requires the application of Section 32 (e) and you ought not to move

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that to Third as another, another stretching of the rules, if the rules mean anything. Let him go and get a fiscal note. He can get it today, he can get it in an hour, in a minute. Let him go and comply with at least that basic rule before you overrule us, before you ride roughshod on us."

Speaker Daniels: "The Gentleman from Adams, Representative McClain."

McClain: "Thank you, Mr. Speaker. Mr. Speaker, I would point out to you that Chapter 63, Section 42.31 says, the Fiscal Note Act that every Bill that would increase or decrease local government monies or State Government monies comes under the Fiscal Note Act. Secondly, that any Member may request that Fiscal Note Act, not just the Sponsor and thirdly, that the Sponsor of Bill then should provide some sort of work sheet and how he tabulated what the fiscal note has in terms of the Bill. It says in Chapter 63, Section 42.31, 'every Bill that increases or decreases state or local monies, must have a fiscal note.'"

Speaker Daniels: "Thank you, Sir. The Gentleman from Cook, Representative Grossi, what purpose do you arise, Sir?"

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

Speaker Daniels: "State your point."

Grossi: "Mr. Speaker, I've heard references made to the integrity of Representative Schuneman. Normally, I do not wish to engage in the debate on any points unless I have really have something to say. I'd like to point out that the Legislative Reference Bureau does make mistakes. They do initiate Amendments and the Amendments that they initiate may not have that stamp that the Representative on the other side of the aisle have referred to. I would like to call the House attention to Amendment #4 on House Bill 592, a Bill of mine. That Amendment was initiated by the

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Reference Bureau. I had a personal note from the employer of the Reference Bureau indicating that he did initiate it. I think if the other side will go to the Reference Bureau and check and also check with the Clerk's Office, they will find that that Amendment does not have the stamp from the Legislative Reference Bureau. I've a note. I do not wish to name the employee's name. Any Member of the opposite side is welcome to come over to my desk and take a look at the note or talk to that employee themselves. Thank you."

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

Greiman: "Thank you, Mr. Speaker. I rise on this point of order that it is not for the Chair to determine the necessity of fiscal notes under the Fiscal Note Act. Section 42.30...33, says, 'whenever the Sponsor of any measure is of the opinion that no fiscal note is necessary, any Member of either House may, thereafter, request that a note be obtained, and in such case, the matter shall be decided by a majority of vote of those present and voting in the House of which he is a Member.' That would mean that it is not a Constitutional Majority but merely a majority of those present and voting, that will make the decision. We do not leave that to the Chair. We leave that to the Body, Sir, and I would request that you follow Section 42.33 of Chapter 63 of the Illinois Revised Statutes. Mr. Speaker, do you intend to follow that Section?"

Speaker Daniels: "Representative Greiman, Ladies and Gentlemen of the House, the Chair has ruled that this Bill was returned to Second Reading for Amendment #5, a technical Amendment pursuant to Rule 35 (i). The Chair's ruling was appealed, the Chair's ruling was sustained. The Bill and Amendment have been heard. The Amendment was adopted. It was returned for the purpose of a technical Amendment, only

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that Amendment has been adopted. The Bill is now on Third Reading, and on that Bill on Third Reading, Representative Schuneman, House Bill 228, Third Reading. Representative Schuneman."

Schuneman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, we have now before us, an issue in which I think we are all genuinely concerned. Let me preface my remarks by calling your attention to where we are today in the Unemployment Compensation Trust Fund. As of January 1, of 1981, our Unemployment Compensation Trust Fund was in debt to the Federal Government to the tune of 973 million dollars. That's how much money we have borrowed from the Federal Government. Now, the Bureau of Employment Security has projected the experience for Calendar Year, 1981. They tell me that this year we will go further into debt, to the tune of 672 millions of dollars. This year we're going to take in 1 billion 554 million, excuse me, we're going to pay out, 1 billion, 554 million dollars and we're only going to take in, in revenues, 878 million dollars. Now, they project that our experience next year might be a little better because they are projecting that next year our revenues will be 878 million dollars and that we'll pay out 1 billion, 336 million dollars. What this amounts to, is that at the end of 1982, unless this Legislature takes some action our Unemployment Compensation Trust Fund will be indebted to the Federal Government to the tune of 2 billion 103 million dollars. Our Unemployment Compensation Trust Fund is a very leaky boat. We have been paying benefits for a long, long time to people who are denied benefits in other states. Our level of benefits is higher than it is in most other states. I think that you and I have an obligation to maintain the solvency of this Trust Fund. We have an obligation, not only for the business

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community, but we certainly have an obligation to those workers in Illinois who become unemployed through no fault of their own. Now, I'm not talking about the worker who may voluntarily quit his job or who may assault some other person in the plant and be fired for misconduct. I'm not talking about those folks. The folks I'm concerned with are the folks who may be unemployed down the road and find that you and I have let the Trust Fund go broke. Now, that's the kind of problem we're trying to deal with here today. Now, I know nobody likes to cut benefits. I don't like to cut benefits. I don't like to freeze benefits. Nobody likes to raise taxes. I don't like to do that. I'm offering to you what I think is a logical, reasonable response to the kind of problem that we have. There is no major reduction in benefits in this program for any unemployed worker who is legitimately unemployed. There is no major tax increase in here for any of our businesses which are so severely under pressure at this time. Now, I'm going to go through this Bill very quickly because I think most of you know the issue. I think most of you know how you're going to vote. First of all, the Bill provides a freeze on Unemployment Compensation benefits effective in June of 1981 and that freeze will remain in effect until June of 1983, unless the Legislature, in the meantime, decides to release that freeze. That measure would save the Trust Funds some 165 million dollars. This Bill makes it ineligible for those who have voluntarily quit their jobs to get benefits until they return to work and requalify. That would save the Trust Fund about 58 million dollars a year. This Bill makes ineligible those workers who are fired for misconduct until they return to work and requalify. That would save about 44 million dollars. About 3 million dollars would be saved by denying benefits

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to those who the Bureau of Employment Security say have refused suitable work and I want to point out to you that the refusal of suitable work does not mean that somebody is going to have to go out and take a job that pays minimum wage. It doesn't mean that at all. The Bureau has very detailed and distinct criteria for determining what is suitable work. This Bill would reimpose the one week waiting period here in Illinois. That is called for now by the Federal Government and as...is imposed and many of the states throughout the union. This Bill provides for a change in the method of calculating the weekly benefit amount. It would average the weekly benefit amount over a 26 week period instead of the highest 13 week period as we're doing it now. This would create an unemployment benefit that would be more reflective of what the employee actually earned while he was in the work force. This Bill also establishes what is known as flexible benefit duration system and all that fancy talk means, is that those people who have no particular attachment to the work force would no longer be able to work for four or five weeks a year and then ride the system for 39 weeks. Next year, work for four or five weeks again and ride the system for another 39 weeks..."

Speaker Daniels: "The Gentleman will bring his remarks to a close."

Schuneman: "What this provides is that there would be a limitation on the number of weeks that could be collected dependent upon what the period of time that the employer worked. Now, the other major provision in here is a version of the Amendment that has been offered by a number of Democrats, including Representative Mautino, and Hannig and others, McClain, I believe offered one. Which has to do with the maximum tax rate for small business. We would

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retain the 2.7 maximum tax rate for any small business that has a payroll, a total payroll of up to 50 thousand dollars per quarter. The...that provision, the minimum rate up to 40 thousand dollars which is presently in the law, would be lost to the larger employers but not to the small employers, and in essence, Mr. Speaker, this is what the Bill does. I think it's a very reasonable response to the kind of problem that we're facing, and if we don't do something here in Illinois pretty soon, we're going to have a very, very serious problem with our Unemployment Trust Fund, and I would urge the adoption of this Bill."

Speaker Daniels: "The Gentleman from Madison, Representative McPike, on the Bill."

McPike: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House, could I have some order, please?"

Speaker Daniels: "The Gentleman asks for some order."

McPike: "Thank you very much. There were negotiations this year to see if we could come to an agreement between both sides of the aisle because the Unemployment Trust Fund is in...is having problems. They are in debt over a billion dollars, and it was suggested that we reduce benefits by 200 million dollars and we increase taxes by 200 million dollars for a total savings of 400 million dollars. This Bill that's before us now addresses the problem slightly different. They take 400 million dollars out of benefits and they only add 44 million dollars in new revenues. I think it's interesting to see where the 400 million dollars fall the heaviest. First of all, they impose a waiting week. Under current law you have to be unemployed for three weeks before you can collect for the first week. What they are saying here is that you will never collect for the first week of unemployment. We don't really care that you have to feed your children or you have to pay for your rent or

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you have to pay for your food. You simply will not be paid for your first week of unemployment, period. The Federal Government...the Federal Government does not call for this. The Sponsor of this Bill has another Bill to bring us into compliance with federal law, and that is not even mentioned in there. Federal law does not require this. It's just an idea that they have come up with. Second thing it does, it attacks the construction trades. They will compute benefits over two calendar quarters, over the highest two calendar quarters instead of the highest calendar quarter. Obviously, who is that going to hurt the most? Those in construction. Those that may happen to work more in the summer than they would in the winter. It attacks carpenters, and brick layers, electricians, everyone throughout this State that works in construction and it might be interesting to note that unemployment in this State, right now, amongst construction trades is running at 20%. Next, who does it hurt? It hurts the working poor. It hurts the working poor the most. Those people that are making \$10,000 a year will be reduced, their total benefits under this will be reduced by about 15%. Those people making \$7,000 a year who would now be eligible for \$2,000 in benefits will be....\$2,300 would have that reduced to \$1,700. A 20% reduction. The same way with 10,000, 12,000, and 15,000. You are hurting the working poor. You are not trying to make...to bring equity out of this, to make the manufacturer pay for the unemployment. You are taking the unemployment out of those that are unemployed. When the State unemployment rate is at the highest level in years, you're saying that those who are not responsible, those who are employed and especially the working poor are going to have to pay the most. Now, finally let me tell you what the Bill does. Many people on both sides of the

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aisle have said that they will not vote for a reduction in Workmen's Compensation, in Worker's Compensation this year, not unemployment, workers. Many people on both sides have said they will not vote for a reduction in Worker's Compensation. You might be interested to know that the maximum benefits paid under Worker's Compensation are directly tied to the statewide average weekly wage by law as defined by the Bureau of Employment Security. So, that when we freeze weekly unemployment benefits, as we are doing here, we are also freezing the maximum amount allowable under Worker's Compensation. Two years ago, I'm sorry, a year ago we froze the maximum amount for partial disability, for permanent partials, but this will freeze benefits for death benefits, amputations, total disability, and temporary total disability. So, you're not just talking about unemployment here. You're freezing benefits for those people, not just unemployed, those people hurt on the job, those people who lose limbs on the job, and those people who are killed on the job. You are saying to them, that we will not only take this out of the working poor, out of the unemployed, but we will take it out of those who are maimed and killed working in this State. Now, many of you have pledged that you wouldn't do that this year and there's no way of getting around it. This freezes benefits for unemployment and Worker's Compensation. You go back to your districts and tell the people who had their eyes put out and their legs cut off. You tell them what you did in Springfield this year. You stood up on the floor and voted to cut their benefits."

Speaker Daniels: "There will be no demonstrations in the gallery. Representative Tuerk."

Tuerk: "Well, I was trying to get your attention, Mr. Speaker. You were preoccupied. The Gentleman that just spoke was

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not speaking to this Bill. He was speaking to Worker's Comp, which is another issue and another important issue we ought to be addressing. But in response to that speaker and in response to the Sponsor of the Bill, I think the Sponsor of the Bill, in fact I feel very emphatically, that he outlined why it's important to make some very meaningful changes in the Unemployment Compensation Act, and that is, merely and very pointedly, that the Trust Fund of the State of Illinois is bankrupt, and he pointed out most emphatically that the Trust Fund of this State is even going in farther into debt. If we continue to go down this merry road of allowing those that don't have any right to draw Unemployment Comp benefits, that right, and the fact remains that it's going to cost the State of Illinois a penalty if we continue this practice. A penalty out of the General Revenue Funds of 100 million dollars a year, which is further going to put the State of Illinois in the financial jeopardy. He has pointed out to you the provisions of House Bill 228. There are no onerous provisions in this Bill. The fact remains, we have to do something to bring some semblance of order...of...back into the financial chaotic situation that we're in today. The trust fund is in debt. It's going further into debt. This Bill addresses that issue. I think it's a very reasonable, logical approach. I think we ought to put on plenty of votes on this Bill to pass this out of this House because it should become law."

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

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

Speaker Daniels: "The Gentleman has moved the previous question. Question is, 'shall the main question be put?'. All those in favor signify by saying 'aye', all those opposed 'nay'."

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The 'ayes' have it. The Gentleman, Representative Schuneman, to close."

Schuneman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I think that the time has come for us to put up or shut up. We've all run for re-election, we've all talked about the business climate in Illinois. We all know that Unemployment Compensation is a leaky boat and we can't keep that boat afloat if we continue to have the holes in our boat. Now, we are trying to close some of those holes. We are not trying to shoot down the working man. We're not trying to take away benefits from the legitimately unemployed working man. Now, there were some comments made by those on the other side having to do with Worker's Comp. I would point out that the Gentleman is in error. It is true that Worker's Comp. is based upon the increasing statewide average wage. It is not true that this Bill would have anything to do with stopping those calculations to continue to go up on Worker's Compensation. This Bill has no impact on Worker's Compensation. It addresses only Unemployment Compensation. Now, there's one other issue that I want to bring before you. I think you can make up your own decision whether or not you want to continue benefits for people who voluntarily quit their jobs. For those who are fired for misconduct, whether or not we should allow people to work one quarter out of the year and get high Unemployment Compensation benefits based upon that relatively casual attachment to the labor force. I think you can make up your own mind on those things but do you realize what the Federal Government is considering doing? The Federal Government, the Congress has before it right now, several Bills which will require those states, like Illinois, who have made heavy borrowings from the Federal Government, they are going to require that we begin paying

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interest on what we borrow. Now, one of those Bills, one of those proposals would start that in this month, May of 1981. I don't know that that will be effective but there are other proposals that would institute this in October of this year. Now, when that is instituted, if for example, during the next calendar year after that becomes effective, Illinois should borrow as much as a billion dollars, which is what it appears we may have to do. 10% interest, which is what is proposed, would amount to 100 million dollars. Now, who's going to pay that interest? Now, does it come out of the Unemployment Trust Fund? No, no, it's going to come out of the General Revenues of the states who borrow. So, if you have any interest at all in protecting the State of Illinois, the General Revenue Fund, and curing the Unemployment Compensation problems that we have in Illinois, I think you should vote 'aye' on this Bill. Let's get a vehicle over into the Senate, let's bring the Senate's attention to this matter and try to get some kind of an agreement out of here. Now, this Bill may not pass in its final form, that is, it may not pass the House and Senate and to be signed by the Governor but certainly it can become a vehicle for meaningful change in Unemployment Compensation. It can't do that unless you vote for this Bill today and get something out of this House and over to the Senate. I urge an 'aye' vote on what I think is perhaps one of the most important issues before the General Assembly this year."

Speaker Daniels: "The Gentleman, Representative Schuneman, has moved for the passage of House Bill 228. All those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. The Gentleman from Winnebago, Representative Giorgi, to explain his vote. The timer is on."

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Giorgi: "Well, Mr. Speaker, you know, I've been trying to get your attention and I've tried to maintain my orderliness but you have ignored me and I think you ought to disregard my minute because you've deprived me of a half a dozen minutes. Now, I've got a few things I wanted to say and I wanted say when you asked me to not...when I spoke with you personally you said, let's expedite these things. I'd like to say a couple of things. When a Legislator is sent down to Springfield to present Bills and to represent his constituents, it's his responsibility, only, to know what's in that Bill. He should understand his Bills so well that they can't cast dispersions on the fellow I've known for many, many years who's done a great job in the Reference Bureau and I think the Sponsor of this Bill ought to apologize to him publicly, and the Chairman of the Legislative Reference Bureau ought to be made to apologize also, because he tried to gloss over that error. Now, what I want to talk about, is what's happening all over the State of Illinois. You know we're talking about people, 16,000 people can't find jobs in Rockford. 15,000 people can't find jobs in Peoria, in the Sponsor's town, 10% of his people can't find jobs and he wants to hammer them into the ground. The State of Illinois gross per capita income is 115 billion dollars a year and he's crying about 800 million dollars, which is less than 1% of our State gross income. Our public aid budget is almost 2 and 1/2 billion dollars but these guys that can't find a job, have families, have kids in schools, are paying mortgages, paying for automobiles, they want to cut them off the unemployment rolls. What do they want to start a Nazi Germany here? You'd think these guys are from the caves. They're cavemen, they are Neanderthal. They ought to go back and talk to there confessors. You are talking about

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people that wake up on a Monday morning and their utilities are going to be cut off. Their gas bills are due and they're going to be cut off. Their grocers cut off credit. They're are going to repossess their cars, repossession is the highest number in history. Bankruptcies are up, and you want to make it worse. What's the matter with these people?"

Speaker Daniels: "The Gentleman from Macon, Representative Tate, to explain his vote. The timer is on."

Tate: "Well, yes, Mr. Speaker, Ladies and Gentlemen of the House, several Members have risen and have already stated the condition of the Unemployment Trust Fund. The Bill saves 514 million dollars, it puts the State in the right direction. I'm glad to see again that the Democrats have appointed themselves to lead the parade for the working poor, for the construction trades, to make claims on how many jobs are saved and how they can protect the interest of these groups. But they haven't said and they haven't stated the jobs lost in manufacturing and small business over the last ten years. 140,000 jobs in manufacturing over the last ten years and if they want to continue to reward non-work, mediocracy, non-productivity, I think they are doing the right thing with the red vote on this vote."

Speaker Daniels: "The Lady from Cook, Representative Balanoff, to explain her vote. The timer is on."

Balanoff: "This Bill and the other anti-labor Bills that are coming up are so bad that in order to be able to vote for them, in order to make them more palatable, you would have to eat a toad before breakfast before you could vote on them. When they write the history, don't let them say that in the year 1981, in Illinois, it was the time of the toad."

Speaker Daniels: "The Gentleman from DeKalb, Representative

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Ebbesen, to explain his vote. The timer is on."

Ebbesen: "Well yes, in explaining my vote, I'd just like to respond to one of the speakers on the other side of the aisle from somewhere up near Rockford or in Rockford. That you know if we look back at the Roll Call, back in 1975, he talks about unemployment and one of the contributing factors to unemployment in this State, business and industry failed to recognize that they should or could expand here based on the impact of Senate Bill 234 and 235 and Workman's Comp, Unemployment Comp. I think the other Bill was Senate Bill 285 but from the looks of the Roll Call, he helped create this unemployment. Where industry not only is thinking about leaving the State, they failed to expand in this State and certainly, any business or industry that was thinking about coming here, takes a look at what the atmosphere is and we've done everything to create an atmosphere. This is certainly not very conducive to jobs and good employment and high employment. So, if we go..."

Speaker Daniels: "Please bring your remarks to a close. He's done. The Gentleman from Rock Island, Representative Darrow, to explain his vote. Timer's on."

Darrow: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Representative McPike indicated that there was an agreed Bill process. That labor would give up 200 million dollars for the Trust Fund and business would give up 200 million dollars of the Trust Fund. Business walked away from the table and it's obvious today why. Instead of giving up 200 million dollars, they're only giving up 44 million. The workers are expected to give up 514 million. This is money out of the mouths of the construction worker and his family, the truck driver and his family, and the shop man and his family. The Trust Fund is going to go broke if we don't do something but there should be a little

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equity. We should go back to the agreed Bill process. We should equitably distribute this and we hear of this being a vehicle. This is not a vehicle, this can't get anywhere. You've violated so many rules today that it'll be challenged in every court in this land. We should go back to the agreed Bill process and forget about this lunacy legislation..."(cut off)

Speaker Daniels: "The Gentleman from Champaign, Representative Wikoff, to explain his vote. The timer is on. Representative Wikoff. Try the microphone behind you, Sir. You got one there that works now? Okay, use that one."

Wikoff: "Okay, it's on now, I think. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We have before us an opportunity to rectify a situation that has long been plaguing not only the businessman of this State but also the working man of this State. I have in front of me a letter, or an article that came out of the commercial news in Danville for an organization which left and went to work, located in Ohio. The main reason that they chose to do so was because of the Workman's Comp and Unemployment in Illinois that are direct cost that have to be born by the company. It's factual, it's happening all the time. We have an opportunity to rectify a very serious situation. We're only talking about..."(cut off)

Speaker Daniels: "Bring your remarks to a close, please, Sir."

Wikoff: "Okay, thank you."

Speaker Daniels: "The Gentleman from Cook, Representative Bullock, to explain his vote. The timer is on."

Bullock: "Well, Mr. Speaker, I am certainly sensitive to the needs of the business in the State of Illinois. But one of the previous speakers from that side of the aisle just got up a few minutes ago, from Macon County, not only did he bastardize the English language, but he reminds me of

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reincarnation of Archie Bunker. And I would say to the people of the State of Illinois that believe that hocus-pocus that he's laying down, that to put that man in charge of the interest of working people in the State of Illinois is like taking dracula and putting it in charge of a blood bank. I don't think that man has ever worked a day in his life and I know he hasn't since he came to the Legislature."

Speaker Daniels: "The Gentleman from Hardin, Representative Winchester, to explain his vote. The timer is on."

Winchester: "Thank you, Mr. Speaker, I'm disappointed to see some of my friendly Democrats from downstate who have attended Southern Illinois Incorporated Meetings and Chamber of Commerce Meetings and stood before them and said, I agree we made mistakes back in 1975 and we've got to do something to correct Workman's Comp and Unemployment Comp, and you can rest assured you'll get my support in Springfield and then the elections come and they get the support and then when it comes time for the nut-cuttin', they're not there. Shame, shame, shame."

Speaker Daniels: "The Gentleman from Bureau, Representative Mautino, to explain his vote. Timer is on, Sir."

Mautino: "Thank you, Mr. Speaker. There is a lot of rhetoric going on but during this last two sessions, we've passed the investment credit for business. We've eliminated the sales tax on machinery and manufacturing. We've enacted product liability and we've allowed additional dollars in the bond funds for additional expansion. What you're doing here, is you're going to say to those people in those areas that have 16 to 20% unemployment that you're going to be cut off. Those people that were riding on the backs of our total system are now going to be run over by it. It seems to me that there are 91 Members on that side of the aisle

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and there's 86 on this side, if you're going to do it, do it up front. Put your 91 votes and let's get this Bill the hell out of here, if that's what you want to do. If not, let's get rid of it."

Speaker Daniels: "The Gentleman from McLean, Representative Ropp, to explain his vote. The timer is on, Sir."

Ropp: "Thank you, Mr. Speaker and Members of the House. For the third time for the Gentleman from Rockford, I, again, have today the Sun Times. It has only four pages of jobs wanted for help. I think we got a real concern here. This is a Trust Fund, it's the thing that's going to be building up to 2 billion dollars. Ultimately, will cost the State some 100 million in interest if we do not make some necessary change. This is an attempt to make some of those necessary changes that are needed to provide some security not only the working man but for the business of the State of Illinois and our State Treasurer. I urge a green vote."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Gentleman from DeWitt, Representative Vinson, to explain his vote. Timer is on, Sir."

Vinson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stand here sadly disabused of something that I was sure of, a truth. I thought that the truth would shine through in November. I thought that the people had sent a message to politicians. A message that they want to get the economy growing again. A message that they want this country moving forward again and this State moving forward again, but I see a few colleagues are going to stand in the way of progress and I suspect that when they stand in the way of progress in another election, progress will run over them."

Speaker Daniels: "The Lady from LaSalle, Representative Hoxsey,

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to explain her vote. The timer is on, Ma'am."

Hoxsey: "Yes, I really don't understand you people over there. What I observe is you people in union leadership are not in tune with your Membership when you can object to taking the abuses out of the compensation program. There's got to be something wrong. You are cutting off your nose to spite your face on driving industry out of Illinois. It's...anybody ought to know when anybody is eligible, legitimately for compensation, nobody objects to them getting it and nobody objects to them getting a good rate of compensation but for...I fail to understand why you would not want to take the abuses out of the program. It isn't even fair to those people that are legitimately eligible for the compensation that they've.." (cut off)

Speaker Daniels: "The Gentleman from Cook, Representative Giglio, to explain his vote. The timer is on, Sir."

Giglio: "Well, I'm sorry Mr. Speaker, somebody put it on."

Speaker Daniels: "Thank you, Sir. The Gentleman from Marion, Representative Friedrich, to explain his vote. The timer is on, Sir."

Friedrich: "Mr. Speaker, Members of the House, there's a question raised in one of the verses of the Bible, which says, 'What shall it profit a man if he gained the whole world and loses his own soul?' I want to turn that question around and say, what will it profit the legitimately unemployed if they get to the place where they need it and the Trust Fund is broke. These are not State funds. This is a private trust fund administered by the State and when it goes broke, it goes broke. It does not have the full faith and credit of the State of Illinois or the United States or anyone else. So, I can tell you, you may find yourself at the trough sometime and the trough may be dry. Now, for just a second, Mr. Speaker, I...there's been a lot of talk

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about rules and I want to call your attention, Mr. Speaker, to the fact that the Minority Leader and the other side of that aisle have engaged repeatedly, today, in a violation of the rule, which says that they should avoid personalities and discourteous language..." (cut off)

Speaker Daniels: "Would the Gentleman please bring his remarks to a close?"

Friedrich: "I want you to admonish those people in some of the things they are saying or in direct violation of the rules and certainly are not fitting...fit for this floor."

Speaker Daniels: "The Gentleman from DuPage, Representative Hudson, to explain his vote. Timer is on, Sir."

Hudson: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I've listened to a flood of oratory from the other side this afternoon, but with that flood of oratory only a few drops of reason. I feel that Representative Schuneman has presented his case in a reasoned, a calm and a cool manner. He has likened this unemployment situation, insurance situation to a leaky boat. I would suggest, in addition to that, we could liken it to afford to floor the sink hole which is; a situation if continues, things are going to drop into it. Our...the benefits for our workers that legitimately need these benefits are going to drop into this sink hole. So is the employment situation here in Illinois. So is the business climate in Illinois. Business is already fleeing and I would suggest to you, my friends on the other side of the aisle, that unless we want to see Illinois become increasingly a business sink hole in this great country of ours, we better do something and we'd better do it..." (cut off)

Speaker Daniels: "Please bring your remarks to a close."

Hudson: "This may be the Armageddon, as far as this situation, as far as this Session is concerned and as far as our chance

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to do something for business in Illinois. This is it, the time is now and I would suggest you vote for this Amendment. (sic) "

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. Ladies and Gentlemen of the House, on this issue there are 88 voting 'aye', 80 voting 'nay', 1 voting 'present' with 8 absent. The Gentleman from Whiteside, requests a Poll of the Absentees. The Gentleman from Madison, Representative McPike, requests a verification in the event that there are 89 votes. Yes, Sir. Alright, we will start with a Poll... Representative O'Connell. Yes, Sir."

O'Connell: "Please, Mr. Speaker, will you change my 'aye' vote to 'present'?"

Speaker Daniels: "The Gentleman from Cook, Representative O'Connell changes his 'aye' vote to 'present'. We will now start with a Poll of the Absentees, Mr. Clerk."

Clerk Leone: "Poll of the Absentees. Deuchler. DiPrima."

Speaker Daniels: "DiPrima, 'no'."

Clerk Leone: "Epton. Flinn. Garmisa. Margalus. McGrew. Slape. Concludes the Poll of the Absentees."

Speaker Daniels: "The Gentleman from Cook, Representative Stearney, for what purpose do you arise?"

Stearney: "How am I recorded?"

Speaker Daniels: "Mr. Clerk, how is Representative Stearney recorded?"

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

Stearney: "Change that to 'aye', please."

Speaker Daniels: "Record the Gentleman as 'aye'. Representative Schuneman. Mr. Clerk, what's the...roll call on this one? Representative Fawell, for what purpose do you arise?"

Fawell: "Mr. Speaker, I'd like to have a Poll of the Negatives?"

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Speaker Daniels: "Thank you. The Gentleman from Lake, Representative Barkhausen, what purpose do you arise?"

Barkhausen: "Mr. Speaker, I was out in the rotunda when the vote was taken, how am I recorded?"

Speaker Daniels: "How is the Gentleman recorded?"

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

Barkhausen: "Thank you."

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

Hastert: "Mr. Speaker, I was called out to the rotunda when you were voting, how am I recorded?"

Speaker Daniels: "How is the Gentleman recorded?"

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

Hastert: "Thank you."

Speaker Daniels: "Is there any other changes or additions? Representative Ewing, the Gentleman from Livingston."

Ewing: "Yes, I'd like to have the Clerk check my vote to be sure.."

Speaker Daniels: "How is the Gentleman recorded?"

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

Ewing: "That's right."

Speaker Daniels: "Have all those voted who wish? Is there any changes or additions? Mr. Clerk, give me the record. On this issue there are 88 voting 'aye', 81 voting 'nay', 1 voting 'present'. This Bill having failed to receive a Constitutional Majority is hereby declared...Representative Schuneman. Is hereby declared lost. House...House Bill 672. Read the Bill."

Clerk Leone: "House Bill 672, a Bill for an Act to amend Sections of the Unemployment Insurance Act, Third Reading of the Bill."

Speaker Daniels: "Out of the record. House Bill 627, Representative Fawell. Do you wish to proceed, Ma'am?"

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Fawell: "Yes."

Speaker Daniels: "Read the Bill."

Clerk Leone: "House Bill 627, a Bill for an Act to amend the Unemployment Insurance Act, Third Reading of the Bill."

Speaker Daniels: "Representative Fawell."

Fawell: "Thank you, Mr. Speaker and Members of the House. I believe that this is a Bill that even my colleagues on the other side of the aisle can't object to because it has got something for everyone. You have an Amendment on my Bill that was placed on by one of your colleagues that thinks it is absolutely a great Bill. What my Bill does is merely try and help our local municipalities who are self insured. This Bill came about because of a small village in DuPage County who had a rather unique situation arise. They had a crossing guard who had worked for them for a number of years who took the children across both in the morning and the evening. During the day time she had another job in the private sector. She was laid off of her second job and Lyle discovered, much to their dismay...Mr. Speaker, may I have a little order please?"

Speaker Daniels: "May the Lady have some order please? May we have some order please? Proceed."

Fawell: "The Lady discovered....the village discovered much to their dismay that they not only had to pay her wages, but being self insured, they also had to pay \$197 a month in unemployment insurance compensation. 85% of our municipalities in this state are self insured. Since I introduced this Bill, a number of people have approached me and told me that their municipalities are having much the same problems. We have part time policemen, part time firemen, part time crossing guards, and other employees of our municipalities who will be put in the same type of situation. I will be happy to answer any questions."

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Speaker Daniels: "The Lady has moved for the passage of House Bill 627. Is there any discussion? Hearing none, the question is whether House Bill 627 will pass. All those in favor signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Representative Stearney, did you hit me as 'aye'? Thank you. Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Bill, House Bill 627, there are 146 voting 'aye', no voting 'nay', three voting 'present'. This Bill having received a Constitutional Majority is hereby declared passed. Is this the Lady's first Bill? Contratulations. No? Second Bill. Congratulations. The Gentleman from Cook, Representative Terzich."

Terzich: "Could I...could I have the verification of the 'present' vote please?"

Speaker Daniels: "House Bill 675. The Clerk will read the Bill. Out of the record. House Bill 731. Representative Robbins, you want to proceed with that Bill? Read the Bill please."

Clerk Leone: "House Bill 731, a Bill for an Act to amend the Illinois Unemployment Insurance Act, Third Reading of the Bill."

Speaker Daniels: "Representative Robbins."

Robbins: "It came to my attention that during Christmas vacation and Easter vacation that people with hourly contracts for the entire school year could apply for unemployment insurance. So I introduced a Bill which, when in your contract for non-working and vacation periods, you can't apply for...and holiday periods, you can't apply for unemployment insurance. Now, non-working has been taken out in Amendment #1 and Amendment #2 to where the Bill reads now vacation or holiday periods. Are there any questions?"

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Speaker Daniels: "The Gentleman has moved for the passage of House Bill 731. Representative McPike on the Bill."

McPike: "Thank you, Mr. Speaker. In Committee, Les Kosinski with the Bureau of Employment and Security testified that this Bill was extremely confusing, and he really didn't know what it did because of the way it was written. I think perhaps the Gentleman should go to the Reference Bureau and see if there aren't some suggestions from Stan Johnson for some technical changes for this Bill so that it would be in compliance with our current laws and perhaps the Bureau could understand what it means. The Committee even suggested that the Sponsor put it in Interim Study so that we could find out exactly what he wanted to do and so Les Kosinski could decide what kind of language we could use. But the Sponsor wanted to put it on the floor. So the Committee Chairman said, 'Well, we'll put it on the floor.' That is the way the Committees run this year. The Bill does nothing."

Speaker Daniels: "The Gentleman from Winnebago, Representative Giorgi, on the Bill."

Giorgi: "Does the Sheriff's Association endorse this Bill?"

Speaker Daniels: "The Gentleman from Bureau, Representative Mautino, on the Bill."

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

Speaker Daniels: "He indicates he will."

Mautino: "Representative Robbins, over here. Is this..."

Speaker Daniels: "He has a question."

Robbins: "I have been asked by the Committee Chairman to remove the Bill from the record so we will continue to pay unemployment in...from your unemployment trust fund to people who do not deserve this, and I am sure that the Sheriff's Association will appreciate this Bill now."

Speaker Daniels: "House Bill 731 is removed from the record."

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Take it out of the record. House Bill 1023, Representative Tuerk. You wish...out of the record. Ladies and Gentlemen of the House, we are moving to priority of call. House Bills Third Reading. The next Bill is House Bill 369, Representative Robbins. The Clerk will read the Bill."

Clerk Leone: "House Bill 369, a Bill for an Act to amend Sections of the Illinois Municipal Code, Third Reading of the Bill."

Speaker Daniels: "Representative Robbins, House Bill 369."

Robbins: "Take this one out of the record, too."

Speaker Daniels: "Out of the record. House Bill 580, Representative McMaster. Read the Bill."

Clerk Leone: "House Bill 580, a Bill for an Act to add Sections to the Nursing Home Reform Act, Third Reading of the Bill."

Speaker Daniels: "Representative McMaster."

McMaster: "Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, House Bill 580 amends the Nursing Home Care Reform Act of 1979. The Reform Act contained a requirement that all nurse's aids, orderlies and nurse technicians complete a training course approved by the Department of Public Health. The Department currently requires all aids to complete 120 hours of training. As this Bill was introduced, it reduced the number of training hours to a minimum of 40 and a maximum of 60. However, we worked with all the people involved in the nursing home industry, both public and private, with the Department of Public Health, with everyone involved, and we came up with Amendments that would allow the perspective nurse's aids to take a proficiency exam to determine what portion, if any, of the approved training course would be required. The result could range from an inexperienced person having to take the full program, to a person experienced in some sort of health care who may test out of all or a major part of the training. Each aid would be required to begin training

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within 45 days of employment and successfully complete the training within 120 days of employment. Student interns are exempted from the training. The Department of Public Health has publically committed itself to a new modular training program based on the premise that an aid should be trained for as long for as long as it takes to become proficient at a specific concept and task rather than imposing a flat 120 hour requirement which, indeed, might not be needed. This Bill has the support of the Department of Public Health, the Department of Aging, the Lieutenant Governor's office, Health Care Association, Illinois Citizens for Better Care, Illinois Association of Homes for the Aging, Illinois Council on Long Term Care, Illinois Hospital Association, the Lieutenant Governor's office which I mentioned, and the Legislative Support Center. I also might add that contained in the Nursing Home Care Reform Act of 1979 was a requirement relating to the responsi...facility responsibilities towards parents, residents' funds by making the requirements more consistent with House Bill 368 which passed out of this House on a unanimous vote last month. What we'd do is allow an immediate relative of the patient in the nursing home to assume that responsibility rather than having them go through the costly process of getting someone appointed as a guardian to them. This is the essence of the Bill, and I will try to answer questions."

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

Bowman: "Question of the Sponsor."

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

Bowman: "What is the provision of the Bill as it has been amended to...with respect to nurses' aid training?"

McMaster: "I think, Wood, if you'd been listening I just

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explained that. I shall go through it again."

Bowman: "No, no, no, no, just the number of hours in the nurses' aid training program."

McMaster: "We deleted hours. We are now providing a proficiency exam. If they fail in that proficiency exam, they will then require to take the...whatever number of hours it takes to become proficient in that skill."

Bowman: "Fine. Thank you very much. I support the legislation."

Speaker Daniels: "The Gentleman from Rock Island, Representative Polk."

Polk: "Well, very briefly, Ladies and Gentlemen, I...this is one of the changes that was needed in this particular Act. The training of the assistants is one that has caused considerable amount of trouble, especially to those of us who have a lot of small towns in our communities. In these small towns you have one nursing home, and it is extremely difficult to find people who really want to work in these homes. And when we do, then we require this extensive training. Now, we're saying if someone moves into another community, have the experience, they can have the opportunity to take an exam and see how proficient they are. If they pass this proficiency test, then they can start to work. And I truly request your 'aye' vote on this legislation."

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

Keane: "Thank you, Mr. Speaker. I rise in support of this legislation. One aspect of it goes to a problem, and that is the guardian...the guardianship question, and I would ask for...it has occurred with a number of my constituents that they have had difficulty with the nursing homes on this guardianship matter, and I would ask that you support the legislation."

Speaker Daniels: "The Gentleman from Knox, Representative

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McMaster, to close."

McMaster: "Thank you, Mr. Speaker. I think we have covered just about everything that has been asked of us. We feel that this is a very good Bill and will be very helpful to the elderly in our state, and I urge your complete support of this legislation. Please vote 'yes'."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 580. All those in favor will signify by voting 'aye', opposed by voting 'nay'. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Bill there are 146 voting 'aye', three voting 'no', four voting 'present'. Representative Polk, 'aye'. 147 voting 'aye', four voting 'nay', four voting 'present'. House Bill 580 having received the Constitutional Majority is hereby declared passed. House Bill 648, Representative Deuster. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 648, a Bill for an Act to amend the Illinois Vehicle Code, Third Reading of the Bill."

Speaker Daniels: "Representative Deuster."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House, this Bill was introduced by me at the request of the Illinois Waterwell Association. What it does is it clarifies that waterwell boring apparatuses and rigs are exempt from the safety exemption from the...in the Vehicle Code. There are a long list of different devices that are exempt. Everyone thought that the waterwell boring apparatuses and rigs were exempt. The Secretary of State did, the Illinois Department of Transportation. However, a court decision up in McHenry cast some doubt on this. So in order to clarify it, that waterwell boring apparatuses and rigs were exempt, I introduced the Bill. In addition to that portion...and

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the reason for that, these...I have a picture of one of these rigs. They are great big things. They can't even get through the safety inspection lane anyway. They go from one job site to another. In addition, on the floor an Amendment was offered that was sponsored by Representative Watson, McClain, Neff, Donovan, Steele, myself, Rigney, Kane, Ropp, Robbins, Alstat, Bower, Slape, Ackerman, and Findley, which, and another Amendment by myself which provided that non-commercial small light pick-up trucks would be inspected annually for safety rather than twice a year as they are. The reason for this is that in Indiana, and Kentucky, and other states in....have repealed their requirements for inspection, they have found that they don't really contri...they're not necessary. Iowa has a one time inspection. More and more we find that our constitutents all over the state are using small pick-up trucks just like they would the family car, which does not need to be inspected, and for that reason we feel that the safety of the public is adequately protected by having inspection once a year rather than twice a year, and I would urge your favorable vote for this Bill."

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

Leverenz: "Would the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Leverenz: "The Bill as it is now did...does what we stopped in Committee three or four or five times with the regard to taking the pick-up trucks and putting them on an annual inspection instead of an semi annual inspection. Is that correct?"

Deuster: "No, Sir. Although I didn't sponsor those Bills and I'm not on that Committee, I am advised that changing it from semi annual to annual was not considered in the Committee."

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As a matter of fact, this is supported by the Motor Vehicle Laws Commission. But I was not aware of any of those Bills, and I do not think that they were considered in Committee."

Leverenz: "Could the Sponsor of the Amendment perhaps, Mr. Speaker, address that question since he put the Amendment on?"

Deuster: "Well, there are a lot of Sponsors. There is Representative Neff, Everett Steele, Watson, Donovan, Kane, I don't care. I don't know which one wants to respond if any does, but if they're...if I am incorrect, maybe Representative Steele could respond. It was my impression that this...this Bill was not considered in Committee and rejected."

Leverenz: "All the...but, Sir, to the Amendment. You are weakening the inspection system as it exists currently. Is that true?"

Deuster: "Not at all. More of the people..."

Leverenz: "You're lessening it then? You may not agree to the term weakening."

Deuster: "No, we're...we're changing it. It is..."

Leverenz: "You're lessening it. You're making less inspections. Is that right?"

Speaker Daniels: "We're having an inspection once a year once than...rather than every six months, and we feel...and most people that I know feel that that is adequate to protect the safety of the...to make sure that these vehicles are safe. Actually the experience in other states is the best kind of safety inspection is random where the police see a tail light out or something they stop you and give you a ticket or tell you to fix the car."

Leverenz: "Well, Mr. Speaker, to the Bill. As the Bill is now amended, and if my recollection of the Amendment that was

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adopted by just a vote or two difference, the Amendment now says or provides that the Sponsor of the Amendment will not have to go a little out of his way for an inspection which is a little more than he intends or wants to do, and he would rather have it that way than have his vehicle tested twice a year. Now, we beat that idea or concept in Committee about three or four or five times. It is unfortunate that that Amendment is on this Bill which lessens also the inspection process for other vehicles and it is the Committee's feeling that nothing should be lessened or in fact weakened. I suggest, heartily ask for your red votes."

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

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Speaking to the Bill, the waterwell drillers. This stuff cannot be inspected, has not been inspected, and this clarifies that law. As far as the Amendment goes, the Amendment, the truck test taken, this is only 8,000 pounds or under, the small pick-up trucks. We're amending it down to where they would be tested only annually instead of semi annually. Now, were only six states in the nation that test trucks annually...semi annually. 26 other states have it annually, and then the rest of the states don't have any inspection at all. It has been a proven fact that the accidents that we have on trucks is as...isn't any better in Illinois as it is in others. Therefore, I think we should support this Bill, and I want to say that the Motor Vehicle Laws Commission has studied this legislation now and has supported it, and as far...in my opinion, most of the organizations support it."

Speaker Daniels: "The Gentleman from Winnebago, Representative Mulcahey."

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Mulcahey: "Question for the...question for the Sponsor, Mr. Speaker."

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

Mulcahey: "Don, what is the position on the Well Drillers' Association as far as this Bill is concerned? What is the position of the well drillers? The Illinois Well Drillers' Association? Do they support it?"

Deuster: "Well, Representative Mulcahey, they requested that I put the Bill in, and they endorse that. They are only interested in that portion of the Bill relating to them. They support that. As to the other portion, that is supported by the Motor Vehicles Laws Commission."

Mulcahey: "Okay, just for the heck of it, Don, who is opposed to this Bill?"

Deuster: "I don't know of anyone."

Mulcahey: "Okay, thank you."

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

Huskey: "Mr. Speaker, will the...will the Sponsor of the Bill yield?"

Speaker Daniels: "He indicates he will."

Huskey: "For a question or two? You...you...state pick-up trucks. You made the statement of a pick-up truck. Well, actually, and also there is two or three statements you've made. You made the statement of the Motor Vehicle Laws Commission okayed...okayed what portion of your Bill? What part have they okayed of your Bill? Of your Bill or of the Amendments to your Bill?"

Deuster: "It is my understanding the whole thing in its entirety."

Huskey: "That's not quite, that's not quite the case. They may have..."

Deuster: "I might say, if you wanted to address that to

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Representative Neff. He is a Member of that Commission. I am not, and he would be more authoritative."

Huskey: "Well, there are a few other questions I will. Now, you made the statement of a pick-up truck. What kind of a license plate does a pick-up truck have that you had in mind on this particular Amendment that eliminates it from the annual or the semi annual inspection."

Deuster: "Well, I am not an expert in this area, but I don't think there is any difference in the license they get, it is just the question of how often they go in for the inspection. It is an A or a B plate I am told by staff."

Huskey: "Yeah, but is it an A or is it a B? There is a lot of difference. What is the weight on the...on the vehicle?"

Deuster: "Well, let me cite the Amendment which you should have in front of you. The Amendment says that the annual inspection is for those vehicles with a gross weight of 8,000 pounds or less which are non-commercial."

Huskey: "8,000 pound or less. Now, 8,000 pounds, that would be a B license, right? A three-quarter ton truck? You could haul coal or lumber or many many things on this type of truck?"

Deuster: "Well, no. The Amendment only relates to non-commercial vehicles."

Huskey: "Yeah, I understand they're non-commercial, but if this type of vehicles would haul coal and most any type of a cargo. Right? Whether it would be non-commercial, it would still be in a position to haul heavy cargo up to four ton?"

Speaker Daniels: "The Gentleman will please bring his questioning to a close. Would you wish to address the Bill, Sir? On the Bill, Representative Huskey. Representative Huskey."

Huskey: "Yes, thank you, Mr. Speaker. In addressing the Bill, we have no objection to the well drilling portion of the Bill."

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That was...it came out of Committee and we voted out of Committee to approve the well drilling section of the Bill. And it went out, but since it has got out of Committee, it has been amended on a Bill that has been...that failed about four times in Committee, a Bill to eliminate the inspections or make it semi annual instead of annual on non-commercial vehicles. Now they're saying pick-up trucks. Well, let me go a little further. This is not only pick-up trucks. This is up to three-quarter ton trucks. All trucks, not just pick-ups. It could be state trucks. It could be vans. It could be, many...any type of truck that is three-quarter ton or less. And actually what is to determine what is a non-commercial vehicle and what isn't a commercial vehicle unless you have...and there is no state laws now that states you have to have a name on the side of the vehicle. Actually, it is a Bill that should be defeated because it is a very bad Bill. It is going to cost the state road fund \$200,000 a year for their portion of the annual inspection. It only cost \$6.20 to have a vehicle inspected to know if it is safe or not. Can you imagine all of the vehicles, the trucks running up and down the expressways of the Dan Ryan, or Kennedy, or Stevenson without a semi-annual inspection? The inspection is ran by the State Police. The State Police oppose this Bill. The Department of Transportation has stated its opposition to the Bill. And I urge its defeat. I hate to rise against my fellow Republicans, but this is a very important Bill to defeat."

Speaker Daniels: "The Gentleman from Madison, Representative Steele."

Steele: "Well, thank you very much, Mr. Speaker. I say that this is a good Bill. It is a good Bill for several reasons. First of all is the reason of safety. Now, we're the only

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state in the entire midwest with inspections of pick-up trucks every six months - the only state in the midwest. Why should we put the burden of this needless every six month inspection upon the working people of our district? If you'll check the people of your district and mine, you'll find that half of the vehicles on parking lots at factories and steel mills are pick-up trucks. People use a pick-up truck for the second car. Now why should they have to have that inspected every six months while their car isn't inspected. Their campers aren't inspected. Their recreational vehicles aren't inspected. It is a needless expense, a waste of time and of money because they have to wait for 30 minutes in an inspection line every six months. Now, a pick-up truck, and we're talking about a light duty pick-up truck, make it once a year as Missouri has, and then we would be one of only two states in the midwest that has annual inspections. That should be plenty for the working people of this state. Why should they have to pay \$10 every six months for a light duty pick-up truck that, in most cases, is used merely as a second car? The Motor Vehicle Laws Commission, the Chairman sits right next to me, actually prepared this Amendment. They authorized it. They drew it up, and they submit it to you for your approval. They are the Commission that we authorize to look into these things. And let me point out further a recent study by the American enterprise institute on vehicle safety inspection pointed out that only 6% of highway accidents are due to mechanical failure, and there is no difference between states that have inspections and don't. Absolutely no difference. Now, we're not going to wipe out the inspections, merely make them once a year. But why should we have them every six months? It is ridiculous when studies show that even annual inspections

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don't do that much. Random inspections, spot check inspections by the State Police, by the Secretary of State along the highway are the most effective. That is what Iowa does. It is what Indiana does. It is what Wisconsin does. And it is what Kentucky does. So I say let's take this needless burden of time and of money off the backs of our working people and let's just make it once a year as the Motor Vehicle Laws Commission has drawn this Bill up and put it before consideration. I urge your 'yes' vote."

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

Terzich: "Yes, Mr. Speaker, I think we should keep on trucking. I move the previous question."

Speaker Daniels: "The Gentleman has moved the previous question. The question is 'Shall the main question be put?' All those in favor signify by saying 'aye', opposed 'nay'. The 'ayes' have it. Representative Deuster to close. Representative Deuster."

Deuster: "Yes, Mr. Speaker, I think this Bill has been well discussed. Part of the Bill is...well, all of it is supported by the Motor Vehicle Laws Commission. It incorporates an exemption that is supported by the Illinois well drillers. I think that you should bear in mind when you're considering this Bill that recreational vehicles right now aren't inspected at all, your family automobile isn't, and there is no other midwest state that has twice yearly inspections. Once a year should be enough. That will prespect the safety of the people. I urge your support for this Bill."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 648. All those in favor will signify by voting 'aye', all those opposed by voting 'nay'. The voting is open. The Gentleman from Bond, Representative Watson, to

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explain his vote. The timer is on, Sir."

Watson: "Thank you, Mr. Speaker. I would like to urge 'yes' votes on this particular Bill. There has been several people that made remarks that this is going to affect safety, and I don't know that that is necessarily true. We are going from a six month to an annual inspection. We are not repealing it. The Bills, the primary Bills that were heard in Committee, were to repeal it. This is not the repealer. This is to go to an annual inspection. The special interest groups have been very active. Not two hours after we put the Amendment on the Bill, the phones started ringing over in the Stratton Office Building from all the safety vehicle lane inspectors telling us to vote 'no' on this particular piece of legislation. I hope that when you went home over the weekend, those of you who were able to, were able to talk to some of the people back home and find out what they feel about this type of legislation. You'll find out that the people are for this. They want to go...they want an annual inspection. They believe in safety, but they feel every six months is too much. I'd appreciate very much an 'aye' vote on this particular Bill. Thank you."

Speaker Daniels: "The Gentleman from Cook, Representative Giglio to explain his vote. The timer is on, Sir."

Giglio: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. To correct some of the statements, this Bill when it was heard in our Committee was a fine Bill until it reached the Second Reading stage of the House. It was understood that this was supposed to be only for the Well Riggers' Association which the rigs were too big to come in to be inspected. But when it came in on Second Reading, the Amendments came on of all the Bills that were defeated in the Committee. And these are the Bills to reduce the

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inspections from six months to annual inspections which are bad. And the Motor Vehicle Law Commission is not totally in support of this Bill. And therefore, I would urge your considerations for a 'no' vote."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Gentleman from Cook, Representative Piel, to explain his vote."

Piel: "The Sponsor, in his concluding remarks, stated who was for it. But one thing that I would like to bring out to the Members..."

Speaker Daniels: "Proceed, Sir."

Piel: "...To the Members of the House is one group that is against it, one group who I feel the safety of us as a state is in their hands when we're on the major highways. And this is the teamsters. The teamsters feel that it should be twice a year, not just once a year. And I can tell you that the teamsters are against this because they feel that it is not enough, that is it should be twice a year and not just once a year. So I would ask for a 'no' vote on this."

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

Brummer: "Yes, this is maybe a more important Bill for the rural areas of downstate Illinois inasmuch as the safety lanes are not located as close to the residents, the places of business of some of the trucks that need to be inspected. I think it is an opportunity to get government off the backs of the private citizens where the government intervention is not necessary. It still provides for a once a year inspection for the very light trucks. They have basically the same chassis as a van or an RV vehicle which is not required to be inspected. I feel that this is

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a good Bill and should be passed out of here."

Speaker Daniels: "The Gentleman from Wayne, Representative Robbins, to explain his vote. The timer is on, Sir."

Robbins: "I agree with the teamsters that some of the big trucks that they roll should be inspected twice a year, maybe three times a year. But the pick-up trucks that don't have over...most of them don't get, oh, but three to five thousand mile on a year, don't need to be inspected but once, and I think it is a very good Bill. Then at least we can go back and tell the people that we have done something for them. Thank you."

Speaker Daniels: "The Gentleman from Madison, Representative Steele, to explain his vote. The timer is on, Sir."

Steele: "Thank you, Mr. Speaker. I...clearing up about the teamsters, this has a teamsters' Amendment on it. They support this because commercial vehicles driven by union drivers would still come under this provisions of this. But private light duty pick-up trucks, those owned for family use primarily, and those light duty pick-ups that can't carry much weight would not be included except once a year. Campers aren't inspected at all. Cars aren't inspected at all. Recreational vehicles aren't at all, and certainly we should take the twice-a-year burden off our people and make it just once a year. We still would be one of only two states in the midwest that would require annual inspections. Certainly if it is enough for Missouri, it is enough for us. They don't have it in Kentucky and Indiana. The working people, I say, are the people who are having to pay these \$10 fees every six months, and I say let's get some more green lights."

Speaker Daniels: "The Gentleman from Kankakee, Representative McBroom, to explain his vote."

McBroom: "Well, Mr. Speaker and Members of the House, I think I

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understand the subject matter here about as well as anyone. Representative Huskey inadvertently made the most eloquent speech of all in favor of this particular measure to indicate that you can inspect any kind of a vehicle for \$6.25 or \$10 is an absolute joke. You can't inspect a bicycle for that any more. I think Everett Steele has an excellent Amendment."

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

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I have kind of an independent survey here conducted by our farmer friend, Representative Rigney, and he tells me that one out of five vehicles in the County of Cook, the City of Chicago, you've got Gentleman farmers and they are driving a lot of these type of vehicles. And in the interest of...of dollars as far as those people are concerned, once a year is more than adequate, and I agree with what Representative McBroom has said. You just cannot get by for \$6.25, \$10. This is certainly in the interest of the consumer, and it ought to be passed."

Speaker Daniels: "The Gentleman from Henderson, Representative Neff, to explain his vote. Timer's on."

Neff: "Thank you, Mr. Speaker. This is legislation that will take away some undue regulations that is not needed and has been proven out over the states that it is not needed. We're certainly not hurting safety. But it has been proven out by the other states that have annual inspections that their safety record is as good as it is in Illinois. And again, we're trying to do something here that will take some regulations off as the administration in Washington have asked us to do so that we can cut down the cost, and this is something that will help inflation also."

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

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to explain his vote. The timer is on, Sir."

Ropp: "Thank you, Mr. Speaker and Members of the House. If you're really concerned about safety, then you ought to be interested in imposing every vehicle in the State of Illinois to be inspected, every automobile, every van, every recreational vehicle. We're not interested in that, and therefore we're asking that these pick-up trucks just be inspected once a year instead of twice a year. That safety sticker is only as good as the day it is put on anyway, and I think we're not giving enough consideration for the owner of that vehicle to take proper care of it himself. Once a year is sufficient. An 'aye' vote is a good vote."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? The Gentleman from Cook, Representative Leon, to explain his vote."

Leon: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A measure similar to the Amendment..."

Speaker Daniels: "Proceed."

Leon: "...Was heard in the Motor Vehicle Laws Committee...the Motor Vehicles Committee of this House. It was defeated on numerous occasions. A suggestion was made in view of the fact that it is costing the state money to issue these safety stickers that if they went to an annual inspection, the cost of the sticker should be doubled. I don't see any effort on the part of the proponents of this legislation to do that. Again, in Chicago as well as other parts of the state, many persons are buying RV plates and putting them on vans. I strongly would believe that we, rather than relieving them of the inspection, we should impurge further inspection and include the RV plates. A 'no' vote on this measure would be proper. Thank you."

Speaker Daniels: "The Lady from Sangamon, Representative

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Oblinger, to explain her vote. The timer is on."

Oblinger: "Mr. Speaker and Members of the House, I think that the previous speaker, Representative Ropp gave the best reason for a 'no' vote on this that I've ever heard. He said maybe all our vehicles should be inspected. And probably this is right. You see all these cars. You see vans. Maybe this is what we should be doing. Rather than reducing it, we should be increasing it. You all passed a Bill out of here. It went out on the Consent Calendar that all the vans being used for senior citizens should be inspected and inspected in the Secretary of State's lanes. And you all thought that was a good idea for protection of the drivers as well as the riders. And now all of a sudden we're going to not have inspection. I can't understand this."

Speaker Daniels: "The Gentleman from Cook, Representative Piel, to explain his vote. The timer is on, Sir."

Piel: "I spoke in debate, Mr. Speaker, but if this receives 89, I'll verify."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Bill there are 93 voting 'aye', 51 voting 'no', 20 voting 'present'. House Bill 648, Representative Piel requests a verification. Representative Mulcahey requests a Poll of the Absentees. No, Sir."

Mulcahey: "I ask leave to be verified now, Sir."

Speaker Daniels: "Representative Piel, Representative Mulcahey requests leave to be verified. Is that correct, Sir? Is that alright with you, Sir? Representative Piel? Who wants a Poll of the Absentees? Representative White is to be recorded as 'no'. Mr. Clerk, Representative White, 'no'. Representative Deuster requests a Poll of the

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Absentees. Representative Karpziel asks for leave to be verified. Representative Piel, is that permission? Representative Karpziel is verified. Any other changes? Alright, proceed with a Poll of the Absentees."

Clerk Leone: "Bartulis, Capparelli, Deuchler, Epton, Ewing, Garmisa, Grossi, Hudson, Klemm, Kulas, Margalus, Schraeder, Slape. Concludes the Poll of the Absentees."

Speaker Daniels: "Representative Klemm. Representative Klemm requests to be voted 'no'. Proceed with a Poll of the Affirmative Roll Call."

Clerk Leone: "Abramson, Ackerman, Alstat, Barkhausen, Bell, Bianco, Birkinbine, Boucek, Bower, Brummer, Bullock, Catania, Christensen, Darrow, Deuster, DiPrima, Domico, Donovan, Jack Dunn, Ralph Dunn, Ebbesen, Ewell, Favell, Flinn, Virginia Frederick, Dwight Friedrich, Griffin, Hallstrom, Hannig, Hastert, Henry, Huff, Jackson, Jaffe, Johnson, Karpziel, Jim Kelley, Dick Kelly, Kociolko, Koehler, Krska, Kustra, Lechowicz, Leinenweber, Macdonald, Mays, McBroom..."

Speaker Daniels: "Representative Piel, Representative Mays asks leave to be verified. Leave. Leave granted. Proceed."

Clerk Leone: "McClain, McCormick, Barr, McGrew, McMaster, McPike, R.J. Meyer, Miller, Mulcahey, Neff, Nelson, O'Connell, Pechous, Peters, Pierce, Pullen, Rea, Reed, Reilly, Richmond, Rigney, Robbins, Ropp, Sandquist, Satterthwaite, Schneider, Schuneman, Margaret Smith, E.G. Steele, C.M. Stiehl, Swanstrom, Tate, Telcser, Terzich, Topinka, Tuerk, Van Duyne, Vinson, Watson, Wikoff, Winchester, Sam Wolf, Yourell, Zwick, and Mr. Speaker."

Speaker Daniels: "Questions of the Affirmative Roll Call, Representative Piel."

Piel: "Brummer...First of all, Mr. Speaker, what are we starting with?"

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Speaker Daniels: "92 'aye', 53 'no', and Representative Brummer is in the aisle."

Piel: "Darrow."

Speaker Daniels: "Representative Darrow is in his chair."

Piel: "Domico."

Speaker Daniels: "Representative Domico. Representative Domico. Is the Gentleman in the chambers? How is he recorded, Mr. Clerk?"

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

Speaker Daniels: "Remove him."

Piel: "Ralph Dunn."

Speaker Daniels: "Mr. Dunn is in his chair. Mr. Ralph Dunn."

Piel: "Representative Ewell."

Speaker Daniels: "Representative Ewell. Representative Ewell in the chamber? Representative Ewell. How is the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Piel: "Representative Flinn."

Speaker Daniels: "Representative Flinn. Representative Flinn. Is the Gentleman in the chamber? Remove him. Oh, excuse me. How is he recorded, Mr. Clerk?"

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

Speaker Daniels: "Remove him, Sir."

Piel: "Representative Virginia Frederick."

Speaker Daniels: "Representative Virginia Frederick. Is the Lady in the chamber? Representative Frederick is right behind you, Sir."

Piel: "Representative Jackson."

Speaker Daniels: "Representative Jaffe..."

Piel: "Jackson."

Speaker Daniels: "Jackson. Representative Jackson is in his chair."

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Piel: "Representative Johnson."

Speaker Daniels: "Representative Johnson. Is the Gentleman in the chamber? Representative Johnson. How is the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Piel: "Representative Jaffe."

Speaker Daniels: "Representative Jaffe. Is the Gentleman in the chamber? How is he recorded?"

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

Speaker Daniels: "Remove him."

Piel: "Representative McClain."

Speaker Daniels: "Representative McClain. Is the Gentleman in the chamber? Representative McClain. How is he recorded?"

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

Speaker Daniels: "Remove him."

Piel: "Representative McGrew."

Speaker Daniels: "Representative McGrew. Is the Gentleman in the chamber? Representative McGrew. How is he recorded?"

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

Speaker Daniels: "Remove him. And, Representative Lechowicz, what purpose do you arise?"

Lechowicz: "Change my 'aye' to a 'no' vote. 'Aye' to 'no'."

Speaker Daniels: "Representative... Representative Lechowicz from 'aye' to 'no'."

Piel: "Representative McPike."

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

Steczko: "Mr. Speaker, change my 'no' to 'aye' please."

Speaker Daniels: "Representative Steczo from 'aye'... from 'nay' to 'aye'. Representative Huff. Representative Huff. Turn on Huff please. Representative Huff. Go ahead, Sir."

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Huff: "Thank you, Mr. Speaker. Please change my 'aye' to 'no'."

Speaker Daniels: "Representative Huff...how is the Gentleman recorded?"

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

Speaker Daniels: "Change his 'aye' to 'nay'. Representative Wikoff."

Wikoff: "Thank you, Mr. Speaker. Might I have leave to be verified? I've got to go over to the Senate."

Speaker Daniels: "Mr. Wikoff has leave to be verified. Okay, any other questions of the Affirmative Roll, Sir?"

Piel: "Representative McPike."

Speaker Daniels: "Representative McPike. The Gentleman is in his seat."

Piel: "Representative Nelson."

Speaker Daniels: "Representative Nelson. The Lady is in the center aisle."

Piel: "Representative Pullen."

Speaker Daniels: "Representative Pullen is at her chair."

Piel: "Representative Richmond."

Speaker Daniels: "Representative Richmond. He's in his chair."

Piel: "Representative Schneider."

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

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

Speaker Daniels: "Remove him."

Piel: "Representative Schuneman."

Speaker Daniels: "Representative Schuneman. Is the Gentleman in the chamber? Representative Schuneman. How is the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Piel: "Representative Vinson."

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Speaker Daniels: "Representative Vinson. Is the Gentleman in the chamber? Representative Vinson. How is the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Piel: "Representative Yourell."

Speaker Daniels: "Excuse me, Sir. Representative Smith. How is the Lady recorded?"

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

Smith: "I would like for you to be kind enough and change it to 'no' please."

Speaker Daniels: "Change the Lady from 'aye' to 'no'. Representative Piel."

Piel: "Representative Yourell."

Speaker Daniels: "Representative Yourell. Is the Gentleman in the chamber? Representative Yourell. He's standing right in front of us hiding. Representative Henry, for what purpose do you arise?"

Henry: "Mr. Chairman, I would like to change my vote from 'aye' to 'no'."

Speaker Daniels: "Change Representative Henry from 'aye' to 'nay'. Any other questions, Mr. Piel?"

Piel: "No other questions, Mr. Speaker."

Speaker Daniels: "Mr. Clerk, what is the count? On this Bill there are 79 voting 'aye', 46 voting 'no', 20 'present'. Representative Grossi to 'no'. 47 voting 'no'. Return Representative Vinson to the Roll Call as 'aye'. On this Bill there are 80 voting 'aye', 45 voting 'nay', 20 voting 'present' and this Bill, having failed..Representative Deuster?"

Deuster: "For the well drillers, I would like to request that this be placed on the Order of Postponed Consideration. Thank you."

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Speaker Daniels: "Postponed Consideration. House Bill 656, Representative Collins. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 656, a Bill for an Act to amend Sections of the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Daniels: "Representative Collins."

Collins: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 656 presents us with an opportunity to do some harm that we did some years back in this General Assembly and I must admit that I was guilty of voting for this odious law myself. And for that, I have spent the interim period apologizing to anybody who mentioned it. And this is the so-called right turn on red law. I think that this is one of the most abused and unenforceable pieces of legislation that we have ever foisted upon the public. It's a..Of course, it is a fact that the number of accidents because of this law have increased dramatically. The American Association of State Highway and Transportation Officials have indicated this and the insurance institute for highway safety estimates that right turn on red has increased the frequency of accidents at intersections by more than 20 percent in each year. Now the only...the only excuses offered for this stupid law are that it saves fuel, which I would offer to you would be negligible and that it saves time, which it's hard to believe that anybody would be in such a hurry that they couldn't wait the few seconds to make a..to wait for the light to turn green. But I ask you, how many of you have been driving down a street or a road and to have some guy on a judgment call pull out in front of you endangering your life and his and the passengers in either vehicle? How many times have you had trucks pull out in front of you when they had no business pulling into oncoming traffic? How many times have you seen buses lumbering through busy

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intersections when you were coming and they had no business cutting into traffic? And I ask you to consider that when somebody is about to make a right turn on red, he's not looking at the pedestrians who are crossing with the green light who's right. He's looking to his left down the street to see if he can find an opening in the traffic so he can cut in and in that..at the perile of people who are crossing the street. And even..even if he isn't endangering your life, he is already creeping into the intersection so that a pedestrian cannot cross between the lines that are outlined for pedestrian crossing, but rather would have to dodge around, behind, or in front or over or under, whatever suits you best to get around that car that is blocking the pedestrians progress. I submit that this is a terrible law. It's one that we never should have passed. It's idiotic, ill-conceived. There is absolutely no reason to retain it and I would ask for favorable consideration of House Bill 656. Honestly, we are protecting, if we pass this Bill, we're protecting the people of the State of Illinois. We're protecting their lives, their bodies and their property. I think we owe it to the people to rescind this most odious piece of legislation."

Speaker Daniels: "The Gentleman from Will, Representative Leinenweber."

Leinenweber: "Well, thank you, Mr. Speaker, Members of the House. It grieves me deeply to have to take the floor to speak against a Bill that my seatmate has put in and has spoken with such fervor on. However, I've been down here nine years and one legislative action during that nine years stands out as far as the public is concerned as the best thing we'd done in that nine years and that was nine years ago when we passed this Bill, which Representative Collins

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seeks to repeal. I'd like to point out that when we passed that Bill nine years ago, we were one of the last states to bring to the people this forward and wonderful law. Now, all forty-eight contiguous states, plus Alaska and Hawaii, allow right turns on red. What Representative Collins wants to do is make criminals out of people in Illinois for doing an action that you can do in every...for all forty-nine (sic, fifty) other states. I think that is absolutely absurd. We should defeat this Bill. If ever a Bill deserved 100 'no' votes and more 100...177 'no' votes, this one does. And I urge you to vote 'no'."

Speaker Daniels: "We'll have no more further outbursts of emotional display. Representative Schraeder from Peoria."

Schraeder: "Thank you, Mr. Speaker. The last speaker was right. But you know, there's an interesting corollary to this. House Bill 782, by one of the Sponsors to this piece of legislation, was assigned to Transportation and apparently, that Committee wasn't too favorable to the removal of this red light restriction. And so it was re-referred to Motor Vehicles and of course, when it got there, the clout was very heavy and it couldn't get out of there. So then both sides of the aisle and the Leadership decided, well, maybe we ought to get another Bill and see if we can join forces. And the Bill in any form under any Sponsorship has got to be a bad Bill. There's no police officer, no police organization, no city or village or anyone else that's in favor of this excepting the two Sponsors and that's quite alright. They have a right to be for it, but just don't pass this bad piece of legislation."

Speaker Daniels: "The Gentleman from Hardin, Representative Winchester."

Winchester: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I, too, like Representative Leinenweber, hate

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to arise in opposition to my good friend, Representative Collins. But I do feel that presently local authorities can prohibit or restrict right or left turns on red at intersections now. That ought to be ...that decision ought to be made at the local level. It would cost the Department of Transportation, thereby the taxpayers, a considerable amount of money if they had to go around and change the stop lights and I think Representative Leinenweber pointed out that we would be the only state in the Union that would have changed back. And I would ask for a 'no' vote."

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

Bradley: "Yes, well, Ladies and Gentlemen of the House and Mr. Speaker, I'm shocked that this Gentleman would bring this Bill before us at this time and I have to agree with Representative Leinenweber. But more shocked than I was, was the Chief Sponsor of this Bill, a former Member of that side of the aisle and a Leader of that side of the aisle, he's a little larger than you are, Representative Collins, and Representative 'Gill Deevers' was more shocked than I was that you, taking it upon yourself to file this Bill to abolish the law that was his first Bill when he came down here some nine years ago. He wanted me to tell you about that and just suggest to you that he was terribly shocked. I told him at the time, 'I don't think you'll have to come down and lobby against it because I think there might be a new record of red lights up there'. We haven't killed anybody in Bloomington on a red light..on a right turn since we started this ..this new..this law became effective. And 'Mr. Deevers' wanted me to convey that message to you. And I agree with Representative Leinenweber. One hundred and seventy-six red lights and a

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'present' light by you, admitting that you're guilt and shamed in offering this Bill, I think would be appropriate."

Speaker Daniels: "The Gentleman..."

Matijevich: "And 'Deevers' stole the Bill from me."

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

Huskey: "Well, thank you, Mr. Speaker. Ladies and Gentlemen of the House, this was probably the worst Bill that slipped out of the Motor Vehicles Committee this year. And one of the reasons was was Representative Collins' dynamic personality along with his Cosponsor, Representative Kosinski. So that's a pretty impressive team to come before a Committee and it certainly was hard to vote 'no' against the Bill. And it did just get out. It just did have enough votes and that's all. It didn't have any excess. But I've got to rise and oppose reluctantly against my two good friends, oppose their..this Bill. Now, I have some figures here, if you'll listen just one moment. These were prepared by the Department of Transportation..."

Speaker Daniels: "Have a little order please? The Gentleman will bring his remarks to a close."

Huskey: "There is six million passenger vehicles in Illinois. There's four million that each one will make a right turn one..on each day. And the way they have figured it out, if they fail to make this right turn, it will be fifty-five thousand gallons of gas wasted per day waiting to make the right turn, fifty-five thousand gallons of gas right here in Illinois and multiply this times 260 working days per year times...times the seven years..."

Speaker Daniels: "Excuse me. Representative Huskey, excuse me. For what purpose do you arise, Representative Yourell?"

Yourell: "Mr. Speaker, I think the Gentleman deserves the

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attention of this House and I think he's got something to say and each and every one of us ought to be listening."

Speaker Daniels: "I agree, Sir. That's very appropriate coming from you, Sir. And we will respect your request. Ladies and Gentlemen of the House, may we please have some order? May we please have some order?"

Huskey: "In all seriousness, Ladies and Gentlemen, in the seven years that this law has been in effect, Illinois have saved over 100 million gallons of gasoline and Representative Collins, I hate to oppose you, but this Bill should be put to rest because we would be the only state in all fifty states opting out from the right to turn."

Speaker Daniels: "Representative Bower."

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

Speaker Daniels: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye'; All those opposed 'no'. The Gentleman, Representative Collins, to close."

Collins: "Well, Mr. Speaker, I just want to thank Representative Huskey and Yourell both for their assistance and I'll yield the rest of my time to Representative Kosinski."

Speaker Daniels: "Representative Kosinski to close."

Kosinski: "Mr. Speaker and Ladies and Gentlemen of the House, there's been a great deal of emotionalism here and I wonder if you would just clear the decks for a moment without your prejudices. And let me explain something. When California had an excellent experience with the right turn on red law, I was convinced it was for the good of our motorists. In addition to which, I was convinced in that economy crunch, that fuel crunch, I was convinced in that fuel crunch that it was necessary for saving fuel. I supported the law. I helped put it into existence, and I tell you, it has been a personal convenience to me. I obey the law. I make my

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stop. I'm careful of pedestrians. Then I make my right turn on red still with concern about cross traffic. That's my response to it. Now it's been said and I'll give you the opponents arguments. It's been said that there's a saving of fuel. I don't deny that. When we computed it it was about \$2.00 a day per automobile, maybe a little more, maybe a little less. There's been an argument that it's a saving in time. I agree with that. Some of you have saved up to an hour a year in terms of this law. They say that contiguous states have the law and it may be confusing if Illinois repeals it. This is a possibility, although Washington and New York have reversed their trend. In addition to which, if I can have your kind attention, in addition to which there is a ground swell nationally now that the fuel crunch is over to do something similar to that which Representative Collins and I suggest because when I put, I repeat, when I put the saving of fuel, the saving of time, into one balance of the scale and put in the other balance of the scale the 250 or so communications I've received from our constituency, including downstate, where human suffering and concern is involved, the balance tips. I have received letters from the aged, from the senior citizens pleading with me to repeal this law because they're no longer as agile as they used to be. They can't run that intersection the way they were able to. The visually impaired have come to the Committee pleading to repeal the law..."

Speaker Daniels: "The Gentleman will please bring his remarks to a close."

Kosinski: "You mean two more minutes? Other issues have taken up more time on this House floor."

Speaker Daniels: "Okay. Wind it up."

Kosinski: "I have had the visually impaired and the physically

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impaired come to the Committee pleading with me to change this law. Now, my concern is, and as The Rockford newspaper columnist indicated, he was one of the first victims by getting his legs broken, as the Chief of Police of East Alton, Illinois said when he wrote me that right..red light means stop, as the mothers who have written me that they have trained their children to stop at the intersection and obey the signals and now the signals don't mean anything. When I put all that in the other side of the scale, I think we owe it to certain communities, certain peoples, all urban areas, to repeal this law. Now consider it carefully. Thank you."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 656. The question is, 'Shall House Bill 656 pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'nay'. The voting is open. The Gentleman from Winnebago, Representative Mulcahey, to explain his vote. The timer is on, Sir."

Mulcahey: "Mr. Speaker, if this gets more than 20 votes, I want a verification."

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

Matijevecich: "There's no truth to the rumor that that Rockford reporter that broke his leg that Zeke Giorgi was driving the automobile."

Speaker Daniels: "Representative Collins to explain why he had the nerve to sponsor this Bill."

Collins: "Well, Mr. Speaker, I introduced this Bill at the request of the Gentleman who originated the Brian B. Duff Traveling Award. And never believe that Roman Kosinski and I would get half the votes that 'Show Me' got."

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

Stuffle: "Yes, Mr. Speaker and Members, I've sat by a Gentleman who's probably got more than 150 votes on more Bills than

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anyone in the House and if we hurry we can give him 150 on this one."

Speaker Daniels: "Representative Vinson to stop fighting with Representative Pullen to explain his vote."

Vinson: "Mr. Speaker, I think there are some things that need to be brought to light on this Bill. The original Cosponsorship of this Bill was Gill Deevers, but it was also Bob Juckett. And the person who drafted the Bill, the underlying law, who is now Representative Penny Pullen, then a staffer. So if you voted for Mr. Collins' Bill, you would be voting to repeal that law that she passed and drafted. And I just thought a number of people might be interested in that."

Speaker Daniels: "Have all those ...Have all those voted who wish? Have all...Have all those 20 people really serious about voting for this Bill...All those voted who wish? Have all those voted who wish? The Clerk will take the record. On this question there are 14 people joining Representative Collins, including himself, voting 'aye', 148 voting 'nay' and 3 voting 'present'. This Bill, having failed to receive a Constitutional Majority, or even 20 votes, is hereby declared lost. House Bill 748. Representative Kelly. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 748, a Bill for an Act to amend Sections of an Act relating to acquisition, possession, transfer of firearms. Third Reading of the Bill."

Speaker Daniels: "Representative Kelly. Representative Peters in the Chair. Representative Kelly."

Kelly: "Thank you, Mr. Speaker and Members of the House. I don't think I can do any worse on this Bill than what was..occurred on the last one. House Bill 748 is a Bill which amends the Firearms Owners Identification Card Act. This legislation requires that the applicant apply at a

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local or a state police facility, rather than mailing their application form into the Department of Law Enforcement. This particular Bill would basically change the law so it would prevent the fraud that has occurred and was reported last year when certain individuals were using names like John Dillinger, Jesse James and even Donald Duck and the Department did issue identification cards to them. The Bill in its form merely requires that the applicant go to the police facility with an application, with a recent photograph of themselves, with documentation proving their identity and it even requires that there be a stamped envelope which the Police Department can use to forward this to the State of Illinois. Ladies and Gentlemen of the House, just recently this Body defeated House Bill 328 which would have repealed the Firearms Owners Act and with that action had in effect said that they want the program to continue in the State of Illinois. If we are going to have a Firearms Owners Identification Card Program in Illinois it should be one that is the best possible administered program that can be had. This Bill will do exactly that and I and certainly Representative Kosinski, who is a hyphenated Sponsor..well, I don't care. I still... No, I'm not going to drop you. I still figure you're a very respected Legislator. I just ask for your favorable support."

Speaker Peters: "Any discussion? Representative Kosinski."

Kosinski: "Mr. Speaker and Ladies and Gentlemen of the House, let me add to this that 'James Zeagle', the Director of the Department of Law Enforcement, supports this legislation. I talked with him yesterday here on the House floor. Also, also, Representative Leverenz who had a Bill to eliminate this law was working on the correct premise that it needed strengthening because 'Mr. Zeagle' had told him, either we

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drop it or we strengthen it. And I think this will strengthen the Bill and I think Mr. Kelly has an excellent Bill. I would recommend its adoption."

Speaker Peters: "Representative Collins?"

Collins: "Well, Mr. Speaker, I might speak on this Bill too and then Kelly's really in trouble."

Speaker Peters: "Representative Bluthardt."

Bluthardt: "Well, I'm really, Mr. Speaker, not that much opposed to it, but I am concerned about the cost to local government. And I think there will be in the way of manpower and perhaps stamps and finger printing, what have you, there is a cost to local government. No? Well, it would seem to me there would be cost to local government. It's not affected by the State's Mandate Act? There's no reimbursement to local government for the services? That's a question if he would answer it. You see, I'm not very strongly opposed to it. I think most local governments would agree to accept this additional obligation."

Speaker Peters: "Representative Lechowicz. Representative Lechowicz?"

Lechowicz: "Well, Mr. Speaker, my questions are along the same vein as Representative Bluthardt. I'd like to know the cost of the program and who's going to pay for it."

Speaker Peters: "Well, maybe you'd better answer those, Representative Kelly. Go ahead. Kelly, Dick Kelly."

Kelly: "Yes, Mr. Speaker and Representatives Bluthardt and Lechowicz, this Bill would have a fiscal impact according to the State Mandate Program between 142,000 and 284,000 dollars per year. Now, this is based on the numerous police facilities throughout the State of Illinois. This legislation does not require any finger printing, any photographing which would be a cost factor and in fact, even, Representative Bluthardt, it even provides that the

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applicant provide a stamped envelope to the Department. This legislation can be amended in the Senate to provide a 50% service fee which would more than adequately provide for this Bill, the funding."

Speaker Peters: "Representative Lechowicz."

Lechowicz: "Well, was that your intent in proposing that Amendment in the Senate? There would be a service fee if the individual goes to a local police station?"

Kelly: "I initially felt there wasn't any cost factor because the clerks...every police facility at least the vast majority do have a..someone on duty who could ..would have available time. This wouldn't take any more time than a notary procedure and that's about what the charge is for a notary procedure. I would say that I'd be more than pleased to have that Amendment adopted if that wouldn't cause any problem. And I would...That's the direction we would go, I would feel."

Lechowicz: "That's fine. Thank you."

Speaker Peters: "Representative Winchester."

Winchester: "Well, I hate to rise in opposition to the Bill and I know that Representative Kelly is a sportsman because we've hunted together and I know that what he's trying to do is not put controls on handguns but put control on people to make sure that mental health patients and ex-felons and so forth and those that were reported through newspapers as being able to get firearms identification permits. But what I'm concerned about first of all, without going too much further, is that we're going to be forcing citizens to go to police stations which gives the appearance of them being involved in some sort of criminal activities and I think that the sportsman is going to be, you know, he's just going to be in an uproar if this Bill passes. And I'm going to vote 'no' and I would hope that you would put this

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on Interim Study Calendar so that this year the Subcommittee perhaps could be formed so that we could travel around the state, meet with sportsman's groups and gun clubs and so forth and get some of their input. I think that you've done that. And I think a piece of legislation of this importance could attract a lot more green votes from those of us who are afraid of any kind controls on guns. If you would at least hold those hearings around the state."

Speaker Peters: "Representative Giorgi."

Giorgi: "Mr. Speaker, I think some of these Members who get up and talk on this gun owners identification Bill should keep referring to the people who are inmates of mental institutions. Those aren't the ones who were causing the problem when you wanted this Bill passed. You told us when you passed this Bill you were going to pick known hoodlums that carried guns and put them in jail. You haven't put anybody in jail yet. No one's went to jail on this..under this Act in eight years. You've been lying to the people of Illinois for the last eight years on this Bill. Quit getting...Get off the backs of the poor people that come out of mental institutions. They don't try to get guns. You've promised you were going to get rid of the hoodlums that carry guns. You promise us with this Bill that the crime rate would be cut and the crime rate never was cut. The crime rate has escalated. You promised us when the Law Enforcement Commission got their money to fight crime, crime rates would go down. Crime rates went up. Who the hell are you kidding? You couldn't track a bleeding elephant through the snow with this Bill."

Speaker Peters: "Representative Bower."

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

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

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put?'. Those in favor will signify by saying 'aye', those opposed? The 'ayes' have it. Representative Kelly to close."

Kelly: "Yes, Mr. Speaker and Members of the House, in closing I'd just like to point out to Representative Winchester that I sponsored a similar Bill during the last General Assembly and we did have hearings around the state on the legislation and this Bill, a similar one, one that required finger printing, one that required photographing, was considered and that has been deleted from the Bill and I think this is an issue that you can relate to. The Members of this House decided they wanted to keep a program. I want to be proud of Illinois' program and the only way that can occur is if we have a regulation over the type of application procedure we have and you said that the other night when you said you wanted to keep it. So I would ask for your support and join me in voting 'yes' on House Bill 748."

Speaker Peters: "The question is, 'Shall House Bill 748 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'no'. Representative White to explain his vote."

White: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this legislation. Not long ago, I lost two of my relatives as a result of someone who should not have had a gun using it to destroy some lives. And so I think that if we had this kind of a piece of legislation in place quite possibly my relatives would be alive today."

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

Davis: "Well, thank you, Mr. Speaker. I'm voting 'yes'. I disagree with Representative Winchester. I think it's...I haven't heard from any sportsmen and I get around in those circles pretty well. That they would not want something like this, I've heard nothing to the contrary. I think the

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biggest problem we face here is the State's Mandate Act, just to be honest with you. I think the Bill is a very good Bill. I voted 'yes'. The State's Mandates Act, it says it's going to cost the state a quarter of a million dollars. This is a legitimate local police function and I think we'd better take a look at the State's Mandates Act to find out how we can start delineating what is a state mandate and what's not. We keep bumping into this thing and I'm beginning to get more suspicious all the time of the damned thing."

Speaker Peters: "Representative Braun, do you... Put you light..Is your light on there?"

Braun: "Yes, Mr. Speaker. Thank you. I was going to speak on this Bill. It is a modest proposal. It is a sensible proposal. But there are 101 votes and I'd just as soon see the record taken."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 105 voting 'aye', 41 voting 'nay', 6 voting 'present'. This measure, having received the Constitutional Majority, is hereby declared passed. House Bill 896, Representative Abramson. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 896, a Bill for an Act to amend the Illinois Act on Aging. Third Reading of the Bill."

Speaker Peters: "Representative Abramson."

Abramson: "Mr. Speaker, Ladies and Gentlemen of the House, I'm the Chief Sponsor of 896 and 897 and at this time I'd ask that they be placed in Interim Study."

Speaker Peters: "What were those numbers, Sir?"

Abramson: "896 and 897."

Speaker Peters: "896...Alright. 897 is on Second Reading, page four and 896 is on page nine of the Regular Calendar.."

Abramson: "Mr. Speaker, I'm also Chief Sponsor of 863 and I ask

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that that be placed on Interim Study also."

Speaker Peters: "863?"

Abramson: "Yes."

Speaker Peters: "On page nine of the Regular Calendar. 863, Interim Study. House Bill 996, Representative Alexander. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 996, a Bill for an Act to amend the Code of Criminal Procedures. Third Reading of the Bill."

Speaker Peters: "Representative Alexander."

Alexander: "Thank you, Mr. Speaker. And to the Members of the House, House Bill 996 does exactly what the Synopsis says. May I say to this House that this is not a new Bill. It has been before the General Assembly under House Bill 3420 which was totally passed by both Houses of the 79th General Assembly but was vetoed by the Governor. As House Bill 1686 before the 80th General Assembly, it failed to get out of Committee. As House Bill 946, two Members of our own House here in the 81st General Assembly got this Bill out of the House where it died in the Senate. You may want to know what the Bill does. It is called in essence the speedy trial...Hello? Hello? The speedy trial Act. It merely says that persons who have been arrested are entitled to under Constitutional right to be properly tried within a 30 day period if they're incarcerated or if the person is on bail that they shall be brought before a court for preliminary hearing within 45 days. I ask for your help on this Bill to pass this Bill. I'll answer any questions if there are any."

Speaker Peters: "Any questions? Representative Fawell."

Fawell: "Thank you, Mr. Speaker and Members of the House. As much as I respect my colleague on the other side of the aisle, I will have to rise up in opposition to this Bill. I have had some personal contact with the Judicial System

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over the years. I know how even under our present regulations, we have had to let criminals go because they could not be taken care of under our speedy trial demand. This will even lessen the amount of days that they will be given and I would suggest that you look at this legislation very, very carefully. I know your intention is good, but with the courts tied up the way they are, I would be very concerned about passing this kind of a Bill. Thank you."

Speaker Peters: "Representative Jones."

Jones: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a very, very good piece of legislation. We talk about the criminal justice system or we talk about persons being arrested for a crime and justice delayed is justice denied, not only for the criminal, but also for the community. And in Cook County in particular, why you have many persons arrested for a felonious crime and they languish in the jail for months after months after months. The witnesses are lost and the person's eventually turned back on the street because you cannot get a decent prosecution. The Cook County State's Attorney Office has been increased with more prosecutors to handle the legislation that this will deal with and I urge a 'yes' vote on this piece of legislation. Representative Alexander has a good Bill and we must get the criminals off the street and a 'yes' vote will aid us in our communities. It will stop those individuals from being turned lose without being prosecuted."

Speaker Peters: "Representative Alexander to close."

Alexander: "Thank you, Mr. Speaker. In support of this Bill, may I say that I have done quite a bit of research with regards to this matter and may I read into the record a report given by the conservative Congressman, Daniel 'Lungren', where the key question that was asked him what was

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accelerating the rate of street crime? And the question was, 'What happened to the speedy trial?'. And his answer was that, '..the longer the period between the commission of an act and the determination of guilt, the more difficult it is to convey to the perpetrator of the crime that there is a cause and effect relationship in the cycle of crime detention and punishment'. Society needs to show the criminals that there is a short and sure relationship between the commission of a crime, its detection and the court's conviction and of course, the court's punishment. Under the Constitution of the United States of America and the Constitution of this state, '..We hold here in this Assembly that no person shall be answered, be charged to answer for a crime of any nature crime and that the person shall be given a prompt and preliminary hearing in order to establish the probable cause of their guilt or innocence'. I ask for your 'aye' vote on this matter."

Speaker Peters: "The question is, 'Shall House Bill 996 pass?'. Those in favor will vote 'aye', those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Huskey to explain his vote. Representative? No? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 113 voting 'aye', 25 voting 'nay', 3 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1075, Representative Robbins. House Bill 1075. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1075, a Bill for an Act to amend Sections of the Illinois Municipal Code. Third Reading of the Bill."

Speaker Peters: "Representative Robbins."

Robbins: "On House Bill 1075, a few years ago the ..in the Cities and Villages legislation (sic, Committee) they raised the

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Water Commissioners ability to have their pay increased from \$300.00 to \$600.00 and they inadvertently did not add the Water and Sewer Commissioners and left them at \$300.00. And there's only, I believe, two groups of Water and Sewer Commissioners in the state and one of them is in my district. So, I would call for a 'yes' Roll Call on this and say that it is not a mandatory..it just allows whatever the city wishes to set up to \$600.00."

Speaker Peters: "Any discussion? Representative John Dunn? The question is, 'Shall House Bill 1075 pass?'. Those in favor signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Peters, 'aye'. Representative Woodyard? Once..wait one second. Representative Woodyard, vote me 'aye'. Yes, Sir? Are you..Is your light on? Now, Representative Bowman."

Bowman: "Well, Mr. Speaker..."

Speaker Peters: "...To explain his vote."

Bowman: "I wonder if the Chair perhaps could rule as to whether this is a reimbursable mandate where this is not permissive. It's mandatory. It says each Commission shall receive the same compensation which shall not be more than \$800.00...\$600.00 a year."

Speaker Peters: "Representative Bowman, in the opinion of the Department of Commerce and Community Affairs, House Bill 1075..same thing? In the opinion of the Department of Commerce and Community Affairs, House Bill 1075 does not constitute a state mandate as defined by the State Mandates Act. Have all voted who wish? Take the record. Representative Dunn, your light is on. Oh, alright. On this question there are 132 voting 'aye', 4 voting 'no', 13 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed.

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Representative Dunn, for what purpose do you arise?"

Dunn: "I arise on a point of personal privilege, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, last evening the House passed House Bill 1475 and I thought I was listening fairly closely to the debate and there's an Amendment on that Bill that at least I did not hear discussed. So I filed a Motion to reconsider the vote by which that Bill was passed and I voted on the prevailing side. My Motion does not appear on the Calendar today and I've been around here long enough to know that sometimes Bills scoot off to the Senate pretty quickly and I would, of course, like to know what happened to my Motion, but I suspect the Bill was gone to the Senate. And I would like the Members to know that the Amendment that I did not hear discussed on House Bill 1475 was a very significant Amendment to the Election Code which involved the mechanics and procedures for putting Constitutional Amendments on the election ballot and it included provisions which would require petitions to have a printed signature as well as a written signature when a person signs a petition. It would require that the person signing add the date they signed along side their name. It would require that each petition have in its heading the election jurisdiction in which it is signed and it would also require that if that is not done, the petition shall be considered to be from the election jurisdiction of the first person signing the petition and the Amendment requires that when the petitions are filed a copy of the election...of the petitions must be delivered to the election authority in each election jurisdiction. I think you can see that this makes radical changes in the procedure for adopting Constitutional Amendments and that has been a very sensitive issue in this Body. There was very controversial legislation passed in

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somewhat of a similar fashion about two years and of course we've suffered the results of the cut back Amendment. So I am rising at this point in time to register my objection to lack of discussion of Amendment #1 to House Bill 1475 and to register my objections for the record for failure to consider the Motion to reconsider which I filed last evening within minutes after the Bill was passed. And I would urge that all Members take a look at this Bill and the Amendment and urge the Senate to take whatever action you feel is proper with regard to a controversial measure such as this. And I would, of course, Mr. Speaker, like to know whether the Bill is still in the control of the House and whether..what happened to my Motion to reconsider which was filed in writing with the Clerk."

Speaker Peters: "Representative Dunn, we'll find out where the Bill is and what happened to your Motion. We'll get you an answer before it's over right here. Representative Preston, 1120. House Bill 1120, Representative Preston. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1120, a Bill for an Act to amend Sections of an Act in relationship to rehabilitation to disabled persons. Third Reading of the Bill."

Speaker Peters: "Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1120 requires the Department on Aging and the Department of Rehabilitative Services to provide home health care services for seniors and the disabled throughout Illinois. The provision of home health care by the Department on Aging was the main thrust of that Department's argument when it was being considered whether or not to indeed have a Department on Aging in 1972. From 1972 until today they have not provided home health care services. House Bill 1120 really does a little more than

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to give them a little encouragement or kick to begin those home health care services throughout the state and I would ask for your 'aye' vote and I'll answer any questions."

Speaker Peters: "Any discussion? Representative to close."

Preston: "Thank you, Mr. Speaker. Again I just ask for your 'aye' vote."

Speaker Peters: "The question is, 'Shall House Bill 1120 pass?' Those in favor will signify by voting 'aye'; those opposed by voting 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Representative Ebbesen."

Ebbesen: "Well, yes, Mr. Speaker. In explaining my 'no' vote, at least temporarily, if the Digest is right, under Fiscal Note, it says, 'In the opinion of the Department of Rehabilitation Services it would cost the agency approximately 30 million dollars a year to implement.' Is that correct or is the Digest wrong? And if so, I think the Membership ought to be aware of what they're voting here. Perhaps if the Sponsor could explain his vote he might enlighten us."

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

Preston: "Thank you, Mr. Speaker. In response to the Gentleman's question, the Department of Rehabilitative Services told me that they have no idea what the cost would be and they put in a quick something since it was required from them. In fact, this will be a giant net savings to the State of Illinois in the millions, tens of millions of dollars. And the reason for that is that when you prevent, or at the very least, postpone the entrance of an individual, senior citizen in this case, into a nursing home, 90% of nursing home costs for the residents are paid for by the state. When you prolong the entrance of somebody into that environment, you are saving a fortune for the State of Illinois. So, this Bill will result, to the extent the

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Departments actually go along and provide the services, and that's left by this Bill up to the Department. They can provide as much or as little as they desire. But this is to get them started in providing something. When there is a full program of home health, it will save the State of Illinois..."

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

Wolf: "Well, yes, Mr. Speaker and Members of the House, I'm, you know, really confused on this. If the Sponsor says we're going to save money, from our staff analysis it says that the Department of Aging is opposed to it and if there is....There has been a Fiscal Note filed which says there's a 30 million dollar cost to this. If..I'm kind of confused as to who's right. You know, the Appropriation Committee has been working all year long. We've managed to cut \$105 million out of the budget. We've got another 100 million or so to go. And if there's any kind of a significant cost to this at all, I would certainly have to oppose it just on the fiscal portion of it."

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

Mautino: "Thank you very much, Mr. Speaker. In explaining my vote, this is probably the most comprehensive development program that all of us should be very aware of. Number one, the largest cost that we have in State Government is under Public Aid and Public Health. Public Aid, to those institutions, nursing homes either run by the county or the private sector, for the people of the State of Illinois who are not in the private paid sector. The provisions of this Bill, if enacted and enforced accordingly, would allow those people who are on the verge of going into nursing homes to now be able to have that health in their in-home care, in-home care under home, health services. Probably the best program for spending money to keep people in their

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homes and not getting into the high costs under Public Aid and Public Health is this piece of legislation. And I'm sure that you've all discussed before..."

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

McClain: "Thank you very much, Mr. Speaker. Mr. Mautino is absolutely correct. This piece of legislation is very important because right now, as you know, President Reagan is reducing and putting into block grants some funds, including community care program monies. So this piece of legislation will take the place of some of those lost revenues. It keeps people in the homes which is vitally necessary. Agencies like in Quincy, HomeMaker, Home-Health Aid, they will go under under President Reagan. This kind of provision will keep them alive, keep them serving seniors so that they stay in their homes and do not go into nursing homes. When they get to the point that they have to go to nursing homes, they will. But it keeps them with a little dignity and they stay in their homes. I'd ask for an 'aye' vote."

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

Levin: "Mr. Speaker, for the record, I just want to state that I have a potential conflict of interest, but I'm going to vote my views in any event."

Speaker Peters: "Did Representative Levin conclude? I can't...My God. Representative Chapman."

Chapman: "Mr. Speaker, I have some figures here that may be helpful to Members of the House who would like some understanding of the savings that this Bill can provide. In the State of Michigan nursing home care costs \$12,000 per individual. And the help from the Federal Government is 50 percent. In-home care, on the other hand, costs \$3600 a year per individual. However, at this time this

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must be entirely state supported. Adult foster care in the State of Michigan, which is reimbursed 75 percent with Title 20 dollars, is \$6,000 a year. So you see that no matter how you slice up this cake, the state is ahead financially if we..."

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

Steele: "Thank you, Mr. Speaker. In explaining my 'no' vote, this Bill would put under the Department of Vocational Rehabilitation the management of this program and I can tell you, in my area, in southern Illinois and elsewhere around the state, there's been a lot of criticism for the waste, the poor management. I think much of these complaints have been very valid in how that Department has been run. And I'll tell you, while it may sound like a good idea, if you're going to put this 15 million dollars in the hands of the same people who have been criticized, and I think validly so, for some of the inefficiency and ineffective way where they've really failed to meet the real needs of the people they're serving, then I think you're throwing some money in the wrong direction, particularly at a time when we can't afford it. So it's going to be in a Department that I think has been subject to much criticism and I would hate to put this kind of money under their jurisdiction and I think it wouldn't work out the way you perhaps would want it to..."

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

Conti: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I know you've tried to expedite this Calendar all day long today and we're getting a little bit lax. I'm looking at both sides of the aisle and I see people voting on this Bill and there's an awful lot of votes up there that I know that are not in their seats. I don't, at this time of the

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day, and this time of the Calendar, I just don't like to verify our Roll Call. But I have no other alternative unless we start pushing our own buttons. Now there are 94 ...96 votes up there and I can count at least 14 that I can knock off."

Speaker Peters: "Representative Preston."

Preston: "Thank you, Mr. Speaker. In answer to some of the questions that were raised. Again, this Bill does not mandate the technical aspects of the programs. It just tells the two Departments to get on the stick with home health care. They need not spend....It doesn't say you have to spend \$10.00. It doesn't say you have to provide home health to everybody in the state. Indeed, it doesn't even say you have to provide it to more than ten people or even ten people. It tells the Departments that the sense of the General Assembly is that they start providing home health care services and I emphasize and underscore the word, 'start'. It's to start the programs going at the pace that, in their discretion, they decided they should be going at this point. It need not cost the state one nickle or these Departments one nickle more than the Department says that it should. So this is a beginning and I hope you can support it."

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 95 voting 'aye', 63 voting 'nay'. Representative Conti."

Conti: "Well, I was in hopes that while I was making my observation that they would change..."

Speaker Peters: "Representative Conti."

Conti: "I was hoping that they would change their 'aye' votes to 'present'. But they didn't and I'm forced to verify this Roll Call."

Speaker Peters: "The Gentleman asks for a poll of the absentees."

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Clerk Leone: "Poll of the Absentees: Deuchler. Epton. Garmisa.
Huff. Margalus. Robbins. Schuneman. Slape. Stearney.
Telcser. And, Woodyard."

Speaker Peters: "Representative Preston? Representative Conti?
I'm looking for direction."

Conti: "Yes. I'd like to verify the Roll Call."

Speaker Peters: "Proceed with the verification then."

Clerk Leone: "Poll of the Affirmative: Alexander. Balanoff.
Barnes. Beatty. Boucek. Bower. Bradley. Braun.
Breslin. Brummer. Bullock. Capparelli. Carey. Catania.
Chapman. Christensen. Cullerton. Currie..."

Speaker Peters: "Excuse me. Representative Mulcahey?"

Mulcahey: "Mr. Speaker, can I be verified now please?"

Speaker Peters: "Go ahead."

Clerk Leone: "Darrow. DiPrima. Domico. Donovan. Doyle. John
Dunn. Ewell. Farley. Findley. Flinn. Virginia
Frederick. Giglio. Giorgi. Greiman. Hanahan. Hannig.
Henry. Hoffman. Huskey. Jaffe. Jones. Kane. Katz.
Keane. Dick Kelly. Kornowicz. Kosinski. Krska. Kulas.
Laurino. Lechowicz. Leon. Leverenz. Levin. Martire.
Matijeovich. Mautino. McClain. McGrew. McPike.
Mulcahey. Murphy. Neff. Nelson. Oblinger. O'Connell.
Ozella. Pechous. Pierce. Pouncey. Preston. Rea.
Redmond. Rhem. Richmond. Ronan. Saltsman. Sandquist.
Satterthwaite. Schneider. Schraeder. Irv Smith.
Margaret Smith. Steczo. Stewart. Stuffle. Terzich.
Topinka. Turner. Van Duynes. Vitek. White. Sam Wolf.
Younge. Yourell. Zito. And, Zwick."

Speaker Peters: "Representative Brummer, for what purpose do you
arise, Sir? Brummer."

Brummer: "Would you please record me as 'present'?"

Speaker Peters: "Representative Brummer, from 'aye' to 'present'.
Representative Boucek?"

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Boucek: "Thank you, Mr. Speaker. I just realized that we don't have 30 million dollars to spend in this. Would you please change my 'aye' vote to 'no'?"

Speaker Peters: "Boucek from 'aye' to 'no'. Representative Bower?"

Bower: "Mr. Speaker, the Clerk read my name on the Affirmative Roll Call. How am I recorded?"

Speaker Peters: "How is Representative Bower recorded?"

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

Bower: "That's right. That's what it's supposed to be."

Speaker Peters: "All right. Any other changes before we proceed? Representative Huff? Representative Huff votes 'aye'. Representative Preston?"

Preston: "May I have the count?"

Speaker Peters: "We started at 95. We took off Brummer and Boucek to make that 93 and we added Huff. So we are at 94. Am I correct, Mr. Clerk? 94 is the starting count, Sir. Representative Conti, proceed."

Conti: "Alexander."

Speaker Peters: "She's here."

Conti: "Beatty."

Speaker Peters: "Is Representative Alexander here?"

Conti: "Yes, she's here."

Speaker Peters: "Oh, all right. Beatty? How is the Gentleman recorded?"

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

Speaker Peters: "Take him off the Roll."

Conti: "Capparelli."

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

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

Speaker Peters: "Take him off the Roll."

Conti: "Christensen."

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Speaker Peters: "Christensen is in his seat."

Conti: "Darrow."

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

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

Speaker Peters: "Take him off the Roll."

Conti: "Domico?"

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

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

Speaker Peters: "Take him off the Roll. Just a minute now. Replace Representative Capparelli voting 'aye'."

Conti: "Farley."

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

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

Speaker Peters: "Take him off the Roll."

Conti: "Flinn."

Speaker Peters: "Flinn? How is he recorded?"

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

Speaker Peters: "Take him off the Roll."

Conti: "Giglio?"

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

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

Speaker Peters: "Take him off the Roll."

Conti: "Hannig?"

Speaker Peters: "Hannig?"

Conti: "Hannig."

Speaker Peters: "Hannig is here. Representative Beatty? Return Representative Beatty to the Roll voting 'aye'."

Conti: "Huskey."

Speaker Peters: "Huskey? Is the Gentleman in the chamber? How

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is he recorded?"

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

Speaker Peters: "Take him off the Roll."

Conti: "Kane."

Speaker Peters: "Kane. Is the Gentleman in the chamber? Okay.
He's here."

Conti: "Kosinski."

Speaker Peters: "Kosinski? He's in his seat."

Conti: "Lechowicz?"

Speaker Peters: "Who?"

Conti: "Lechowicz."

Speaker Peters: "Representative Lechowicz? Is the Gentleman in
the chamber? Here he is. Proceed."

Conti: "Martire."

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

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

Speaker Peters: "He's in the rear. He's in the rear."

Conti: "Murphy?"

Speaker Peters: "Murphy?"

Conti: "He's here. I see him."

Speaker Peters: "All right."

Conti: "Mr. Redmond."

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

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

Speaker Peters: "Take him off the Roll."

Conti: "Ronan."

Speaker Peters: "Ronan? He's here."

Conti: "I saw him. Mr. Slape?"

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

Clerk Leone: "The Gentleman is not recorded as voting."

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Speaker Peters: "He's not voting."

Conti: "Sandquist."

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

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

Speaker Peters: "Take him from the Roll."

Conti: "Smith?"

Speaker Peters: "Which Smith?"

Conti: "Irv Smith."

Speaker Peters: "Irv Smith. Is the Gentleman....He's here."

Conti: "I have no further questions. Diane Nelson?"

Speaker Peters: "Return...Nelson? How is she recorded? Is she
in the chamber? How is she recorded?"

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

Speaker Peters: "Take her from the Roll."

Conti: "Frederick?"

Speaker Peters: "How is the Lady recorded?"

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

Speaker Peters: "Take her from the Roll. Frederick, Virginia
Frederick. Return Darrow to the Roll."

Conti: "Bradley?"

Speaker Peters: "Bradley is here."

Conti: "You say he's here?"

Speaker Peters: "Right here."

Conti: "Turner?"

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

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

Speaker Peters: "Take him from the record."

Conti: "What's the count, Mr. Speaker?"

Speaker Peters: "Eighty-four 'aye'."

Conti: "I have no further questions."

Speaker Peters: "On this question there are 84

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'aye'...Representative Preston."

Preston: "Mr. Speaker, may I put this on Postponed Consideration?"

Speaker Peters: "Postponed Consideration. House Bill 1157, Representative Hannig. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1157, a Bill for an Act in relationship to preservation of wild life and wild life habitat. Third Reading of the Bill."

Speaker Peters: "Representative Hannig."

Hannig: "Thank you, Mr. Speaker and Members of the House. House Bill 1157 is a Bill that's aimed at preserving the state's dwindling wild life habitat. The Bill addresses this problem in two ways. First of all, it allows the Department of Conservation to sell wild life habitat stamps. These stamps will sell for \$5.00 apiece. Now, no privileges are to be associated with the stamps, but the revenue raised from the sale of the stamps will be earmarked to go to the preservation of wild life resources. Now, the second part of the Bill would create an eight member Commission to advise the Director of the Department of Conservation as to which lands should be purchased. The Commission will serve without pay and in the interests of fiscal conservatism will serve without expenses. Basically that's the Bill. All the environmental groups support the Bill. The Department of Conservation supports the Bill and I know of no opposition."

Speaker Peters: "Any discussion? Being none, the question is, 'Shall House Bill 1157 pass?'. Those in favor will vote 'aye', those opposed will vote 'nay'. The voting is open. Peters, 'aye'. Have all voted who wish? Have all voted who wish? Daniels, 'aye'. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 135 voting 'aye', 6 voting 'nay', 3 voting 'present'. This

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Bill, having received the Constitutional Majority, is hereby declared passed. Representative Abramson, do you seek recognition? House Bill 1232. Representative Bradley. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1232, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Bradley: "Well, Mr. Speaker and Ladies and Gentlemen of the House, as you will recall we amended this Bill and we struck everything after the enacting clause so that we could actually do what we intended to do originally, but with poor drafting we didn't accomplish that. What House Bill 1232 does now, it requires that a person who would be driving...providing volunteer transportation for persons in connection with activities of any nonprofit or religious or charitable organization...they can't do it unless that person has a valid and proper classified drivers license issued by the Secretary of State. The driver must have held a drivers license for three years and they must meet certain requirements; that they be 21 years of age, have a valid properly classified drivers license issued by the Secretary of State. I think the guts of it though, the Bill, is that they must demonstrate the ability to exercise reasonable care in the safe operation of a motor vehicle which will be utilized to transport the persons in accordance with the above standards. The purpose and the reason for introducing the legislation, Mr. Speaker and Ladies and Gentlemen of the House, is on two or three occasions in the district that I represent we'd had some very bad experiences with people volunteering to drive for nonprofit organizations, driving a van that they had not driven before, were not used to. We had some fatalities and this Bill, I think, will certainly address itself to that problem. It would simply ask that those people that

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are going to be driving those kinds of vehicles will demonstrate the ability to drive that vehicle before setting out on a course of action that they really are not prepared for and I ask for the adoption ..er.. your consideration in adopting House Bill 1232."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 1232 pass?'. Those in favor signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 122 voting 'aye', 12 voting 'nay', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1275, Representative J.J. Wolf. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1275, a Bill for an Act in relationship to field and wild life codes. Third Reading of the Bill."

Speaker Peters: "Representative Wolf."

Wolf: "Thank you, Mr. Speaker and Members of the House. The Digest describes this Bill accurately. It establishes a half price license for senior citizens. Unfortunately, it does do away with the Golden Age Card which was sponsored by Representative Steele (Stiehl) before, but in all fairness I think there were only six or eight hundred of those issued. It also has some other Amendments which were put on at the request of the Department of Conservation which defines the turkey season, increases the out-of-state license to \$30.00 from \$15.00, cleans up the deer permit section regarding land over permits, allows year round skunk hunting due to a nuisance problems in rabies, provides for nonresident trapping of fur bearing mammals and makes some word changes. It reduces the day limit on northern pike from three to one and some other largely

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clean up noncontroversial matters and amends the Fish Code by providing that illegal taking of fish and game such as poaching in other words is punishable as a class B felony which is only a misdemeanor. The recent quick scam case undercovered and allowed for catching a very large poaching operation in Illinois and the department officials felt that the current law that classifies poaching as a misdemeanor does not serve as a sufficient deterrent. This Bill passed out of Committee 12 to nothing. It is supported by the department. I would solicit your votes."

Speaker Peters: "Any discussion? Representative Steele, Everett Steele."

Steele: "Thank you, Mr. Speaker. I would just rise to point out that this measure does affect the free hunting and fishing licenses of senior citizens in our state. For a number of years, the senior citizens have had free hunting privileges and free fishing privileges in our state, those that are over 65 and this would, of course, make them pay half fare. And I would just call to the attention of the Membership that in view of the out cry over Social Security that we've been receiving lately, the fact that senior citizens are getting worried about some reduced benefits. But this would reduce a benefit which they've had over the years, a benefit of free fishing and of free hunting in our parks after they've paid taxes over many years as wage earners. And once they reach 65, they've sort of gotten used to having free hunting and free fishing privileges. There is certain merit to the measure in that it would raise some additional funds. It does have a good Sponsor, but I just feel, in all honesty, a need to call to your attention that here is a right which senior citizens have now that is going to be reduced and somewhat taken away from them and I feel you should be aware of that as you cast your vote."

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Speaker Peters: "Representative Schraeder to explain...er.Representative Schraeder."

Schraeder: "Mr. Speaker and Members of the House, I want to point out, as the previous speaker has, that in this time of inflation when the senior citizens are hard put to buy anything, now we're going to put on another fee for it. Rather than reduce fees we're going to add on. This is a slap in the face of those senior citizens who have had these privileges for some time and I just want everybody to be aware of it that if they vote for this they're voting against their parents and their uncles and their aunts and it's a bad piece of legislation."

Speaker Peters: "Representative Terzich."

Terzich: "Yes, I'd like to ask the Sponsor a question. It's my understanding that the adoption of Amendments...with the adoption of the Amendments that it repealed the..everything before that? In other words, it doesn't involve the reduction of ..er..the addition of senior citizens' fees? Representative Wolf?"

Speaker Peters: "Representative Wolf, J.J.Wolf."

Wolf: "Would you repeat that, Bob?"

Terzich: "Does this add a hunting and fishing fee for senior citizens?"

Wolf: "Yes, it establishes a half price fee and the reason for it is is because I notice when there was ...There's these 'Dingle-Johnson-Pittman-Robbin' funds which are..come from a ten percent excise tax on sporting goods. And I was looking over the list of states and their allocations from the Federal Government and noticed that there were a number of smaller states that got more money back than Illinois. I inquired then with the Department of Conservation about this and they said, yes, because the PB and DJ dollars come back to the states on the basis of area, including coastal

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waters and the number of licenses sold. So, we are losing federal dollars for the federal excise tax which sportsmen pay on all fishing tackle. It's not coming back to the state because of the costs of licenses. Well, we determined from the Federal Government, the Federal Wild Life, there would have to be at least enough to call...a nominal amount so we decided on a half price fee. We had witnesses...a witness before the Committee, Bill Glaze, who was a senior citizen. He supports the Bill. I've yet to find one fisherman yet that isn't willing to pay half price on it."

Schraeder: "Well, Mr. Speaker, I know a few years back we did pass a Bill to allow not only to senior citizens, but the disabled and handicapped, to have free hunting and fishing privileges. At that time, there was very, very little money involved. As a matter of fact, it probably cost more money to issue the licenses than what the state would save. I believe it amounted to approximately 48 thousand dollars at that time. And I certainly don't see any logic that these people that presently enjoy this benefit. I know that it's appreciated and there was a tremendous demand by the senior citizens at that time. And I would hate to see this enacted where it would require a payment for senior citizens and I would urge a 'no' vote."

Speaker Peters: "Representative Jim Kelley."

Kelley: "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 by saying 'nay'. The 'ayes' have it...Representative..Do you wish a Roll Call vote on that, Representative Leverenz? I didn't think so, but if you want a Roll Call vote, we'll be happy to do it. Representative Wolf to close."

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Wolf: "Well, Mr. Speaker, Members of the House, you know we've built a new fish hatchery out here at Sand Ridge. There's new improvements on the one down in southern Illinois. The cost of licensing, even a full license for a fishing license, which is \$5.00 for anybody else, probably amounts to less than one-half of a percent, or one percent or less of what you would spend. The average fisherman goes out; They buy bait; They buy equipment; They buy tackle. I don't think....I've yet to find one senior citizen who would think that \$2.50 a year would be excessive for it. It does bring, as I said, the 'Dingle-Johnson-Pittman and Robbin' money back into the State of Illinois. It totals somewhere, the estimates from the department are fiscal note about \$450,000.00 a year, would come in to help pay for the fish hatchery which is sadly needed because without that we won't have anything..any place to go fishing anyway. I would just solicit your favorable votes and I know this is a very touchy subject for some of the Members. As soon as we talk about people over 65 years old, but this is by virtue of birthday. It's not based on financial need or anything of the like. In other words, a retired millionaire or anybody else qualifies. I've yet to find the first one. I know many who still buy licenses even though they're not required. This is only a half price. It's still a good discount. And I would urge your support."

Speaker Peters: "The question is, 'Shall House Bill 1275 pass?'. Those in favor signify by voting 'aye', those opposed by voting 'nay'. Representative Vitek to explain his vote."

Vitek: "Mr. Speaker, Ladies and Gentlemen of the House, I might have a conflict of interest on this because my age, I don't hesitate to tell you, is seventy-four, Jake. And because of the conflict of interest, like Bernie Epton says, I vote

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my conscience and my conscience says 'no' for the senior citizens."

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

Kornowicz: "Mr. Speaker, Ladies and Gentlemen, I oppose this Bill. The reason I oppose this, because just recently we permitted the senior citizens at no cost their licenses in regards to fishing and hunting and we're trying to help them out. Here, it only takes two years, it might be three years, that this Bill was introduced by my running mate, Bob Terzich, and we passed it with flying colors. Here, two, three years later, somebody decides to hurt our senior citizens in regards to remove this. And I ask for a 'no' vote on this. Thank you."

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

Leverenz: "Thank you, Mr. Speaker. We were unable to ask some questions. I don't know how much money the new form of tax or licensing will raise, but I think it's uncalled for. I understand the..those that understand the controversy of 'Steele-Shot', this is in the Bill. I don't exactly know what that does or doesn't do. I understand it reduces the bag limit for northerns. Now, I've never caught three in a day, but I don't know if I ever caught two and now it's reduced to one. I don't know whether to keep the big one or the little one or the first or the second one. And it now allows for nonresidents to trap in Illinois which is (sic, has been) prohibited up till now and I don't understand why we're doing that. I don't know if the other states allow us to go in there..."

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

Pechous: "Yes, Mr. Chairman (sic, Mr. Speaker) and Ladies and Gentlemen of the House. I, too, have constantly rallied behind the cry. It's something for senior citizens, help the senior citizens. In my background lies eight years as

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a city clerk during which time, in fact, I sold hunting and fishing licenses to all comers. And it's been my experience that a great number of senior citizens in fact can pay, desire to pay, so that the hunting and fishing privileges and opportunities for all in Illinois will be funded, will be amply provided for. I sat on the Conservation Committee when this Bill was presented. It did not draw a negative vote. In fact, it's going to help bring into the State of Illinois much needed matching federal monies to up-grade the hunting and fishing opportunities for all our Illinois citizens. And so, again, the constant cry, help out the senior citizens, is a false cry in this case. The Bill will be only one-half. The price is one-half charged to anyone else and I'm not, too, and I'm a senior citizen as well as many, many of my friends. We're more than prepared to pay it..."

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

Bluthardt: "Jake, one northern a day? Only in the Mississippi. You ought to pay a bounty to get rid of them."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 58 voting 'aye', 89 voting 'no', 9 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 1322, Jack Dunn. Representative Ebbesen, for what purpose do you arise?"

Ebbesen: "Yes, Mr. Speaker, I'd like to make an inquiry of the Chair. I know that our deadline is at least at this point in time is midnight tonight. It seems obvious to me and a lot of the other Legislators that..."

Speaker Peters: "Proceed, Sir."

Ebbesen: "That we probably will not be able to complete all of these Bills by midnight and what is the intention of the

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Chair related to when are we going to receive or perhaps have another Motion in terms of extending the deadline? Do we order food? What is going to take place? Is there any feeling for this that you might give the Membership?"

Speaker Peters: "Representative Madigan has a suggestion."

Madigan: "I just have a partial answer for Mr. Ebbesen, and you'll probably get about a ten second notice... you'll get about a ten second notice when the decision is coming from the office here on the other side."

Speaker Peters: "Representative Ebbesen."

Ebbesen: "Well, that's the same notice we had last time so there wouldn't be anything new."

Speaker Peters: "Representative Ebbesen, I want you to count down. Start with ten, nine, eight, ...Representative Friedrich."

Friedrich: "Mr. Speaker, in keeping with what Representative Ebbesen has just mentioned, I'm going to make a Motion at this time that all of the House Bills on Third Reading be placed on the Order of Short Debate Calendar. It's obvious that we're not going to get through all of them even then, but at least a few more people will get a shot at it, and if there is a controversial Bill it can always be taken off. I think it would speed up the process of the House and give a few more people a chance to have that heard. So I, at this point, offer that Motion."

Speaker Peters: "The Gentleman has moved the all Bills on the Priority of Call, Third Reading be placed on Priority of Call, Third Reading, Short Debate."

Friedrich: "No, Sir. My Motion was all Bills on Third Reading, non-appropriation Bills."

Speaker Peters: "All House Bills..."

Friedrich: "On Third Reading, non-appropriation."

Speaker Peters: "... on Third Reading with the exception of

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appropriation Bills."

Friedrich: "Mr. Speaker, with the way the Bills were expedited the other night with you in the Chair, I think this would certainly give a lot more people an opportunity to be heard."

Speaker Peters: "Just so that's understood. All Bills on the Calendar on the Regular printed Calendar and on the Priority of Call, House Bills, Third Reading, the Gentleman moves that they be placed on Calendar, Third Reading, Short Debate and Priority of Call, Third Reading, Short Debate. On that question, Representative Darrow."

Darrow: "Thank you, Mr. Speaker. In view of the ruling in the manner in which this House was run on a prior occasion and the actions taken by the Speaker on that date, I would be hard put to vote for this Motion even though I would like to do so. Because of the way this was handled, these Bills are now on the table. If the maker of the Motion would like to begin by making a Motion to take the Bill from the table, I could then support this. Until he does that, I will be voting 'present' and I would suggest that the other Members on this side of the aisle vote 'present'."

Speaker Peters: "On the Motion, Representative Mautino."

Mautino: "Inquiry, Sir. Does that mean that, for example, the next Bill on the Priority of Call at Third Reading would be 1322 as Priority of Call, Third Reading, Short Debate?"

Speaker Peters: "Correct."

Mautino: "Thank you."

Speaker Peters: "On the question, Representative Stuffle."

Stuffle: "Yes, I think that we should pursue this Motion and support this Motion, but I think it's necessary that this Body ought to know some more about what the Chair intends to do with regard to the question raised by Representative Ebbesen and the remarks made by the Minority Leader as to

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our normal ten second notice on the floor here that we've now become accustomed to, and as to whether the Chair also intends to go back and once again impose special rules and call certain Bills with priority in certain areas as you did today on unemployment compensation. I think that we would be hard pressed to make an intelligent decision on the Motion by Representative Friedrich until we have some answers as to what sort of notice we can expect, whether or not the deadlines are going to be extended, whether or not we're going to continue to see the rules broken as we have throughout this week and what you expect to do."

Speaker Peters: "In partial answer to that question, the Speaker and I think the Minority Leader have ordered chicken again."

Stuffle: "That's consistent with the other evening. We had chicken before the ten second notice then."

Speaker Peters: "Then you have to eat fast. The second part of the question, it is not the intent of the Chair, at least in regard to workman's comp to call any Special Order of Business. Yes. You have 18 questions left. Representative Stuffle."

Stuffle: "Not 18. Would you repeat that please? It's not your intention to call a Special Order of Business for workman's compensation."

Speaker Peters: "That's correct."

Stuffle: "Is that yours or the real Speaker?"

Speaker Peters: "That is... I think that's pretty solid."

Stuffle: "Pretty solid, okay. Thank you."

Speaker Peters: "If, when they come up on the Calendar, however, we will hear them."

Stuffle: "In the order that they appear?"

Speaker Peters: "That's exactly right."

Stuffle: "Thank you."

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Speaker Peters: "Representative Ewell on this question."

Ewell: "Mr. Speaker, my first question is the Motion that the Gentleman put. Is it in writing and at the Clerk's desk?"

Speaker Peters: "I don't know that it is or not."

Ewell: "Could you make an inquiry of the Clerk?"

Speaker Peters: "Is it at the desk, Mr. Clerk? It is not in writing and it is not here."

Ewell: "My first objection would be that any Member has a right to have it in writing. I would, first of all, to see it in writing."

Speaker Peters: "It is not in writing. We will take the Motion out of order. We will go to House Bill 1322, Jack Dunn. Proceed. Representative Friedrich, for what purpose do you stand? He's not seeking recognition. Jack Dunn, 1322."

Clerk Leone: "House Bill 1322, a Bill for an Act to add Sections to the Local Governmental and Governmental Employees Tort Immunity Act. Third Reading of the Bill."

Speaker Peters: "Jack Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 1322 is a rather simple Bill yet it's in keeping with the sponsorship. It's a far reaching piece of equity legislation designed to protect all units of local government and limit their tort liability to 100,000 dollars. This legislation was precipitated by my experience as Mayor of a town of 26,000 people. Several liability suits in the past six years have increased our insurance rate from 17,000 dollars a year to 128,000. We were dropped for a time from the insurance and had to pull our employees off the street until we found a pool that would finally take us. These suits totaled about four million dollars and two of them were for actions taken by our police while apprehending persons in a commission of a felony. The answer to this dilemma is to do the same thing

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for local government the State of Illinois has done. In 1945 the Legislature in its wisdom placed a 100,000 dollar limit on state tort liability. Surely this state is far better equipped to handle large frivolous law suits than local government, but they drew a line by creating a State Court of Claims and a 100,000 dollar lid. All I ask for is the same treatment the state enjoys. This Bill is endorsed by the South Suburban Mayors and Managers Association, the Illinois Municipal League and came out of Committee 10 to 1. I and a good many others think it's a good and fair Bill and would appreciate your support and answer any questions you might have."

Speaker Peters: "Any discussion? Representative Johnson."

Johnson: "First, is this on Short Debate?"

Speaker Peters: "No, it seems to be the obvious intent of the House to continue on Third Reading since we could not give a concensus."

Johnson: "Fine. In addressing the Bill, Mr. Speaker and Members of the House, I think everybody ought to look at see what Representative Dunn is saying. This must have been a Bill that got out when everybody was asleep in the end of your Committee meeting because this is just unbelievable. You're telling me that if a person is paralyzed for life when a city truck hits him that he's limited to 100,000 dollars. You're telling me that if a person is killed in a wrongful death action and leaves a three and a six and an eight and a ten year old child that he's limited to 100,000 dollars. That if he loses both of his legs or is a quadraplegic he's limited to 100,000 dollars when, in most cases, 100,000 dollars wouldn't even cover his medical expenses. This is the most unbelievable anti-human Bill I have ever seen. I'm amazed that any Committee of the Legislature could turn out a Bill like this. If you say

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the thing was established 100,000 limits for the state in 1945, I assume it was inadequate in '45, but if it was 100,000 dollars in '45 the cost of living has gone up four times since then. This is just incredible. The torts that can occur due to the negligence and it has to be the negligence of a city or any other municipality, unit of local government, are endless. They're able to insure against it. They're able to protect against it and the fact that they might have to pay increased insurance premiums when a person is going to go the rest of his life or her life without legs or paralyzed or their children never to have anybody to support them so they support them in the public dole because you want to put 100,000 dollar cap on this is just incredible. I would urge everybody to look at this Bill and if there's ever a Bill that ever deserved a 'no' vote, this is it."

Speaker Peters; "Representative Conti, on this question."

Conti: "Mr. Speaker, Ladies and Gentlemen of the House, I'm really shocked and surprised at the last Speaker who talked. Where was he since 1970 when the Illinois Constitution Convention came in here and limited the State of Illinois to 100,000 dollars? Where were all these lawyers? Where were all these bleeding hearts at that time? This is another good example of how local communities should bear all of these problems, but the State of Illinois--it's perfectly alright to limit them to 100,000 dollars in tort community... Tort Immunity Act rather. Where was all these attorneys on the 1970 Constitution when it was passed? My insurance Bill, the same thing that happened to the Southside Mayors went from 45,000 dollars up to 170,000 dollars in one year. I advertised for bids for insurance companies. They just laughed at me. They wouldn't come in and even take our

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insurance on it. So finally Travelers Insurance came in and says it's going to cost us 180,000 dollars from 45,000 dollar up to 180,000 dollars for a small community of 26,000 population. No, I don't want to see anybody be limited to 100,000 dollars, but there must be something. If the State of Illinois can put it in the Constitution to protect the State of Illinois to 100,000 dollars, what happened to the rest of the municipalities in the State of Illinois? We're a creature of the General Assembly. We are a creature of the General Assembly, and if we cannot protect our people and our taxpayers when a small community is increased almost 400% in insurance in one year, where are we going to get the money from? I'm sure these Mayors aren't going to take the money out of their pocket to pay for these extra insurance claims that are coming up. Yes, I don't agree that the 100,000 dollars to have someone injured, but what are we going to do for money and where are we going to get it?"

Speaker Peters: "Representative Getty."

Getty: "Mr. Speaker, I rise to determine legislative intent and I would ask if the Sponsor would yield."

Speaker Peters: "He indicates he will."

Getty: "In looking at the language of your proposed Act it says, '..If a like cause of action would lie against a private person or corporation..'. Is it your intent to imply that the like cause of action would lie simultaneously against a private person or corporation?"

Dunn: "I'm advised that that is not the case, Representative Getty. No."

Getty: "What is your intent?"

Dunn: "Representative Getty, the language is the identical language that the state uses."

Getty: "Well, then is it your intent that if a private entity

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could be found guilty in tort that this Section would apply?"

Dunn: "The agreed party, Representative Getty, would have the option of a civil action in addition to the 100,000 dollars."

Getty: "I'm sorry, I could not hear that. The noise level is just too high."

Dunn: "I'm not an attorney. Just a minute. I think we're going a little bit beyond what the state has said in the state statutes and the intent of the 1970 Constitution. We're simply saying the same thing that the state said at that time and the option of a civil suit is always open."

Getty: "I'm suggesting to you, Sir, that the language, as it's drafted in this Act, is ambiguous. It can be read to say that if a ... it reads if a like cause of action would lie against a private person or corporation. That can be read to imply simultaneously or it could be read to say that if this cause of action could be brought, which you don't say, against a private person or corporation intending to exclude on those things where a public entity would be under law excluded from transacting."

Dunn: "Representative Getty, if you find that ambiguous, then the language in the state statute is ambiguous too. I'm simply following exactly what the state has done. I'm not an attorney, but that's the way I asked it to be drafted. I presume it's that way."

Getty: "May I speak on the Bill? It's quite clear that the statute is ambiguous. We have been unable to ascertain from the Sponsor which is his intent. It could be either. I suggest that we are playing with fire if we pass out of this House proposed legislation that would effect a broad class of our constituents when we don't even know what it means."

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Speaker Peters: "Representative Jaffe."

Jaffe: "Yes, Mr. Speaker and Members of the House, I, too, rise in opposition to this Bill. This is a terrible concept. It really is. What you're basically saying is that if the little kid should get hit by a garbage truck in the City of Springfield today and is permanently injured for the rest of its' life and becomes a vegetable, all that little kid is going to be able to recover is 100,000 dollars. I think that's just ridiculous. That's not what we should want to intend. I can't really believe that the Gentleman introduced this Bill, but I think with the ambiguities that Representative Getty talks about, I think it becomes even a little bit stranger. Because, you know, in fact, a cause of action might lie against the truck driver and so what you might have is, you might have some poor guy who got the job as a truck driver driving a truck for the City of Springfield. They're only liable for 100,000 dollars, but that poor truck driver, he's going to be liable for nine million. I just think it's a bad concept. I think that in the last Session or two Sessions in the Legislature I think we introduced a number of Bills that provided municipalities could become self insurers and so on and so forth. I really don't think we need this Bill and it's a very anti-people Bill and I would urge a vote against it."

Speaker Peters: "Representative Hannig."

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

Speaker Peters: "The question is, 'Shall House Bill 1322 be put?'. All those in favor will signify by saying 'aye', those opposed. The 'nos' have it. The Gentleman wants a Roll Call on whether the question shall be put. Those who desire to continue the discussion will vote 'aye', those who are opposed will vote 'no'. Go ahead, Mr. Clerk. Take the Roll. This is on moving the question. Representative

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Brummer. Representative Brummer."

Brummer: "Yes, the Motion is to move the previous question. You stated the question as those who want to continue the discussion would vote 'aye'. I don't think that's the way you wanted to state the question, is it? Would you restate the question?"

Speaker Peters: "I think it's easier for people to understand it that way, however, it's... "

Brummer: "The Motion is to move the previous question."

Speaker Peters: "We have moved the previous question, an 'aye' is to close debate. The Clerk's like it said a certain way here. On this question there are ... Take the record. 85 voting 'aye', 42 voting 'nay. Representative Kelly, for what purpose do you rise?"

Kelly: "Yes, Mr. Speaker, I do want to ask my colleague from the 9th District if there would be some consideration..."

Speaker Peters: "It's too late. The Motion is adopted. Representative Jones, for what purpose do you rise? Pardon? Change Representative Jones from 'yes' to 'no'. The Motion .. takes two-thirds. The Motion fails. We will now open discussion again. I'm not going anywhere. Representative Kelly, proceed with your interrogation."

Kelly: "Yes, Mr. Speaker, this isn't an interrogation. This is a request of the Sponsor. I feel he has a worthy proposal but I think there's a problem with the amount and the figure we're talking about and I wondered if there would be any consideration that we might be able to place this into Interim Study where this legislation could come out later with possibly a higher figure that could be acceptable to this body."

Speaker Peters: "Representative Greiman."

Greiman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition but I rise primarily to refer

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to some comments made by Representative Conti who I think made the representation in very good faith. Representative Conti suggested that there was a constitutional limitation on the amount of money recoverable against the state. From my reading of the Constitution, unless Representative Conti can tell me to the contrary, it seems to me that the Convention merely said, quote, 'Section 4 of Article XIII, Sovereign immunity abolished except as the General Assembly may provide by law, sovereign immunity in this state is abolished'. No limitations were placed by the Constitutional Convention and no limitations appear anyplace in the Constitution. Now, I have a sense that perhaps the Republican analysis may have indicated that, but that is not the case, constitutionally, from what I can gather unless Representative Conti can cite a provision of the Constitution which would be applicable. What we are doing; however, on the substance of this Bill if it were to pass is when there is a negligent act done by a municipality or a municipality of local government, we are putting the burden... putting the tax, if you will, on the injured party rather than spreading the tax among the many taxpayers. It would be unfair, unequitable and I think it just a foolish, foolish concept."

Speaker Peters: "Representative Wikoff."

Wikoff: "Thank you, Mr. Speaker. I would like to speak in support of this Bill. It's very interesting some of the previous speakers. There was one made the comment that this probably passed while everyone was asleep. I can assure you that in Cities and Villages that they do not sleep. Maybe this may happen in some of the other Committees. I cannot attest to that. And it's also rather interesting that those who are rising in opposition to this for the most part are attorneys. It's rather interesting

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that we have a case of what is sauce for the goose is not necessarily sauce for the gander. Illinois courts have ruled that local governments cannot claim sovereign immunity and claims against local government are handled through the Circuit Court while claims of the state are handled through the Court of Claims. The state cannot be held liable in a civil tort claim for more than 100,000 dollars and there is no limit on municipality. Now, if it's so good for the state, why is it not good for municipalities? Transcripts from the 1970 Constitutional Convention seem to indicate that the delegates there favored such a claim on local government action, claim limit. Those transcripts also show that the delegates felt that the resources available to local governments to cover claims weren't nearly as great as the financial resources available to the State Government, but I again repeat, the State Government has a 100,000 dollar limit on tort liability. A lot was mentioned about the garbage truck hitting someone in the State (sic, City) of Springfield. Let's reverse that just a little bit. If, for instance, a state trooper accidentally shot someone, the state could not be held liable for more than 100,000 dollars in damages, but if a city policeman on the other hand negligently shot someone that could result in a multi-million dollar settlement against the city. I even have to ask you attorneys, where is your sense of fairness? This is a good Bill. Support it."

Speaker Peters: "Representative Stanley. No. Your light is on. Representative Leinenweber."

Leinenweber: "Thank you, Mr. Speaker. I'd just make two comments. One is what my mother taught me a long time ago. Two wrongs don't make a right. The other point I'd like to make in response to something Representative Conti said

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that the large judgments are not the problem. That's not what drives up insurance premiums because the large judgments are relatively very few and in between. It is the smaller ones that occur quite often are the ones that are the problem. My feeling would be based upon studies made in other areas of the law that, by putting a cap on, you're probably not going to effect insurance premiums at all. This is a bad Bill and it ought to be defeated."

Speaker Peters: "Representative Ewell."

Ewell: "Mr. Speaker, Ladies and Gentlemen, I think that this is a good Bill. All that we're ever going to hear is from not the four, but the 40 horsemen of Apocalypse, all of them led by greed, adverse ambition and self interest. You're talking about the lawyers here that will sit here and defend the Bill to say that a poor person has got a right to have over 100,000 dollars at the expense of some municipality which may not even raise 100,000 dollars in the year. I suggest to you you hear nothing from these Gentlemen about taking away that one-third of the fee which incidentally is one-third off the top and that's before the poor man pays his medical bills, before he pays his doctors, before he pays anybody, he drops one-third to the lawyer. If that's what they want to defend and they want to say we want our multi-hundred thousand dollar judgment so we can get our multi-hundred thousand dollar fees. That's what you're talking about. You're talking about greed. Now, there is no logical reason in God's green Earth or anybody's logic or anybody's law. If the statute is good for the State of Illinois, then it's got to be good for the other local municipalities. There's no question about that. You're not going to get a double interpretation. You have lawyers around here who can't even agree on how many angels could sit on a pin. Once we

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decided that issue then they argued about the size of the pin. I suggest to you that this is a Bill that simply has at its roots the small communities that cannot stand multi-thousand dollar judgments against them. All they have... what are you talking about? A garbage truck? They probably have a pick-up truck. What we're saying is that there has to be a cap somewhere. To say that we don't want to place a price upon the life or the injuries to somebody. We don't say that to our young men when we send them to war. When we send our young men to war, we tell them this is the occupational hazard of living in a democracy. We ask them to go and give up not just their limbs, but perhaps their lives and their lives have a 10,000 dollar cap on it. Now we want to talk about all the equities and all the justices in the world, what about the people who get wounded and who do not have the kind of returns that they would ask that the lawyers in this Body would ask on behalf of their clients? I'm suggesting to you, what about the small communities? What do you do to them? Do you bankrupt them out? Are they anymore powerful than the State of Illinois? If it's good for the State of Illinois, then it's got to be good for everybody else. And I ask you to turn a deaf ear to the 40 horsemen of Apocalypse because that's what they are, as they seek to protect their own greed, ambition and personal interets. I say that this Bill is a good Bill and you ought not be confused in your mind about the gobbledy gook that they tell you will result if we pass an identical statute to the State of Illinois. It's a good Bill and it deserves about 150 votes."

Speaker Peters: "Representative Preston to explain his vote or to discuss this issue."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill and I have to

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take issue with some of the comments of my very learned and distinguished colleague, Representative Ewell. Quite to the contrary to his conclusions, if indeed a municipality cannot afford the injuries that an individual might suffer by virtue of the negligence of one of its employees, how much less so can that individual who is injured afford that injury? There is reference made to people who are injured in war. When an individual is injured in war, that individual is taken care of through many government programs, through many programs of rehabilitation that are provided by the Federal Government. When somebody is injured by a cities garbage truck, perhaps paralyzed for life, what can the individual then do? That individual might require medical treatment and support for the rest of his life, and by putting this cap on the support that they can get, if the municipality can't afford it, what are we to do with the life that's been injured? Just throw it in the garbage? I think that's wrong and I urge a 'no' vote on this Bill."

Speaker Peters: "Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Peters: "He says no. Proceed, Representative Brummer."

Brummer: "Is there a method I can get a questioned answered if the Sponsor refuses to yield?"

Speaker Peters: "Sponsor. Yes, he'll yield. Yes, he'll answer."

Brummer: "Under Chapter... I mean in the Local Government Act, Chapter 85, paragraph 9-103 in a Section dealing with the insurance contracts the statutes clearly indicates that a municipality may be liable or at least recovery may be available to an injured individual if that municipality had insurance and if it did not have insurance there would be certain immunities that would be available to the municipality as a result of the lack of insurance. My

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question is, do you intend to limit that provision of the Local Government Act?"

Speaker Peters: "Representative Hoxsey."

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

Speaker Peters: "The Lady moves the previous question. Representative Brummer."

Brummer: "I want an answer to my question. We have different immunities involved and different recoveries involved dependant on whether there is or is not available insurance under paragraph 9-103. I asked the question of the Sponsor of whether or not he intends to effect the liability in both instances when there is and when there is not insurance."

Dunn: "We would, at that time, insure ourself for at least the limit of the tort liability as set down in the state statutes, hopefully that will change instead of having to insure ourselves for four or five million dollars that we are now."

Brummer: "Very simply, if this became an additional immunity under the Local Government Act, the provision under 9-103 indicates that those immunities are not available if, in fact, there is insurance coverage. My point very simply is that you may not even be doing what you're attempting to do because the failure to pay as a defense the immunity is not available if, in fact, there is an insurance contract covering this situation."

Dunn: "What we're saying is that final settlement cannot exceed the amount of 100,000 dollars."

Brummer: "And that would be the case regardless of whether or not there is insurance of a million dollars?"

Dunn: "We'd be overinsured if we had a million dollars, yes."

Brummer: "Please?"

Dunn: "We would be overinsured if we had a million dollars."

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Brummer: "Well..."

Dunn: "That would be in each case. It would be wise for a municipality to insure themselves properly, probably overinsured a bit to cover any contingency, but in each case there will only 100,000 dollars awarded."

Brummer: "My point very simply is that defense and those defenses under the Local Government Tort Immunity Act are not available if in fact there is insurance. That is the existing law. You do not appear to be changing that law which would mean that if, in fact, there was insurance up to a million dollars, you still would not be accomplishing anything by the passage of this Bill."

Dunn: "It's my understanding that the courts have never ruled on that matter so I cannot answer that question."

Brummer: "They have."

Dunn: "That's my understanding."

Brummer: "It seems to me, Mr. Speaker and Members of the House, that some far reaching aspects of this proposal have not been very well considered and this should probably be considered further."

Speaker Peters: "Representative Hoxsey."

Hoxsey: "I did move the previous question, Mr. Speaker."

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

Dunn: "I'm pleased now that we've spent so much time on my Bill. I think it's a very important Bill. I think it's a fair and equitable Bill and I think the kind of people who stood up in defense of it attest to the fact, the quality of people. They're local government people. They're people who are concerned with what happens in their communities. They've seen what the state has seen fit to do for itself and we

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just ask for the same thing. We are creatures of the state and I don't see how we're in a better position than the state to take care of obligations. I ask your affirmative vote."

Speaker Peters: "Question is, 'Shall House Bill 1322 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? Representative Darrow, to explain his vote."

Darrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We heard discussion of a garbage truck striking someone and if was a state garbage truck they'd be limited to 100,000 dollars. That is not correct. If a state employee is driving a motor vehicle, the 100,000 dollar limit does not apply. I see this is only receiving 34 votes. I'd suggest it be placed in Interim Study."

Speaker Peters: "On this question there are 34... Take the record, Mr. Clerk. 37 voting 'aye', 84 voting 'no', 8 voting 'present'. This Bill having failed to receive the Constitutional Majority is hereby declared lost. House Bill 1363, Representative Huskey. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1363, a Bill for an Act to add Sections to the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Peters: "Representative Huskey."

Huskey: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is not normally my type of legislation but the Les Sanders of the Illinois Truck and Car Dealers Association came to me as Chairman of the Motor Vehicles Committee and asked that we try to pass this legislation for the car dealers of the State of Illinois. That's the new car dealers and used car dealers. Now, this Bill is supported by the Buick Dealers Association of Illinois, the Chrysler Dealers Association and many, many, many other

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dealers. Basically, I've got and I'm sure you have gotten many, many letters from salesmen of, many of you have gotten letters from salesmen wanting to have Sunday's off..."

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

Yourell: "Yes, this is very important legislation and I would like the Chair to see that we get a lot of attention to it."

Speaker Peters: "It's all very important legislation."

Huskey: "Thank you, Mr. Speaker, and thank you, Mr. Yourell. The car dealers of the State of Illinois are in trouble. Their overhead has climbed. Their expenses have climbed and their sales have downed. There have been many bankruptcies in the last two years or last three years to be exact. They feel that if they can close on Sunday they can cut their overhead ten to fifteen percent. Not only that, they're losing their salesmen. Their salesmen have to work seven days a week to make a living. Now, you know how badly we dislike working even down here on Sunday, but salesmen are asking and I've gotten many letters from their families and I'm sure you have where their salesmen can have Sunday's off so they can go to church and be with their families on Sunday's like the rest of us. Ladies and Gentlemen, this, as I say, this Bill is not my idea. This Bill was requested from the car dealers, from the new car dealers of the state, and I certainly hope that you can support it and help us get the car dealers out of trouble until times are better."

Speaker Peters: "Representative Yourell."

Yourell: "Thank you. Would the Gentleman yield for a few questions?"

Speaker Peters: "He indicates he will."

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Yourell: "Representative Huskey, what is the penalty contained in House Bill 1363 should a new or a used car dealer want to engage in the free enterprise system that we enjoy in Illinois by staying open on Sunday?"

Huskey: "It's a Class A misdemeanor, Representative Yourell."

Yourell: "It's a Class A misdemeanor?"

Huskey: "Yes."

Yourell: "Is that what you said?"

Huskey: "I said a Class A misdemeanor, yes."

Yourell: "Where in the Bill does it say that?"

Huskey: "I don't have a copy of the Bill in front of me, Representative Yourell. It's in Chapter... Well, it's on the State Statute that says any person in violation of this Chapter...What's the name of that Chapter? In the Motor Vehicles Laws it's violation of Chapter 5-801."

Yourell: "I didn't hear that, Representative Huskey."

Huskey: "Violation of Chapter 5-801."

Yourell: "I know. You say it's a misdemeanor but where in the Bill does it say that?"

Huskey: "There's no special provision in the Bill but that certainly can be handled in the Senate."

Yourell: "Are you telling me..."

Huskey: "It's in the Code really."

Yourell: "Are you suggesting, Sir, that you have presented this Bill for our consideration when contained in the Bill there's no provision for penalty?"

Huskey: "There's a general penalty for a Class A misdemeanor in the Bill."

Yourell: "But where in the Bill does it say you're guilty of a Class A misdemeanor?"

Huskey: "It's the in the Motor Vehicle Code."

Yourell: "Well, that doesn't place it in House Bill 1363, Sir."

Huskey: "It places it in the Vehicle Code, Sir."

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Yourell: "Alright. There is no..."

Huskey: "I think you're trying to confuse the issue, Representative Yourell."

Yourell: "No, I'm trying to verify it, Sir."

Huskey: "It is in the Motor Vehicle Code. You're not. You're trying to confuse it. It's in the Motor Vehicle Code."

Yourell: "Now, if you just want to answer the questions. I have a copy of the Bill in front of me and obviously you said you did not. Now, this Bill amends Section 5-101 and 5-102 and then the language goes on from line nine to line 23, period, end. Now, there's nowhere in those lines in the Bill that calls for a penalty."

Huskey: "Representative Yourell, it amends Chapter 5 and anyone and any provision the violation of Chapter 5..."

Speaker Peters: "Excuse me. Representative Huskey."

Huskey: "I'm trying to answer his question."

Speaker Peters: "I understand that, but it's difficult. Mr. Epstein. The Gentleman standing in front of Representative Yourell."

Yourell: "Thank you, Mr. Speaker. We'll skip the penalty part. Would you tell me, Representative Huskey, does this exempt shops that deal with repair parts and accessories?"

Huskey: "No, it doesn't, Representative Yourell."

Yourell: "Then perhaps I ought to read you the language in the Bill."

Huskey: "Wait a minute. Just a minute now. No, it doesn't apply to... go ahead. You can read me your language."

Yourell: "Well, now does it exempt them or doesn't it?"

Huskey: "It does not."

Yourell: "Then again, Sir, I suggest you get a copy of the Bill."

Huskey: "I've got a copy of the Bill."

Yourell: "And I'll read you line 14. 'Provided however that this Section does not apply to the opening of an established

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place of business on Sunday for the sale of petroleum products, tires, or repair parts and accessories."

Huskey: "I said it did not apply."

Yourell: "It's exempt."

Huskey: "Well, not in the car dealer but these businesses are mainly gas stations and things of that type. That's what that is referring to."

Yourell: "This does exempt auto repair shops and auto shop... accessory shops. Is that correct?"

Huskey: "That it does. You're right."

Yourell: "Thank you. May I speak to the Bill?"

Speaker Peters: "Proceed."

Yourell: "Speaker, I want to speak to the Bill."

Speaker Peters: "Proceed, Sir."

Yourell: "Ladies and Gentlemen of the House, Mr. Speaker, this is a direct intrusion by government on business. It singles out and calls for special interest legislation on new and used car dealers in the State of Illinois. Now you've heard that there's going to be benefits to those people who close on Sunday because of the economy. What are we going to do when the economy becomes better in the State of Illinois? Are we going to return to Springfield and put a repealer in on this legislation so that they can once again be open on Sunday? Let me tell you this; there is a tremendous fiscal impact on the state sales tax in the State of Illinois. We are doing something that we're going to be doing for just one order of business in the State of Illinois. I want to also read you a letter from the Illinois State Chamber of Commerce. The Illinois State Chamber of Commerce opposes House Bill 1363. We are opposed to all unnecessary business regulation. It should be up to the individual auto dealerships to determine what day and at what hour they want to do business. This Bill

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would seriously infringe on an individuals rights in a free competitive society.' You've heard that 90% or 95% of the new and used car dealers in the State of Illinois want this legislation. May I read you also a part of a letter from the Illinois Used Care Dealers Association? 'During a recent survey of our membership on the Sunday closing of auto dealerships, over 99% emphatically opposed this legislation even though some of the dealers choose not to conduct business on Sunday's.' You heard mentioned the fact that the families and salesmen should be home with their families. I agree. But what happens to those of the Jewish faith who observe the Sabbath on Saturday? They're still required to be open. What happens to those that profess to the faith of Seventh Day Adventist? They still are required to be open. The Bill doesn't deal with them. I guess I could go on and on and tell you about the editorializing that has taken place since this Bill was first introduced. Channel 2 tonight is going to do an editorial saying that this is not in the best interest of the State of Illinois. It's bad legislation and should be defeated. The Kankakee Daily Journal dated May 13th says, 'How can the state help these car dealers not by ordering them to close on Sunday. If this Bill is adopted, more marginal dealerships will have to close. Auto sales account for an estimated 191 million dollars of state sales tax revenue. Huskey's Bill would result in substantial loss of funds to the state which the state can ill-afford.' The Star Tribune in our own legislative district, 'This is the capitalist system we're operating on, Mr. Huskey. If some dealers are prosperous enough to take the day off, let them. If others are down on their sales or are aggressive in their marketing, they should be allowed to stay open and do business.' Sunday, we should point out, is the only day

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of the week some people can actually engage in what often turns out to be a long, laborious search for a new car. Let the Legislators of other states close the dealers on Sunday. Let's not do the same thing with bad legislation in Illinois. A fellow with a mortgage, for example, has got to pay that mortgage. You've heard about overhead. The overhead is not as you would imagine. The biggest overhead is on the plan, the floor plan of the cars. They still have to pay interest on those floor planning. I suggest this is special interest legislation. It deals with only one segment of our business community and should be soundly defeated."

Speaker Peters: "Representative Robbins."

Robbins: "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. The 'ayes' have it. Representative Huskey, to close. Huskey, to close."

Huskey: "Well, Ladies and Gentlemen, I... car dealers have come to ask for this. This is actually what they're asking for. I stated before, this isn't really my type of legislation, but the car dealers of the State of Illinois have asked that... for this piece of legislation. They want to do it because they want to cut their overhead. They want their salesmen to live like normal people because they're losing their first class salesmen. They're leaving the industry. They have asked for this so they can keep their salesmen. They've asked for this because they can save energy. Ladies and Gentlemen, this is not such a bad Bill. This Bill, it has been here before. I know that. But this is one segment of business that needs your help. We bailed out Chrysler Corporation to the tune of 20 million dollars. These people are not asking for one cent. They're asking

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to equalize it so they can be closed on Sunday and they don't feel by closing on Sunday that they will sell one car less. They tell me that automobile purchases are not an impulse item. They say people can wait and buy cars on Monday or Tuesday. Every state surrounding us and ...listen, this is very important. Every state surrounding the State of Illinois is closed on Sunday. The previous speaker would send his wife down to the creek to beat her laundry with rocks. Let's don't come here to do business as usual. Let's change things that help the dealers of the State of Illinois. And thank you very much. I would appreciate your 'aye' votes."

Speaker Peters: "The question is, 'Shall House Bill 1363 pass?'. Those in favor will vote 'aye', those opposed will vote 'nay'. Mr. Clerk, voting is open. The voting is open. Have all voted who wish? Representative Hoffman, to explain his vote. Representative Hoffman."

Hoffman: "Thank you, very much, Mr. Speaker and Ladies and Gentlemen of the House. I've had numerous contacts on this Bill from auto dealers in the Elmhurst area. We sell more automobiles in our area than any other similar sized geographic area in the State of Illinois and probably United States, and all of the auto dealers in that district save one are in favor of this program and have contacted me and said, I want you, we want you to support this legislation. We need this kind of help. This is a helpful Bill and one that I would hope that more of the folks would support because it's being asked for by the new car dealers."

Speaker Peters: "Representative Daniels in the Chair."

Speaker Daniels: "Gentleman from Cook, Representative Preston. Timer's on."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen. In

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explaining my 'no' vote, this Bill is a bad concept in that it's the beginning to additional government regulation where government has no business. First, it will be the automobile dealers. Next, we'll tell you when dental offices can be opened. Next, we'll tell you when medical offices have to be closed. We'll say when shopping centers can be opened and closed. No one is forcing the car dealers to be open anymore than they wish to be opened. Secondly, we've been elected to protect the rights of minorities. As Representative Yourell said, there are people of the Orthodox Jewish religion that cannot shop on Saturday's. This would also foreclose them from shopping on Sunday. So as working people like the rest of us, they would have to take time off from work in order to get their wives and their families to go automobile shopping. This is unneeded government interference with private industry and I'm very surprised at the people on the Republican side of the aisle who could be voting in favor of government interference."

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

Dunn (Jack): "I could agree with the Gentleman on the other side of the aisle with his last statement on government interference if it were not for the fact that I have received letters from no less than 30 dealerships within twenty miles of my town. Every dealer in that area wrote supporting Representative Huskey's Bill, and I would urge your support."

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

Leverenz: "Thank you, Mr. Speaker and to those that are voting yellow or have not voted at all. I called every dealer that wrote me and asked me for this. For seven years I've

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been here and they say don't regulate me, don't hurt me, don't put anymore regulations on and now they go 180 degrees in reverse. And, I say that I was sent here to help people and if this is what they want, stick it to them. Vote green."

Speaker Daniels: "Lady from Cook, Representative Topinka, to explain her vote. The timer's on."

Topinka: "Mr. Speaker and Members of the House, I'm sure I got as much mail on this as everybody else did and we have a lot of car dealers in our area. And I figured at first it was a very harmless Bill because basically it's a in-House type problem, but the more I thought about it and the more I started figuring out who might just want to stay open and what that does to them. I think it's free enterprise that says anybody who is willing to work and ready to work can work. And that when one industry decides to shut down, everybody else has to go down with them. I called our car agency, the mothership of this whole thing, and I said, 'Well, what is the purpose of this?' and they said, 'Well, we want to shut down'. And, I said, 'Well, what is this going to do to the people that want to stay open?' and they said, 'We don't want them to stay open, that's competition.' Well, dog-gone competition built this country and I am calling them all back and telling them I voted 'no' and I would encourage more Republican's who allegedly are pro-business because this starts a very nasty precedent. And it starts putting other in... (cut off)."

Speaker Daniels: "Lady will bring her remarks to a close."

Topinka: "That's all I have to say. I urge a 'no' vote."

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

Terzich: "Well, I just want to explain that all (one) Croatian

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car dealers in the State of Illinois are (is) in favor of this Bill."

Speaker Daniels: "Gentleman from Cook, Representative Wolf, to explain his vote."

Wolf(J.J.): "Yes, I wasn't going to vote for this but Representative Huskey told me the senior citizens will get their cars at half price so I vote 'aye'."

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

Vitek: "Mr. Speaker, Ladies and Gentlemen of the House, my good friend, my seat-mate here brought up the question about the Jewish faith. Well, I got a letter from Joe 'Levie' and he's a great guy. He's says John, 'We don't want to work. We want to close it up. We want the families to be home and enjoy their Sunday's'. And for that reason, I'm voting 'aye'."

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

McAuliffe: "I just wanted to rise, Mr. Speaker, and explain my 'aye' vote. I've got about 15 or 18 letters on this subject from new car dealers and all the letters I got indicated that they were in full support of this. So, I'm rising to support Representative Huskey's Bill. I ask for some more 'aye' votes."

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

Ewell: "Mr. Speaker, Ladies and Gentlemen, as the law exists, every car dealer in this country can shut down on Sunday if they want to. All they have to do is ban together and close. There's nothing keeping them open. But once you start the proposition that the car dealers tell you we want you to close all those who don't want to close, you're going to get involved in the same thing with the grocery

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stores, with the taverns, and with all types of shops, retail and otherwise telling us, telling the public what they want. It's ridiculous. I think this is a bad precedent. We're on dangerous ground and just like Bus Yourell says over there, they can all close if they want to. It's a bad Bill and it's wanted only by the car dealers. And we weren't sent here by the car dealers. We were sent here by the people who..."

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

Huskey: "Well, Ladies and Gentlemen of the House, the religious aspect was brought up here and our.. the Christians also would like to go to church on Sunday's and I've received letters from the wives of salesmen and from the children of salesmen that they wish that they could close the care dealers on Sunday's so their fathers will be home with them. The fathers can take them to church and live a normal life with them. That is one of the biggest things, and the dealers write and they are losing their salesmen because they have to work seven days a week. Now, where are all these humanitarians that are fighting for the workman's right. This is a salesman, a workman. The dealers are writing because they're losing their salesmen. They want to open six days a week so they can give their salesmen one day off. Now, speaking of the competition, the letters I have received and the letters you have received...(cut off)."

Speaker Daniels: "Bring your remarks to a close, please, Sir."

Huskey: "There's over...There's over 20... There's over 20 letters for every person that wants to open on Sunday. So, what does it do? One guy opens on Sunday and forces the 19 others to open. This is a, briefly, it's a Bill ..."

Speaker Daniels: "Bring your remarks to a close."

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Huskey: "... that hurts no one. The dealers have asked for it.

It doesn't put a disposition on the public. I haven't received one letter from the public stating they want the car dealers open. Car dealers or car buying is not an impulsive item. You don't buy a car on an impulse. You go out and you shop. And if you can't shop six days and six nights for a car, something's wrong. I need only ten more votes up there and I ask for your favorable vote."

Speaker Daniels: "Lady from LaSalle, Representative Hoxsey, to explain her vote."

Hoxsey: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I submit to you that this is what government is suppose to do. What people cannot do for themselves, and apparently from the information you've received you would recognize the fact that the local associations cannot bring this about because you've always got some guy that's going to hold out. I suggest an 'aye' vote."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Gentleman from Sangamon, Representative Kane, to explain his vote. Timer's on, Sir."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, we all say we want government to get off our backs but at the same time we contradict ourselves and everytime we want government to enforce something on somebody else that we want. I think that we can't have it both ways. If we want government off our backs then we can't have government enforce our desires onto other people who don't want to do the same thing. I think we ought to be consistent. All we have to do, if we want to close is to close, and I would urge a 'no' vote."

Speaker Daniels: "Gentleman from McLean, Representative Ropp, to explain his vote."

Ropp: "Thank you, Mr. Speaker and Members of the House. Let me

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say that I think on almost every Bill that we vote on we vote because some special interest is interested in something. Let me say that I think generally I would support working six days and off seven as we sometimes note in the scriptures. I just hope that somebody might be able to introduce a Bill that would say that cows only give milk six days a week, then we won't have to milk them seven."

Speaker Daniels: "Lady from DuPage, Representative Fawell, to explain her vote. Timer's on."

Fawell: "Thank you, Mr. Speaker and Members of the House. I happen to live across the street from one of the largest Ford dealers in our county, 'Packy Webb'. I am going to tell you that I have never received more mail on any other issue than this. I don't know why they want to close on Sunday. They have given me all kinds of reasons. They want to be with their families. It's a Christian day and they don't believe they should be working. All I know is my constituents have asked me to close, to vote for this Bill so they can close their doors on Sunday and they can have one day with their family. I think if that's what my constituents want, then I am perfectly willing to vote for this Bill and I would suggest that maybe you look over your mail and do the same thing."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Representative Hoffman, will you please put Representative Daniels on green, please? Yes, Daniels, yes. Have all those vote who wish? Have all those voted who wish? The Clerk will take the record. On this question there are 86 voting 'aye', 57 voting 'nay', 15 'present' and the Gentleman from Cook, Representative Huskey asks for a poll of the absentees. Representative Yourell asks for a verification in the event that it reaches 89."

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Clerk O'Brien: "Poll of the absentees. Bower. Christensen. Deuchler. Epton. Ewing. Farley. Garmisa. Hudson. Krska. Margalus. Barr. Oblinger. O'Zella. Redmond. Sandquist. Schraeder. Schuneman. Slape. Van Duyne. No further."

Speaker Daniels: "Is there any additions, corrections? Representative Schraeder. Record Representative Schraeder as 'aye'. Any other changes, additions? Representative Ebbesen. Record Representative Ebbesen as 'aye'. Representative Smith."

Smith: "Change my vote to 'present'."

Speaker Daniels: "Representative Smith is recorded as 'aye'. Change him from 'aye' to 'present'. Irv Smith. Excuse me. Gentleman from Hardin, Representative Winchester."

Winchester: "Thank you, Mr. Speaker. For my friend, Herb Huskey, change me from 'no' to 'aye'."

Speaker Daniels: "For his friend, Herb Huskey, change him from 'no' to 'aye'. Any other changes, corrections, or additions? Representative Smith."

Smith: "Change my vote to 'aye'."

Speaker Daniels: "Representative Smith from 'no' to 'aye'. I'm sorry. From 'present' to 'aye'. Representative Barr. Representative Barr. Record Representative Barr as 'aye'. Any other changes? 90 'aye', 55 'no' and the Gentleman from Cook, Representative Yourell, requests a verification of the Affirmative Roll Call. Read the Roll Call, Mr. Clerk."

Clerk O'Brien: "Abramson. Ackerman. Alstat. Barkhausen."

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

Wikoff: "Might I have leave to be verified?"

Speaker Daniels: "Representative Yourell, will you verify Representative Wikoff? Leave is granted. Representative

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Kociolko. Leave to be verified. Representative Kociolko is recorded as 'aye' and he has leave. Representative Brummer is recorded as 'aye'. Everybody hold on. Representative Yourell, are you getting these names down so you don't have any questions here? Representative Ebbesen wants to be verified. Representative Braun is verified as 'aye'. Representative Laurino is recorded as 'aye' and verified as 'aye'. Representative Hanahan, 'aye', verified. Representative Rea, verified as 'aye'. Representative O'Connell is verified as 'aye'. Representative Hoffman is verified as 'aye'. Representative Lechowicz is verified as 'aye'. Representative Leon is verified as 'aye'. Representative Oblinger. Record Representative Oblinger as 'aye'. Representative Giorgi."

Giorgi: "Mr. Speaker, I'm voting 'no', but if you'll accept an Amendment allowing the Crysler dealers to be open on Sunday, I'll vote for it."

Speaker Daniels: "Representative Stewart."

Stewart: "Yes, Mr. Speaker, please record me as 'yes'."

Speaker Daniels: "Change Representative Stewart from 'present' to 'aye'. Representative Piel is down here, Representative Yourell. Representative Piel is verified as 'aye'. Representative Terzich is verified as 'aye'. Okay. Can we go on? Alright, continue with the poll of the Affirmative Roll Call."

Clerk O'Brien: "Beatty. Bianco. Birkinbine. Boucek. Braun. Breslin. Brummer. Bullock. Carrie. Conti. Daniels. Davis. Deuster. DiPrima. Domico. Doyle. Jack Dunn. Ralph Dunn. Ebbesen. Fawell. Virginia Frederick. Dwight Friedrich. Giglio. Grossi. Hallstrom. Hanahan. Hastert. Hoffman. Hoxsey. Huff. Huskey. Jackson. Karpiel. Keane. Jim Kelley. Kociolko. Kosinski.

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Kucharski. Kulas. Kustra. Laurino. Lechowicz. Leon.
Leverenz. Macdonald. Madigan. Martire. Matijevich.
McAuliffe."

Speaker Daniels: "Representative Kosinski asks for leave to be verified. Leave granted. Representative Huskey, do you want to be verified?"

Huskey: "Mr. Speaker, I don't want to... I don't want to take anymore time of the House then so I just want to explain one thing that Representative Yourell is a Democratic Committeeman in the same district that I'm a Republican Committeeman and part of this is political. I do want to say though to save the time of the House and keep and rather than, rather than detain the other people that's got Bills. I'm going to ask that you put this on Postponed Consideration."

Speaker Daniels: "Democratic Committeeman, Representative Yourell."

Yourell: "Mr. Speaker, I don't resent the remarks of my colleague because what he says is absolutely true as far as my status politically is concerned. But if anybody can tell you what this has got to do with any political situation anywhere in this country or in this world, I fail to see that. I might also add that my secretary has been receiving harassing calls from the executive president of the new car dealers, Mr. Ander's, I believe his name is and I know exactly where the information came. She happens to be married to the President of the Used Car Dealers in Illinois. Now, I think that's a terrible, terrible situation when someone has to stoop that low to go to a person's secretary and say that Yourell's in the middle on this Bill. Yourell is not in the middle on any Bill. I either vote 'yes' or 'no' and very seldom, I think three times, 'present'."

Speaker Daniels: "Representative Johnson."

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Johnson: "Well, for Representative Huskey's benefit, in purporting that this is a partisan political issue. I resent that. You're the one who's been walking around the Legislature for five years since I've been here purporting to be a supporter of free enterprise and limited government and so forth and this is the most socialistic damn Bill I've ever seen. I'm a Republican and I'm voting 'no' and I'm proud to join Representative Yourell in opposing such asinine legislation."

Speaker Daniels: "Alright, alright, alright. Ladies and Gentlemen of the House, we're going to... Representative Huskey and that's going to be it. Representative Huskey, in your remarks, do not mention anyone else, please."

Huskey: "Alright. I'm... Representative... Mr. Speaker and Ladies and Gentlemen of the House, let me say I explained when I started speaking on this Bill that this is not my type of legislation. But I explained that the car dealers of the State of Illinois came to me as Chairman of the Motor Vehicles Committee and asked that I present this Bill to the House. I have done that. I have done that and I've done it to the best of my ability and that's it. Thank you very much for the green votes. I certainly appreciate it and I'm sorry if I offended someone with this type of legislation but the car dealers pay an awful lot of money to this state in sales tax and in real estate tax and I think they have the right to have their Bill heard in this House if they want to."

Speaker Daniels: "Thank you, Sir."

Huskey: "Thank you very much."

Speaker Daniels: "Thank you. Thank Representative Huskey and Representative Yourell, two fine Legislators. We'll now move on with the business. That Bill has been placed on Postponed Consideration. Representative Friedrich."

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Friedrich: "Mr. Speaker, one more time. I'm going to give the House an opportunity to..."

Speaker Daniels: "Sir. Sir, would you hold that for one minute, please?"

Friedrich: "Certainly will."

Speaker Daniels: "Next Bill. House Bill 1398, Representative Oblinger. Clerk will read the Bill."

Clerk O'Brien: "House Bill 1398, a Bill for an Act to amend Sections of the Illinois Municipal Code, Third Reading of the Bill."

Speaker Daniels: "Representative Oblinger, on the Bill."

Oblinger: "Mr. Speaker and Members of the General Assembly, after that last Bill I certainly can't compete with the pyrotechnics in that one. This is a Bill to allow municipal utilities to join together for a generation of electricity through municipal utilities banding together under certain very strict rules. And as you know, the other day an Amendment was put on that they will have to be subject to the Illinois Commerce Commission the same as private utilities. I would try to answer any questions you have on this and Mr. Mautino will close."

Speaker Daniels: "The Lady has moved for the passage of House Bill 1398. Are there any questions? If not, Representative Hoffman, from DuPage."

Hoffman: "Thank you very much, Mr. Speaker. I'm sorry, I was engaged in conversation here. Were you suggesting that the Members of the Illinois Commerce Commission be elected?"

Oblinger: "This is a municipal utilities Bill..... where small municipal utilities may form together for planning and all the rest of it but they would now be subject to the Illinois Commerce Commission. Their rates and all."

Hoffman: "Thank you very much."

Speaker Daniels: "Yes, Representative Yourell."

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Yourell: "I don't want to interrupt the proceeds on this Bill but is it my understanding that when a Bill is placed on Postponed Consideration there is to be no Roll Call?"

Speaker Daniels: "That is correct, Sir."

Yourell: "Thank you."

Speaker Daniels: "Representative Zito."

Zito: "Would the author yield?"

Speaker Daniels: "She indicates she will."

Zito: "I'd just like to clarify something. If a municipality is involved in selling water, is that affected in your Bill?"

Oblinger: "No. That has nothing to do with it."

Speaker Daniels: "Representative Mautino, to close."

Mautino: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1398 has those four Amend....., three Amendments that address the concerns that were brought up during the last week including Representative Davis' Amendment for the funding and Representative McClain's to address the questions of the Illinois Commerce Commission. Putting a municipal power company in the same posture as a general independent agency with the powers and authorities that they already have not to be lost but be protected under the proposal that is before you. This legislation preserves that power and sets up the formulation, rules, regulations and the authority for two or more municipalities within their boundaries are bound together to complete satisfaction of the ICC and their customers. There is one provision that Representative Oblinger mentioned that the rate structure is bound by the Illinois Commerce Commission. I think it's good legislation especially for those cities that purchase power from an independent source and resell it to the citizens of their locality. And I respectfully request an 'aye' vote."

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Speaker Daniels: "The Gentleman has moved for the passage of House Bill 1398. The question is, shall House Bill 1398? The question is, shall House Bill 1398 pass? All those in favor signify by voting 'aye', those opposed by voting 'no'. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? Representative Vinson. Have all those voted who wish? The Clerk will take the record. On this Bill there are 127 voting 'aye', 12 voting 'nay', four voting 'present'. House Bill 1398, having received the Constitutional Majority is hereby declared passed. 1557, Representative Donovan. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 1557, a Bill for an Act to regulate the labeling of agricultural liming materials. Third Reading of the Bill."

Speaker Daniels: "Representative Donovan, on 1557."

Donovan: "Yes, Mr. Speaker, may I ask leave of the House to put this Bill in Interim Study? I am the principal Sponsor along with Harry Woodyard, at this time."

Speaker Daniels: "Gentleman have leave to put House Bill 1557 in Interim Study. Leave is granted. Interim Study. House Bill 198, Representative O'Brien. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 198, a Bill for an Act to amend Sections of the School Code, Third Reading of the Bill."

Speaker Davis: "Representative O'Brien."

O'Brien: "Yes, Mr. Speaker and Members of the House, this is the Bill that funds the grants for those individuals that are attending private colleges and universities in the State of Illinois. The Bill is presently Cosponsored by Representative Irv Smith and it has a funding level with Amendment #1 on it of \$2,000 for full time students and \$1,000 for part-time students."

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Speaker Davis: "Is there any discussion? There being none,
Representative Wolf."

Wolf, J. J.: "Yes, would the Gentleman yield for a question?"

Speaker Davis: "He indicates he will."

Wolf, J. J.: "Yes, Representative O'Brien, we had some
conversation earlier. We talked about that you would be
willing to reduce this to \$1,950 in the Senate which would
be along with the Governor's recommendations. We have your
assurance on that, Sir?"

O'Brien: "That's correct, Representative Wolf. I've also talked
with Representative Irv Smith and the Governor's staff and
the Illinois Scholarship, State Scholarship Commission and
you have my word that we will accept an Amendment when this
Bill gets over to the House which would amend the
Appropriation down to the Governor's level in 1950. The
present Bill is \$2,000."

Wolf J. J.: "Thank you. Mr. Speaker, we have no objection to the
Bill and we would urge on this side of the aisle its
passage."

Speaker Davis: "Any further discussion? Representative Griffin
from Cook."

Griffin: "No, not to close. Is it possible to ask a question of
the Sponsor? May I ask a question of the Sponsor?"

Speaker Davis: "The Gentleman will yield."

Griffin: "Okay, I recall the end of last Session that some
questions came up about the funding for this and the need
to make up for the short fall of funds. A lot of people
were forced to vote at that time to make up for that short
fall and a lot of us were concerned the next time a request
came down there would be some kind of teeth in the state's
ability to keep this from happening again. There have been
some abuses we understand in this system and I'm wondering
if there's some efforts afoot to try to remedy this.

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Because I would support this if I could be assured that we weren't going to see this short fall occur again and force us to come back in the end of the year to vote new funds. It was a hassle. I hope we can do without. Could I get an answer to that, please?"

O'Brien: "Yes, Representative, this Bill has nothing to do with the short fall from last year's budget that was put out by ISSC. This Bill is just merely an attempt to fund it at the level that has been prescribed by the Bureau of the Budget and the Governor's office. And if we do adopt this Bill I think it will better enable those individuals to calculate just exactly what they need. The short fall from last year is something that I imagine they will be taking up later on in the budgetary process. But this Bill has nothing to do with the short fall that was a result of last year's miscalculations."

Griffin: "Thank you."

Speaker Davis: "Is there any further discussion? There being none, the Gentleman from Cook, Representative O'Brien, to close."

O'Brien: "I just ask for a favorable Roll Call, Mr. Speaker and Members."

Speaker Davis: "The Gentleman moves for the passage of House Bill 198. All those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? Representative Stanley, could you hit Representative McBroom's switch as 'aye'. Have all those voted who wish? The Clerk will take the record. On this Bill there are 149 voting 'aye', 4 voting 'nay', 2 voting 'present'. House Bill 198 having received a Constitutional Majority is hereby declared passed. House Bill 404, Representative Reilly. The Clerk will read the

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Bill."

Clerk O'Brien: "House Bill 404, a Bill for an Act in relation to a school district income tax. Third Reading of the Bill."

Speaker Daniels: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Despite a lot of controversy, all in the world House Bill 404 does is create an enabling Act that allows school district, first by action of the school board and second of all, that that action is approved by referendum to adopt a school district income tax. The tax would be collected by the Department of Revenue. All of the revenue from the tax would be returned to the school district. We've talked for years, we talk year after year about how we have to move away from reliance on the property tax. The fact is that reform the property tax system as we will it's still based on a concept that may have been valid at the beginning of the 19th Century but is not valid today. It still assumes that the way you measure people's wealth is by amount of land they own. That is not true. Not true for farmers. It is not true for senior citizens. It is not true for anybody. There are all too many other kinds of wealth that we need to measure. All this does is say to the citizens of any school district if they want, not because we say so, but if they want, they have the right by referendum to adopt this tax. The point..."

Speaker Daniels: "Excuse me, Representative Reilly. Gentleman in the balcony, are you asking that the TV light be on? Are you filming? You...because the TV light is not on. You want it on? Alright. We're turning the TV light on for filming. Excuse me, Representative Reilly."

Reilly: "Thank you. The Bill is supported by the Associations of School Boards, by the Farm Bureau, by senior citizen groups, by most teacher groups, and it seems to me, as I

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say, that despite all the controversy, all in the world it does is allow people the choice. It is a freedom of choice Bill at the local level. I would ask for a favorable Roll Call."

Speaker Daniels: "The Gentleman has asked for a favorable Roll Call. Is there any discussion? The Gentleman from Peoria, Representative Schraeder."

Schraeder: "Yes, Mr. Speaker. I would like to echo the Sponsor's comments. They're absolutely right. This concept has not been tried in Illinois, but it certainly should be tried. It gives the option to school boards to put it to a referendum to their citizens to try this method. And I think if it does nothing more than bring a discussion amongst Members of the school board in our districts at home, then if there are any flaws, I really don't think there are, but if there are any, we can attempt to rectify those next time, but it is an alternative method for paying for our education of our students, and I really think the concept is an excellent means to go into at this time. I would ask you to vote 'aye'."

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

Robbins: "We live...I live in one of those counties where we have a good bit of foreign ownership of property. These people under this will have their tax rates cut, and they pay no income tax on anything they raise in the United States. And it is unfair competition, and it does not provide the tax base for running our schools and educating the children that live on these families and work for them."

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

Bradley: "Yes, Sir, Mr. Speaker and Ladies and Gentlemen of the House. This Bill appeared in front of the Revenue

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Committee and was soundly defeated on the first time that the Gentleman brought this...isn't this your income tax Bill for schools? Isn't that the same Bill?"

Reilly: "Yes, it is, but the first time it had eight 'yes' votes, two 'no', and eight voting 'present'."

Bradley: "Alright, the first time there were plenty of people in the Committee to pass this Bill and was soundly defeated on its merits. And the second time it came in and had the votes lined up and bang, it passed out. This is a bad concept. And let me say this to you. Unless you change the way the school formula works, you're not going to do anything with this Bill to aid any real estate tax payer. In an area in the districts in most of the school districts that I represent, exactly the same people will be paying an income tax that would be paying the real estate tax. There is no guarantee, there is absolutely no guarantee that they would abate the income tax. They might be able to do it on a referendum, so you put on an income tax, and you have a real estate tax, and you end up with both. But in a community such as Octavia School District which is farm supported, those people who work and make an income would be paying the tax the same as they would and the same as they are today when they own real estate and they own farm property. And unless you incorporate with this Bill a change, a change in the school formula that bases wealth, that if he wants to do this, I'll support it. If you base wealth on income in distributing state aid to schools, then you would have a good Bill. But without doing that, you're doing nothing but sliding money from one side to the other. That is all it's doing. It is a poor concept. Unless you make a change in the school formula which I said in the Committee and he didn't offer to do that, but if you want to base wealth, and you want to base the ability to pay and

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support your schools on income, then you would have a good Bill instead of real estate taxes. But to do both of these and to have both concepts, in my opinion, it is a bad concept that is not...it is before its time. You've got to make other changes other than just this concept. I think it is a bad....bad Bill, and I would like the Members to know that it was soundly defeated after a fair hearing in Committee, soundly defeated, and there were plenty of Members there to vote on the issue, and then was brought back in and shot out of there within a matter of 30 seconds. It is a bad Bill and should be defeated."

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

Davis: "Well, thank you, Mr. Speaker. I think the prior speaker is obscuring the issues just a bit. I know how good Representative Reilly is and how very very mechanical he is with the legislative process, but nobody is that good. That hearing that day that the former speaker referred to, this is a very interesting new concept that is not so new to the House. We've passed this Bill three years running now or four since Representative Edgar, Reilly, and myself brought it in 1977 to the House. I would suggest to the former speaker that a lot of Revenue Members, you have new Members on the Committee, they didn't understand the concept. And as far as his particular situation is concerned, you must understand what Representative Reilly said in his opening remarks. This Bill just simply is an enabling Act to allow local school districts to decide if they wish to move to the income tax situation to abate property taxes. They must do it by referendum. They must choose by referendum. They must pick the level of local income tax by referendum. And yes, if school districts choose to abuse the privilege of the referendum by over levying to the top rate and the income tax rate that they

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picked for that particular levy does...or for that particular district, does not meet the levy in the tax rate, then the property tax would kick back in. But it is not double taxation. The Bill, as it is structured, says that if you adopt it locally by referendum, you must abate real estate tax dollar for dollar for every dollar collected by the local income tax. It is an idea whose time has truly come. It is an idea of redistributing wealth away from the enactrenism that Representative Reilly said was the 19th century. It is not. It was the 18th century when the framers of the Constitution of this country looked around and the only thing to gauge wealth by was land. And if Thomas Jefferson were here today he'd say, 'What are you doing this for? It is crazy. Everybody owns land. Everybody owns a house.' This is an excellent concept. It is local choice. It is workable. It is feasible. The Senate kills it every year because they don't understand it. And we all know why the Senate doesn't understand it. It is because they don't understand much of what we do over here anyway. So I am here to tell you that in my district in Will County, a township, a young fellow up there in a township had this referendum put on the ballot in the last general election in April 7, the question of should we go to a local income tax and abate property taxes. The reason he did that was because he went out in his backyard and built a playhouse for his child and the assessor raised his property taxes \$5,000 for that playhouse. Now, I haven't seen the playhouse, but it must be a pretty good one. But his neighbor next door, his neighbor next door bought a new boat and a cottage down on the river in Morris, Illinois and lets his place go to pot, and his taxes weren't increased. And he simply said why should I be taxed for my efficiency and my cleanliness when

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my neighbor puts his excess money not in the taxes that support the schools, but into a boat and into a cottage on the river. It is an idea whose time is here. It is ready. The Senate this time has to take a look at it. Incidentally, that referendum passed by a margin of over seven to one in that one township in Will County when it was on the ballot. This concept was put forward a long time ago by Representative, now Representative Paul Simon when he was running for Governor. It was misunderstood then. Generally misunderstood by the press and by the general public now. You must understand, it is permissive. If you want to do it, you've got to pick the rate. You've got to go out and put it on a ballot, and you've got to pass it. And it is an alternative. There are no new dollars. Don't be mistaken. There will be no new dollars for education. It is simply a shift of the burden of taxation from those who can't afford to pay the escalating real estate taxes, to those who have children in the schools and are income producers. Hell of a Bill. Vote for it."

Speaker Daniels: "The Gentleman from Macoupin, Representative Hannig."

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

Speaker Daniels: "The question is 'Shall the main question be put?'. All those in favor signify by saying 'aye', all those opposed 'nay'. The 'ayes' have it. Representative Reilly to close."

Reilly: "Thank you, Mr. Speaker. The Bill has been debated. I am sure there will be comments even in explanation of vote, but again, I stress, we're not telling anybody they have to do anything. For years, a lot of our constituents in a lot of parts of the state have said to us property tax is not fair. We ought to have an alternative. All in the world this does is give them that alternative by referendum only."

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It does not make the changes that I would like to see made in the school aid formula, but that is another subject. What we're talking about here is where do the local people get the local share when there is always going to be some local share of financing our schools. It seems to me that we ought to continue the debate on this Bill in the Senate. I would hope very much that there would be a favorable Roll Call. Your people you ought to trust. Your people want a choice. You ought to give them a choice. You ought to vote 'yes' on House Bill 404."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 404. The question is 'Shall House Bill 404 pass?' All those in favor signify by voting 'aye', opposed by voting 'nay'. The Gentleman from Cook, Representative Pechous, to explain his vote. The timer is on, Sir."

Pechous: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. Very briefly, I am voting 'no' because I am advised that the school board can set the referendum date on a primary date thereby creating an opportunity for a very few people, a handful of people to make a determination that ought to be made by all of the voters, hopefully at a general election date. So therefore, until I am advised that this will be governed by a general election date rather than a primary election date, I am voting 'no'."

Speaker Daniels: "The Lady from LaSalle, Representative Hoxsey to explain her vote. Timer's on."

Hoxsey: "Yes, the Gentleman that said that it is past time for this legislation is absolutely correct. We, the property owners in the State of Illinois, have been sharing a heavy burden for education. And every year they come in wanting millions of more dollars for education. Then they say, we don't want your mandates. We don't want your mandates for programs in our district. We want to decide what programs

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we want. Well, I submit to you that if the program is essential to the district, those people in that district will support that program, and at income tax is a fair tax. Why, may I ask you, should the Gentleman down the road who is sending eight children to school living in rented property, not shoulder some of the burden for this education? Too long we have let these people go without participating in the responsibility for ed..."

Speaker Daniels: "Please bring your remarks to a close. Representative Hoxsey."

Hoxsey: "Just that I think an 'aye' vote is the proper vote on this Bill."

Speaker Daniels: "The Gentleman from Cook, Representative Bullock. The timer is on, Sir."

Bullock: "Well, thank you, Mr. Speaker. I wanted to speak prior to the question being put to move the previous question. Since I was not recognized for that, I just want the record to show that I enthusiastically and emphatically support House Bill 404. I think it is an 'avard got' approach to resolving a very real problem in the urban areas of our state. We have problems in the City of Chicago with financing our public schools. I think if this Bill were given the type of consideration that it justly deserves, that we could very well have stumbled upon a gold mine in terms of aid to urban education. I think that it is equally significant that there are provisions in the Gentleman's Bill for abatement of the property tax in the event that this income tax would kick in. I think that he certainly deserves more votes than he is getting. For what reason, I don't know that he is not getting those votes."

Speaker Daniels: "The Gentleman from Stevenson, Representative Rigney to explain his vote. The timer is on, Sir."

Rigney: "Mr. Speaker, this legislation has one major flaw, and

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that is the problem created by absentee landlords. We have a great deal of this type of property, for instance, in Jo Daviess County. If they go into that kind of a system, those local folks are going to pay for the support of those schools through their income tax. The rebates are going to be made to the absentee landlords. It is not a good Bill for the agricultural community, I assure you."

Speaker Daniels: "The Lady from Champaign, Representative Satterthwaite to explain her vote. The timer is on."

Satterthwaite: "Mr. Speaker and Members of the House, this is purely local option. I don't know that it is going to benefit people in my district or handicap them, but here is one instance where you can clearly give authority at the local level and let the decision be made there as to whether they want to make the change or not. In some communities it will be good, in some it may be bad, but it is at a local discretion level. It does not solve the problem of how much money you get from the state. It simply allows you to have a variety of ways to collect money at the local level. And for that reason, I support it."

Speaker Daniels: "The Gentleman from Kendall, Representative Hastert, to explain his vote. The timer is on, Sir."

Hastert: "Mr. Speaker and Ladies and Gentlemen of the House, I would like to speak in support of this Bill. The...the Bill was presented in the Committee. It was taken back with the agreement that the Sponsor would adjust the Bill. He did. It was represented in Committee. It was sent out of Committee on an 18 to one favorable vote. The Bill, Ladies and Gentlemen, addresses the problem of one of the biggest economic problems before us. That is education and taxation. We have senior citizens that cry that they can't stand the tax burdens of their own home. We have

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farmers who say that they can't stand the tax burdens on their land. We have people on fixed incomes who can't stand the tax burden. Ladies and Gentlemen, this problem addresses something that is before us. It gives us a solution, and I think we should give it an 'aye' vote and put this thing on the track and let it go."

Speaker Daniels: "The Gentleman from Madison, Representative McPike, to explain his vote. The timer is on, Sir."

McPike: "There are numer...thank you, Mr. Speaker, Ladies and Gentlemen of the House. There are numerous technical problems with this. I am not sure how it deals with partnerships. There appears to be no dealing with trust in this Bill, so that if you own your house in trust, you will continue to pay property taxes on the house, but you will also pay income taxes on your income. It doesn't deal with absentee landlords. It doesn't deal with the problem moving out of a district. It says if you live in a district on January 1, you're liable. If you move out of the district on July 1 or October 1, there is no withholding. There is no way to collect those monies. There are numerous references in the Bill to corporations being taxed as individuals. There is no such thing in the Internal Revenue Code, so I have no idea how that would be dealt with. There are probably about 10 technical errors in here or technical problems that the Sponsor has no..."

Speaker Daniels: "The Lady from DuPage, Representative Karpziel, to explain her vote. Timer's on."

Karpziel: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. As a Cosponsor of this Bill, of course, I am very much in favor of it. The property tax, when it was instituted, was never ever intended to...to produce the revenue for all the services that it now has to do. It was only intended to produce revenue for directly servicing

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that property. Now it is producing revenues for all different types of services. This gives us an option. I think that all of you yellow votes there or red votes there that have the yellow tags on your desk that were crying about the senior citizen services before should think very seriously about voting for this because this is going to benefit senior citizens. It is going to benefit them because they are going to be able to have their property tax abated. It is also going to benefit the school districts that cannot pass a referendum now because the senior citizens come out in droves and defeat every referendum. It gives the local district the option to decide how they want to produce their revenues for their school. It abates the property tax..."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? The Gentleman from Coles, Representative Stuffle, to explain his vote. The timer's on, Sir."

Stuffle: "Yes, Mr. Speaker and Members, it is ironic to me that some of the people who have opposed giving money to the schools spoke here today against this Bill. It is ironic to me, too, on the other hand, that we're able to put together a coalition of people who support this including not only the teachers' organizations, but the Farm Bureau. I think they've stood together for many years to make this a good Bill. This is a senior citizens' Bill because it recognizes income and the ability to pay. It ought to go to the Senate. It has been cleaned up substantially. It can be and is in part factored into the school aid formula. The only other option to that would be to mandate this program. We're not doing that. We're providing for referendum and abatement, reciprocity between school districts. It ought to get an 'aye' vote."

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

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Timer's on, Sir."

Schuneman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I am opposing this Bill for a reason that I haven't heard mentioned here before, and that is that I am concerned about the creation of a third layer of taxation. The property tax was not sufficient to support our local schools, so the state income tax was enacted. Now those two taxes are not sufficient to support our schools, and we're talking about instituting a third layer of tax. At the present time it is local option. It provides for an offset against...an offset of some kind against property taxes. But I don't think it will be very long until the Legislature will be back taking off that provision that provides an offset against property taxes, and then perhaps the local income tax will not be enough. I think it is a third layer of taxation. It is only the beginning, and probably a step we shouldn't take."

Speaker Daniels: "The Gentleman from Winnebago, Representative Giorgi, to explain his vote."

Giorgi: "Mr. Speaker, in studies after studies for the last 20 years, the funding of schools..."

Speaker Daniels: "Excuse me, Sir. The timer is on."

Giorgi: "The people have told us repeatedly the property tax's resaturation point. They want to get off the property tax to support their schools. This, through referendum, allows them to have a school district income tax, and in areas where you've got maybe 50,000 property owners, you have 75,000 wage earners, and the cost of schools is spread over the entire wage earning community. I think you're fooling yourself if you don't support this concept. The time has come for this concept. The people have told you repeatedly stop increasing my property tax. Please stop. And you keep ignoring them."

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Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. Representative Reilly."

Reilly: "I am reluctant to do...I am reluctant to do so, but I know there are a lot of people who, as I have moved around the floor, said they would switch if it got close. Would you poll the absentees, please?"

Speaker Daniels: "Poll of the Absentees. Poll the absentees. Representative Giorgi, could you step up here for a second?"

Clerk O'Brien: "Poll of the Absentees. Abramson, Alexander, Bluthardt, Braun..."

Unknown: "Turn me off. Turn me off. Turn me off. Turn me off. Turn me..."

Clerk O'Brien: "Christen...Christensen, Deuchler, DiPrima, Domico, Epton, Ewell, Garmisa, Henry, Hudson, Huff, Jones, Kane, Kucharski, Lechowicz, Margalus, McMaster, O'Connell, Redmond, Rhem, Sandquist, Slape, Stearney, Stewart, Topinka, Turner, no further."

Speaker Daniels: "Is there any changes, additions...Representative Reilly."

Reilly: "Postponed Consideration, Mr. Speaker."

Speaker Daniels: "House Bill 404, Postponed Consideration. House Bill 607, Representative Donovan. The Clerk will read the Bill."

Clerk O'Brien: "House Bill 607, a Bill for an Act creating the Illinois Farm Development Authority, Third Reading of the Bill."

Speaker Daniels: "Representative Donovan."

Donovan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. House Bill 607 establishes the Illinois Farm Development Authority Act. Its purpose is to provide tax exempt insured agricultural development revenue bonds to

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provide additional funds to family farmers and particularly new farmers. The Bill was drafted specifically to meet the problems of the new farmer and...who has been caught in the...in the credit squeeze that we have had in the last 18 months. Credit, as you well know, is probably the most used tool in farming today, and we...our intent with this Bill is to keep the capital flowing to them. It is a very simple and realistic approach, I believe, in solving this problem until our national economy improves. You know, today in farming we have a...we have a lot of farmers through no fault of their own, has found themselves in a very precarious financial position and not in the best position in the eyes of the bankers. Most of the time to no fault of their own. Certainly we had the big drought of last year. We have embargos and we have inflation that certainly hurts everybody. The idea of this...of this Bill and the way it will work is to use the...the bureaucracies that is already in place. I am talking about the Farmers' Home Administration in Washington where they will screen the very most needy of all the operators in all the farming business. What they will do at that point is guarantee...they will use the FHA criteria as a guideline to screen only the most needy people and then it will come down to the county committees which we have already set up in place to use local...local input on where and who should get these...these loans. I should state that it comes on a first come first serve basis. The authority is setting up \$50,000,000. It's intent is to not replace the bank, in any way the local bank, it is rather to reinforce and supplement and expand a low...the loanable funds to these people that are in this condition. Again, I said they are...they are on a 90 - 10 basis. The local banker puts up 10% of his own risk money. The other money is generated

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through tax exempt revenue bonds. And it...it finances 90%. We've had quite a little bit of correspondence with different people around the state. I, for one, have not had one letter or comment against this idea. We've had some banks that did not...did not know whether they would participate that much. The reason for that is certainly the local bankers, I think, it is a concept that will take care of the problems they have in their communities. It isn't something that you go out and try to make money with. When they have certainly a family farm or a young farmer that is in this position instead of turning him down, obviously losing probably his entire start up monies that he had put together. He is allowed then to use this money through the state authority to finance him putting up 10% of his own money. Again, I don't know of any opposition at this point. We took care of them in the...in Amendments. We did put a cap on...on real estate loans to...of \$100,000 down from \$300. We didn't believe that we should be in business actually of mortgaging land and for land, and other Amendments included one that would allow this money to be used in the soil and water conservation area. We think a lot of times that a lot of banks either small or big tend to not put enough money in that area. Mainly it will be for farm operation loans. It is, again, that has caused some farmers who to no fault of their own find themselves in this position or at least in the eyes of their banker, and this would....this would help them immensely. If...there is any...we did take care, as I say, of the Amendment on the Governing Board here some...a week ago. We agreed with your side of the aisle, and that is no problem at this point. The...the authority can issue up to \$50,000,000. These would be used, obviously if the demand was there. I should say if the demand is not there, they

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won't be used. So it is rather self regulating, if you will. If there is any questions, I would be glad to answer them."

Speaker Daniels: "The Gentleman from Stevenson, Representative Rigney."

Rigney: "Well, Mr. Speaker, I merely want to indicate my support of House Bill 607. About another 12 Bills down on the call is House Bill 842 in which I am the Sponsor. The legislation is somewhat similar to what is being presented right at this moment. However, there are enough differences between the two Bills that I think probably we ought to send both of them over to the Senate and eventually send both of them to the Governor for him to make his choice. But I merely want to indicate to you that I do stand in support of 607."

Donovan: "Thank you."

Speaker Daniels: "The Lady from St. Clair, Representative Younge."

Younge: "Mr. Speaker, I, too, I serve on the Agriculture Committee, and I want to compliment the Sponsor of this Bill. I think it is an excellent con...excellently written Bill, and I urge everybody to support it because the farmers need help."

Speaker Daniels: "Is there any further discussion? If not, the Gentleman from Macon, Representative Donovan, to close."

Donovan: "Thank you, very much, Mr. Speaker. We do feel it is a very simple and realistic approach. It is a good concept, and I would say that, you know, what is good for the farmers, it will certainly be good for John Deere in Moline and International Harvester in Chicago, and if that helps employees up there, it helps us all over the state. I would say another thing, I think it is better to handle things like this in the local and state areas as opposed to

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going to Washington for a hand out. So I do hope that you vote for this Bill. I think it is a very good concept."

Speaker Daniels: "The Gentleman moves for the passage of House Bill 607. The question is 'Shall House Bill 607 pass?' All those in favor signify by saying 'aye', all those opposed by voting 'no'. The record is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this question there are 127 voting 'aye', 11 voting 'nay', four 'present'. House Bill 607 having received a Constitutional Majority is hereby declared passed. For the information of the Membership, we will be working late this evening as you all know. On the Republican side at 7:30 there will be chicken available in the Speaker's office at 7:30. And on the Democrat side we will check and get back to you. Alright,...Okay, 7:15 on the Democrat side, chicken is available in the Minority Leader's office. 7:30 Republicans, 7:15 Democrats. Ladies and Gentlemen of the House, House Bills Third Reading Regular Calendar. Special order of business, Environmental Protection Agency. All Bills relating to the EPA. They will be called in the following order. Pencils and papers please. House Bill 422, Representative Deuster is the first Bill. House Bill 623, Representative Friedrich. House Bill 998, Representative Bartulis. House Bill 1505, Representative McMaster, and House Bill 1814, Representative Findley. On that order of business, Representative Deuster. House Bill 422. Excuse me. Representative Madigan, for what purpose do you arise, Sir?"

Madigan: "Mr. Speaker, I know that we have now moved to the point where my protests are of no avail to anyone on that side of the aisle or anyone who occupies that podium. But when you do establish a special order of business, in controvention

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of the rules as you do, did you ever consider that you might want to provide for some Democratic Sponsors for those Bills? Every Bill that you announced is sponsored by a Republican Sponsor."

Speaker Daniels: "Are there any Bills dealing with the Environmental Protection Agency that have Democrat Sponsors? If you would come up to the well and give us your Bill number with the Environmental Protection Agency, we will make sure that it is called on this special order of business. Thank you, Representative Madigan. House Bill 422, Representative Deuster. Read the Bill, Sir."

Clerk O'Brien: "House Bill 422, a Bill for an Act in relation to environment and public health, Third Reading of the Bill."

Speaker Daniels: "Representative Deuster."

Deuster: "Mr. Speaker and Ladies and Gentlemen of the House, House Bill 422 is a Bill that will exempt small Illinois communities from the law which requires the chlorination of drinking water. This Bill was amended in Committee pursuant to a discussion and compromise that I reached with EPA. I'll tell you what the Bill provides. I notice Representative Swanstrom just pointed out to me that, I believe, our synopsis is inaccurate in it refer to the Bill as introduced. Here's what it provides. Small water supplies need not be chlorinated if the following conditions to protect the public health are met: 1. That water samples are submitted every two weeks to the Illinois Environmental Protection Agency. 2. That the water is drawn from safe wells. 3. That the system has no history of recurring contamination. 4. That the system distribution piping is not more than three miles. 5. That the water consumers cooperate with EPA on the education of their members and consumers on how to prevent contamination, and 6. that the name, address and phone

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number of a local person who is responsible for the operation of the water system is registered with the EPA. Now, I think we all appreciate that chlorine is really a poison which normally kills bacteria without harming humans if it's added to our drinking water in carefully controlled quantities. Many Illinois small neighborhoods and communities which share a common water well simply do not possess the financial capacity to employ a full-time engineer to monitor the chlorination equipment day and night so as to protect the public from equipment malfunction. This is a good example of a Bill that does modify government regulation which, in the case of very small neighborhood water supplies, is costly, burdensome, and also dangerous. I think this Bill, which I've worked out with EPA does properly exempt some of the small and safe systems. It guarantees that there will be sampling of the water so there will be no danger to the public health. I believe it came out of the Committee virtually unanimous. I'd be happy to answer any questions, and I urge your support for House Bill 422."

Speaker Daniels: "Are there any questions? Gentleman from Rock Island, Representative Darrow."

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

Speaker Daniels: "He indicates he will."

Darrow: "Would this include a subdivision or a non-incorporated area?"

Deuster: "Yes."

Darrow: "Your definition of municipality is that broad?"

Deuster: "The definition is of water supply, not of municipality."

Darrow: "Well, what would be the limited number of residents that would have to have water from this supply in order for the Bill to apply."

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Deuster: "Representative Darrow, the size of the system is tied in to the miles of pipe. It was felt, as I translate that into population, it might vary from 800 to 1000 or something like that. But we felt that the danger of contamination is related more to the miles of piping, and that's why we use that as an index. And, in some areas, depending on how big the lots are, it might be smaller or larger but the estimate is roughly eight or nine hundred or a thousand population would be exempted."

Darrow: "Does the EPA have a stand on this Bill?"

Deuster: "Yes, they support it."

Darrow: "Have they supported it in the past? In similar... Other years you've had similar legislation."

Deuster: "No."

Darrow: "So, this Bill is endorsed by them and it meets their criteria."

Deuster: "Yes, absolutely. In fact, they developed this with me and I feel that it's reasonable and it solves a problem that many other Legislators have been trying to solve."

Darrow: "They're giving up their control over it then."

Deuster: "Yes, they are."

Darrow: "And carrying it over to Public Health."

Deuster: "Well, except that they receive the samples so they feel satisfied that the samples be coming in at twice the rate that they normally come in from a water supply. Samples will come in every two weeks, and if there's any danger or they detect that the water's impure, they've got a local person. They can immediately get on the phone and take some action."

Darrow: "EPA supports this?"

Deuster: "Without any qualifications and they feel that the safety of the water supplies are adequately protected?"

Darrow: "Well, I was in favor of the Bill 'till I heard EPA's

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stand. Now, I've got mixed feelings. Thank you."

Speaker Daniels: "Gentleman from Lake, Representative Deuster, to close."

Deuster: "I think the Bill has been adequately explained. I would appreciate your support. This is very important for a lot of small neighborhoods and areas throughout Illinois."

Speaker Daniels: "The Minority Leader requests that I announce all Democrat Members, chicken is available to you. Please go in the side door of the Minority Leader's Office. The Gentleman has moved for the passage of House Bill 422. The question is, 'Shall House Bill 422 pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. The voting is open and have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this issue there are 133 'ayes', 5 voting 'no', 3 voting 'present'. House Bill 422, having received the Constitutional Majority, is hereby declared passed. House Bill 623, Representative Friedrich. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 623, a Bill for an Act to amend Sections of the Environmental Protection Act, Third Reading of the Bill."

Speaker Daniels: "Representative Friedrich."

Friedrich: "Mr. Speaker and Members of the House, the genesis of this Bill is that I found out that it was costing the City of Centralia about 30,000 dollars a year to burn the trees and tree limbs that it picks up along the street. I found also that EPA has, there's a system for granting permits for this, but it's a complicated process which takes time and money and extra help there. Some objections were raised in the beginning about this and I think I've cleared up the objections when the Bill was heard before the

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Committee the last time. The EPA didn't oppose it either. Representative Beatty raised a question to be sure that we define what landscape waste, the definition of 'landscape waste', and I think we have limited that now to tree limbs and such materials. The other thing that we did, we realized that in areas of high concentration to population this might be a problem so this now does not apply to municipalities in counties of over 200,000. Representative Getty called to my attention that there were a lot of unincorporated areas and I've agreed with him and he has agreed to go along on the promise that the unincorporated areas will be added in the Senate. So with that, the other... I want to tell you what it does not do. It does not keep the cities from prohibiting burning by individuals, and there's also a safeguard by the EPA if this creates a health hazard that they still have jurisdiction. So I believe, at that point, it's a thing that can save money for a lot of municipalities in this state and I urge your vote."

Speaker Daniels: "Gentleman has moved for the passage of House Bill 623. The question is, 'Shall House Bill 623 pass?'. All those in favor signify by voting 'aye', those opposed by voting 'no'. The voting is open and the TV light is off. Have all voted who wish? Have all voted who wish? The TV light is off, Sir, during voting. Have all voted who wish? The Clerk will take the record. On this Bill there are 129 voting 'aye', 4 voting 'no', 2 voting 'present'. House Bill 623, having received a Constitutional Majority, is hereby declared passed. For the Gentlemen in the gallery, we are going to leave the TV light off during the time that the Members are having dinner. We are working late this evening and we'll ask your cooperation and courtesy during the time they're

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having dinner. Thank you, Sir. House Bill 998, Representative Bartulis. Clerk will read the Bill."

Clerk O'Brien: "House Bill 998, a Bill for an Act to amend Sections of the Environmental Protection Act, Third Reading of the Bill."

Speaker Daniels: "Representative Bartulis."

Bartulis: "Thank you, Mr. Speaker and Members of the House. House Bill 998, as amended, would clarify the state's current exemption of sporting events from EPA noise regulation. The Legislature passed an exemption to the Environmental Protection Act several years ago which was questioned by the courts and by EPA. A recent Appellate Court decision objected to the use of a sanctioned sporting event by sanctioning bodies which were not state agencies. The Supreme Court has refused to hear the case on appeal. As a result, the legislative exemption is nullified because of its construction. The result would mean that amateur and professional sporting events held in the state would be subject to noise level requirements. Now, for motor racing the current rules would require all vehicles to be tested prior to each racing event and noise levels reduced to 12.5%, one-eighth of the vehicle's unamplified sound or a reduction of 87.5%. The Legislature has passed exemptions for sporting events twice before. House Bill 998 is meant to clarify the Legislature's intention to meet the court's objection by deleting the definition of sanctioned sporting event and providing an exemption for amateur or professional sporting events which was not objected to by the courts. The events affected include elementary, secondary and college intramural or varsity competition. Community sponsored competition such as little leagues and so forth. Also sporting events held in conjunction with county and state fairs. Professional sports such as

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baseball, football, horse racing, motor racing, tractor pulls and skeet, trap or other shooting events."

Speaker Daniels: "Gentleman has moved for the passage of House Bill 998. All those in favor signify by voting 'aye', all those opposed by voting 'no'. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Bill there is 124 voting 'aye', 13 voting 'nay', 7 voting 'present'. House Bill 998, having received a Constitutional Majority, is hereby declared passed. House Bill 1505. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1505, a Bill for an Act to amend Sections of the Environmental Protection Act, Third Reading of the Bill."

Speaker Daniels: "Representative McMaster."

McMaster: "Thank you, Mr. Speaker. House Bill 1505 would require the Illinois Environmental Protection Agency to base its decisions on evidence in the record of proceedings for a specific case or regulation. The Bill seeks to amend Section 41 of the Illinois EPA Act by stating, 'Any final order or determination of the Board, under this Act, shall be based solely on the evidence in the record of the particular proceeding involved, and any such final order or determination shall be invalid if it is against the manifest weight of the evidence'. The Pollution Control Board is the only state agency from which appeals go directly to the Appellate Court. These courts are accustomed to reviewing questions of law and well developed factful records. Since the Appellate Court relies on the record to make its determinations, Board decisions which have no basis, in fact, have been allowed to stand. Under the present system, Board members have the option to cast their votes on the basis of personal views and philosophies

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or subjective considerations. House Bill 1505 would change that to mandate the PCB to base its decisions on evidence in the record."

Speaker Daniels: "Before we go to Representative Currie, for the Republican Members, your dinner is ready. Representative Currie on House Bill 1505."

Currie: "Thank you, Mr. Speaker and Members of the House. I rise in opposition to House Bill 1505. Already in enforcement actions permit appeals and other contested cases the Pollution Control Board is subject to the record to the manifest weight standard. What this Bill would do if it were adopted by this House is to make it a good deal more difficult for the Board ever to grant variances. It would make, in fact, unlikely that the Board would be able to do so. The technical kinds of issues that the Board deals with in variance cases are sufficiently difficult and technical that the court would be in an awkward position trying to determine whether manifest weight doctrines, in fact, supported a Board ruling. For the Board to be in a position to deny variances is going to make it very difficult for businesses, for municipalities, for other local governments in the state that need some kind of exemption from a particular pollution control regulation to, even if they have the best evidence and the best case in the world, to be granted it. This Bill will create dissatisfaction with the Board rules because exceptions, appropriate, necessary exceptions will not be made. No other state agency is subject to this kind of requirement for this kind of standard setting determination. It seems to be covering the rule making process itself, although right now the Pollution Control Board, alone among our state agencies, has to meet very severe and very clear standards whenever it is adopting rules. Passing this law

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would make variances difficult if not impossible for the Board to grant, would raise questions about whether the rule making proceedings that right now the Pollution Control Board is under our, in fact, what we meant when we passed the Environmental Protection Act originally. I think that if we were to adopt this Bill, we would throw the Environmental Protection Act into a bit of a tizzy, make life very complicated for the courts and make it impossible for businesses and for municipalities to be granted variances when, in fact, they have every reason to deserve them. I urge a 'no' vote."

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

Davis: "Mr. Speaker and Ladies and Gentlemen, the prior speaker, notwithstanding, I'm going to relate to you just very quickly about a sanitary landfill project in Will County in Wheatman Township that was overwhelmingly disapproved on five different occasions by the Environmental Protection Agency on the manifest weight of the testimony brought before it, and at the strenuous objection of every citizen in that township the Pollution Control Board then, as the final Appellate agency, came forward, came forward when the appeal was made and posted a defective notice without notifying the Legislators in Will County of defective notice, not giving proper descriptions, in an obscure newspaper in the County and then proceeded to adopt the evidence of the EPA hearings prior to that and all of the evidence of manifest weight by reference. The hearing officer adopted those hearing, former hearings of the EPA by reference and then proceeded to completely ignore all of the manifest weight against that landfill and issued a permit of approval. Since then, they have had two more hearings because of the outcry from the Legislators in that district, and I suggest to you that Representative McMaster

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has a very good Bill here. One that suggests that when the manifest weight of the evidence is contrary, is contrary by definition of the very enforcement agency, the Environmental Protection Agency in this state, and then is reversed by the arrogance of the Pollution Control Board, that 1505 ought to be passed and a message should be sent to that very agency."

Speaker Daniels: "Gentleman from Adams, Representative McClain."

McClain: "Thank you, very much, Mr. Speaker. Ladies and Gentlemen of the House, I can't speak to the issues of arrogance but I can to speak to the issue of 1505. Last Session I had the fortune of being Chairman of the Environment Committee along with Representative Ted Meyer, the Minority Spokesman. We heard this Bill very thoroughly and indeed it is a Bill that is very needed. How can we, in the General Assembly, be against a position that says that the Pollution Control Board in making a final order should not make a determination against the manifest weight of the evidence? That should always be paramount in our minds when either in the case of Jack Davis where you're protecting a local community on a waste site or when you're granting a new facility throughout the State of Illinois. Our Committee, last Session, heard this Bill very thoroughly, got overwhelming support in the House. It failed in the Senate because of some other problems. Representative McMaster has an excellent Bill. Representative Currie spoke against the Bill last Session also. I don't like disagreeing with her, but it's a very needed proposal and I'd ask for an 'aye' vote."

Speaker Daniels: "Lady from Sangamon, Representative Oblinger."

Oblinger: "Mr. Speaker and Members of the General Assembly, as long as you're down here, you might take a look at what happened to us which is very similar to what happened to

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Representative Davis. The township voted against the location of a landfill. The County Board passed a Resolution against it. We had two hearings which showed that it would effect the wells. It's also less than half a mile from the Sangamon River and is going pollute the river, and yet when they went back, they ignored all the evidence and went ahead and issued a permit for a landfill. I think they should listen to what is being said by the people who live there and I would hope that Representative Currie would think that the people that live there and the local government should know better than a Board sitting up in Chicago what is good for us."

Speaker Daniels: "Lady from Cook, Representative Macdonald."

Macdonald: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I hope all of you were listening very carefully to what Representative Currie told you. I, too, was on the Environmental Committee last year and indeed the Committee did come out with this Bill, I don't believe with my vote, however. I think that this Bill will impact businesses and the variances that they are wanting. It will delay them and will be a hardship on municipalities as well. I strenuously disagree with this piece of legislation and hope all of you know what you are voting on. Thank you."

Speaker Daniels: "Gentleman from Bond, Representative Watson."

Watson: "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', all those opposed 'no'. The 'ayes' have it. Representative McMaster, to close."

McMaster: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, it has become evident, of course, to all of you that this Bill has been heard in this House before, that it has passed previously and got held up in the Senate. I feel

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that it is a necessary Bill. I regret the fact that it is going to throw the Environmental Protection Agency or the Pollution Control Board I should say, I guess, into a tizzy, but nevertheless, I think that they are a Body that needs some control and regulation. As you know, all of you or perhaps you don't; the Environmental Protection Agency and the Pollution Control Board were created by this General Assembly back in 1968 or '69, I believe, previous to my being involved in the affair. Since then we have found that many of our agencies, departments have little response to us unless we go beating on their door and beating them over the head with our problems. I think that it is time that we keep some eye on all of our departments and agencies including the Pollution Control Board. You've heard a lot of statements in support of this and I would hope you would give us an 'aye' vote on this important piece of legislation. Thank you, Ladies and Gentlemen."

Speaker Daniels: "Gentleman has moved for the passage of House Bill 1505. The question is, 'Shall House Bill 1505 pass?'. All those in favor signify by voting 'aye', all those opposed by voting 'no'. The voting is open. The Lady from Cook, Representative Nelson, to explain her vote. The timer's on."

Nelson: "Thank you, Mr. Speaker, Members of the House. I am opposed to House Bill 1505. I think it is a reaction to a Supreme Court case of Monsanto versus the Pollution Control Board in which the Illinois Supreme Court upheld a condition in a variance restricting the discharge of highly toxic mercury. I do appreciate the arguments on the other side but I think that the attorneys who lost the Monsanto case would benefit from this piece of legislation and that small businesses and other concerns, manufacturers in the State of Illinois, will not be able to obtain variances and

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they will be very badly hurt by this piece of legislation.
I urge your 'no' vote."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. This Bill having received 109 'yes', 29 'no', 9 voting 'present', House Bill 1505, having received a Constitutional Majority, is hereby declared passed. House Bill... Excuse me. Representative Catania."

Catania: "Thank you, Mr. Speaker. I ask leave to change my vote from 'aye' to 'no' on House Bill 998. I accidentally pushed the wrong switch. It will not affect the outcome."

Speaker Daniels: "Does the Lady have leave to change her vote from 'aye' to 'no' on 998? Is that correct? Hearing no objections, leave is granted. House Bill 1814, Representative Findley. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1814, a Bill for an Act to amend Sections of the Environmental Protection Act, Third Reading of the Bill."

Speaker Daniels: "Representative Findley."

Findley: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This measure is supported by the Auditor General, a Bill that will amend Section 7 of the Environmental Protection Act to authorize the levy of reasonable fees rather than the actual cost of reproduction for copies of files, records and data of EPA Pollution Control Board and the Institute of Natural Resources. The reason for enacting this legislation is to be cost effective in the providing of small copying orders of EPA documents. There are two justifications. One, below a certain point, it costs the state more to process the paperwork than the fee brings in and secondly, the public's right to know argues for easy access to documents and free copies of small requests. If this Bill is enacted, the EPA will promulgate

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a rule that will exempt from copying fees, those requests that are valued at under 25 dollars."

Speaker Daniels: "Gentleman has moved for the passage of House Bill 1814. Representative Darrow."

Darrow: "Thank you, Mr. Speaker. Will the Sponsor yield? Have you gone over this legislation with the Auditor General?"

Findley: "No, Sir, I have not. I have this on advice from EPA that he supports it."

Darrow: "Our staff indicates that there may be some trouble with this. That it's an inconsistent policy and perhaps when you get it over to the Senate, you might want to take a look at that. I'm not opposing it. I just think it needs a little more work."

Findley: "Thank you, Mr. Darrow. I'll do so."

Speaker Daniels: "Representative Bower."

Bower: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Daniels: "Indicates he will."

Bower: "I don't want to take issue with this. I don't... This sounds like a step backwards, not a step forward. I don't really understand what it is you're trying to accomplish. We're getting paid for everything now and we're going to exempt everything under 25 dollars in the future. Is that correct?"

Speaker Daniels: "Representative Findley."

Findley: "What we're doing, Glenn, is allowing the EPA not to violate the law anymore. Currently, they have been exempting from fees to small copying requests. This legislation will conform policy they have practiced for some time. It's just a two or three dollar copying Bill isn't justified in the amount of paperwork it's required to process."

Bower: "Thank you."

Speaker Daniels: "Gentleman, Representative Findley, to close."

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Findley: "I would request your favorable vote on my Zerox Bill."

Speaker Daniels: "Gentleman has moved for the passage of House Bill 1814. All those in favor signify by voting 'aye', all those opposed by voting 'no'. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this issue there are 145 voting 'aye', 2 voting 'nay', 4 voting 'present'. House Bill 1814, having received a Constitutional Majority, is hereby declared passed. Representative Breslin, your request on 763 does not amend the Environmental Protection Act. It's a matter dealing with statewide Grand Juries and it's on Postponed Consideration. So, if we get to Postponed Consideration, we'll hear that Order of business at that time. Special Order of business. Pencil and papers, Ladies and Gentlemen. School Code. Dealing with the School Code. Special Order of business. If you'll copy these down, I'll read them all to you and then I'll go through it again. On the School Code. 701, McClain, 797, Stanley, 976, Bullock, 977, White, 1051, Kulas, 1273, Beilly, 1301, Schneider, 1353, Hoffman, 1439, Preston, 1445, Schneider, 1446, Schneider, 1449, Schneider, 1451, Schneider, 1452, Schneider and 1719, McGrew. Once again, 701, 797, 976, 977, 1051, 1273, 1301, 1353, 1439, 1445, 1446, 1449, 1451, 1452, and 1719. First Bill, 701, Representative McClain."

Clerk O'Brien: "House Bill 701, a Bill for an Act to amend Sections of the School Code, Third Reading of the Bill."

Speaker Daniels: "Representative Peters in the Chair."

Speaker Peters: "Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Parliamentary Inquiry first. Would Representative McPike's Bill, also which deals with..."

Speaker Peters: "Representative McPike, if you'd come around this

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...."

McClain: "I think maybe you might consider adding his."

Speaker Peters: "If it has to do with amending the School Code, we'll be very happy to put it right in the list. Proceed."

McClain: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 701 as amended has nothing to do with what you see in your synopsis. It has nothing to do with minimum salaries for teachers. We, in the Education Committee, we adopted an Amendment which provided for permissive collective bargaining for school teachers. It sets up a very simple procedure on how the election would be conducted and a very simple procedure on recognized unit for collective bargaining purposes. The Amendment was permissive. It received a quick thorough hearing in Representative Reilly's Committee. It passed out of Committee 15 to 5 and I would be glad to answer any questions. I'll be glad to take Attendance Roll Call."

Speaker Peters: "Any discussion? Representative Birkinbine."

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

Speaker Peters: "He indicates he will."

Birkinbine: "If this is permissive, why do we need it? Isn't...I know there are a number of school districts throughout the state that already bargain collectively with their Teachers' Association."

McClain: "Right and, John, those are grandfathered in so we don't disturb any present collective bargaining agreements. All we provide here for is that we provide an access point for. If there is, if the regional superintendent or if the local School Board, I'm sorry, recognizes a group or several groups as being members, but the School Board's unclear on which one should be the exclusive bargaining agent, then the regional superintendent will conduct the election for

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the school teachers, the professionals to find out which of the groups should be the exclusive collective bargaining representative."

Birkinbine: "What do they do now?"

McClain: "There is no procedure. That's why it's totally permissive. This sets up a procedure. That way the regional superintendent can clear it up if there's some battle there and it's unclear."

Speaker Peters: "Representative Ropp."

Ropp: "Will the Sponsor yield?"

McClain: "Sure."

Ropp: "Representative, how does this deal with the provisions for strikes? Does this have anything to do with that at all?"

McClain: "No, we don't deal with strikes. As you know, strikes are illegal. It does have a Section under it that provides upon consent of the exclusive collective bargaining representative and the School Board that they can go into binding arbitration. But again, it has to be consensual of both parties."

Ropp: "Well, by the permissive portion of this, who starts it? Does the local School Board? Are they the ones that..."

McClain: "It's got to be consensual. There is no forced election. It's totally permissive so both parties have to agree to the election or the recognition."

Ropp: "Okay."

Speaker Peters: "Representative Ebbesen."

Ebbesen: "Yes, question. I'm sorry, I didn't catch all of the debate, Representative, but you said something was permissive. Was that what was permissive as to what union you want to go with or what people you want to bargain for you? Is that it?"

McClain: "No, Mr. Ebbesen. The only thing that's permissive is that the local School Board permits a collective bargaining

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unit to be recognized. Either they will voluntarily admit that, let's say the IEA is the collective bargaining unit, or if it's unclear as which of the professional unions have a majority of members then it sets up a very simple procedure for the regional superintendent to conduct the election to find out which of the various groups have a majority of members so that they can be the exclusive representative. But there's one other thing, Joe. On the ballot conducted by the regional superintendent, there has to be a line item for no representation so that in any ballot for this collective bargaining unit there has to be on the ballot a no representation box."

Ebbesen: "In other words, the option is on the ballot whether they shall or shall not have the union representation. And if so, then they make their choice from there. Is that correct? If the Majority approves. Is that right?"

McClain: "That's correct, Sir."

Ebbesen: "Thank you."

Speaker Peters: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. This Bill did here receive a good, quick hearing before my Committee since some Members on the other side chose to beat me over the head on a previous Bill on the basis that I had a quick hearing. Maybe there ought not be anymore, but the rising above petty bickering. But the fact is,.."

Speaker Peters: "Representative Reilly, don't start any precedence now."

Reilly: "Representative McClain is absolutely right that this is a good Bill. It does a very simple thing. Under current law, most of the collective bargaining, all of the collective that you hear that, in fact, goes on, is not legal. There's simply no legal basis for it. All in the world this does is set up a mechanism that if both parties

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want to do it they can. They have a mechanism for determining the bargaining agent if they want to do it and they have a mechanism for bargaining if they want to do it. That's all in the world it does. He is being absolutely straight with the Body and I would ask for a favorable Roll Call on this Bill."

Speaker Peters: "Representative Barkhausen."

Barkhausen: "Will the Sponsor yield?"

Speaker Peters: "Reluctantly."

Barkhausen: "Representative, is there any provision in your Bill that would prohibit strikes of the same sort of language that was in the Bill having to do with collective bargaining for firemen that we passed?"

McClain: "No, one other Gentleman already asked that question. There is a Section in here that consensually between both the School Board and the collective bargaining unit, they can agree to binding arbitration on an issue or totally in the contract but there's no reference to strikes in this document. And as you know, strikes are illegal."

Barkhausen: "Is there any potential that any portion of the dues that one would pay towards a barg.. to a bargaining representative could be used for anything other than administration of the contract or negotiation of the contract?"

McClain: "I think what I understand you to say is can the dues be a check-off and will the School Board have the ability to deduct that from the ..."

Barkhausen: "No, I'm not asking about check-off. I have no problem with that. I'm just wondering whether any portion of the dues could be used for any activities other than the bargaining representative negotiating the contract or handling grievance disputes on behalf of its members or handling arbitration."

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McClain: "No, Sir. It a very simple mechanism for, if there's a dispute on which of the groups have a majority of the professional members so there would be representative in the consensual collective bargaining agreement. It just sets up the mechanism for the election. It doesn't... it's not a fifteen page Amendment. It's only a four page Amendment and it's very simple. It just deals with the mechanism on those kind of elections."

Barkhausen: "One other question. Once an election has been held and the majority of the members in the designated unit elect a bargaining representative, is the School Board then obligated to bargain in good faith with the elected representative or is it still optional on the part of the School Board whether or not they bargain?"

McClain: "Well, the School Board..."

Barkhausen: "Under the NLRB, of course, they would have to bargain in that situation. But you've emphasized that this is optional, and I wonder if it would be at that point."

McClain: "It's optional at the beginning process. Both parties have to agree that they want to have collective bargaining kind of system and so once they do that and the School Board then acknowledges 'X' group as the collective bargaining unit. Yes, then they would have to bargain in good faith for that unit."

Barkhausen: "But you're saying in the initial stage the School Board could deny the teachers the right to elect a bargaining representative?"

McClain: "Absolutely. This is just totally permissive."

Barkhausen: "Thank you."

Speaker Peter: "Representative Schuneman."

Schuneman: "Just a quick question, Representative. Is there anything in this Bill that would set up criteria for the kind of unions that could be recognized? In other words,

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if it happens to be a local non-affiliated union there's no prejudice against that type of union in the Bill?"

McClain: "No, Sir."

Schuneman: "Okay, thank you. That wasn't too hard was it?"

Speaker Peters: "Representative Kociolko."

Kociolko: "Mr. Speaker and Ladies and Gentlemen of the House, I would concur that this represents a simple concept. I would add that it represents a totally unnecessary concept. Many school districts throughout the State of Illinois, including the grammar school district in the community in which I live, currently recognized teachers' unions, bargain collectively and reach agreements. They appear to be doing so quite nicely without any intervention, regulation or legislation from this General Assembly and since this legislation would be therefore, unnecessary I would very earnestly encourage a 'no' vote."

Speaker Peters: "Representative Robert (sic-Roland) Meyer."

Meyer, R.: "Mr. Speaker, I'd just like to ask a question of the Sponsor if I may."

Speaker Peters: "Proceed."

Meyer, R.: "If the school district and the teachers enter into collective bargaining for a contract, a two year contract or three year contract does this necessarily tie them in for future contract bargaining?"

Speaker Peters: "Representative McClain."

McClain: "Thank you, Mr. Speaker. There is a.. no, not necessarily. There is a provision to have a new election for a different collective bargaining unit. It cannot be... it's on page two of the Amendment. No election may be conducted in any bargaining unit during the term of a collective bargaining agreement covering such unit or subdivision thereof. However, the regional superintendent may direct an election after the filing of a petition

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between January 15 and February 15 of the final year of the collective bargaining agreement."

Meyer, R.: "So then it's optional if they want to continue after the first contract?"

McClain: "Sure."

Meyer, R.: "Thank you."

Speaker Peters: "Representative Stuffle."

Stuffle: "Yes, to lay some of the fears that I know that are always there whenever there's a teacher collective bargaining Bill. Well, I happen to believe we ought to have a comprehensive one to take care of all the problems that are associated with the questions of negotiations and bargaining. As well as recognition, this Bill is a very simple one as Representative McClain has indicated. It did get a good hearing. It's necessary with regard to Representative Meyer's question to include language with regard to the multiple year contract because the law does already allow negotiations for up to a three year agreement between employers and employees without specifying specifically that there can be recognition in bargaining. I would suggest this Bill is very, very permissive. It merely recognizes the need to have a systematic way in which you can recognize who's in a unit and who represents it and also give those other people, if they so desire an attempt to find a new representative should they decide the old one is no good. It also recognizes historical representatives, those on board now, if you will and for those reasons. Because of its permissive nature I would urge that we give it an 'aye' vote."

Speaker Peters: "Representative Karpziel."

Karpziel: "I move the previous question."

Speaker Peters: "The question is, 'Shall the main question be put?' Those in favor will signify by saying 'aye', those

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opposed. The 'ayes' have it. Representative McClain, to close. McClain, to close."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, contrary to the Gentleman from Berwyn, I believe or Cicero, this Bill is a very permissive Bill. All it deals with is if both the local School Board and the professional teachers agree that there ought to be some sort of collective bargaining agreement or unit set up that then there is a mechanism for an election to find out which has the majority. It's a very simple procedure. Frankly, I'm sort of embarrassed to carry it but it's totally permissive and it's got to be consensual on both parties. And it grandfathers in all the old collective bargaining agreements and other units so we do not damage any other agreements that are now enforced or any other units that are now enforced. And I'd ask for an 'aye' vote."

Speaker Peters: "The question is, 'Shall House Bill 701 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Have all voted who wish? Pardon? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 113 voting 'aye', 30 voting 'nay', three voting 'present'. Representative Davis, to explain his vote."

Davis: "No, Sir, not to explain the vote."

Speaker Peters: "113 voting 'aye', 30 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority.... What's Representative Davis."

Davis: "Well, yes, Mr. Speaker. You cut me off in the middle of a sentence. I think a Bill of this importance shouldn't be gone out of here with fifty or sixty empty seats. I'm going to request a verification."

Speaker Peters: "Representative Pierce. Pierce, 'aye'. Representative McClain."

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McClain: "Thank you very much, Mr. Speaker. Mr. Speaker, with all humility to Mr. Davis, I would suggest that...25 votes above 89. I would suggest his Motion is dilatory. It's 8:00 at night on the last night."

Speaker Peters: "Representative McClain, I understand that but the Gentleman is within his rights to call for a verification. Winchester, 'aye'. Ryan 'aye'. Ebbesen, 'aye'. Mr. Davis."

Davis: "The power of the House has astounded me. Winchester and Ebbesen vote 'aye'. I withdraw the verification."

Speaker Peters: "What's the count, Mr. Clerk? There are 117 voting 'aye', 29 voting 'no'? 29 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 797, Representative Stanley."

Clerk O'Brien: "House Bill 797, a Bill for an ACT to amend the School Code, Third Reading of the Bill."

Speaker Peters: "Yes, Representative Daniels 'aye' on 701. Representative Stanley. House Bill...out of the record temporarily. House Bill 976, Representative Bullock. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 976, a Bill for an Act authorizing financial assistance to promote cultural and racial integration of students between school districts, Third Reading of the Bill."

Speaker Peters: "Representative Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The synopsis, the Democratic synopsis on House Bill 976, I think in my estimation, probably just repeats what has been written in many other Sessions and has not adequately addressed a Bill so I submit to you that it's probably deficient in that it omits an awful lot as it relates to this Bill. House Bill 976 deals with the

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subject of having minority pupils who are presently in areas where it is possibly impossible to desegregate to enter voluntarily with a receiving school district for the purpose of racial desegregation. The Bill provides for financial incentive. It is an incentive program for inter-district transfers. Those districts would voluntarily enter into the agreement with the approval of the parents so the guardians of students, the respective School Boards of the district of both the attendants sent us would voluntarily enter into an annual written agreement. To permit students from one district to enter a school in another district. Basically, the Bill does one thing and one thing only. It provides financial incentives. It provides financial incentives in the form that the receiving districts, additional state aid would not exceed 25% of the reduced tuition grant per pupil upon preapproval which includes provisions for a special service innovative programs and staff and service training programs. Quite frankly, this Bill in my estimation addresses an agonizing problem that we have witnessed for many years both in our state, in our city and in our nation. I think that we know the bottom line is that there have been millions of words spoken and written about desegregation of our public schools in the City of Chicago and throughout the State of Illinois. We know that there are a majority of the districts particularly in the City of Chicago, where it has a disproportionate number of minority students making it almost impossible, certainly difficult, to desegregate within the boundaries of the city. States such as Wisconsin and particularly in Milwaukee, Wisconsin, we're faced with the problem and they came up with a very innovative solution which I submit to you House Bill 976 reports to do for the State of Illinois. One of the

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decisions you can use is to consolidate but I submit the other approach which is much more attractive and much more viable and less cumbersome is voluntary transfer of students across district lines. This in essence is what House Bill 976 does. It is one alternative to mandatory school bussing, which none of us would like to see. I want to say for the record, Mr. Speaker and Ladies and Gentlemen of the House, that this Bill in no way, no shape, no form and in no fashion addresses the subject of mandatory school bussing. It is not a school bussing Bill. It is purely and simply a voluntary inter-district transfer incentive program with a financial incentive to receiving as well as sending districts. Mr. Speaker, I'd be glad to answer any questions that you might have, Ladies and Gentlemen of the House and of the Assembly."

Speaker Peters: "Representative Kustra."

Kustra: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Of course, I only rise on non-controversial Bills and I thought I might just add a few words about this one. Before Representative McCourt retired to the bench he spoke in the Education Committee on this Bill. He spoke in favor of it. He served a few years ago as the Chairman of the Urban Education Commission and I served as the Executive Director of that Commission. One of the things that we did on that Commission is invite the State Legislator from the State of Wisconsin down to Chicago where we were holding hearings on the subject of voluntary transfer programs. That State Legislator addressed himself to the group and showed that in the City of Milwaukee, I should say in the greater Milwaukee area, they worked out a very unique plan that provided for the the transfer of students from the City of Milwaukee to suburbs and vice versa. It was voluntary on the part of the suburbs. It was voluntary on

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the part of the city. There was no forced bussing or anything else. The suburbs wanted the program because they had difficulty with declining enrollments. The city wanted the program for a variety of reasons including, I suspect, cultural integration. We were quite impressed with the way that program worked out in Milwaukee and I just stand before you tonight to tell you that I think it's a good idea. I come from the suburbs. I come from the 4th Legislative District which really includes what I call near-in suburbs. And we do have a problem of declining enrollments and it seems to me that it may well be the option of a school district one of the municipalities or the school district which I represent sometime in the future to get together with another suburb, with the city or whatever and work out some kind of an agreement, some kind of an arrangement. It would be voluntary. It is permissive. It is not mandatory and I don't really see any reason why we shouldn't allow that. Remember that this Bill does not provide an appropriation. There's no monies involved. There would have to be an appropriation Bill. We can debate that some other time over whether or not there will be or will not be enough funds to carry out such a program. But the point is this simply sets up a state law which would allow school districts to do something like that. I know it's a touchy issue but I ask you please to take a good look at it before you just jump on the 'no' votes because again it's voluntary, permissive and I urge a 'yes' vote."

Speaker Peters: "Representative Brummer."

Brummer: "I move the previous question."

Speaker Peters: "The question is, Representative Wikoff."

Wikoff: "Yes, thank you, Mr. Speaker. No comments either pro or con on the merits of the Bill. It probably isn't the

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proper time to arise with a subject that is under consideration. But I wish that you would urge upon the Members, there's a tremendous amount of empty seats in here right now and for the people to vote their own switches and in deference to Representative Bullock on what he's presenting is a Bill that he has a great deal of concern with. Don't get us in a position of demanding a verification. Vote your own switches. There's empty seats on both sides of the aisle and don't put us in a position of having to request a verification. There were a tremendous amount of votes cast on that last Roll Call that were not here and I for one don't intend to sit here all evening and cast a vote and let other people go by with somebody else casting their switch without a verification. I'm just making that as a request, Mr. Speaker."

Speaker Peters: "Thank you, Representative. Your point is well taken. The chair has received that comment from half a dozen or more Members. So please vote only your own switch. It'll save us a lot of time and some people from some embarrassment. Representative Brummer, move the previous question. The question is, shall the main question be put? Those in favor will signify by saying 'aye', opposed 'nay'. The 'ayes' have it. Representative Bullock, to close."

Bullock: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, on May 5, Tuesday, 1981, the Associated Press article appeared in the Chicago Sun Times which was entitled that the United States proposal of free college tuition as a bussing prize. I'm not going to read this entire article, but I think one paragraph was most illustrative as it relates to what I think was novel approach on the part of the national administration which has long opposed school bussing to achieve desegregation.

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But gave this action as a first indication as to how the national administration would deal with the problem of school desegregation. And I want to quote the Attorney General of the United States, the Honorable William Fred Smith who says we are very excited about this plan. This is our first effort in this area to see if we can do more for the voluntary approach. And I'm sure many of you know what was proposed in this article. But I thought the most significant thing about the Attorney General's opinion is that he recognizes as we recognize that school desegregation is indeed the law of the land. We are constrained to support the laws of our nation and he, like I, believe that the voluntary approach is by far the most plausible approach. And he, like I, believe and like many of you in this House believe because this Bill passed a bipartisan test in the Committee of twelve 'aye' votes and only two 'nay' votes. The same Bill in substance passed the Illinois House of Representatives in 1979. This Bill will repeal itself in 1986. It self-destructs. This Bill requires the most important ingredient of any agreement in school desegregation. It requires that the parents of the students approve and agree to inter-district voluntary incentive programs. I appreciate, Mr. Speaker, the patience and attention that the Members have given us on this matter and I respectfully request an affirmative vote."

Speaker Peters: "The question is, shall House Bill 976 pass? Those in favor will vote 'aye', those opposed will vote 'nay'. The Members are asked to vote only their own switches. Representative Pullen, to explain her vote."

Pullen: "Thank you. I wish that I could have asked the Gentlemen some questions such as how much this is going to cost since there's no appropriation Bill. I would like to point out

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that this is not merely desegregation. It is inter-district bussing which is not something we have seen in Illinois to my knowledge. I would like to point out that it is not a voluntary matter for the people in the receiving district who do not have the right to have referendum on this subject but merely have a bounty given to their school district to help with their declining enrollment problems and that's what's voluntary. I urge a 'no' vote. Kids don't learn on busses."

Speaker Peters: "Representative Schneider."

Schneider: "Thank you, Mr. Speaker and Members of the House. I think correcting a little bit of the last speaker's comments would be important. We don't cause a referendum to take place on every single issue that is before an elected group. That's what School Boards are outside of the City of Chicago and policy making as we understand it is set by an appointed Board which some of you will have an opportunity to speak on later. So I think we entrust to many of our elected officials, the choice is to make a very simply voluntary decision. That's one of the items I think that this Bill addresses. We are faced in Illinois with desegregation crisis' in the major City of Chicago, certainly throughout the state in East Aurora to some extent in other towns. We are addressing this concept or problem on a voluntary basis in this Bill. On the funding provision we'll have an opportunity either tomorrow or perhaps in subsequent days to address that issue depending on the funding levels that we want to deal with as they were laid to desegregation or inter-district incentives for desegregation and cultural questions as Representative Bullock's Bill addresses. So the dollar amount will be before you tomorrow. We cannot deal with this question until we provide what we have all come to know as a

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substantive language. So on the question of the Bill itself, it's voluntary. It addresses in part the question of whether or not a school district has the elected officials who want to make that commitment. They are reimbursed through the funds available. No funds available, no program. It's been the eternal problem that we have faced in this Legislature since we've addressed the question. I don't (cut off)."

Speaker Peters: "There are four individuals seeking recognition. Representative Braun."

Braun: "Thank you very much. Mr. Speaker, Ladies and Gentlemen of the House, this Bill simply allows people, it allows communities to choose, to choose a commitment to the rule of law. School desegregation has been the law of this land since 1954. It has yet to be a reality in parts of the State of Illinois. This Bill allows people to choose to make it a reality. I urge a 'yes' vote on this fundamentally fair response to a complex and emotional issue."

Speaker Peters: "Reed, Representative Reed."

Reed: "Mr. Speaker, Ladies and Gentlemen of the House, it seems to me we're playing very loose with the term voluntary. I would like to comment that the difference between true voluntary bussing such as we enjoy in my school district and this Bill seems to be voluntary financial assistance."

Speaker Peters: "Representative Karpziel."

Karpziel: "I only want to say that if this goes over 89 I'd like verification of the Roll."

Speaker Peters: "Representative Bullock. Representative Ewell."

Ewell: "Mr. Speaker, a great man, Abraham Lincoln, once said after the Civil War that the time has come to bind the wounds. When we are born we are born alone and when we die we will die alone. The only things that we can carry with

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us as a badge of merit and honor are courage and integrity. This represents the most minimum totally voluntary effort that can be made on a Bill of this nature. I suggest to bring out the red herrings and to call it forced bussing or bussing for integration is ridiculous. It's a totally voluntary, cultural exchange that might happen to incur between perhaps people of a different race. But it is (cut off)."

Speaker Peters: "Representative Bullock, explain your vote."

Bullock: "Thank you, Mr. Speaker. In explaining my vote let me say that there are thousands of Illinois students who already crossed district lines in the State of Illinois in the area of vocational education, special education and certainly for the gifted education programs in our state. Certain city districts within Chicago already admit students from other districts for advanced and technical programs specifically programs in vocational education as are taking place at Washburn Trade School. There is already ample precedence for the inter-district incentive program. I regret that some of the earliest speakers intentionally, intentionally misrepresented the Bill as an (cut off)."

Speaker Peters: "Conclude your last sentence, Representative .."

Bullock: "...as in fact a bussing Bill. It is not, I submit to you it's a good Bill and I would respectively urge additional 'aye' votes."

Speaker Peters: "Representative Catania, for one minute."

Catania: "Thank you, Mr. Speaker and Members of the House. I am proud to be a joint Sponsor of this Bill. Let me tell you about the 'Beasley' School which is a school at 51st and State Street right across the street in my district from Robert Taylor homes, the largest public housing project in the United States. The 'Beasley' School has a long waiting

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list because it is such an excellent school. Children from Taylor homes go there but children from all over the rest of the city go there too. This Bill encourages that kind of multi-cultural interaction. We do a great disservice to our children when we deny them that kind of opportunity early in their lives and we create for them great problems later in life when we don't give them these kinds of opportunities. So please vote 'yes'."

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

Bullock: "Mr. Speaker, could you poll the absentees."

Speaker Peters: "Poll of the absentees, please. Representative Stewart, my paper was on your light here. I'll allow you that one minute."

Stewart: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to ask your support of this Bill. Perhaps many of you are voting 'no' or laying off the Bill because you feel your representing the interest of your community that you yourself, of course, have nothing in your character that could in the least bit be characterized as racist but this is after all a very sensitive subject and you don't want to rock the boat either way. But as, I would like to remind you that we are all facing the twenty-first century. It is the time that those of us who have, who think and who care should make a point to lead the way. We should be leaders and not blind followers to the prejudices and hates which have shackled us. I recommend an 'aye' vote."

Speaker Peters: "The Gentleman has asked for a poll of the absentees."

Clerk O'Brien: "Poll of the absentees. Abramson. Bluthardt. Bradley. Deuchler. DiPrima. Ralph Dunn. Epton. Ewing.

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Flinn. Dwight Friedrich. Garmisa. Griffin. Hudson.
Huff. Huskey. Kornowicz. Krska. Leinenweber."

Speaker Peters: "Leinenweber, 'no'."

Clerk O'Brien: "Margalus. McBroom. Ted Meyer."

Speaker Peters: "Ted Meyer, 'no'."

Clerk O'Brien: "Oblinger. O'Brien. Polk. Redmond. Robbins.
Sandquist. Stanley. Stearney. Vitek. Yourell. Zwick.
and Mr. Speaker."

Speaker Peters: "Representative Friedrich, 'no'. Representative
Bullock. Representative Meyer."

Meyer: "Vote me 'aye'."

Speaker Peters: "Meyer, 'aye'. Polk, 'aye'. Ralph Dunn, 'aye'.
Wait for the Clerk to catch up. We've added Meyer, 'aye',
Polk, 'aye' and Ralph Dunn as 'aye'. That's eighty...
okay, alright. Representative James Keane, 'aye'.
Representative Huskey, 'no'. Okay? On this question there
are 87 'ayes'. Representative Bullock."

Bullock: "Mr. Speaker, I want to, I want to thank all of the
people that helped me on this Bill. I know for some of
them it's a very agonizing decision but I appreciate the
support that they've given me. I appreciate the quorum,
Mr. Speaker, that you've engendered being in the chair and
I want to thank as always Assistant Minority Leader put the
Bill on Postponed Consideration."

Speaker Peters: "Postponed Consideration. House Bill 977,
Representative White."

Clerk O'Brien: "House Bill 977, a Bill for an Act to authorize
financial assistance and to promote cultural and racial
integration, Third Reading of the Bill."

Speaker Peters: "Representative White."

White: "Mr. Speaker, Ladies and Gentlemen of the House, House
Bill 977 is a new Act. It...this Bill is sponsored by the
State Board of Education. It provides for State aid to be

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given to school districts on the basis of proposals submitted that will provide for racial integration. The Bill becomes effective, if passed, July 1, it self-destructs on June 30, 1981. Presently, there are 93 schools in this...school districts within the State of Illinois that qualify for school reimbursement as a part of their cost for desegregating voluntarily. A school district would have to submit a proposal to the State of Board of Education upon the submission of that program, if excepted, they then become eligible to receive part of what is in the budget and what's in the budget right now is \$2,000,000."

Speaker Peters: "Any discussion? Representative Pullen."

Pullen: "Will the Gentleman please tell us what is different between this Bill and the previous bussing Bill?"

White: "Okay. My Bill will provide reimbursement for those school districts, and there are 93, who have voluntarily desegregated or those who are eligible for reimbursement. If a school district, and there are 42, have desegregated on their own, they had to pick up the entire cost for that effort. This Bill would reimburse back to them some of the money that they expended, the rest of the 93 have a proposal before the State Board of Education which makes them eligible to receive dollars."

Pullen: "Have the school boards that have decided to bus their students done this on their own decision?"

White: "Some...there are 42 who have embarked upon this program and there are, oh somewhere in the vicinity of 50 more who have a proposal before the State Board of Education."

Pullen: "Have they been required in any way by the State to do this?"

White: "No. This is a voluntary program. If they decide that they want to desegregate, they will submit a proposal to

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the State Board of Education, if that proposal is accepted then they qualify to get reimbursed part of their cost."

Pullen: "Mr. Speaker and Ladies and Gentlemen of the House, I think if these school boards decide that they want to use their resources in this manner instead of in teaching children then they ought to be using their own resources, not the resources of the people of Illinois. And I urge a 'no' vote."

Speaker Peters: "Representative Kelly."

Kelly: "Yes, Mr. Speaker, I'd like to ask the Sponsor a question."

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

Kelly: "Representative White, I noticed you have a number of school districts within the 9th Legislative District, for instance, Hazel Crest, where I live. Now, they were ordered to come through with this desegregation and have a balanced racial balance in the various schools. They have already done this, they've already complied with the requirements. Does this mean they're eligible for the reimbursement?"

White: "Yes. Your school district, Hazel Crest, qualifies to be reimbursed because of their effort. So, my answer is yes."

Kelly: "So, what you're saying then is, that this Bill is a great deal different than the one previously, in fact, it's a complete separate and opposite concept and that these schools, at least the ones that are in my district, are those that have voluntarily and have actually complied with these programs. So, what you're doing is just giving us a benefit and to the districts, if any of them have a district within...any school districts within our legislative district, you're giving a..how much money are we receiving?"

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White: "Well, we're talking about a, there's an Amendment that will be before this Body that will have a price tag of just \$2,000,000, and those \$2,000,000 will be distributed among the 93 school districts who have already desegregated, all who have submitted a proposal to the State Board of Education."

Kelly: "Well, it seems to me that it would be a wise vote if your district has expended these funds and in my case of Hazel Crest, we did not...we were not voluntarily complying but we did comply and these districts....So, I'll be glad to vote for Representative White's proposal."

Speaker Peters: "Representative Friedrich."

Friedrich: "Will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Friedrich: "The figure that someone gave me earlier was \$20,000,000 and I thought you said 2,000,000, is there a discrepancy there some place?"

White: "Mr. Speaker, Mr. Speaker, a little order please."

Speaker White: "Give the Gentleman your attention."

White: "No, in the original proposal we're talking about, roughly, seven and a half million dollars and it's right now, it is down to \$2,000,000 and not 20,000,000."

Friedrich: "Okay, the other question, of course, is there an appropriation? Is there an appropriation or does it just come out of the common school fund?"

White: "Yes, it's coming to this Body on an Amendment, House Bill 474, at present there are no dollars being appropriated but there is an Amendment that is going to come before us on House Bill 494 which will have a \$2,000,000 price tag."

Friedrich: "Okay, and that comes out of the common school fund."

Speaker Peters: "Representative Hastert."

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

Speaker Peters: "The previous question has been moved. The

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question is, 'Shall the main question be put?' Those in favor will signify by saying 'aye', those opposed, 'nay'. The 'ayes' have it. Representative White to close."

White: "Okay. Mr. Speaker and Ladies and Gentlemen of the House, at present there are seven school districts who have desegregation plans under State litigation; ARGO, Aurora East, Chicago Heights, Joliet, Moline, Rockford and Rock Island. There are two school districts who have desegregation plans under Federal litigation; Chicago and Rockford. There are also two school districts who are under Federal court order desegregation plan; South Holland and Springfield. To date, we have about 45 school districts who have operating desegregation plans that were implemented at their expense. All we're trying to do with this Bill is set up a vehicle by which the school districts can be reimbursed for part of their cost whether they were ordered by the court to desegregate or whether they decided to desegregate on their own. I ask for a favorable Roll Call."

Speaker Peters: "The question is, 'Shall House Bill 997 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Representative Schneider to explain his vote."

Schneider: "Trying to address the question again, Mr. Speaker and Members of the House. It's not a matter of whether or not a local school district voluntarily wants to make a decision about desegregation in this Bill, although I think again, a previous speaker on the side of the aisle had talked about it as though it was something that was casually being addressed throughout the State by boards. The fact remains, is that many of us throughout the State are going to be faced with a Federal court order to make the decision, the best case and point and is, in obvious

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case of Chicago. This Bill does not attempt to penalize or harm anyone, in fact, if you're a downstate Legislator you should support a Bill that in the language itself says that 50% of the money appropriated will go to those schools who have undertaken desegregation in the past. That's an incentive. We don't want to encourage schools not to get involved in the kinds of programs that this Bill addresses. It's not a bussing issue. It's a question, I think, of the local schools..."(cut off)

Speaker Peters: "Have all voted who wish? Take the record, Mr. Clerk. Take the record. Representative Braun, do you wish to explain your vote?"

Braun: "I was just going to suggest, Mr. Speaker, to the Members that with three votes we can put this on Postponed Consideration, in light of the fact that the Bill is not the anathema that I think some make it out to be. It's a good Bill, at least we should be able to put it on Postponed Consideration to discuss the merits with the Membership in the meantime."

Speaker Peters: "Mr. Clerk, Representative Grossi votes 'no'. Representative Schneider votes 'aye'. Representative McMaster votes 'aye'. Representative Boucek votes 'no'. Representative Robbins votes 'aye'. Representative Reilly votes 'aye'. Tate votes 'no'. Who else? Greiman...I didn't...votes 'aye'. Representative White? We've got enough for Postponed."

White: "Well, that's my request, Sir."

Speaker Peters: "Alright, what's the count, Mr. Clerk? On this question there are 72 'aye', 53 'no'. The Gentleman requests Postponed Consideration. Representative Madigan."

Madigan: "For the purpose of an announcement, Mr. Speaker. To announce former Representative Dick Hart, who's right down in the front of the Chamber. Dick Hart."

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Speaker Peters: "Judge Hart. House Bill 1051, Myron Kulas.
Representative Kulas. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1051, a Bill for an Act to amend
Sections of the School Code, Third Reading of the Bill."

Speaker Peters: "Representative Kulas."

Kulas: "Yes, Mr. Speaker, Ladies and Gentlemen of the House,
House Bill 1051 as amended provides for high school credits
to anyone studying a foreign language outside the public
school system. This legislation provides that upon the
passage of a foreign language proficiency test a student
shall receive a maximum of up to two years of foreign
language credit. The President's Commission on foreign
language and international studies has lamented the
nationwide decline in language instruction. The state of
foreign language, teaching and learning has deteriorated
alarmingly in recent years. There are some signs, however,
that this decline has bottomed out and that we Americans
are finally realizing that it is neither in our collective
interest nor in our individual interest to be unable to
communicate with the rest of the world in any language but
English. The enrollment of students in our public schools
studying foreign languages has been declining for the past
ten years. At the same time, Ladies and Gentlemen, there
has been a growth in so-called ethnic or Saturday schools
that teach the language and culture of different ethnic
groups. This growth seems to be a byproduct of the ethnic
pride movement that has left this country in the late '60s
and early '70s. Offering high school credits for study
outside the public school system through a proficiency test
program would provide an incentive for young people who
devote their own time and interest to do so and would
encourage them to continuing studying the language because
they will receive such credits. I'd appreciate a favorable

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Roll Call."

Speaker Peters: "Any discussion? Representative Hastert."

Hastert: "Would the speaker yield?"

Kulas: "Yes."

Hastert: "Who would administer these proficiency tests?"

Kulas: "The State Board of Education."

Hastert: "They would be standardized tests for any special type of language or a whole variety of languages or is it Russian and Czechoslovakian and Japanese?"

Kulas: "Right, it will be a standardized test for all various kinds of languages."

Hastert: "And if a student was taking a course in East St. Louis or if he was taking a course in Danville or if he was taking a course in Chicago, he'd take the same test, is that correct?"

Kulas: "That is correct."

Hastert: "Is there any possibility for different dialects of the same language, there would be a problem here as far as administering these tests?"

Kulas: "No, there wouldn't be because right now they have pilot program in Chicago where they administer these tests in over 59 languages."

Hastert: "Does the State Board of Education approve of this or disapprove?"

Kulas: "The State Board of Education has not objected to this legislation. I've worked it out with them and they have no objection."

Hastert: "Is there any fiscal cost in administering these tests and in administering this program?"

Kulas: "No, there's no fiscal cost involved at all."

Hastert: "Thank you."

Speaker Peters: "The question is, 'Shall House Bill 1051 pass?' Those in favor will signify by voting 'aye', those opposed

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by voting 'nay'. Peters 'aye'. Have all voted who wish?
Representative Katz."

Katz: "Mr. Speaker, in explaining my 'aye' vote, I think that note ought to be taken that one of our former Members, Paul Simon, who served with such distinction here and in the Senate, was the Vice-Chairman of the Commission that the President appointed that studied the problem of the United States and its lack of language ability among its citizens. And so in voting for this Bill, we're not only giving a big boost to the Sponsor but also to Paul Simon, one of the great Members of this House."

Speaker Peters: "Take the record, Mr. Clerk. On this question there are 130 voting 'aye', 11 voting 'nay', 2 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1273, Representative Reilly. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1273, a Bill for an Act to amend Sections of the School Code, Third Reading of the Bill."

Speaker Peters: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. House Bill 1273 increases the qualifying rate for high school districts and from elementary districts in the transportation formula. It provides greater equity both for low wealth elementary districts and for all unit districts which are having problems in transportation. It is endorsed by the School Problems Commission and came out of the Elementary and Secondary Education Committee 15 to 1. I would ask for a favorable Roll Call."

Speaker Peters: "Any discussion? Representative McClain."

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

Speaker Peters: "He indicates he will."

McClain: "Mr. Reilly, does this increase the tax for high school

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districts and elementary districts?"

Reilly: "No, it doesn't affect their tax rates at all. It deals with the, excuse me, it deals with the rates that apply in the formula, it deals only with the distribution of State dollars, not with the local tax."

McClain: "So what you're doing here is you're putting the high school and elementary districts into the formula for reimbursement from State dollars?"

Reilly: "Well, they already are in the formula. What we're doing, they've been in a formula..in the formula at a way that disadvantages, unit districts particularly, and also disadvantages, low wealth elementary districts. What we're trying to do is bring some kind of equity between those three kinds of districts."

McClain: "Well, let me ask this, of the three types...of the two types of districts..."

Speaker Peters: "Excuse me, Representative. If the House would give the Gentlemen their attention, they may not ask the same questions when their turn comes to ask the questions. Proceed."

McClain: "Thank you. High school, elementary and unit districts, who gets more money under this Bill?"

Reilly: "Low wealth elementary districts and all unit districts."

McClain: "I'll shut-up."

Reilly: "I thought you might."

Speaker Peters: "Representative Hastert."

Hastert: "Would the speaker yield, or Sponsor?"

Speaker Peters: "Indicates he'll yield."

Hastert: "Last week we passed out of here House Bill 1071, I believe, which dealt with transportation funds and working cash funds. Does this affect that tax levy, I understand it does not affect the tax levy?"

Reilly: "It does not, you're correct."

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Hastert: "So it doesn't affect, it wouldn't affect that Bill retroactively or anything?"

Reilly: "You're correct."

Hastert: "Thank you."

Speaker Peters: "Representative Ebbesen. Representative Brummer."

Brummer: "Yes, will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Brummer: "You may have just answered this question. I heard the question and the answer but I'm not sure I understood it. Is there anything in here that authorizes an increase in the tax levy above currently existing rates and so without referendum?"

Reilly: "Absolutely nothing."

Brummer: "With or without a referendum, it does not authorize a tax increase? I assume there are current maximum levy rates in the transportation portion?"

Reilly: "Correct. All this deals with is the formula for distributing State dollars. It doesn't affect the local tax rate one way or the other."

Brummer: "Okay, and if I read our analysis correctly, it will have no direct impact on unit districts. It would increase the required levy rate for high school and elementary districts?"

Reilly: "No, the...well...."

Brummer: "It would increase their qualifying tax rates."

Reilly: "Yes, it does do that, but it would have an impact of redistributing some funds from high wealth high school districts to both unit districts and low wealth elementary districts."

Brummer: "If it's fair to talk about winners and losers, you would say the high high school districts would be the losers and the elementary and unit districts would be the

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winners?"

Reilly: "Yes."

Brummer: "Thank you."

Speaker Peters: "Representative Ropp."

Ropp: "Would the Sponsor yield?"

Speaker Peters: "Yes."

Ropp: "Okay, according to our analysis, it says something here about State reimbursement claims for regular and vocational pupil-student transportation would be reduced. Could you explain that?"

Reilly: "Well, I have the analysis in front of me. They would not, those would not be reduced, they'd be redistributed, right?"

Ropp: "Did you say redistributed?"

Reilly: "Oh, alright. The analyst is right here. Officially what the Bill, technically what the Bill does, is reduce the level but there, you got to follow this, therefore the proration level will be, it'll be less of a proration. They'll come closer to a 100%. The dollars will be the same. They'll get the same dollars it would have anyway."

Ropp: "You mean the same dollars per pupil?"

Reilly: "Yes. Yes."

Ropp: "Why does our analysis say it would reduce it if it's the same?"

Reilly: "I don't know. I'll send the analyst down to explain it. That's what he said to me just now."

Speaker Peters: "Representative Barkhausen."

Barkhausen: "Representative Reilly. Will the Sponsor yield?"

Speaker Peters: "Indicates he will."

Barkhausen: "Representative, the other day or last week or whenever it was, I know we passed some Bill that proported to and I voted for it, which proported to equalize tax authorization powers for unit school districts and along

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with the dual districts, correct?"

Reilly: "Yes, but again as I've said to several others who've asked about this, this Bill has nothing whatsoever to do with local tax rates one way or the other. It deals with the formula by which we distribute, transfer State transportation dollars."

Barkhausen: "Is this necessary still though in your opinion in light of the equal transportation tax authorizations between the two districts?"

Reilly: "Yes."

Barkhausen: "I mean won't they, can't they both use the same wealth to achieve the same number of dollars for transportation?"

Reilly: "They're two completely unrelated questions. On the one hand, you have the question addressed by that previous Bill of how much local revenue can be raised. You have a completely different question, given any given level of State appropriation for transportation, how are you going to distribute that money among different school districts. All this deals...as I say they deal with unrelated questions. Maybe I exaggerate when I say unrelated but the fact that you equalize the tax rate certainly doesn't mean that you don't need to equalize the way that we deal with State distribution."

Barkhausen: "Thank you."

Speaker Peters: "Representative Hannig."

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

Speaker Peters: "The question is, 'Shall the main question be put?' Do you wish a Roll Call, Representative Deuster?"

Deuster: "Yes, I do. Well, Mr...I don't know how many more....How many more lights are there? This involves a lot of money?"

Speaker Peters: "Representative, it's, you know, there's a lot

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of...I have no way of knowing who's going to call for what? Now, the Gentleman has put the question, if you're joined by four people, I'll be happy to give you a Roll Call."

Deuster: "No, I don't need a Roll Call. I just want to ask a question. I'm sorry it was cut off."

Speaker Peters: "The question is, 'Shall the main question be put?' All those in favor will signify by saying 'aye', opposed? The 'ayes' have it. Representative Reilly to close. And Representative in your explanation, try and answer Representative Deuster's question."

Reilly: "Well, I'm not sure what his question is. I'll be glad to answer it later. Mr. Speaker, Ladies and Gentlemen of the House, I can understand the wariness of the House on this subject but again, let me assure you, this Bill has nothing whatsoever to do with local taxes. All we're doing is trying to reach some...we don't even come to it with this Bill. We simply try to approach a little bit of equity in the way State transportation dollars are distributed. We're talking about fairness, we're talking about equity. This has been endorsed as I say and studied by the School Problems Commission and by the Elementary and Secondary Education Committee. I would ask for a favorable Roll Call."

Speaker Peters: "The question is, 'Shall House Bill 1273 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Representative Deuster to explain his vote. Representative Reilly, listen to the question."

Deuster: "This Bill came out of Committee 15 to 1 and I was the one. The reason I was the one voting against it is because this Bill takes money away from some districts and gives it to others and I had no explanation in Committee, nor have I had an explanation yet on how many total dollars are taken away from what high schools and how many total dollars

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going to unit districts or elementary districts, as in all the Bills we consider on this school aid formula somebody wins and somebody loses and before I want to vote for a Bill and go back and get blasted by local schools for taking away money, I'd like to know how much they're losing. That's my question."

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

Ebbesen: "Well, yes, I'm glad Representative Deuster ask that question because the very question I wanted to ask, and I hope in explanation you can explain this. You've taking for every thousand dollars that's there, you're not increasing or decreasing but you're shifting it laterally and I'd like to know where it's going, who's benefiting and who's losing."

Speaker Peters: "Representative Schneider."

Schneider: "Thank you, Mr. Speaker, Members of the House, the Bureau of the Budget addressed this problem. This is really their recommendation and the School Problems language and out of the Sub-committee on transportation which I happen to chair. What we're talking about is voting the tragic proration that occurs on transportation cost. When you change the qualifying rate, certainly you redistribute funds but they are funds that are based on a more equitable ratio as compared to what was originally the ratio, a...almost an irrational decision on numbers like, three, five, and seven. What we tried to do was to bring them closer into reality with the problems that a district faces and also try to deal with the proration question. It is not a tax increase which I think some of you are apprehensive about. Qualifying rate falls within the range of the tax rate that a district can achieve by referenda and without referenda, but we do not tamper with any of those elements of that aspect of the formula. So it makes

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sense to vote for this. Truly, it shifts money and truly it avoids the problem of proration and I think it's a worthy vote if you vote 'aye'."

Speaker Peters: "Representative Hoffman."

Hoffman: "Thank you, very much, Mr. Speaker, Ladies and Gentlemen of the House. I rise to echo the sentiments of Representative Reilly and Representative Schneider. This will provide and put into the formula for the distribution of transportation money for regular and vocational pupils shift a small amount of money, actually, the amount of money that is shifted that we're talking about, two million dollars will shift that money from the relatively high wealth high school and elementary districts to relatively low wealth elementary and unit districts. The present formula in this particular area is inequitable. This will improve the equity. It will not correct it completely, but it will improve it. The Commission has given a great deal of time and study to this particular issue... (cut off)."

Speaker Peters: "Finish the sentence, Representative. Hoffman."

Hoffman: "And this particular Bill addresses it in a reasonable way in the times in which we find ourselves and I would encourage an 'aye' vote."

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

Stuffle: "Very briefly, I think if Representative Ebbesen has the unit district there where he lives and I believe he does, he ought to be for this Bill. It helps the poor. It does move some money, not a great deal. It provides for some equity. It provides basically them that need it get and those that don't won't and I urge an 'aye' vote."

Speaker Peters: "You're going to get to answer... Yes, Sir. On a point of personal privilege. Go ahead."

Ebbesen: "Yes, my name was mentioned in debate. I'd just like to say that it may help my unit district but I also represent

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all or part of six counties. What does it do to the rest of them? That's the whole issue right here."

Speaker Peters: "Representative Reilly, in attempt to clear the questions in his explanation of vote."

Reilly: "Mr. Speaker, I don't know that I can make it clearer than several speakers already have. What this does is redistribute a little more than a couple of million dollars from high school districts. There's absolutely nothing vague about it and I resent people saying that. It redistributes money from high school districts to low wealth elementary districts and all unit districts. Now, if you know what kind of districts you have in your representative district, then you know what it does. I don't know how to make that any clearer."

Speaker Peters: "Representative Braun, to explain her vote."

Braun: "I'm sorry, Mr. Speaker. I had a question of the Sponsor and that was what effect any of this had on the City of Chicago."

Speaker Peters: "Have all voted who wish? Representative Wolf. Have all voted who wish? Representative... Representative Deuster, do you... Have all voted who wish? Take the record, Mr. Clerk. Who's in the back? Keane. Take the record. On this question there are 98 voting 'aye', 49 voting 'no' and 7 voting 'present'. Krska 'aye'. 99 voting 'aye', 49 voting 'no', 7 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1301, Representative Schneider."

Clerk O'Brien: "House Bill 1301, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Peters: "Representative Schneider."

Schneider: "1301, Mr. Speaker and Members of the House, is a very routine provision. It amends a Section that relates to

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special education only and I want to stress that. It allows school counselors to qualify under that Section like psychologists and nurses and others for the state reimbursement. They are currently listed in that Section in a generalized category. What this does is, like any of the groups in that category, deal with inner-personal relationships and students. At the State Board... the State Board information indicates that these counselors deal with at least 50% of the counselees in special education so what we're doing, in effect, is establishing within this Section an identification with school counselors for the reimbursement, a reimbursement they already are receiving. I think in the face of the declining concern about special ed from the Federal Government in terms of block grants that we appropriately identify these individuals as properly segmented with others in this category. So, I see no fiscal impact inasmuch as counselors are already being reimbursed through this Section in another category. So, it's a simple matter of identifying them with others who currently receive the state reimbursement. I encourage an 'aye' vote this."

Speaker Peters: "Any discussion? There being none, the question is, 'Shall House Bill 1301 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 124 voting 'aye', 18 voting 'nay', 4 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Representative Hallstrom, 1438."

Clerk O'Brien: "House Bill 1438..."

Speaker Peters: "For those of you that are keeping track, this is

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a Bill in the same order as Representative Preston's. We did not put this on the list. It's the same subject, dealing with the same subject matter. We missed the one above and picked up Preston's. 1438."

Clerk O'Brien: "House Bill 1438, a Bill for an Act to create the Illinois Higher Education Loan Authority. Third Reading of the Bill."

Speaker Peters: "Representative Hallstrom."

Hallstrom: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1438 creates the Higher Education Loan Authority Act. The Authority would provide a new source of monies for student-parent loans for higher education. These monies, and I hope everybody will please listen to this, these monies would come from the private capital sector and would not require the backing of the Federal Government or the State of Illinois. I have received a letter from the State Treasurer of Illinois who says that he supports this Bill and compliments Representative Preston and I for supporting it and for sponsoring it. I don't know how many of you saw the Tribune this morning, but there is an excellent article talking about this legislation and saying how needed it is for the State of Illinois. I'm also pleased to tell you that Speaker Ryan is one of the Cosponsors. As far as I know I have absolutely no opposition on this Bill. I would appreciate very much your support."

Speaker Peters: "Is there any discussion? If not, the question is, 'Shall House Bill 1438 pass?'. Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Peters 'aye'. Representative Peters 'aye'. 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 150 voting 'aye', 1 voting 'nay', 3 voting 'present'."

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This Bill having received the Constitutional Majority is hereby declared passed. House Bill 1353, Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1353, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Peters: "Representative Hoffman."

Hoffman: "Thank you, very much, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #4 to House Bill 1353 is the program. We discussed this extensively on Second Reading. It provides for a telescoping of the Title I waiting in the General Distributive Fund. We have discussed this extensively with all parties involved. I'd be glad to respond to any questions. The numbers that are in the Bill are at the 1,512.6 million level which, of course, isn't controlling but nevertheless gives an indication of where we're going and I would ask for your support."

Speaker Peters: "Representative Currie."

Currie: "Thank you, Mr. Speaker. May I ask the Sponsor a question? Yes. Representative Hoffman, is this the Bill that reduces Title I weighting?"

Hoffman: "It pulls the Title I weighting up from the average from a weighting of .5 to .53 and pulls the top down from 6.75 to 6.5."

Speaker Peters: "Excuse me, Representative. Representative Daniels in the Chair."

Currie: "And could you explain to me why it was you who wanted the... the School Problems Commission wanted to make the change in Title I weighting?"

Hoffman: "Yes, thank you very much for the question. After looking at all the various variables that were involved in terms of the total dollars that were to be distributed, we arrived at the conclusion, this was a consensus among all

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the parties involved. The City of Chicago, the school system in the city, the downstate districts of both unit and high school. We came to a conclusion that on the basis of the resources that were available, this was the most equitable and the fairest way to deal with it and we arrived at this particular conclusion. We had a, I think, a rather extensive debate on this on Second Reading. I don't know if you were present at the time. In fact, there was an Amendment to change this back which was withdrawn because of the fact that there had been the general consensus arrived on this."

Currie: "If I might speak to the Bill, Mr. Speaker."

Speaker Daniels: "Proceed."

Currie: "I will vote 'present' on this Bill. I think that it is a mistake to take the Title I weighting down from those district which serve a large number of poverty students. The effect of your proposed changes, and I understand that you were making compromises and I understand that there was agreement from even large city school districts that this was not in fact a disasterous thing for you to do. My own view, however, is that to reduce the Title I weighting in those school districts which serve a very substantial number of very poor children, of very poor students is the wrong way for this state to go. On that basis, I think that you might better have increased the Title I weighting for the districts that serve relatively few poverty children, but retained it at its present level .65 for those which have the bulk of the state's poor public school children to serve. On that basis, I will vote 'present'."

Speaker Daniels: "Could we have some order, please? Could we have some order, please? Gentleman from Lake, Representative Deuster."

Deuster: "If the Sponsor would return to some microphone and

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respond to a question, and the... "

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

Deuster: "My question is, I know, Representative Hoffman, this was debated in great length on Second Reading, but we have such short memories around here. Could you just outline briefly what this does? As I understand, this is a readjustment of the school aid formula and we've already had some mention that the Title I weighting is being reduced. What other basic changes are there that we ought to have in mind?"

Speaker Daniels: "Representative Hoffman."

Hoffman: "The Title I weighting which is determined relative to the statewide average of Title I students was moved up on the statewide average from a .50 to a .53. Double the statewide average, or, in larger numbers, was telescoped down from .675 to .65 which meant that those districts which had the average or below of the statewide average of Title I students would be in a more advantageous position in terms of that particular category or that particular variable in the formula. And those who were beyond the statewide, double the statewide average would find a condensation. However, that doesn't tell you the whole picture because we're looking at the dollar numbers that come out at the end of the line, and it was agreed by those folks who are affected at the top as well as those who were affected other places that given the givens and where we found ourselves today in terms of the dollar available or the dollars available that this was the most reasonable way to approach it. I remember that you had another Amendment which dealt with another variable which the School Problems Commission looked at but chose not to address at this particular time."

Deuster: "That was all interesting, but if I were to try and

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explain it in one sentence or two to a constituent what this Bill does, does it raise the guaranteed level?"

Hoffman: "It raise... Thank you, very much. It increases the guarantee level from the present 1464 to or 1464 dollars per pupil to \$1563.32."

Deuster: "Does it make any changes in access or qualifying rates?"

Hoffman: "Those changes were made in House Bill 3114."

Deuster: "Thank you, very much."

Hoffman: "Last Session."

Speaker Daniels: "Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker. Will the Sponsor yield to a question?"

Speaker Daniels: "Indicates he will."

Lechowicz: "How much of a revenue loss is this for the City of Chicago?"

Hoffman: "I'm sorry. Would you repeat that, please?"

Lechowicz: "How much of a revenue loss for the school system in the City of Chicago?"

Speaker Daniels: "Excuse me. Excuse me, Sir. Excuse me, Representative Hoffman. Ladies and Gentlemen, may we please have your attention? It's a very important Bill. The noise level is just a little bit too high. Representative Lechowicz."

Lechowicz: "Thank you, Mr. Speaker. The Sponsor indicates he'll yield to a question. My question is, how much of a revenue loss is this to the Chicago public school system?"

Hoffman: "The Chicago public school system, under the present program, receives \$498,434,085.39. Under our proposal, that particular level...wait...Excuse me a second. Let me take a look at this. That's the wrong number. Excuse me a second."

Lechowicz: "Take your time. I think it's going to hurt all of

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us."

Hoffman: "Mr. Speaker, Ladies and Gentlemen of the House, one of the difficulties of dealing with this is to look at the 1,495,000,000 which was used in last year's program and make comparisons with the 1,512,000,000 that is used in this particular program for a single school district. The program..."

Lechowicz: "Could you make the correlation to the City of Chicago please?"

Hoffman: "The program, as provided under this Bill, would provide \$493,814,000,629.64 which is 32.48% of the total of the General Distributive Fund."

Lechowicz: "If we had a half a million dollars last year, what are we getting this year?"

Hoffman: "This is an increase of 17 million dollars."

Speaker Daniels: "Representative Lechowicz."

Lechowicz: "That answers my question. Thank you."

Speaker Daniels: "Gentleman from DuPage, Represe..."

Lechowicz: "We could always use a little more..."

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

Schneider: "Mr. Speaker and Members of the House, the concern that all districts could lose is one that we all face. We realize that the grave problem really relates to the variables within the formula which we have very little control over, that is the declining enrollment and the increased assessment. When he addressed the problem in terms of the city, as Representative Lechowicz was appropriately addressing I think, you have to realize that the money, when it's redistributed, still presents for the city a percentage rate that is a little bit greater than last year. So, for example, on the percentage rate at last year where the city received 31.70% of the money for per

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pupil guarantee, this year, under this present Bill before us, 1353, they go to 32.50. That represents a percentage increase. Now, those tenths of a percent of an increase are very substantial when they're translated into dollars so that you see what Representative Hoffman is saying. You're talking about a 17 or 18 million dollar increase over last year which is a fair and equitable distribution stays consistent with the past year and, in fact, with past years at that percentage level. So I think we tried to address not only the city, of course, but throughout the state and we find that by addressing it in this formula we have come as close as we possibly can given the variation of those items I identified a minute ago, the growth in assessed valuation and the declining enrollment. I think it's as good an approach as we can try this year. We still have to negotiate with the Senate, but I think we're very close to a fair and equitable distribution of the state dollars."

Speaker Daniels: "Gentleman from Winnebago, Representative Kelley."

Kelley: "Mr. Speaker, will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Kelley: "Representative Hoffman, could you tell me the difference between this formula and the past formula for the Rockford School together? Are we better off or worse off or the same?"

Speaker Daniels: "Representative Hoffman."

Hoffman: "Thank you, very much. If we make no change in the formula and by making this change in the formula Rockford will be approximately 300,000 dollars better off."

Kelley: "Thank you."

Speaker Daniels: "Gentleman from McClain, Representative Bradley."

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Bradley: "Thank you, Mr. Speaker. Question of the Sponsor."

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

Bradley: "If we didn't make these changes, Gene, what would the total cost be to the State of Illinois without any changes? I assume that we are, with the changes that you're suggesting in the formula, that we will be spending more money than we spent last year for state aid. My question is very simple. How much is the additional amount of money that we are spending for schools K through 12 than we spent last year?"

Hoffman: "The program that we're suggesting is going to be controlled by whatever the appropriation level is. By that I mean that in House Bill 3114 last Session we put a proviso into the formula that said the formula would move with the appropriation. So, for that reason, you know, I can't really answer your question except to say that at the level that was proposed by the Appropriations Committee to the General Assembly, we move from 1,495,000,000 to a 1,512,000,000. My guess is that that final number will end up someplace in the neighborhood of 1,525,000,000 before the Session is over, and that's what will control that distribution or that amount of increase."

Bradley: "That's what... Then, the second question I would have. Some years ago when we first adopted this particular formula for applying state aid to our local schools, we were in the neighborhood of using a figure of a guarantee of about 1240 or 1260. 1260? Alright, now what will the guarantee be under this proposal?"

Hoffman: "Under this particular proposal at this funding level, which I believe is low, would be 1563."

Bradley: "1563? Alright and then just one other question. What is the least amount of money that 30% of the students in the State of Illinois will be receiving under the formula?"

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In other words, the flat grant, maybe 30% is a little high, but, under the... you're guaranteeing 1530 some odd dollars per student but a number of students in the state will receive the flat grant. What's the maximum or what is the flat grant now?"

Hoffman: "I ran a quick calculation here on my TI 1030. My TI 1030 tells me it will be 109.... \$109.41."

Bradley: "I want to tell you 80% of my school districts that I represent are just delighted with 108 dollars when the guarantee is 1535. Thank you."

Hoffman: "Our major goal in life is to excite people."

Speaker Daniels; "Representative Brummer."

Brummer: "Yes, I move the previous question."

Hoffman: "You're a gentleman and a scholar."

Speaker Daniels: "Question is, 'Shall the main question be put?'.

All those in favor signify by saying 'aye', all those opposed 'no'. The 'ayes' have it. Representative Hoffman, to close."

Hoffman: "Thank you, very much, Mr. Speaker, Ladies and Gentlemen of the House. I'm very hopeful that this discussion has been enlightening. I would suggest to you that before this Bill arrived at this position in the Legislature that all of the parties that were interested in the outcome and the future of this program have had ample opportunity to have input and with isolated exceptions they have found this to be, given the resources available to the state today, a most equitable and fair way to deal with a very difficult problem and that is the rising escalating cost of educating boys and girls of the state. Because, after all, one of the major responsibilities of this state and one of the major responsibilities of this Body of which we are all privileged to be a part of is to provide the best possible services we can for our young people. In all fairness and

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in all equity, I think you will find that given the times in which we find ourselves this is a most fair and even handed approach. I would ask for your 'aye' vote."

Speaker Daniels: "Gentleman has moved for the passage of House Bill 1353. The question is, 'Shall House Bill 1353 pass?'. All those in favor signify by voting 'aye', and those opposed by voting 'no'. The voting is open. The Lady from Cook, Representative Braun, to explain her vote. The timer's on."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this proposal."

Speaker Daniels: "Excuse me, Representative Braun. Ladies and Gentlemen of the House, it's getting late. We've got a lot of work left to do. We want to hear as many Bills as we can. May we please have some order? Let's have some order. Representative Braun, the timer is started over again."

Braun: "Thank you. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this proposal. It does increase the per pupil allocation and that makes sense in light of the educational needs of the state. I am concerned that this Bill fiddles around, if you will, with Title I weighting. I don't like the idea that we should begin to waffle on our commitment that was evidence in the past of Title I, but I would; however, encourage an 'aye' vote on this Bill at this time and hope that we do not in the next year have the situation in which Title I becomes the first place where adjustments are made. Thank you."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 142 voting 'aye', no voting 'nay', 7 voting 'present'. This Bill, House Bill 1353, having received the Constitutional Majority is hereby declared passed."

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Representative Birkinbine. Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I have been asked to announce that the food we're enjoying right now is courtesy of the Illinois-Indiana Cable TV Association which had a reception tonight, and since we couldn't go to it, they brought the food to us."

Speaker Daniels: "And Chuck 'Wilsey' I understand. Representative Mulcahey."

Mulcahey: "Mr. Speaker, where are the martinis?"

Speaker Daniels: "House Bill 1439, Representative Preston. Excuse me. Representative Hallstrom."

Hallstrom: "I'm sorry. Thank you, Mr. Speaker. Somehow I didn't get on that and I'd like to be an 'aye', please, on 1353."

Speaker Daniels: "Representative Hallstrom will be recorded as 'aye' on 1353. Representative McCormick 'aye'."

Hallstrom: "Thank you, very much."

Speaker Daniels: "McCormick and Hallstrom 'aye' on 1353. 1439, Representative Preston. Clerk will call the Bill."

Clerk O'Brien: "House Bill 1439, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Daniels: "Representative Preston. Representative Hallstrom will handle the Bill. 1439."

Hallstrom: "Yes, Mr. Speaker. Representative Preston did request that I handle the Bill for him. I am a hyphenated Cosponsor and House Bill 1439 adds one four year scholarship annually to the University of Illinois and one four year scholarship annually to the State University other than the University of Illinois. This Bill does little more than make up for the General Assembly's scholarships that will be lost by virtue of the cut-back Amendment. It does not become effective until January of 1983. It is unopposed by the University of Illinois and by

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the State Board of Higher Education, and I would very much appreciate your vote. Thank you."

Speaker Daniels: "Will Zale Glauberman come to the podium if he's within hearing range? Zale Glauberman, if he's in hearing range. Gentleman from Cook, Representative Katz."

Katz: "This Bill points out the fraud that was sold to the people of Illinois when they were told that if they reduced the size of the Legislature they would save themselves a lot of money. What they have done is to reduce the size of the Legislature. Now, they're increasing the number of legislative scholarships so there will be no net saving to the people of the State of Illinois. I point this out since this argument has been widely advanced in the state, and you're now seeing the first return in terms of reality as to what really came as a result of the cut-back Amendment, namely, no saving to the State of Illinois."

Speaker Daniels: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, I'm sorry to have to oppose this legislation, particularly with a good Sponsor on the other side of the aisle, but clearly this goes beyond the bounds of propriety. We should instead be eliminating state scholarships through the General Assembly now that we have the Illinois State Scholarship Commission to give out scholarships on a need basis. Under this program, the only qualification for giving a scholarship is that the recipient be in our legislative district. Unfortunately, the previous speaker would have you think that this costs the state money. Indirectly, it costs the universities money because they have to absorb these students without any reimbursement for the cost of educating the additional students. I took the opportunity to put a few figures on paper here and I find that now, under the current scholarships that we give, we

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are entitled to give 1888 years of scholarship for each year the the Legislature is in Session. Because of the cut-back and with this increase doubling the number of scholarships that each Legislator would give, we would have an increase of 50% over the current level and would be giving another 944 years of scholarships for each year that the Legislature is in Session. If we were to reimburse universities at a level somewhere near an 800 dollar per year tuition level, it would be equivalent to over two million dollars that we are giving to our constituents in the form of free education. I think some of us have found that we can process the applications that we currently have to fill some of the gaps in the method by which the Illinois State Scholarship Commission now grants these ... their tuition waivers, but it's really ironic that in a day and age when we've been asked to cut down on bureaucracy and to cut down on the method by which we have out perks that we should instead go this route, and I would urge a 'no' vote on this measure."

Speaker Daniels: "Gentleman from Effingham, Representative Brunner."

Brunner: "Yes, I move the previous question."

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

Hallstrom: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would just repeat that really what Representative Preston is trying to do is to help the young people in our district who... districts who would be able to get a scholarship had we remained at the number of Legislators of 177. He's saying because we've cut back the Legislature there will be 59 Legislators not here and not

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able to give the scholarships to the young people in our districts, and I would urge a 'yes' vote, please."

Speaker Daniels: "Lady has moved for the passage of House Bill 1439. The question is, 'Shall House Bill 1439 pass?'. All those in favor signify by voting 'aye', all those by voting 'nay'. The voting is open. Representative Schraeder, to explain his vote. The timer's on, Sir."

Schraeder: "Mr. Speaker..."

Speaker Daniels: "Excuse me, Mr. Schraeder. Excuse me. Ladies and Gentlemen of the House, may we please have some order? Representative Schraeder."

Schraeder: "Mr. Speaker, if there was ever a time when we had to help needy students or potential students, this is the time. This is the only Bill I know of that's been in this Session that would do for the needy students what must be done. If you have the requests for scholarships that I have and see the financial woe that some of these kids are going through, you'd have to put your green light up there as soon as the switch was open. This is an excellent Bill and it will bring back untold tax revenue in later years from these kids who have got a decent education."

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

Keane: "Thank you, Mr. Speaker. Just I want to clarify a few things about the Bills and then you can... this Bill and you can make up your own mind. It does not involve any tax money. If the Bill does not pass, what will happen is there will be a definite... there will be a reduction in the number of General Assembly scholarships and a reduction in the opportunity of people that we sponsor in terms of General Assembly scholarships in higher education. Again, the Bill does not... we are not appropriating any money. The way the program works is the colleges have provided

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seats for General Assembly scholarships. This will put no new burden on the colleges and universities."

Speaker Daniels: "The Gentleman from Sangamon, Representative Kane, to explain his vote. May we please have some order? May we please have some order? Representative Kane, to explain his vote."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, it was said that this is for needy students. I would urge you that the needy students are taken care of by the Scholarship Commission. Basically, General Assembly scholarships are given to those people who don't qualify for Scholarship Commissions and; therefore, it's not for needy students. It's for those who don't qualify and not to qualify means you have a high income. I would urge a 'no' vote at this time."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Gentleman from Peoria, Representative Tuerk."

Tuerk: "To explain my vote, Mr. Speaker, frankly, we ought to be abolishing these scholarships rather than adding to them. I think it was previously pointed out the needy students are taken care of through another means. This is a way to... (cut off). This Bill expands the scholarships so that the General Assembly can give them to those that don't need the help, but rather to aid some of the kids that go into school free of charge."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this matter there are 92 voting 'aye', 69 voting 'no' and 2 voting 'present'. House Bill 1439, having received a Constitutional Majority, is hereby declared passed. Representative Schneider on House Bill 1445, 1446. Representative Schneider. Read the Bills."

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Clerk O'Brien: "House Bill 1445, a Bill for an Act to amend the School Code, Third Reading of the Bill."

Speaker Daniels: "Representative Schneider. Are you ready?"

Schneider: "Thank you, Mr. Speaker and Members of the House. The four remaining Bills, there have already been two which have passed from this chamber to the adjoining chamber, all are products of the Chicago Investigating Committee. They produce six to eight pieces of legislation. Some of which are again as they said over on the other side of the rotunda. 1445 addresses a concern, I think, that was most preeminent throughout the hearings. How do we identify a School District that is in trouble? We have established at the recommendation of the State Board and with their close cooperation a number of categories including the ones that, I think, are well they're not listed on the synopsis but very quickly in the heart of the proposal, examples such as this. Salaries of teachers or employees unpaid for ninety days, tuition due in other School District that are unpaid after January 1. Amount due any joint agreement or cooperative educational program through a joint agreement that's not paid. A School District that has defaulted in payment of any of its debt instruments such as notes and warrants. The district contracting with unauthori... for unauthorized loans. Those are some of the illustrations. One of the Amendments to 1445 added also the language out of 1447 which was two consecutive years without a balanced budget. If a School District can be identified as not having, or rather as being in those kinds of circumstances, permissively the State Board of Education may be involved in requesting materials from that district. In effect, the State Board then monitors districts that may be in financial difficulty. Using those eight items they may then certify that a district is in difficulty for those

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districts under five hundred thousand they report to the State Board of Education. The State Board then asks for fiscal documents, financial statements and other information to help direct them in ways to remedy or offset the degree and level of crisis that face the City of Chicago. If you are a district over five hundred thousand and the State Board certifies that you are having financial difficulties and if the Chicago Finance Authority is no longer a sitting body as it will not be after three years of a balanced budget then the State Board of Education identifies to the Governor and to the Mayor that the district is out of balance or it has been affected by any of those other kinds of categories. At that point then the Governor and the Mayor as we established under the Chicago Finance Authority will then put in the Motion an authority that will correct any difficulties that the City of Chicago may have. That basically is the heart of 1445. The Amendment then.. oh the other part was the change from 'shall' to 'may' at the request of the Illinois Association of School Boards. That was adopted on the floor and added to the proposal."

Speaker Daniels: "Representative Stuffle."

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

Speaker Daniels: "He indicates he will."

Stuffle: "Representative Schneider,.."

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

McGrew: "Parliamentary inquiry, Mr. Speaker. You read all four of the Bills. Are we debating just the first or all four?"

Speaker Daniels: "I think that's the question that Representative Stuffle is going to ask right now, Sir."

McGrew: "My apologies."

Speaker Daniels: "Sorry. Representative Stuffle."

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Stuffle: "Representative Schneider, I would suggest in the interest of time, I don't think there's any opposition to the first four Bills that you take a Roll Call on all four together. I know of no opposition to them. Save some time in the House and I would suspect the vote would be the same. I don't know about the fifth Bill but the first four I think would go out rather easily. You ought to. There's no opposition to them I know of. We had a full hearing on them...."

Speaker Daniels: "Representative McGrew."

McGrew: "That was my point. I am very much opposed to 1446 for the, I think I explained in Committee the provision that you have to rotate the auditor."

Speaker Daniels: "Representative Stuffle, we had only read one Bill. Representative McGrew, we had only read House Bill 1445. That's the Bill we're on right now. So on House Bill 1445. Are there any questions? Representative Levin. Representative Levin."

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

Speaker Daniels: "He indicates he will."

Levin: "Okay, Representative Schneider, there was an Amendment that was added on the floor which seems to be somewhat redundant. The Chicago Board of Education is under currently a School Finance Authority Act. What is the justification for adding them in here as well?"

Speaker Daniels: "Representative Schneider."

Schneider: "What's the redundancy? Tell us over here. Tell us, what's the redundancy? Tell me. You said it was redundant. I'd like to hear what it is that's redundant."

Levin: "Well, I ask it as a question. Why should they be both under School Finance Authority and under the State Board?"

Schneider: "Article 34A has already established the Chicago School Finance Authority. They have...when we met with

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them subsequent to the Committee hearing there were some concerns about whether or not we or they would be more rigid. What happens in this case is that the State Board is involved by notifying the appropriate executive officers. In this case the Governor of the State of Illinois and the Mayor of the City of Chicago because they are the appointing persons. As I explained the Bill at the outset is that they may not be sitting after the Board has met its requirement under 34A to be in balance for three consecutive years. So that you don't have a CPA in existence. You have to reappoint them."

Speaker Daniels: "Representative Brummer."

Brummer: "Yes, I move the previous question."

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

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

Schneider: "Thank you, Mr. Speaker and Members of the House. I think we worked diligently in trying to satisfy a variety of interest and parties. I think we establish what really boils down to a kind of a distant early warning system that alerts the state to districts that may be in financial difficulty. I think it's great progress over the problems we've had in the last few years. I certainly would encourage an 'aye' vote."

Speaker Daniels: "The Gentleman has requested an 'aye' vote on House Bill 1445. The question is, shall House Bill 1445 pass? All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Bill there are 141 'ayes', no 'nays', four voting 'present' and House Bill 1445, having received the

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Constitutional Majority is hereby declared passed. House Bill 1446."

Clerk O'Brien: "House Bill 1446, a Bill for an Act to amend Sections of the School Code, Third Reading of the Bill."

Speaker Daniels: "Representative Schneider."

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

This is a portion of the recommendation that deals with public references to the status of the schools, that is, to make public accounting, public notification by variety of ways by the pi charts, by listing contracts that exceed \$500 and so on, that will be visible to the public to see or meet rather the public notice requirement on the condition of a school district. I think currently the law stands in such a fashion as to allow districts to publish its statement within a range of time that can be at such a time when the public is no longer concerned or interested and it really doesn't tell them much. So we've delineated for public purposes the notification of the condition of the school district by these techniques."

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

McGrew: "Would the Gentleman yield?"

Speaker Daniels: "He indicates he will."

McGrew: "Well, I didn't enter, I'm sorry. I just wanted to know, would you consider in the Senate or not consider? Will you in the Senate delete the provision whereby an accounting firm cannot audit a school district for more than five consecutive years? As I expressed to you in Committee there are many, many areas around mine that that would be a great deal of problem."

Speaker Daniels: "Representative Schneider."

Schneider: "I think you probably had a feeling he was of a parliamentary question. Is that correct? I'll address

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that shortly, Mr. McGrew, because I have not finished the explanation of the Bill. But let me just pick up where I think I was. There was a requirement, of course, for the annual audit that is to be made directly to the State Board of Education with a record of that audit to be kept on file with the ESR. On the question that Representative McGrew has raised, I have pursued that as a consequence of his interest in others and I sought some information from the transcripts. I also looked at other kinds of memorandum that I had accumulated as a consequence of this exploration in the school finance. One of the things that I think, Sam, that you ought to be aware of is that it's the position of the American Institute of Certified Public Accountants that they endorse a periodic change in firms and they issued such a professional pronouncement recently. Also it is a recommendation of the State Board of Education. Also within the transcripts, Senators Berman and Philip, Representative, former Representative Anderson, and I won't take the time to quote from the transcripts, but pursued the question of the rotation of auditors. Arthur Anderson, who was the Auditor at the time of the, well the last ten years prior to our investigation, as well as into the seventies, indicated that a rotation of auditors would probably enhance the independence of the auditing firm. I also looked at standard and 'poors' news letter called 'Perspective', in which they sense that an auditor in a cozy kind of a relationship with their school district may not receive the kind of response that perhaps would occur if you rotated auditors. So one of the recommendations that I think is a good one, and one that I think we ought to be really ..be very concerned about is whether or not we should rotate the auditors. I like the position that we go for a five year audit. I understand

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the problem of a smaller district and I'm willing to look at it but it doesn't seem to be the sentiment of the people that are outside of this Body or outside of our interest that that would be a good idea. At this point I would encourage you to support 1446. It makes a lot of sense to me to have an independent auditor."

Speaker Daniels: "Representative McGrew."

McGrew: "Well, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. The rest of the Bill frankly are good provisions but as indicated by the Sponsor of the Bill he thinks that I'm wrong and so I would submit to you that he's dealing in theory as he often does instead of in reality. What's going on in downstate Illinois you will find about eight people who are really certified and able to audit the school districts. He's saying that you can't do that. I tell you there simply are not the people with the capability to go into a school district with the several accounts with five different taxing levies to try to come up with the realistic audit and I would ask all to vote 'no'."

Speaker Daniels: "Representative Schneider, to close."

Schneider: "Well, reality and theory aside, the fact is the persons who are in the field, the CPA's, did address that question. We did pick it up in the testimony. We heard no concerns until a friend of ours, who now lobbies somewhat on the side, found out that there might be some interest in that particular issue. I don't think it makes, at this point, a lot of sense not to have qualified people making those rotations. Standard and 'poor' again as I said before said it makes a lot of sense to have a variation in the auditors over a period of time. Maybe five years is in your bag, but that's the number we picked at the respect, with respect to this particular element of the Bill. I

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solicit an 'aye' vote."

Speaker Daniels: "The Gentleman has asked for the passage of House Bill 1446. The question is, 'shall House Bill 1446 pass'? All those in favor will signify by voting 'aye', those opposed by voting 'no'. The voting is open. Representative Robbins, to explain his vote. The timer is on, Sir."

Robbins: "I rise reluctantly to oppose this because I feel like that whenever you have a very good competent, auditing group in a small town like we have that they may be somebody else in town that can audit the books but there is not two or three good auditing firms in these small towns. So I urge more red votes."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take, excuse me, Representative Stuffle from Coles. No."

Stuffle: "Yes, Representative Schneider, having just discussed this Bill has agreed to take a look at the point that Representative McGrew made. I happen to agree with Representative McGrew. Representative Schneider agreed that the Amendment can be worked out on this and for that reason I believe that it can be handled in the Senate and I would vote 'aye' because the rest of the Bill is meritorious."

Speaker Daniels: "Representative McGrew."

McGrew: "Did the Sponsor of the Bill indicate he would put on a five hundred thousand dollar population in the Senate?"

Speaker Daniels: "He's on his way up to see you. Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, while they're back there cutting a deal, I want to remind all of the House Members that don't just take something

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arbitrarily and throw it over to the Senate in anticipation that it's going to be done. Come back here maybe and form an Amendment might end up in a Conference Committee and by midnight on June 30th we won't be able to identify the Bill so let's kill it right here."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 67 voting 'aye', 65 voting 'nay', 18 'present'. House Bill 1446, having failed to receive the Constitutional Majority is hereby declared lost. Representative Schneider on 1449."

Clerk O'Brien: "House Bill 1449, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Daniels: "Excuse me. Are the Gentlemen asking for the TV lights to be on? Alright. Okay. The TV lights are on. Okay. Representative Schneider, 1449."

Schneider: "Thank you, Mr. Speaker, Members of the House. 1449 is a very routine provision. It allows the Chief Financial Officer and the General Superintendent of Schools to hire persons at the... with the permission of the School Board that they deem necessary to provide the services and perform their function in those rules. I think that's very simple and routine and I encourage an 'aye' vote."

Speaker Daniels: "Any opposition? The Gentleman has asked for the passage of House Bill 1449. The question is, ... excuse me. I didn't see your light, Sir. Representative Levin."

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

Speaker Daniels: "He indicates he will."

Levin: "You know, I had problems with this Bill going in Committee because it seems to create a larger bureaucracy to encourage the School Finance Authority to become permanent and get more employees. My question now though

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relates to Amendment #1. Under the original Bill, there is authority to take employees from the Board of Education and give them to the School Finance Authority, but the Board of Education may approve their recommendation. My reading of your Amendment binds the hands of the Board of Education if the Superintendent recommends it. It requires them to go along with the Superintendent's recommendation."

Schneider: "We can't... thank you. We can't resolve the current problem of the relationship of the Chicago School Finance Authority to the Chicago Board of Education in the sense that the Chicago Board of Education is required by Article 34A to maintain a balanced budget. The fear was that to say 'shall' means that the Board operates independently from the Chicago Finance Authority in terms of a balanced budget. The question that was raised, and it's a conservative one which I was willing to address, is what happens if you hire people and it causes the budget to be out of balance? It's, for me, a trivial concern, but for the Chicago School Finance Authority and I think the Chicago School Board, who were in on some of the conversations with me, indicated that's a legitimate concern, not a serious one and, with that in mind, I changed the mandatory 'shall' to the permissive 'may'. So what would happen is that, if there is a need for that change to take place, the Board may allow it as long as they understand it's within the confines of a balanced budget which is required by law under 34A that we passed a number of years ago."

Levin: "Would the Gentleman yield for one other short question? What is the rationale for the Bill? Why do we need to build a bigger and bigger bureaucracy as far as something that's supposed to be temporary?"

Schneider: "It's temporary only within the confines of that

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language I gave you a few moments ago. Bigger and bigger to me, I think the Chicago... Well, what's 'Marin's' position? The Finance Officer needs some support personnel. I think the will of the House, as well as the Commission, was to say that, if you have a Finance Officer, that person has the authority to deal with the questions and the problems of finance that were primarily held by a division within the School Board. I don't see it as creating a bureaucracy. I don't see the School Board as an organization that will unleash a mighty patronage system to the Chicago Finance Officer. I don't think I justify, either in my mind, nor philosophically, the perpetuation of the Finance Authority because that's already done by law. They will be there for three consecutive budget years as long as the budget is balanced and they will be in existence in terms for the purposes of maintaining the bonds that were issued at the grand total of 573,000,000 dollars over a 30 year period. So you're not creating any bureaucracy. You're just establishing a little bit of freedom for those two individuals."

Speaker Daniels: "The Gentleman from Adams, Representative McClain."

McClain: "Thank you, Mr. Speaker. Could the Gentleman yield for two questions?"

Speaker Daniels: "Indicates he will."

McClain: "Glenn, we've had some questions back here. This only deals with Chicago School Board and their administrative office. Correct?"

Schneider: "That's correct."

McClain: "It is not any move to respond to any teachers or classroom teachers at all. Is that correct?"

Schneider: "No, it amends Section 34H and 34A. 34A is the Finance Authority Section, 34 Chicago."

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

Ewell: "Mr. Schneider, how long have you served on the Chicago Board of Education?"

Schneider: "At this point, not long enough, but I did happen to wind up as the Cochairman of the Chicago Investigating Committee."

Ewell: "How long have you served? See, this is the basic problem that we have here. Actually, we have Bills here being proposed by people from DuPage County, not even Cook County. You know, if you lived in Cook County, I would say fine, you know, or even close to Chicago. But here you are in DuPage County proposing a Bill to tell the Chicago Board of Education how to run its business. Now, I think that this is a bad precedent, and I heard the Gentlemen from downstate when they talked about... I heard the Gentlemen from downstate when they told you on the last Bill that you were interfering in their policies, and therefore, they wanted to delete the Bill to everybody except those over 500,000. Now, you've got a Bill aimed at a district over 500,000, while your district is not 500,000. So you aren't talking about yours. You're talking about ours, and here you've come up with some more bureaucracy, some people who are not responsive to the Board of Education. You're going to tell all the citizens of Chicago how they ought to run their business, and I think you are in error. I think you ought to stick with the School Board in DuPage, help them do as much as you can and leave the City of Chicago alone. That is, unless you intend to move there. Now, ..."

Schneider: "Is it in... District or do I have to..."

Ewell: "So all I'm asking is that the same concern that the people expressed for their own local districts, please don't allow this interloper to come in from two counties away, two counties away and tell us how to run the

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business. We already have enough problems and I think, unless the School Board members ask for it, then certainly it's not a good idea."

Speaker Daniels: "Mr. Ewell..."

Schneider: "Mr. Speaker and Members of the House, such.. probably not. I was, of course, I was on 976 and 977 with Representative Bullock and White. I was not appropriately chastised at that point, so I am concerned at this late hour whether you really want to address a program of such momentum. You know, it probably means at least two or four more people, most of whom are probably already on board. I understand your great sense of humor, Representative Ewell, and to some extent you might be focusing on me a little bit. But, for the most part, this Bill is such an innocuous type, you ought not be too alarmed. On the more serious one, 76 and 77 just a few minutes ago..."

Speaker Daniels: "Sir, 1449."

Schneider: "That's right. I'm addressing 1449. He's attacking my character and I'm not on the State Board. I'm an interloper from DuPage. Gracious. I encourage an 'aye' vote."

Speaker Daniels: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A few minutes ago I thought I was too tired to speak again and I thought everybody would be pleased by that. But Mr. Ewell, Mr. Ewell did manage to pull my string. He wants to spend state money to subsidize the Chicago school system and he doesn't want somebody from DuPage County to have any say or anybody from anyplace else in the state to have any say about how that money's spent. I understand why he wants to do that, but I think it's inappropriate. I would also suggest that he might do something other than just read Mr. Boyko's column in the

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course of the day to criticize downstate Members who care about how downstate money is spent. And finally I would suggest to some suburban Cook Members that Mr. Ewell has just given a speech justifying and authorizing and approving the creation of Lincoln County."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. I was shocked. I was chagrined at the outburst from my close friend from Chicago. He doesn't know, and can't understand, how hard Representative Schneider, Representative Collins and myself, how hard we worked on the HJR 73 Committee. I, like Representative Vinson, am practically too tired to speak on this issue, but when he talks to my friend, Representative Schneider, and calls him an interloper, that's going too far. If anyone deserves credit for the work that has been done on this Subcommittee, it belongs to Representative Schneider. Hours and hours of night oil were burnt on this issue and others. You're a bad boy, Bus, preparing this legislation. This is fair and this is equitable, and it deserves the support of all the Members of this House including, including the Gentleman who had the audacity to rise and cast dispersions upon the fine, upstanding Representative from DuPage. I conclude, I am shocked and chagrined that he would do this."

Speaker Daniels: "Representative Brummer."

Brummer: "I move the previous question."

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

Schneider: "Thank you, Mr. Speaker and Members of the House. It is a very small Bill in terms of its impact, yet it was

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important enough to be part of the Commission report. True, I happen to be the Sponsor, but also the Membership of that Commission was a Senate and House Commission made up of downstate and Chicago Members. I happen to be, again, as I said before, the Cochairman and assigned this awesome challenge and duty of submitting to you a package. I think it makes a lot of sense to allow the Chief Financial Officer, coming in fresh with the approval of the School Board, to make such decisions and I would encourage you to vote 'aye'."

Speaker Daniels: "The question is, 'Shall House Bill 1449 pass?'. All those in favor signify by voting 'aye', those opposed by voting 'no'. The voting is open. Gentleman from Marion, Representative Friedrich, to explain his vote. One minute. Timer's on."

Friedrich: "Mr. Speaker, on a point of order. I'd like to request of you that you ask the cameras to be shut off from now till midnight. We've been here since 8:00 this morning. Everybody's tired. I'm sure we don't make a very good appearance and I can't believe that picture taking from now until midnight will serve any useful purpose."

Speaker Daniels: "Take it under consideration. Gentleman from Bureau, Representative Mautino."

Mautino: "Just an inquiry, Mr. Speaker. For those of us that are from downstate, I'm wondering if this is a Mike Royko Bill or is this a General Assembly Bill."

Speaker Daniels: "Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Mr. Speaker, I understand this is a Mike Royko Bill and on behalf of the downstate village idiots, I vote 'aye'."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk

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will take the record. This Bill having received 134 'aye', 14 'no', 6 voting 'present'. House Bill 1449 having received a Constitutional Majority is hereby declared passed. House Bill 1451, Representative Schneider. Clerk will read the Bill."

Clerk O'Brien: "House Bill 1451, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Daniels: "Representative Schneider."

Schneider: "One more time, Mr. Speaker and Members of the House. 1451 is a Bill that includes a number of items. One is to allow, rather to require to maintain a separate bank account in the Chicago School Treasury for capital projects. Chicago School Treasurer is, of course, the Treasurer for the Chicago Board. We had some confusion and some concern during the hearings as well as prior to that about the co-mingling of funds. This helps defeat any of those factors of that confusion. So that Amendment, I think, is an important one. We extend that further to allow the ... allow the Chicago Board to transfer interest from the Dead Service Fund to permit that money to be used as approved by the School Board for other educational purposes. And, finally, we do the same thing for downstate with the exception that we put some restrictions on some of the funds like the Retirement Fund, Fire Prevention and Safety Fund, Tort Immunity and Capital Improvements Fund. So this, again, gives Chicago more leeway. It allows for greater protection within the Capital Projects Fund and the School Treasurer, the City Treasurer, and I would encourage you to vote 'aye' on this Bill."

Speaker Daniels: "Ladies and Gentlemen of the House, the TV media in the balcony is filming live. They are not filming you at the present time. It is necessary that they have an urge to film live. We're doing what we can to cooperate

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with them. So, please. Representative Dunn, from Macon."

Dunn (John): "I'll move the previous question, Mr. Speaker."

Speaker Daniels: "Previous question has been moved. The question is, 'Shall the main question be put?'. All those in favor will signify by saying 'aye', all those opposed 'no'. The 'ayes' have it. Representative Schneider, to close."

Schneider: "Thank you, Mr. Speaker. Again, it's a forthright Amendment to the law. I would encourage you to solicit... rather encourage your 'aye' vote on the matter of maintaining a separate account, also for allowing the transfer of interest for the Chicago School Board and also for the downstate boards with some limitations."

Speaker Daniels: "Question is, 'Shall House Bill 1451 pass?'. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all those voted who wish? Have all those voted who wish? Henry. Have all those voted who wish? The Clerk will take the record. This Bill having received 150 'aye', 1 'no', 3 voting 'present'. House Bill 1451 having received a Constitutional Majority is hereby declared passed. Did you want the TV lights shut off now? Okay. House Bill 1452, Representative Schneider. House Bill 1452."

Clerk O'Brien: "House Bill 1452, a Bill for an Act to amend Sections of the School Code, Third Reading of the Bill."

Speaker Daniels: "Representative Schneider."

Schneider: "As an interloper I cede to my Cook County colleague, Representative Bowman."

Speaker Daniels: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I would point out that House Bill 1452 was amended in Committee to strike everything after the enacting clause and so Amendment #1 together with a technical change provided by Amendment #2 is the Bill. The Bill as amended

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passed out of the Education Committee 17 to 1. The Bill in its amended form provides for a nominating Commission to make recommendations to the Mayor of the City of Chicago on the subject of School Board appointments. At the present time, Chicago's only one of two School Districts in the entire state that has an appointed Board instead of an elected Board. Almost all of the one thousand or so school districts that we have in this state have elected Boards. Indeed that option has been proposed for the City of Chicago and for good reason because a lot of parents, community organizations, PTA's, the school councils really feel like they want to be part of the process of making recommendations for the Board. This provides intermediate solution whereby we would have a nominating Commission, make recommendations equal to three times the number of vacancies. The Members of the Commission would consist of six parents appointed by the Mayor. The seven persons representing city wide community organizations, another six persons elected by school councils and PTA's and local community base school groups. It is a proposal that has the support of the coalition of School Board Appointments, Citizen School Committee, Chicago Region PTA, Chicago Urban League, Chicago League of Women Voters. I urge your support."

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

Davis: "Well, not to the Bill, Mr. Speaker, although I'm in quandaries on how to vote. I really need to know who the acknowledged downstate leader in this House is and I need to know who the acknowledged suburban leader in this House is. Because I represent the suburban snob district in Will County but I'm a hillbilly at heart. And I don't know how that turkey from the Sun Times wants me to vote. So I want to know who those leaders are so I can follow their lead."

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Speaker Daniels: "Representative Ronan."

Ronan: "Will the, will the Sponsor yield for a few questions?"

Speaker Daniels: "He indicates he will."

Ronan: "Yes, Representative Bowman, it looks like again we're trying to come up with a self appointed system where a few people from the City of Chicago are going to dictate their will to the Mayor of the City of Chicago and to the citizens of the City of Chicago. Isn't it true right now there is a nominating Committee that makes recommendations to the Mayor?"

Bowman: "No, there use to be one but there isn't one now."

Ronan: "Isn't it true that she does have the opportunity to appoint an nominating Committee and that a nominating committee has been used in the past though? You know, my argument against this type of legislation is one that's unneeded. We're filling up the state statutes with more bureaucracy, more government. The Mayor of the City of Chicago is obviously capable of choosing the most qualified candidates for the School Board and we don't need to fill up state statutes with recommendations where again self-anointed leaders, the Chicago School Committee, or whatever they call themselves, happens to be a point of self-anointed leaders who feel that they've got a better way to run the Chicago Board of Education. My attitude is that this is again unnecessary bureaucracy and all we're going to accomplish is to set up a system that really isn't going to do anything except give the self anointed an opportunity to self anoint themselves."

Speaker Daniels: "The Gentleman from Macoupin, Representative Hannig."

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

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

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

Bowman: "Well, Mr. Speaker, in response to the Gentleman who just got through speaking, Representative Ronan, he says all this will do is to require more government but he lives in Chicago. He knows that we desperately need more government in Chicago. We don't have, our problem in Chicago is we don't have any government."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 1452. The question is, shall House Bill 1452 pass? All those in favor signify by voting 'aye', all those voting 'no'. The voting is open. Representative Deuster, to explain his vote. The timer is on."

Deuster: "Mr. Speaker, again this came out of Committee 17 to 1 and I was the one. I happen to believe an elected public officials who are responsible. In Chicago you have aldermen and ward committeemen who are elected. If you want to influence appointments to the Board of Education you go to your alderman, your ward committeeman and the process works through people who are elected and who are responsible to people at the ballot box. I think this does clutter up the statute with a lot of unnecessary stuff and I would urge a 'no' vote."

Speaker Daniels: "The Gentlemen from Cook, Representative Leverenz, to explain his vote. The timer is on."

Leverenz: "Yes, thank you, Mr. Speaker. I don't exactly know who wants this. I wanted to ask a question like who is the Coalition for School Board Appointments. That's really the question. I think Mike Royko serves on the Coalition for School Board Appointments, therefore, vote 'no'."

Speaker Daniels: "The Lady from Cook, Representative Braun, to explain her vote. The timer is on."

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Braun: "Mr. Speaker, Ladies and Gentlemen of the House, Chicago needs this kind of legislation. The people who are concerned about the school's constituencies have not had the kind of voice in the selection process that they should. It is after all our children that are involved and I believe that the public has a right to have some input into the selection process."

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

Brummer: "I am really confused. I read Royko's column also, and I want to know if Woods Bowman and Carol Braun have joined the country bumkin hillbillies attacking the City of Chicago and exactly whether I should be voting with them or voting with Ronan or who represents the City of Chicago. If they are also trying to dismantle the City of Chicago as the rest of the people from downstate supposedly are. I'm confused. I'm going 'present' I guess."

Speaker Daniels: "The Gentleman from DuPage, Representative Schneider, to explain his vote. The timer is on."

Schneider: "Well, thank you, Mr. Speaker and Members of the House. For those of you who have read the Bill and those of you who have not read the Bill I think there ought to be some important concepts. I think the original person who is critical of the Bill talked about in general terms about more bureaucracy for a guy who favors more bureaucracy, that's an unusual statement. We realize that that's part of what Al's all about and I think he should not be too alarmed by this. Regrettably, it's not that kind of a position. All it amounts to is a nominating Committee made up of community people who will present to the Mayor the opportunity to choose from three names for each vacancy, a person who will serve on the Board. No input currently exists for the City of Chicago. I think if you read that

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particular proposal as it is before, you will find that that is all it does. To exclude those individuals, I think, does a disservice to the city. So if you look at the language it does not create a bureaucracy. It allows more citizens and more community groups to participate so I would encourage an 'aye' vote."

Speaker Daniels: "The Gentleman from Cook, Representative Greiman, to explain his vote."

Greiman: "Thank you, Mr. Speaker. This Bill creates an agency which is a governmental agency. That agency will be responsible for selecting all of the School Board members. It is not an ad hock group. It is not an advisory group in the end. It gets them all. What it's actions are constitutional or unconstitutional. Firstly, it sets up parents. It excludes, therefore, single taxpayers, children, childless couples, empty nesters, people who do not have school children, but who pay taxes and who are interested in the school system. If that were not enough in setting up a quota it sets up racial quotas. It sets up language quotas. It is a quota Bill so violative of the American spirit and so against the kind of, the kind of laws that we have. We do not set up quotas in this country and this Bill sets up a quota. Now I want the Mayor of Chicago to be responsible. I want, when the school systems are in trouble, I want to say, Mayor of Chicago, whoever you are, and I might tell you this Bill by the way refers to the Mayor as his in the male, not in the female. But I want the Mayor to be responsible. This Bill will diffuse that responsibility. This Bill will let the Mayor say whoever that Mayor is, well I didn't have anything to do with it. They gave me this group and I had to go with the group. I want that Mayor to be responsible. I want that Mayor but mostly we don't ask in this country, what is your

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race? What language do you speak? English, Spanish, whatever. We don't ask that question, but this Bill makes you answer that question because it sets up an absolute quota system. Now the community member aspect of it is the hokiest part of it. What is a community organization? What's its status? How do you determine members? It's absolutely, it's absurd. Then it talks about 'ethnic'. For the first time we're using 'ethnic'. I don't know what that is either. Another quota system. The Bill is an outrageous Bill. It should be defeated. Then it.. well I could go on and on. There are so many unconstitutional and proper parts of it, it's just silly stuff. Let's get rid of it."

Speaker Daniels: "The Gentleman from Cook, Representative Bowman, to explain his vote."

Bowman: "Well, thank you, Mr. Speaker. In response to the last speech let me just say I believe the Mayor should be responsible too. I believe that this helps the Mayor be responsible. In fact, our Mayor needs help. Our Mayor desperately needs help. And there are people. There are parents. There are members of the community. There are PTA's. There are school councils. There are city wide organizations who are eager to give the Mayor help. So if you believe that our Mayor needs help, give her help. Vote for this Bill."

Speaker Daniels: "The Gentleman from Cook, Representative Ronan, to explain his vote. One minute."

Ronan: "No, I'm not going to explain my vote. All I'm going to do is I'm going to let these misguided individuals know that if by some mistake this Bill hits 89 votes I'm going to verify it. I know the hour's late but the City of Chicago doesn't need any more bureaucracy. The Mayor of Chicago is doing a great job in my estimation and she

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doesn't need anymore bureaucracies. I'm going to verify it."

Speaker Daniels: "The Gentleman from Cook, Representative O'Brien, to explain his vote. The timer is on."

O'Brien: "Well, Mr. Speaker and Members, I'll tell you, I'm a little perplexed being a Member of the Chicago delegation I'm getting mixed view points from the leaders in the Democratic Party. I'm not sure whether or not the Mayor is for this Bill, as Woody Bowman says, or against this Bill as Representative Greiman and Representative Ronan, who are now working together in a united Democratic Party representing the Mayor of the City of Chicago on a daily basis. But now they are against this Bill. Well, quite frankly, Mr. Speaker and Members, I try and stay in touch with the Mayor of the City of Chicago from time to time so that I don't get in trouble down here like some people do. And I would kind of say that this Bill, before it gets out of the Senate, and I'm sure it's going to get enough votes to pass because I'm sure that the Mayor is in favor of this Bill. But when it gets to the Senate it won't be made up of those few organizations that we see in the City of Chicago. Those few community organizations... (cut off) To include all 72 community organizations in the City of Chicago. That is Representative government at its highest level. And Representative Ronan, you don't have to worry about representing the 33rd ward next year because the 33rd ward will be called Logan's Square and when this Bill finally gets to the Governor's desk he will put an Amendatory Veto on it and we will have an elected School Board in the City of Chicago. I vote 'aye' because I know that the Mayor is in favor of this and I'd encourage all my Democratic Members in favor of good government to also vote with me and the Mayor, 'aye'."

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Speaker Daniels: "Representative Lechowicz, to explain his vote.

The timer is on."

Lechowicz: "I just want to make sure that with O'Brien talking that way he'll never hear from the Mayor."

Speaker Daniels: "The Gentleman from Cook, Representative Laurino, to explain his vote. The timer is on, Sir."

Laurino: "Mr. Speaker and Ladies and Gentlemen of the House, since O'Brien has become the referee between Ronan and Greiman and since Representative Lechowicz has given us his opinion of the messages O'Brien's going to get from the Mayor, I suggest that if we all maintain our responsibilities maybe if we vote 'present' on this Bill, possibly DuPage County can take care of their problems and Cook County will take their own."

Speaker Daniels: "The Lady from Cook, Representative Stewart, to explain her vote. The timer is on."

Stewart: "Thank you, Mr. Speaker. I find it quite odd that some people are worrying about cluttering up the statutes with unnecessary legislation, particularly when I know some of the things that these, some of the Bills that carry some very curious names around here. I also think that it's very curious that people who are always challenging the city suddenly find that the way things are going along are just great when it comes to the public school system and at other time we are hearing it's a complete mess. Well, certainly we do need more community input. I think that the Members of this Assembly should give the people of Chicago a chance to have input into how the School Board Members are nominated and I would certainly recommend an 'aye' vote. Thank you."

Speaker Daniels: "The Gentleman from Cook, Representative Jones, to explain his vote. The timer is on."

Jones: "Thank you, Mr. Speaker. We are constantly talking about

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the public having input and I'm from Chicago and I've lived there all my life. We have a non-partisan election for all the men in the City Council. They are elected on non-partisan basis. The people elect these aldermen. They have a City Council School Committee who has the power to reject any nominee that is put to them. And you talk about citizen participation. These citizens can go to the poll to elect aldermen to represent them on a non-partisan basis. There is no need to create an additional bureaucracy for a select few to dictate to those individuals who have to go to the polls and vote on tax measures. So this legislation is definitely not needed. If you want some input then go to your alderman and talk to him. He will make a decision as to whether to reject (cut off)."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Gentleman from Cook, Representative Meyer, (Roland) to explain his vote. The timer is on, Sir."

Meyer, Roland: "Thank you, Mr. Speaker. I just wanted to say that I think the Mayor of Chicago is doing a wonderful job. She's handling the School Board the way it should be. And I think she's doing such a good job, just early this week I voted to give her the CTA to run."

Speaker Daniels: "The Gentleman from Cook, Representative Ewell, to explain his vote. The timer is on, Sir. Have all those voted who wish? Representative Brummer. Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Bill there are 78 'aye', 53 'nay', 30 voting 'present'. This Bill having failed to receive the Constitutional Majority is hereby declared lost. House Bill 1719, Representative McGrew. Read the Bill, Mr. Clerk. Representative Peters, in the Chair."

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Clerk Leone: "House Bill 1719, a Bill for an Act amending the School Code, Third Reading of the Bill."

Speaker Peters: "Representative McGrew."

McGrew: "Representative Peters, I have a Motion filed with the....no. House Bill 1719 amends the School Code as originally introduced. It says that we would provide for...allow the school boards to provide programs for those students that are underachievers. The Bill, frankly, has some technical problems which I'm going to be clearing up in the Senate, and secondly, not to be out done, I would like to, as a Representative from Knox County, try to control Cook. It says that we will delete the township school treasurer from suburban Cook County. They are currently appointed by three people. It's the only area in the State that still has a township school treasurer, and we abolished them downstate in 1962 and the same should be done for suburban Cook County."

Speaker Peters: "Any discussion? Representative Brummer."

Brummer: "Yes, I move the previous question."

Speaker Peters: "Representative McGrew to close."

McGrew: "Please vote 'yes'."

Speaker Peters: "The question is, 'Shall House Bill 1719 pass? Those in favor will signify by saying 'aye', those opposed will vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this...take the record. On this question there are 104 voting 'aye', 24 voting 'no', 4 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Representative Madigan."

Madigan: "Mr. Speaker, does that finish the last Bill on your education subject matter?"

Speaker Peters: "No, there's one more."

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Madigan: "There is?"

Speaker Peters: "797. 797, Representative Stanley."

Clerk Leone: "House Bill 797, a Bill for an Act to amend Sections
of the School Code, Third Reading of the Bill."

Speaker Peters: "Representative Stanley."

Stanley: "Thank you very much, Members of the House. 797, we added an Amendment to it which changes or deletes provisions relating to representation from congressional townships on boards of community consolidated and community unit districts. This does not affect the counties of DuPage, Cook or Lake. There are no congressional townships in those districts. The Amendment that we attached would allow community consolidated and community school district the option of electing board members at large or from seven school board districts which are compact, contiguous and equal in population. I think this has taken away some of the objections to the Bill. Currently the system and congressional townships are not the same as civil townships. They were established in 1796 and at that time they were conterminous with school district boundaries. Today that is no longer the case and electing people from congressional townships does not represent the one man, one vote rulings that the Supreme Court has made in the previous years. I would respectfully request an 'aye' vote."

Speaker Peters: "Any discussion? Representative McMaster."

McMaster: "Thank you, Mr. Speaker. Roger, in my part of the State our school districts make the effort to be sure that the board members are scattered around the district. For instance, my school district is Rova, Bio, Oneida, Victoria and Altona, three communities, there are four communities. There are number of townships included within that. We would like to see it and I see that you do leave it

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permissive that we can spread our board members around by different townships or different districts such as we are elected by. I wonder why you disagree with this method and are trying to institute some other method of elective school board members?"

Stanley: "Representative McMaster, there's no electoral system in the country today that guarantees representation, in other words, if you're from a congressional township, you could theoretically have the lowest number of votes out of ten members running and still be the winner and I do not think that that's what our electoral process is about. I think, and I have something from the Illinois Legislative Council and I asked for some research and it says, this statutory mandate has caused considerable confusion for citizens interested in public school governments, not only in the election process but also in the process of replacing members who might resign, and it simply says, one man, one vote is a system that should be governing these particular congressional township elections in terms of school board members and I think they're right."

McMaster: "Roger, of course, we do require equal population amongst the districts from which they run. You disagree with the method of electing Legislators to this Body in Springfield, or the Senate, either one?"

Stanley: "Are you talking about the previous method or the current method?"

McMaster: "Either."

Stanley: "No, I don't."

McMaster: "But you do disagree with electing school board members by more or less the same way? You know that we have many times a Republican House Member elected from the City of Chicago by what? Less than 10,000 votes, sometimes less than 4,000 votes, while we have other Legislators elected

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to this General Assembly by over 100,000 votes and you're saying that this is the wrong way to elect Legislators?"

Stanley: "No, I'm not saying that at all but never do we in the current system that we have, do we have ten members running for the Legislature and the one with the fewest number of votes is elected, and that's not what the system is about and that certainly can be the case under the current election of school board members in community...consolidated community districts and congressional townships."

McMaster: "I doubt very much, Roger, if you can point out, or can you point out a specific case where this is true?"

Stanley: "I can't tell you the name of a district where it's true but I can tell you for sure, Representative McMaster, that that has happened in the past. Yes."

McMaster: "But you cannot specifically point one out? Mr. Speaker, Ladies and Gentlemen of the House, I would like to urge that you vote 'no' on this Bill. I see no need for it, no reason for it. I think that our current system of electing school board members in our downstate consolidated school districts is very satisfactory and I would urge a 'no' vote."

Speaker Peters: "Representative Schuneman."

Schuneman: "Will the Sponsor yield?"

Speaker Peters: "He indicates he will."

Schuneman: "You know, Representative, as I read the analysis it indicates that the implementation of this new method of setting aside or drawing seven districts within a school district is permissive as far as the Board of Education is concerned. Is that correct, is that still in the Bill?"

Stanley: "That is correct."

Schuneman: "Well, Mr. Speaker and Ladies and Gentlemen of the Assembly, I'd like to speak to the Bill. A few years ago I

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introduced a Bill here that required or that clarified the fact that the school district law when it spoke of a township was in fact referring to the congressional township as opposed to the political township. Because there were some differences of opinion throughout, especially rural areas as to what the law specifically meant. So we do have law now which says that when the law speaks about a township in this connection, we are referring to congressional townships. I would warn those of you from downstate districts, pay attention to what this Bill is doing. You may be realigning the membership on your school board and you should be very, very careful about this vote. You may be cutting out some of those rural areas that would be dominated by a larger town in your school district and you should be very careful about this vote. I think we should vote against it."

Speaker Peters: "Representative Ralph Dunn."

Ralph Dunn: "Thank you, Mr. Chairman (sic), and Members of the House. It's rather late and there's a little bit of noise, particularly on the Democrat side of the aisle, the Republicans are all orderly and well behaved but I haven't been able to hear the Speaker. It sounds to me like that we downstaters, or we country yokels or whatever we're called sometimes, are maybe going to be found that we're not going to have rural representation on our school boards downstate. It seems to me like, Representative Stanley, would this not make it so that maybe we can elect all the school board members from a rural district, would all be elected from the city rather than guaranteeing rural representation?"

Stanley: "Representative Dunn, it would mean this; that guaranteed representation if you received the fewest number of votes, would not be guaranteed any more. It would mean

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the seven members or the three members running for a school board who received the three highest number of votes whether it's in a respective district that my Amendment permits would be elected. In other words, what it says is that no longer would a person receiving the fewer number of votes, or let's say second from the bottom, would be guaranteed representation, and I think that's a fair principle in our Democratic system."

Ralph Dunn: "Mr. Sponsor, could you tell me...Mr. Sponsor, would you tell me where you got this Bill or the genesis of it as they say on the floor. Whose idea was this?"

Stanley: "It was Representative Peter's idea."

Speaker Peters: "No, no, I don't know what he said but I heard my name. I ain't involved."

Ralph Dunn: "Representative Peters, you're being accused of introducing or giving an idea for what I think is a terrible Bill. I would like to join Representative Ewell and I would urge, maybe that the people from Chicago stay out of downstate school districts, as Representative Ewell asks that the DuPage County people stay out of Chicago politics. But I think this is a bad Bill and I'd urge that it not be passed, maybe put in Interim Study until we learn more about it."

Stanley: "Representative Dunn, let me apologize. It wasn't Representative Peter's idea, it was a number of Legislators who have said that the problems that they're having in the system of electing and explaining to people why a person who gets the fewest number of votes, even though he lives in a congressional township, can still be elected to the school board and the system of reappointing or appointing people is one that's very, very confusing, so..."

Speaker Peters: "Representative Ronan."

Ronan: "Thank you, Mr. Speaker. Will the Sponsor yield for a few

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pertinent questions?"

Speaker Peters: "He indicates he will."

Ronan: "Yes, Representative Stanley, how many terms now have you served on the Election Committee?"

Stanley: "Twenty."

Ronan: "Thank you very much for that insightful answer. It appears now that you are the election expert here in the Illinois House of Representatives. You had a Bill this Session to elect sanitary district members, as I recall, that we faced a few weeks ago. What was the fate of that piece of legislation?"

Stanley: "I want to remind you, Representative Ronan, that I gave the franchise to a number of people in the City of Chicago by extending the voting hours here in Illinois until seven o'clock and I think that's certainly a step in the right direction and I think when we're talking about election reform, that's where we ought to be going."

Ronan: "Well, as you remember, Representative Stanley, I opposed that position. But let's get back to your sanitary district Bill. How did we do on that sanitary district Bill that we faced a few weeks ago? Well, if Representative Stanley doesn't want to respond to that. Don't we have another Bill that you put in this time to affect Cook County government?"

Stanley: "We have a Bill to effect Cook County government which will open it up and clean out the smoke."

Ronan: "Well, just to comment. Now that I understand that you are the election expert here in the House of Representatives..."

Speaker Peters: "Representative Satterthwaite, for what purpose do you wish to speak?"

Satterthwaite: "Mr. Speaker, would you please ask Representative Ronan to speak on the Bill before us now? There are some

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of us who would still like to

Speaker Peters: "The Lady's point is well taken. We cannot...we cannot afford a lovers quarrel here. Proceed with your questioning, Representative Ronan."

Ronan: "Mr. Speaker...?"

Speaker Peters: "Proceed, Sir."

Ronan: "Thank you, Mr. Speaker. I appreciate your insightful comment also. No, I just want to establish that Representative Stanley is obviously the election expert here in the State of Illinois and my only comment on the Bill, having listened to my friends downstate who supported our concerns in the City of Chicago on that last piece of legislation, I'll probably say I'll be against this piece of legislation because they obviously know a lot more about downstate school districts than Representative Stanley does. Thank you."

Speaker Peters: "Representative Bower."

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

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

Stanley: "Thank you very much, Mr. Speaker. This Bill makes changes in the community, consolidated in community districts processes and electing school board members. It says that one man at one vote should rule. It changes that and it gives them an option of allowing them to elect them at large or to create seven school districts within their respective school board districts and I would ask for an 'aye' vote."

Speaker Peters: "The question is, 'Shall House Bill 797 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. Representative Ropp to explain his vote."

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Ropp: "Thank you, Mr. Speaker, Members of the House. As I read this Bill, what this is eventually going to do is to exclude rural representation. Rural people are picking up a sizeable amount of the tax to support schools and this could certainly provide them the opportunity to, very good, very good."

Speaker Peters: "Representative Ropp, you've done an outstanding job. Representative Mulcahey."

Mulcahey: "Well, Mr. Speaker, just a point of information. The Brian Duff Award is six green votes, in case anybody is interested, anything below six."

Speaker Peters: "Have all voted who wish? Representative Vinson wishes to be recorded as voting 'no'. Now that's real friendship. In fact, thank you, Roger. Representative Peters will be recorded as voting 'no'. Representative Stanley to explain your debacle."

Stanley: "Can we take this out of the record?"

Speaker Peters: "On this question the vote is...Take the record. Representative Ryan wishes to be added 'no'. On this question there are 15 voting 'aye', 138 voting 'no', 4 voting 'present'. Representative Brummer."

Brummer: "Yes, there are some empty seats here. This is a very bad Bill and I don't think anybody ought to be on green who's not on the House Floor. I think we ought to verify the affirmative vote."

Speaker Peters: "This Bill having failed narrowly to receive the Constitutional Majority is hereby declared lost. Representative Telcser, for what purpose do you rise?"

Telcser: "Mr. Speaker, simply to remind the Members that we have forms at the Clerk's well, if you wish to have your Bills sent to Interim Study Committee because if they're not called before midnight tonight they will be lying upon the table. We do have forms if you want to have your Bill go

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to Interim Study."

Speaker Peters: "Representative Deuster."

Deuster: "Mr. Speaker, at the Speaker's table I filed, a couple of nights ago, a Motion to place all the Bills that were remaining, as of midnight, on Third Reading, Third Reading, Short Debate and Postponed Consideration on..."

Speaker Peters: "Representative..."

Deuster: "If I might just continue, I have a question. On the spring 1982 Calendar. It was my hope, my expectation and my faith that the Leadership might consider that establishment of such a Calendar would be a proper, appropriate thing to do, rather than to, if we're talking about efficiency in the General Assembly, Interim Study means we send everything back to Committees. We start all over again. We duplicate our effort, we spin our wheels and spin our wheels and perhaps, one reason these people of Illinois reduced our size was because they were disgusted with some of our inefficiencies and time wasting and I would ask very respectfully, Mr. Speaker, whether another option besides Interim Study will not be available and that would be the option of establishing a spring, 1982 Calendar and simply putting everything over to that Calendar. That would be a very graceful way to allow Bills to continue where they are and avoid, as I say, the duplication of effort. I know there's support among individual rank and file Members on both sides of the aisle for such a disposition and I would respectfully inquire of the Chair whether that is not a possibility?"

Speaker Peters: "Representative Matijevich."

Matijevich: "Mr. Speaker, I'd like to make a point of order on your announcement. I have no problem with any Bill that has not been called on Third Reading to be placed in the Interim Study Calendar. That is the right of every Member.

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However, it is not the right of every Member, any Member, to place a matter on Interim Study Calendar that is on Postponed Consideration without leave of the House. So, I understand that that's been done to four Bills which is contrary to the rules and I object to that and I would hope that the Clerk finds out what those four Bills are and retract that and return them back to the Order of Postponed Consideration, and if the Sponsors ask for leave and it's granted, that's alright. But I think there are some that may not be granted such leave."

Speaker Peters: "House Bill 820, Special Order of Business; tax spending limits. House Bill 820, Representative McCormick."

Clerk Leone: "House Bill 820, a Bill for an Act to add Sections to the Revenue Act, Third Reading of the Bill."

Speaker Peters: "Representative McCormick. One second, Sir. Representative Bowman."

Bowman: "Yes, Mr. Speaker, did I miss something? Did you announce all of the Bills that are going to be on this Order of Call?"

Speaker Peters: "No, I'm sorry. 820, 1147, 1527. 820, 1147, 1527. Three Bills. Representative McCormick. Representative Terzich."

Terzich: "Yes, Mr. Speaker, I have a Motion on the Priority of Call, and I would like to move to consideration of the pension Bills, which we haven't heard at all, and I would like to move to that order of business."

Speaker Peters: "The Gentleman temporarily withdraws that Motion. Proceed, Representative McCormick."

McCormick: "Alright. Mr. Speaker and Ladies and Gentlemen of the House, I would appreciate very much if you would consider House Bill 820 because I think it's a very important Bill and I want to tell you this. I wanted to put a cap on the

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multiplier based on the year 1979 but I went to the Reference Bureau way back either in January, I believe, and they were unable to get the Bill out in time so I had to amend it to make the cap effective for '81 and '82 based on the year of 1980. Now, Ladies and Gentlemen, the multiplier in Illinois has gone almost untouched except up, up, up since the middle of Governor Walker's administration and everybody in this House knows it. Everybody that owns a home in Illinois knows what's happening to them. I want you to know in this weeks paper, in the Springfield paper, it shows you that the multiplier in this county alone is at a ten year high. Now we've reached a point of 20% interest on money and it tells you that on the same page. We've reached a point where somebody has got to stop and do something about the real estate taxes in Illinois. Now, Ladies and Gentlemen, this is an opportunity to put a cap on them, the cap that's effective right now would be good for two years. It'll give the assessors time to get organized and bring their books up to date. It would give the Department of Revenue time to look over the situation in Illinois and instead of being always a figuring on some way to give you higher rates, to give you a rate that will be fair. There's no man in Illinois that can tell you today that the real estate business is good enough to show an increase in a multiplier, and I would appreciate very much if you would give me a vote of 'aye' on this Bill."

Speaker Peters: "Any discussion? Representative Madigan."

Madigan: "Mr. Speaker, what...Mr. Speaker, what is the description of the subject matter currently under consideration?"

Speaker Peters: "Rules affecting tax spending limits."

Madigan: "Does that include tax relief?"

Speaker Peters: "No, but I think we got that on another list."

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Proceed, Sir. Representative Cullerton."

Cullerton: "Just so I know whether or not to put my Bill which is next on the Priority of Call on Interim Study or not, could you tell us how many other lists you have after this list?"

Speaker Peters: "I would just wait a few minutes yet, Representative. Representative Davis."

Davis: "Thank you, Mr. Speaker. I reluctantly rise against the distinguished, outstanding Representative who's rejoining us after far too long gone. However, there should be a State mandate note on this, and I'm sorry this slipped by me. The effect of what Representative McCormick is trying to do, while laudable and certainly in my county we would seek it, since this year we had to go to township multipliers because had the abstract stood in Will County, the multiplier would have been something like 1.25 or a 25% increase. But that's a result, multipliers come as a result of inactivity or inaction or negligence or incompetence or whatever in the taxing cycle all across this State, and if we freeze the multiplier at one and tell the Department of Revenue that they can't utilize their sales ratio studies by county, by township, or by whatever, they can't do it by township now, I think they should be able to, but if they can't do that and if the assessments through actions of the Board of Review or the State Property of Ex-board of Appeals are allowed to stand without challenge in the sales...or in the abstract of assessed valuation in a county, the entire distortion that will occur in property tax values and consequently the extensions that are made on the levies and state aid to education that's based on those abstracts will devastate most of the counties in northern Illinois. Now, I wish that if Representative McCormick would have had a problem he would have isolated his Bill to the counties that have

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the problems that he particularly is interested in, and it sounds very funny to stand up and be talking for it...for what apparently is an adverse tax reduction to what's going on in property tax today. But I'm telling you, the effect on your school districts and the effect on your local governments with this particular Bill, should it become law, would be absolutely devastating in counties in northern Illinois and I don't know how many in southern Illinois, because if Representative Skinner was still here, he's still down here, but if he was still talking in the microphone, he would tell you that the coefficient of assessments in townships throughout this State is so poor, is so bad that that era is over 20% and 90% of the townships in this State. So, Ladies and Gentlemen, this is a good idea, a good tax relief idea but it's really a bad Bill."

Speaker Peters: "Representative McPike."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It would be difficult to say much more than Representative Davis has already said. Bills like this really should never leave Committee. I think most of us understand the purpose of a multiplier. Many taxing districts overlap county boundaries so that you might be a community college district on one side of the road in one county and the other side of the road in another county, unless the assessors are both assessing correctly in both counties, one farmer could be paying the...twice the assessed value per acre as an identical farm across the road. It's...the multiplier is a very important tool to make sure that every county, and therefore, every taxpayer is treated equitably. The only possible way that we could bring equity into the system some years ago was to allow State government to handle multipliers and to force local

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township assessors to do a good job. It's not true that multipliers are high throughout Illinois. Some counties have negative multipliers, some counties consistently have multipliers of 1.0, wherever a township assessor and the entire townships assessors within the county are doing their job, the multiplier has no effect on them. To say that we're going to freeze townships...to say that we're going to freeze the assessment and those counties and therefore in those townships where the assessors, because of laziness or because of unwillingness to do a good job and then penalize the surrounding counties and penalize everyone in Illinois who is trying to do a good job, is simply ignoring one of the premises of taxation and that is the premise of equity for all taxpayers. This Bill should not have been on the House Floor. It should have been defeated in Committee and I would join Representative Davis in asking for a 'no' vote."

Speaker Peters: "Representative Wikoff."

Wikoff: "Thank you, Mr. Chairman (sic). I move the previous question."

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

McCormick: "Mr. Speaker and Ladies and Gentlemen of the House, I know that some of the people in this House agree that there should never be a limit on what you can sock somebody in their home for. I also know that there's people in this House that, that, you know, really don't care about the people that have to get out and dig and work hard for a living except when you're on unemployment compensation Bills. I also know, Mr. Speaker, that there is only less than a half a dozen counties in the State of Illinois that

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have a one multiplier. I also know that the 1980 multiplier over the State of Illinois is the highest multiplier as of total over the State that has ever been initiated in this State. I know that this does not keep any multiplier from going down. And it does not force any county treasure...I mean, any county assessor to fail to do his job. He can put any kind of an assessment that he wants to on it. The only thing the Department of Revenue can't do is to make an increase in the multiplier above what that county assessor and that county board of revenue puts on. Now they're talking about Reverend Davis, here, talking about Will County. We've had nothing since I've been in the General Assembly but trouble with Will County assessments. That's always been a fact. So that's nothing new. We had that years ago. What I'm trying to get across to you, this doesn't do anything to hurt any local government and as far as the Mandate Act, I don't care who wrote the thing, they probably called the Department of Revenue to ask them about it and Representative Wikoff and Representative Johnson and the lady over there from Champaign, when you had your hearing over there and tried to work out something on your multiplier, you might as well have been batting your head against the wall because before you left they said they think because...that real estate market in Illinois is down you'll have a lower one next year. But you won't. The Department of Revenue lives and thrives on trying to work a bigger multiplier out and you people here worry about putting a penny on something or you worry about a dollar somewhere else but you sock it to the homeowner over and over and over again. And it's alright with me, you can beat the Bill. That's your business. But, Ladies and Gentlemen, you talk about helping, like Brother Huskey, the automobile dealers. You talk about

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helping the farmers somewhere. You talk about helping somebody else that doesn't even affect all the people in Illinois. But a person's home is a place that he's got to live and when he gets to be older, he can pay these taxes. Do you want him in a nursing home until you break him? Do you want to put him on child and old age assistance and keep there from now on out? You go ahead and beat this one, give the opportunity for the county assessors to get caught up and get into shape whereby they could get this equalized out. Bob Winchester, Representative Winchester, Representative Rea knows that we've met in county after county. We've had over double union counties assessments this year. I'm not excited the least bit because I can tell you this one thing, it for sure. A man that would vote against tax relief or even tax stablization for the next two years based on the highest, the highest multiplier issued by the State of Illinois in ten years, and 20% interest on loans on your home. This will give the Department of Revenue a chance next year not to hold it at that level, not to go down because you know what the market's going to be on home sales in Illinois. I would appreciate an 'aye' vote. If you can't do it, well that's alright too."

Speaker Peters: "The question is, 'Shall House Bill 820 pass?' Those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Hastert to explain his vote."

Hastert: "Mr. Speaker, Ladies and Gentlemen of this House, I hate to go against the distinguished man from southern Illinois back there, but there's something that you should know about that vote. Every income tax dollar for education that goes into that vote or goes into education, people in

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the northern counties in Illinois, cities in northern Illinois, anything above Champaign, you'll be subsidizing southern Illinois education. Now that might be good but those people can read newspapers and do all those kind of good things down there but the tax dollars aren't even in assessment in counties in northern Illinois and southern Illinois and this equalizer is doing that and it's a State mandate or a mandate that this has to be done. I urge a 'no' vote."

Speaker Peters: "Have all voted who wish? You insist? Representative Bowman? Representative Levin?"

Bowman: "Mr. Speaker, the Gentleman from the 59th District, the great purveyor of corn-cob jelly, he knows that this is just a symptom of the problem, that if a man had a fever he wouldn't lock him in the refrigerator, if a man had a headache, he wouldn't cut off his head. So just because he has a problem..."

Speaker Peters: "No, no, I have to find out what you should do for that problem. Conclude the statement, Representative."

Bowman: "Well, this lady was taking off her nails before going to bed at night. I yield my time to Representative Levin."

Speaker Peters: "Well, put...Representative Levin."

Levin: "Mr. Speaker, I think I have a solution to Representative McCormick's problem. I think that since he left...last left the Legislature there's been a change and if he's trying to get the Department of Revenue to take care of his multiplier problem, I don't think the Department of Revenue can help him any more. I think that is his problem."

Speaker Peters: "Representative McCormick, a point of order."

McCormick: "Well, now, you know, Mr. Speaker, he didn't really call my name but he called my corn-cob jelly and that would be the same. You know, naturally, any public official that's trying to pass a Bill would like to have one passed."

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But I kept looking over at that red on that thing. I expected Republicans to kind of give me a hard way to go but then I looked and I seen Representative Madigan and I was shocked at that. I was really shocked at Representative Madigan. You know, it's not been too many years ago when Jack Touhy was down here and they were voting the first time, been trying for years to get money for the CTA to ride, Representative Madigan, the school kids in Chicago in order to equalize what we were riding downstate. I was the first Republican to ever give you seven, to help give you seven and a half million dollars in order to ride those poor children in Chicago on CTA. I..I, and wait a minute, let me finish now, I have helped every subsidy when I was here that you ever wanted. I might have stood on the floor and cussed you out a little bit and I might have raised a lot of trouble with you, you know, and giving you trouble with it but I never failed Chicago in my life. I never one time thought that you would do that to me. And as far as my corncob jelly I thought it was sweeter than what it was. Thank you, Mr. Speaker."

Speaker Peters: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative Robbins. Any changes? Any changes, additions, subtractions? Take the record, Mr. Clerk. On this question there are 68 voting 'aye', 85 voting 'no', 6 voting 'present'. This Bill having failed to receive the Constitutional Majority is hereby declared lost. House Bill 1147, Representative Ewing-Woodyard. Representative Woodyard."

Clerk Leone: "House Bill 1147, a Bill for an Act in relationship to ad valorem property taxes, Third Reading of the Bill."

Woodyard: "Thank you, Mr. Speaker. Leave to handle this Bill for Representative Ewing. He has filed the proper document....Ask for leave to handle this Bill?"

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Speaker Peters: "Go ahead."

Woodyard: "Alright. Thank you, Mr. Speaker, Members of the House. House Bill 1147 is 1981 property tax limitation Bill. It's one of the last Bills left alive..."

Speaker Peters: "Representative McClain. Excuse me."

McClain: "Thank you, Mr. Speaker. According to our records, Mr. Woodyard is not a hyphenated cosponsor and cannot control the Bill."

Speaker Peters: "Well, we...we thought we would expedite the thing by not asking Representative Miller to get up and say, here's the Bill and having Representative Woodyard explain it. We can do that. Proceed, Representative Woodyard."

Woodyard: "Yes, thank you, Mr. Speaker. This Bill is one of the last Bills left alive that will offer any relief at all to property taxpayers in the State of Illinois. This Bill was developed in response to the massive tax increases at the local level that we've seen happen in the last two years. As a matter of fact, people this year will be getting tax bills of 13 to 15% increases and without the passage of this legislation, certainly that will happen again next year. Very simply and certainly to try to be brief because I know the hour is late, this Bill allows only of 106% increase of the extension for 1982 over 1981. It carries all of the normal exemptions whereby the districts can pass by referendum, opt in, opt out of this and as I say, it certainly was promoted because of these massive increases that we've seen in the property taxes."

Speaker Peters: "Representative Darrow."

Darrow: "Parliamentary inquiry. In view of the fact that this would limit on the power of homerule units, how many votes is required for passage?"

Speaker Peters: "107 votes."

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Darrow: "Thank you."

Speaker Peters: "That was the easiest one all day.
Representative Kane."

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

Speaker Peters: "Right. He indicates he will."

Kane: "Representative Woodyard, all of these potential increases in property taxes that you mentioned, how do they come about? There's no way that a property tax can be levied and collected unless some local elected government official votes to raise that tax, can there?"

Woodyard: "That's right."

Kane: "So what you're saying is that we, in our great wisdom, sitting in this Chamber that is chaos, should set the budgets of all of the local governments in this State when we can't even set our own budget?"

Woodyard: "We passed a Bill out of the House that will do the same thing at the State level that this Bill does at the local level, which is 6% limitation. I realize this is a very deep, philosophical question for a lot of people and it's why this Bill is here. I realize that many of you do think that the local...at the local level they are doing a great job and many of those local taxing districts are but there are also many of the local taxing districts that have balloon levies that are...with increases in EAV's certainly collecting a lot more money."

Kane: "And if they do that those local government officials can be turned out at the next election?"

Woodyard: "I would hope so."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, I think that the remedy for high local property taxes is turning out those local government officials that raise those taxes unless, of course, the people in that area approve of those

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programs. I think that for us to sit in this hall at this time in this kind of chaos when we can't even take care of our own business, I see absolutely no reason why we should be trying to set the budgets for the 5,000 various units of local governments around the State."

Speaker Peters: "Excuse me, Representative. Representative Matijevich, for what purpose do you arise?"

Matijevich: "Speaker, would you commandeer, cut back Koehler, back to the floor. She's up in the gallery looking..."

Speaker Peters: "Representative Koehler. Representative Matijevich, I believe it's that one constituent who wanted to chlorinate all the water."

Matijevich: "I don't know, you'd have to ask Leverenz. I think he's the culprit."

Speaker Peters: "I'm sorry, Representative Kane, have you concluded, Sir?"

Kane: "Mr. Speaker...Mr. Speaker, Members of the House..."

Speaker Peters: "Give the Gentleman your attention."

Kane: "I think for us to be standing here in this kind of atmosphere, trying to set the budgets for the 5,000 units of local government in this State I think it is ludicrous and I think makes absolutely no sense. We're having enough trouble setting the budget for the State and I'd urge a 'no' vote at this time. I think this is arrogance."

Speaker Peters: "Representative Pierce."

Pierce: "Mr. Speaker, will the Gentleman yield to a question?"

Speaker Peters: "He indicates he will."

Pierce: "I'm sorry to ask you this question, Representative Woodyard, because I know you weren't a sponsor or cosponsor and the Gentleman from Livingston has apparently flown the coop and I would to if I was the chief sponsor of this Bill. But tell me, do you limit the increases to 6% per year, is that right?"

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Woodyard: "For one year."

Pierce: "6%. Now, what happens if the rate of inflation is 12%?

How are these local government units going to pay their policemen, their firemen, pay their fuel costs, their gas, their heat, their electricity and so on if the inflation rate is 12% and you limit them to a 6% by statute? How are they going to meet those expenses? Are you still there?"

Woodyard: "I'm still here. There is a provision in this, if that kind of thing happens and if the people do have that kind of trust in those boards, certainly they can go for a referendum. That opt-in provision is in this Bill."

Pierce: "Don't you wipe out all previous referendums where they haven't gone up to that rate? In other words, if they pass a referendum last year but haven't gone up to that rate, your Bill would wipe out their right to do that, doesn't it?"

Woodyard: "Yes. This is only the one year limitation."

Pierce: "Well, Mr. Speaker, I won't burden the Gentleman because he is a gentleman and I know he's had to take over this Bill which he probably isn't even for. But maybe he is for it but he's not a sponsor of it. I would oppose House Bill 1147. There's a limitation Bill I can support, a Republican limitation Bill that Representative Miller has coming up very shortly on this special order of business and I will support Representative Miller, who's one of our outstanding freshmen Legislators, and as to our outstanding sophomore Legislator, Representative Woodyard, he was given an obligation here to support a Bill that's untenable, that won't work, that will handcuff local government, that will drive it into bankruptcy. That shows a disrespect to contempt for local government, including schools and therefore, all of us, should oppose this limitation Bill and support Representative Miller when his comes up and I

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intend to vote 'no' because this Bill completes what the Gentleman, Representative Bluthardt, said earlier today that this Session of the General Assembly has been the most anti-local government, the most hostile of local government of any Session where Representative Bluthardt has served and I agree with him. And for that reason, I will vote 'no' on this Bill."

Speaker Peters: "Representative Polk. Polk, 'no'. Representative O'Connell."

O'Connell: "Will the Speaker...the Sponsor yield?"

Speaker Peters: "He indicates he will."

O'Connell: "Representative, if a unit of local government levy is below its maximum, and you may have answered this question before, but I didn't hear it, does that freeze that unit of local government into that levy even though that unit has been levying below its maximum?"

Woodyard: "It's on the extension. So, it would be a 6% on the extension, which is the actual dollars."

O'Connell: "So, the answer to the question is 'yes'?"

Woodyard: "Yes."

Speaker Peters: "Representative Stuffle."

Stuffle: "Yes, would the Sponsor yield to a question? Representative Woodyard, my colleague from the 53rd, don't you think that the point made by Representative Pierce is rather telling on this Bill that with the inflation in this State, that a 6% limit as opposed to the limit imposed by the amended version of Representative Miller's Bill is rather onerous upon the local governments in our State?"

Woodyard: "Well, again, my response is that there is a referendum clause in this and if you, I think, you and I both going to a lot of panel sessions last fall, we found one thing of a very high priority with property taxpayers and that was some type of tax relief at the local level. This Bill does

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this in a responsible manner and still does not put that great of burden on the one year 6% on local government."

Stuffle: "Does your Bill differ from Representative Miller's Bill with regard to the fact that it only deals with the single year?"

Woodyard: "That's right."

Stuffle: "With regard to your Bill, it only affects one year. I think it's important here to discuss the two together. Does his Bill deal with more than one year, more than two, more than three or what?"

Woodyard: "I'm sorry. As amended, 1527 is a one year."

Stuffle: "Okay, let me speak to the Bill. I think Representative Woodyard has a Bill here that deserves some consideration. I think that we ought to look at it very carefully, however, I think the other Bill that will follow has a more realistic cap on it. Can be supported by the Members on both sides of the aisle. I don't think Representative Woodyard, he's a very honorable man, who I've campaigned with throughout the district, wants to cutback on local government to the extent that they would find themselves in an untenable position. I think he, as all of us, want to see a situation where local governments have necessary revenue and at the same time, taxpayers have some relief from outrageous burdens that are occasioned by the multiplier increases, occasioned by the normal increase in assessments that have tend to occur because of inflation and property value increases but I suggest to you that you look very carefully at this Bill before you give it a vote on the affirmative side because the limit of 6% is very low considering the rise in the inflation rate and the cost of living, and the cost of governments doing business. People have been used to much higher increases in taxes which have been untenable, have been unfair, but I just wonder if 6%

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in one year, a year in which the rate of inflation is probably going to hit 12%, is going to be too much of a burden on these local governments. I happen to support Representative Miller's Bill as amended because I think it's realistic. But I hope people would look at this and not just take a knee-jerk reaction because I know Representative Woodyard, my colleague and my other colleague in the 53rd, Representative Miller, want to see realistic relief as I do, but they also are the kind of people who have both served in local government and know that you can't put too much of a limit on there and be fair to both sides."

Speaker Peters: "Representative Bradley."

Bradley: "Mr. Speaker, I wonder if the Gentleman might yield to a question?"

Speaker Peters: "He indicates he will."

Bradley: "Mr. Woodyard, I wonder if you might respond if the Governor of the State of Illinois is in support of this legislation?"

Woodyard: "As far as I know, he is. Although, he hasn't talked to me about that."

Bradley: "And where is he today?"

Woodyard: "I don't know."

Bradley: "You don't know where he is today on a...he's in favor of this legislation, he's not here in the State or is he in the State?"

Woodyard: "I think he's taking care of the business of the people of the State."

Bradley: "Where is he?"

Woodyard: "I have no idea."

Bradley: "Well, he mustn't be very much in support of this legislation. The other night he was on the floor of the House when there was a statewide grand jury Bill that he

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was interested in. It seems to me as though he campaigned on this issue as well as other issues that have been us today and nobody, I shouldn't say nobody on your side knows where he is, but you, evidently, are not aware, at least he's not on the floor supporting the Bill, is that correct?"

Woodyard: "If he is here, I do not see him but in the words of Representative Terzich, where are we?"

Bradley: "Is he on the second floor?"

Speaker Peters: "Representative Schuneman, for what point do you rise?"

Schuneman: "Mr. Speaker, what is this, a lost and found problem here or are we... I think the Gentleman should speak to the Bill."

Speaker Peters: "Your point is well taken. Representative Bradley, speak to the Bill, please."

Bradley: "Well, Mr. Speaker, I intend to support this Bill but I thought that it would be incumbent upon the Sponsor of the legislation to inform the Body and to inform the people of the State of Illinois if the Leader of the State of Illinois, who is supposedly in support of this legislation, if he is with us tonight in body as well as in soul in supporting the legislation. To the best of my knowledge he is out of the State of Illinois, joy riding around someplace. When the General Assembly is in Session and when there are important issues like this before us, he made commitments during the campaign to the State Associations Chamber....Association of...Chamber of..Commerce. I'm...I'm "

Speaker Peters: "Yes, Representative...Please be...Representative Bradley."

Bradley: "I'm addressing the legislation. I said I was going to support it. I was wondering where the other support from

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the Leader of the State of Illinois, where he is and why he's not here supplying the support he promised during the campaign?"

Speaker Peters: "We'll look into that to find out where he's at. Have you concluded?"

Bradley: "Well, then let me address...No, Sir, I'm addressing...I'm through with the questions for the Gentleman. He didn't know the answer as to where the Governor of the State of Illinois is and I think that was a fair question, and I think I have eight more minutes to go on the Bill. The..."

Speaker Peters: "Six and a half."

Bradley: "The Bill, itself, as well as the Bill that Representative Miller is going to put before the Body as the next piece of legislation is a Bill that is very, very similar to a Democratic task force Bill, at least, Representative Miller's Bill is, that we presented to the Body a year or so ago, and that's why I say to you, it's a Bill that I can support. It, in my opinion, addresses the number one problem of the State of Illinois, and that is real estate taxes that are escalating so rapidly due to inflation. The local governments will be receiving new dollars at the...approximately the same rate that we, in State government, receive new dollars, simply due to inflation, not due to a tax increase. The people that I represent in my district are very cognizant of the fact that this type of legislation is being presented to the Body this evening. They are in favor of it. They were only hopeful, they were only hopeful that the man they elected as the Governor of the State of Illinois would be in the proximity of the State, someplace and would be in support of the legislation that he so promised. It certainly is a failure on his part, I think, not to be here

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to lead this kind of legislation to the fulfillment that we had such high hopes for. Thank you."

Speaker Peters: "Representative Keane."

Keane: "Thank you, Mr. Speaker. I'm very sympathetic towards this legislation. I think the Membership should be aware that this was the first Bill that came out and was drafted at a time when we didn't really have the results of the impact. We didn't have the results of the impact that this legislation would have on local government. Since then, we've had some hearings and unfortunately we haven't had that opportunity to amend this Bill up. But I would like to point out some very, very major deficiencies in the Bill which I think make it unacceptable at the present time. We limit local government, all units of local government to a 6% increase over their last years tax base. The problem is that we don't give them any exceptions....a number of exceptions. What we would do if this Bill passed, it would have the effect of prohibiting local government from providing services for any new or in ex-residential areas, unless they could fund them out of that 6%. It would prohibit school districts from increasing their tax bases even though their equalized assessed valuation had increased. It..."

Speaker Peters: "Excuse me."

Keane: "Yes."

Speaker Peters: "From a request of the number of the Members, the TV light will be off for now. Proceed, Representative Keane."

Keane: "Thank you. It also does not allow that 6% would have to come out, or out of the 6% would also come any growth that we had in pension plans or any unemployment compensation would come out of that 6%. There are some other exemptions that this Bill does not contain that other Bills have. I

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don't think either of the Bills...I don't think...I think the next Bill addresses the problems that we all have. These are the local, runaway local government tax levy but I think that this Bill would do serious harm to local government and I would ask that you not vote for it. Thank you."

Speaker Peters: "Representative Daniels in the Chair."

Speaker Daniels: "The Gentleman from Winnebago, Representative Kelley."

Kelley: "Mr. Speaker, I'd like to move the previous question."

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

Woodyard: "Thank you, Mr. Speaker. Again, I would like to say that this is by far the cleanest, simplest Bill of this type we have had before us. It is an extension limitation of 6% for only one year. If some of these taxing districts can not live with a one year extension limitation, I think we're all in pretty bad shape. I do want this to be a Roll Call vote for all of you to take back to your districts. I think all of us that went through a campaign last year got a message loud and clear, the taxpayers, and particularly local taxpayers, have had it and they want some kind of tax relief or limitation. This Bill does those things and I certainly would ask for a favorable Roll Call."

Speaker Daniels: "The Gentleman moves that House Bill 1147 pass. Question is, 'Shall House Bill 1147 pass?' All those in favor will signify by voting 'aye', those against by voting 'nay'. The voting is open. The Lady from Cook, Representative Currie, to explain her vote. The timer is

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on."

Currie: "Thank you, Mr. Speaker and Members of the House. Even if the Governor happens to be out of town, his lobbyist are all over this side of the aisle telling us to support this good piece of legislation. While I understand that when the Governor's people come around and talk to us about issues that are directly within the perview of the chief executive officer of this State, I have a great deal more difficulty understanding why we give them the privilege of our floor and when they are here to concern themselves with issues that really do not have to do with the running of State Government, but with the running of local governments in the State of Illinois. I oppose this piece of legislation not only because the 6% increase is too limited but also because without any exceptions the effect of this proposal would be a particularly burdensome upon those local government units which have been doing the best job to keep taxes in line. The local governments that have put off building the new firehouse, put off doing the kind of maintenance and long term capital development work that perhaps their communities truly, truly need. Those are the governments that are going to be most hurt by this meat-ax approach to the problem of rising taxation. I urge people..."(cut off)

Speaker Daniels: "The Gentleman from Cook, Representative Bowman, to explain his vote. Timer is on."

Bowman: "Mr. Speaker, Ladies and Gentlemen of the House, my only point is, is that this is window dressing. It's a one year limitation. If it is such a great idea, if taxpayers are really crying for relief, why not...and the Sponsor thinks this is a great idea, why not make it more extensive? Also, I believe that there is a limitation or an exemption for retiring principle and interest and that would permit

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units of local government to go into debt to exceed the extension limit and to ...greater costs. So, it's got huge loophole in it and it's window dressing. I think this deserves a 'no' vote."

Speaker Daniels: "The Gentleman from DeWitt, Representative Vinson, to explain his vote. The timer is on."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I think that Representative Currie placed the issue very well before us. It is simply a question of whether you're for the tax eaters or whether you are for the taxpayers. I think that on this side of the aisle and I think some enlightened people on that side of the aisle ought to be for the taxpayers for a change. I think that when you realize the fact that we're going to be socked with the highest property tax increase in a decade in the next year, you recognize the fact, you realize that the taxpayers need some protection out of this General Assembly. This is the chance to get it. This is the last chance to get it, and I would urge an 'aye' vote on this Bill."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? The Gentleman from Cook, Representative Huskey, to explain his vote. Timer is on."

Huskey: "Well, Mr. Speaker and Ladies and Gentlemen of the House, everyone, nearly everyone out of you, when you campaigned came to Springfield to say what Ronald Reagan says, 'I didn't come here to do business as usual'. But those red lights are business as usual. You're not doing anything to help the taxpayers back home. So, we're just continually doing business as usual. I urge your green vote."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? The Clerk....The Lady from Champaign, Representative Satterthwaite, to explain her vote."

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Satterthwaite: "Mr. Speaker and Members of the House, the mind of the human being is very imaginative and it is also apparently very short memory. Under the old Constitution we were limited in the amount of tax that a taxing body could impose and that's how we have the system today with more taxing districts than any other state in the nation. We will find a way to pay the bills that need to be paid and this kind of a limitation is a false limitation and a deception on the taxpayer and I vote 'no'."

Speaker Daniels: "The Gentleman from Wayne to explain his vote. Timer is on. Representative Robbins."

Robbins: "We are responsible for trying to run the schools in the State of Illinois, and provide money for them and this is one way of us keeping our part without forcing people to sell their homes. Seventy cents on every dollar of this tax don't go to local government, it goes to the schools. Now, whenever you see the taxes going up like they are on these homes, and someone trying to make five and six hundred dollars a month payments so they'll have a house to live in. It's time we've started trying to do something about it. Thank you."

Speaker Daniels: "Have all those voted who wish? Have all those who wish? Have all those who wish? The Clerk will take the record. On this issue there are 92 voting 'aye', 56 voting 'no', 7 'present'. House Bill 1147 having received the Constitutional Majority....House Bill...time out, okay. This Bill having received 92 'aye', 56 'no', 7 voting 'present' and having failed to receive a three-fifths, extraordinary majority is hereby declared lost. Representative Deuster."

Deuster: "Mr. Speaker, I rise to make a parliamentary inquiry and I'm looking at my clock and it's about...going on half past the hour. Midnight is approaching. It sometimes takes us

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more than half an hour to consider a Bill. So, I'm rising at this time before we get into the next order of business to indicate that I'm sure all Members on all sides of this aisle, individuals, are a little embarrassed, as I am, by the predicament we are in and the Calendar we have. Perhaps at circumstances beyond the control of all of us, including our Leadership, that we find ourselves in this situation which I regard as agonizing and embarrassing and I don't want to have to go back home to the folks in my district and explain any chaotic activity that might take place. If we move on to the precipice of midnight and nothing is announced, nothing is decided, nothing is done and all of these Bills die and we adjourn amid a lot of shrieking and shouting, we'll get over it, but nonetheless, I'm not sure the people of Illinois will get over it and I would hope that we can find an orderly, calm and rational manner of disposing of this Calendar. I'm well aware that there are a number of options available. One, is to take all these Bills that individual Members in Committees have worked hard on and scuttle them and send them back to what we used to call, 'polite burial' which is Interim Study."

Speaker. Daniels: "Representative Deuster. Representative Deuster. In order to save time, it is the position of the Speaker that all Members that want to place their Bills in Interim Study should come to the Well and fill out a slip to recommit their Bills to Interim Study. At the hour of midnight, all Bills on the Calendar that are not placed in Interim Study will be tabled, the hour of midnight. Representative Deuster."

Deuster: "Mr. Speaker, I think that our Leadership owes a decent respect for the will of the Body and I may be wrong, I've been wrong, but I have a Motion at the Chair and whether it goes up or whether it goes down, I would like, at least, an

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opportunity as an individual Member to offer that Motion and I would respectfully ask that that Motion be considered at this time. And that Motion is, that all of the Bills on Third Reading, Third Reading, Short Debate and Postponed Consideration except for those that are voluntarily sent to Interim Study by their Sponsors, that all of those Bills remaining at midnight, be placed on the Spring, 1982 Calendar. I ask that that Motion be considered and I make that Motion at this time."

Speaker Daniels: "Representative Braun."

Braun: "Thank you, Mr. Speaker. I, like Representative Deuster, have filed a Motion to have these Bills referred to a Spring Calendar. The Membership has worked long and hard to get these Bills as far as they are on Third Reading. They have been through the Committee process. I think out of respect for our process, at a minimum, a vote should be taken on Representative Deuster's Motion, which I join him in, to create a Spring Calendar and send these Bills to it, pursuant to Rule 27g....5."

Speaker Daniels: "Representative Darrow."

Darrow: "Thank you, Mr. Speaker. In as much as these Bills are on Third Reading, I have a parliamentary inquiry as to whether they can be recommitted by the Sponsor or whether there must be leave of the House?"

Speaker Daniels: "We will intend to do that at the appropriate time, Sir."

Darrow: "At that time you'll ask for leave of the House?"

Speaker Daniels: "The Parliamentarian advises me that a Member may recommit his Bill to Interim Study Calendar of the Committee in which it was heard as a matter of right prior to the debate."

Darrow: "Well, I have another inquiry then. Will there also be a Motion made at that time to take these Bills from the table

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so that the Sponsor can then recommit them, since they are all on the table?"

Speaker Daniels: "No, Sir. Representative Greiman."

Greiman: "Yes, thank you, Mr. Speaker. Is it my understanding that the Chair refuses, at this time and will refuse until 12:00, to let Mr. Deuster put his Motion and that the aiding the will of this House, will not be heard? Is that what our posture is, Sir?"

Speaker Daniels: "We are on the Order of House Bills, Third Reading, Sir. Mr. Deuster made an inquiry of the Chair which was not recognized for the purpose of a Motion."

Greiman: "My question is...well, Motion is always in order, Mr. Speaker. But my question is, will he have no opportunity for this House to put that Motion, have this House decide whether there is Spring Calendar or not? Is that correct? We will have no opportunity? I...why you're thinking about it, I just might add, had the Chair not gone from place to place in the Calendar, it might be fair to say, let all the Bills die. But the Bills that the Leadership wanted got called through this device of moving around on special subjects. But the Bills that the mere Members, the peasants, the peasants worked and brought out of Committee, they will die because they ain't got the clout. I think you should give this House an opportunity, if nothing else, to vote on it. 89 Members can make a Spring Calendar or not. Why won't you let us at least vote on whether there should be a Spring Calendar, so that those Bills do not have to go through the Committee process again. We have had witnesses down. We have moved them around. We've brought the Bills out. We're not asking for extensions, merely a year from now to allow those Bills to be heard on Third Reading, not such a terrible thing, Mr. Speaker. At least give us an opportunity to vote on it. Are you going

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to, Sir?"

Speaker Daniels: "No. Representative Johnson."

Johnson: "Well, I'd make the point of order, that all these extraneous comments are completely out of order. We're on the Order of Third Reading and if you really want to consider extra Bills before midnight, let's get on with it."

Speaker Daniels: "Representative Matijevich."

Matijevich: "Only to reiterate my point of order when Representative Peters was on the Chair, that the Bills on Postponed Consideration, the Member does not have that right that you just mentioned—to place their Bills in Interim Study Calendar. They must get leave of the House if they're going to do that because it must be prior to the calling of Third Reading for them to have that right."

Speaker Daniels: "Representative Yourell."

Yourell: "Yes, thank you. That was the point that I was going to make. That a Bill that has been on Postponed Consideration cannot, by merely filing a Motion, be put on the Interim Study Calendar."

Speaker Daniels: "Representative Pierce."

Pierce: "Mr. Speaker, I believe we're in a disgraceful situation now. I know I've a Bill that is two up on the Priority of Call. That was introduced in early March. Now, this Legislature didn't do a darn thing in January and February and the first half of March. We met the end of March, tied up one week on RTA, didn't accomplish anything. But we took off for two and a half weeks, the last week of March and the first ten or twelve days of April, didn't even meet for two and a half, almost three weeks. And now I find ourselves in this predicament and I say this House has been very poorly managed this year. The worst management of the House I can remember in my nine terms and I served eight

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years under a Republican and eight years under Democratic Speakers and now this year, again, a Republican Speaker. This is the worst management we've had. We didn't do a thing in January, February and March and then we broke for three weeks and our Bills are here that we worked to get out of Committee. We're not going to have them heard. Representative Deuster is correct. My district mate is correct, and I move to overrule the Chair on the ruling that there will not be a Spring Calendar. And I make that Motion so the Members and the voters of their districts can have their legislation heard. It's disgraceful that not once are Bills called on Third Reading that have been introduced in this House since January or February. There's something wrong with our system and the only way to do it is to have a Spring Calendar. Interim Study is a just pointed way of saying you're dead. You, Freshmen, they're kidding you if you think you can fill out a slip and you'll ever see that Bill again. Interim Study is burial without honor. You'll never hear that Bill, you'll never see that Bill. It'll be carried in the Digest and you'll be laughed at by your constituents. Let's have a decent Spring Calendar. Let's put these Bills on a Spring Calendar and I hate to move to overrule this, Temporary Speaker, because I know he's told what to do. He's a very decent guy, he's following orders. He's in Leadership now, unfortunately for him, and therefore because of his ruling, that all these Bill go in Interim Study, if that's the ruling, I would like to move to overrule the Chair so they can be place on a Spring Calendar or a Fall Calendar that will be active and where the Bills can be heard on Third Reading, where they are today. These Members worked hard to get those Bills on Third Reading. They drafted them; they introduced them; they got them out of Committee; they

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got them amended on Second Reading; they got them to Third Reading and now over 100 Bills haven't been called one time on Third Reading. And, Representative Deuster, I agree with you. I move to overrule the Chair."

Speaker Daniels: "Representative Pierce, that...that announcement was brought to us by citizens for Pierce."

Pierce: "I want a vote. I want a vote on overruling the Chair."

Speaker Daniels: "Representative Braun."

Braun: "Mr. Speaker, I would just encourage you to call for the vote on the Motion that's pending."

Speaker Daniels: "There is no Motion pending. Representative Levin of Cook, Representative Levin."

Levin: "Mr. Speaker, if you didn't hear the previous speaker. I move to overrule the Chair and as far as you..."

Speaker Daniels: "You are not recognized for that purpose. House Bill 1527. Read the Bill."

Clerk Leone: "House Bill 1527, a Bill for an Act relating to the extension and ad valorem property tax, Third Reading of the Bill."

Speaker Peters: "Representative Miller."

Miller: "Thank you, Mr. Speaker. Could I have some order, please?"

Speaker Daniels: "Representative Miller."

Miller: "House Bill 1527 has received a lot of favorable comments from the other side of the aisle so I know they'll be happy to hear the Bill. 1527 started out as a bi-partisan effort resulting from Representative Bradley's and Schraeder's Bills, 204 and 362. It was an 8% limitation over three years which was worked on by Bradley, Schraeder, and Representative Woodyard. On Second Reading this bi-partisan Bill became even more bi-partisan when Representative Pierce added an Amendment which provided for a one year limitation which made a five year average of the

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increase in personal income, which is 9.7% plus the growth in real property. The effect is a 12.7% increase...."

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

Telcser: "Simply to see if one of the Leaders on the other side of the aisle want to take off their shoe and pound the table. I remember Mr. Khrushchev did it some years ago."

Speaker Daniels: "Camera light is on. Let's have order. The Gentleman has moved for the passage of House Bill 1527. All those in favor will signify by voting 'aye'...Representative Madigan. Yes, Sir. Representative Madigan on the Bill."

Madigan: "Mr. Speaker, first of all. Mr. Speaker, first of all, you have ignored a pending Motion. There is a Motion to overrule the Chair. There is a Motion to overrule the Chair, Mr. Speaker, and you have ignored that Motion...."

Speaker Daniels: "Ladies and Gentlemen of the House....Ladies and Gentlemen of the House, enough. The Minority Leader is speaking. We will give him the courtesy of listening to him. Now, quiet. Gentlemen...! Mr. Madigan."

Madigan: "Mr. Speaker, there was a Motion made by Representative Pierce to overrule the ruling of thethere was a Motion made to overrule the...."(microphone trouble)

Speaker Daniels: "Use the microphone next to you, Sir. Use Representative Lechowicz's microphone."

Madigan: "This is on. This is on."

Lechowicz: "You know, Mr. Speaker, you better get an electrician to make sure the microphones are working in this chamber and when a Member is recognized as Representative Pierce was and a Motion to overrule the Chair is made, you cannot shut him off or anybody else. That's the only Order of Business you can go to. Once you start realizing the use of the power of that Chair instead of trying to run over

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everybody in this chamber, you better start doing your job right."

Speaker Daniels: "Representative Madigan."

Madigan: "Mr. Speaker, there is a Motion pending to overrule the ruling of the Chair. The Motion was made by Representative Pierce. It was reiterated by Representative Levin. Our posture is that Motion to overrule the Chair and that is the proper Order of Business at this time."

Speaker Daniels: "Representative Telcser."

Telcser: "Mr. Speaker, let me simply remind the Members that the Speaker made no ruling. A Motion which is put to overrule the Speaker is a non-sequester. The Speaker made no ruling. I don't know why you're putting a Motion like that. It has no validity. Secondly, let me simply observe that Monday night, in an Adjournment Resolution, the next morning the Members on your side of the aisle came in and said that you didn't vote to extend the deadlines Monday night. That being the case, all of the Bills would have lied upon the table on Monday night. Why all of a sudden two evenings later you show such deep concern is somewhat of a puzzle to me. There are a few moments left to call one or two Bills and if you are so concerned, you ought to let the Speaker call them and let's get done whatever we possibly can."

Madigan: "Mr. Telcser, a Member on your side of the aisle, Mr. Deuster, offered a Motion that all Bills be put on the Spring Calendar. The Speaker, Mr. Daniels, ruled that Motion out of order. Mr. Pierce moved to overrule the ruling of the Chair that Mr. Deuster's Motion was out of order and that Motion was reiterated by Mr. Levin. I'm simply attempting to correct the posture of the Chair. I'm sure that Mr. Deuster can attest to the accuracy of what I now say."

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Telcser: "Representative, I'd be glad to check the tapes with you. The Speaker made no ruling. He simply had a discussion with Representative Deuster up in back and he then called House Bill 1527. We're currently in the middle of the debate on House Bill 1527 and I think perhaps a Roll Call may be taken now or may already be over. That business has gone by us."

Madigan: "That's not true and there's no need to consult the tapes. You can consult with Mr. Deuster. He's talking with Mr. Peters now. Mr. Peters is attempting to clarify Mr. Deuster's mind. I know that Mr. Deuster will show his own personal integrity and not follow in the footsteps of some of his fellow Members earlier in the day. Just take the microphone, Don. Tell them the way it is. Don, that's it. Tell Peters the way it is. And then when you finish with Peters, tell Telcser."

Speaker Daniels: "Representative Deuster."

Deuster: "Mr. Speaker, why did you recognize me?"

Speaker Daniels: "Temporarily, we will take House Bill 1527 out of the record. Temporarily. Representative Deuster, did you have a Motion pending? No, Sir? Did you wish to put a Motion, Sir?"

Deuster: "No, I did not withdraw a Motion. I don't make Motions frivolously."

Speaker Daniels: "What is your Motion, Sir?"

Deuster: "My Motion which can be voted up or down, perhaps it will go down. I've been around here long enough to know if the people wanted to go down or up it will go up or down. But I... In order to get on with my Motion, my Motion was very simply that a great number of Members on both sides of the aisle suggested that an expeditious and proper way of disposing with this big workload and this long Calendar we have is not to just scuttle everything, but to place ...

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and Motion is to place all the Bills that appear on the Calendar presently under the Order of Third Reading, Third Reading, Short Debate and Postponed Consideration, that all of those Bills be placed on a Spring 1982 Calendar. And I think many senior Members and many first term Members know enough about the process that you can look over the Calendar. If you think that there are enough Bills in there you'd like to kill, this is one way to kill them. On the other hand, if you have some respect for the Committee system and the efforts of individual Members, as it turns out, I have no interest in this myself. I don't have a conflict of interest because all of my Bills that I was interested in have gone over. I believe I'm genuinely offering this Motion to present one option to this House so that the Members, the individual Members of this House, whatever they wish to do can dispose of this option. If you think this is a good option, vote for it. If you prefer some other option, vote against it. With that neutral posture, I offer this Motion."

Speaker Daniels: "Just as a matter of inquiry, Sir. On your Motion you included everything on the Calendar? Mr. Deuster, everything on the Calendar, Sir?"

Deuster: "My Motion in writing was that everything at midnight that appears on the Calendar still that has not been disposed of, everything that's still on the Calendar on the Order of Third Reading, Third Reading, Short Debate and Postponed Consideration be continued on to the 1982 Spring Calendar in that same posture."

Speaker Daniels: "Gentleman's Motion is that everything on the Calendar, everything on the Calendar be placed on the Spring Calendar 1982. All those in favor signify by voting 'aye', all those opposed by voting 'nay'. Voting is open. I will, Sir. We have now put the Motion. Your point of

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order is what? State your point. Representative Matijevich."

Matijevich: "I'm asking to divide the question, for good reason. He didn't even exempt the appropriation Bills and also I want to divide it as to Postponed Consideration and I have that right. In other words, all the Bills except I want a separate vote on Postponed Consideration because I believe in part of what he's doing, but we've also worked hard to kill Bills too. You know? I think that we have a right since we worked so hard to kill Bills to keep them killed. I think the people in the gallery would believe me with that. I ask for a division on the matter on the Third Reading Bills and the ones on Postponed Consideration. Those two divisions and exempt the appropriation."

Speaker Daniels: "Representative Deuster, did you intend to exclude appropriation Bills from that Motion?"

Deuster: "Yes, I intended to exclude appropriation Bills because they are not subject to the deadline."

Speaker Daniels: "You're referring only to Bills that are subject to the deadline."

Deuster: "Only to Bills to which the midnight, another ten minutes is magic. Only the Bills that would expire at midnight, under the rules, are intended to be included in the Motion."

Speaker Daniels: "Representative Darrow."

Darrow: "Thank you, Mr. Speaker. I'd ask for a division of the question as it pertains to every Bill on the Calendar."

Speaker Daniels: "That's right, John. Representative Johnson."

Johnson: "Has this Motion been placed in writing? Does the Motion that's in writing comport with what now Representative Deuster says the substance of that Motion is? Could the Clerk read the Motion to us? There are two or three different versions of it and I want to see what

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the written Motion is; otherwise, we're voting on something that's not before us."

Speaker Daniels: "Representative Telcser."

Telcser: "Speaker, I'd like to ask the Gentleman from Lake perhaps a question. Why do you want to divide the question between Postponed and Regular Third Reading Bills? I'd like House Bill 677 to be on the Spring Calendar like the rest. The Grand Jury Bill. Are you afraid of it? Why do you want to divide it? Because you're afraid of the Bill, that's why. Because you're afraid of it."

Speaker Daniels: "Representative Peters."

Peters: "Mr. Speaker, just in the event other demands rightfully made by Members are withdrawn...should Representative Deuster, for whatever reasons that have struck him at a quarter of twelve, persist in this Motion, I will ask not only for a division in terms of the categories, but my right as a Member to have each and every Bill voted on separately and I'll start with Postponed Consideration."

Speaker Daniels: "May I remind the Body that at midnight tonight, all Bills are tabled. May I remind the Body of that? If that is your desire, that is what's going to happen. Now, Gentleman from Cook, Representative Piel."

Piel: "Thank you, Mr. Speaker. I think it would only be fair that we've got to know exactly what Bills we're going to be talking about and so, if you would check your list and make sure that we've got the exact Bills on here, basically what we're talking about then will be on the Short Debate Calendar. We're talking about House Bill 1763. That's by Representative Telcser and that amends the Illinois Pension Code and then we would go to Third Reading which is long debate which would be House Bill 79. Now, that's sponsored by Representative Catania-Ryan and Currie and that's an Act to revise the law n relation to public assistance in the

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Illinois Public Aid Code. Then we're talking about House Bill 89, by Representative Deuster-Friedrich and that amends the Illinois Vehicle Code. Mr. Speaker, you're not checking your list with mine. I just want to make sure that we've got the right Bills."

Speaker Daniels: "Representative Vinson. Representative Vinson."

Vinson: "Thank you, Mr. Speaker. I believe pursuant to previous rulings of the Chair that at this particular point in the Session only Motions filed with the Clerk and on the Speaker's Table can be considered. Because of that, I believe I have such a Motion. That Motion would be to place all Bills, except appropriation Bills, now on the Calendar on the Spring Calendar. I would so move. I believe that Motion is not divisible. I would so move and I'd like to have a vote on that now."

Speaker Daniels: "Representative Deuster. Representative Deuster. Ladies and Gentlemen of the House, now listen. Representative Deuster has a Motion in writing as follows. 'I move that all Bills with the exception of appropriation Bills on the Calendar be placed on the Spring 1982 Calendar'. Signed, Representative Deuster. On that Motion, all those in favor signify by saying 'aye', all those opposed 'no'. The 'ayes' have it. Representative Telcser for a Motion to adjourn."

Telcser: "Mr. Speaker, I move the House stand adjourned till 12:00 noon tomorrow."

Speaker Daniels: "All those in favor of that Motion signify by saying 'aye', opposed. The 'ayes' have it and the House is adjourned."

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