

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

114th Legislative Day

May 21, 1982

Speaker Ryan: "The House will come to order and the Members will please be in their seats. The Chaplain for today is Victor Krueger from the Grace Lutheran Church located in Springfield, Illinois. Victor Krueger."

Victor Krueger: "Let us pray. Almighty God, our Heavenly Father, bless those who hold office in the government of the State of Illinois that they may do their work in a spirit of wisdom and kindness and justice. Help them use their authority to serve faithfully and promote the general welfare. Help them especially to serve justice for all before they serve the interests of a few. Help them as You increase their concern for other human persons before they serve as politicians concerned for politics. Help them, Heavenly Father, to see and to respond to the needs of Your creation, a humanity, a humanity which cries out in need, need for justice, need for food, need for shelter, need for education and need for equality of life which You have ordained. Heavenly Father, in turn enlighten all of us, Leaders and citizens alike, so that we may be sensitive to each other's needs and place in society. But above all, empower us to respect those needs and those places we hold as Members of Your great creation, the human race. This we pray to You, our Heavenly Father. Amen."

Speaker Ryan: "Thank you. We'll be led in the Pledge today by Representative Carey."

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

Speaker Ryan: "Roll Call for attendance. We have some good news and some bad news today. The bad news is that the voting machine and the microphones are out of order. The good

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news is that only four of the microphones work. They will be Representative Telcser's, Representative Madigan's, Representative Conti's and who's the fourth, Mr. Clerk? Loftus will be the other one. Loftus. Representative Getty's microphone will also work because they're on the same circuit. We're also in the process of setting up a mike to be put down here in the front of the well. So, if you want to address the Assembly, you'll have to use one of those mikes that I just pointed out. Take the record, Mr...Wait. Now, take the record. With 145 Members answering the quorum...answering the Roll, a quorum of the House is present. Representative Telcser, do you have any excused absences?"

Telcser: "Yes, Sir, Mr. Speaker. Will the journal please show that Representative Barnes is absent because of illness and Representative Margalus says he's ill and ..and Representative Abramson, interestingly enough, has ..."

Speaker Ryan: "Was that Barnes and Margalus, Representative? Was there anybody else?"

Telcser: "And Representative Abramson informs us that he is on legislative business."

Speaker Ryan: "He has legislative business outside the legislative chamber, is that it?"

Telcser: "Where that may be."

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

Cullerton: "Mr. Speaker, this is Representative Cullerton calling."

Speaker Ryan: "I didn't recognize you without your glasses, Representative."

Cullerton: "You say you didn't recognize me?"

Speaker Ryan: "Huh-uh."

Cullerton: "I'll wait until you recognize me then."

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Speaker Ryan: "Representative Getty."

Cullerton (Getty imitation): "Representative Mulcahey's daughter is getting married today, wishes to be excused."

Speaker Ryan: "He should have stayed here."

Cullerton (Getty imitation): "And Representative Braun is on official business."

Speaker Ryan: "That's the only two you have? The record will so indicate. ...Day on the Calendar under the Order of House Bills, Second Reading appears House Bill 1425. Representative Henry. Representative Collins."

Collins: "Mr. Speaker, one excused absence was overlooked. Would the record show that Representative Reed is excused because of official business?"

Speaker Ryan: "The record will so indicate. Representative Reed. Now, on page two under the Order of House Bills, Second Reading, appears House Bill 1425. Representative Henry. Is the Gentleman in the chamber? Out of the record. The Gentleman is not in the chamber. House Bill 2442, Representative Macdonald. Representative Macdonald? Representative Macdonald? Representative Macdonald? We've called your Bill, House Bill 2442. You want it called, on the Order of Second Reading, page three of the Calendar? Out of the record. House Bill 2563, Representative Collins? 2563. Order of Second Reading. Out of the record. How about 2564? Out of the record. Senate Bills, First Reading."

Clerk Leone: "Senate Bills, First Reading: Senate Bill 1289, Stanley - Leinenweber, a Bill for an Act to amend Sections of the Bingo Licensing Tax Act. First Reading of the Bill. Senate Bill 1302, Davis - Miller, a Bill for an Act to amend Sections of the Inheritance and Transfer Tax Law. First Reading of the Bill. Senate Bill 1390, J. J. Wolf - Davis, a Bill for an Act to amend Sections of an Act making

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appro...certain appropriations. First Reading of the Bill. Senate Bill 1500, Reilly - Ronan, a Bill for an Act to transfer juvenile justice and delinquency prevention services from the Illinois Law Enforcement Commission to the Department of Children and Family Services. First Reading of the Bill. Senate Bill 1520, Levin, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. Senate Bill 1559, McAuliffe - Schraeder, a Bill for an Act to amend Sections of the Illinois Vehicle Code. First Reading of the Bill. Senate Bill 1577, Levin, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. Senate Bill 1593, McMaster, a Bill for an Act to amend Sections of the Secretary of State Merit Employment Code. First Reading of the Bill. Senate Bill 1609, Bullock, a Bill for an Act in relationship to Prairie State game. First Reading of the Bill. Senate Bill 1627, Ralph Dunn, a Bill for an Act making appropriations to the Department of Energy and Natural Resources. First Reading of the Bill. And Senate Bill 1656, Telcser, a Bill for an Act to amend Sections of an Act in relationship to criminal identification and investigation. First Reading of the Bill."

Speaker Ryan: "On the Calendar on page six under the Order of House Bills, Third Reading, appears House Bill 2520. Representative Nelson. Read the Bill, Representative? You want to..You want to move the Bill? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2520, a Bill for an Act concerning accident and health policies under the Illinois Insurance Code. Third Reading of the Bill."

Speaker Ryan: "You'll have to step over to Representative Conti's microphone, Representative Nelson. Representative Nelson on House Bill 2520."

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Nelson: "Thank you, Mr. Speaker, Members of the House. If you recall House Bill 2520 is the Bill that we amended yesterday rather late. And if you are looking at your staff analysis, that staff analysis is incorrect. The Bill, as amended, now speaks to the problem in collecting money under the Rape Victims Assistance Act. In Illinois what we have had, is passage of an Act to insure that those victims of rape will have hospital treatment paid for. And what has happened up until this point is that oftentimes they..since they are going to get paid from the first dollar, they do not take the trouble to file an insurance claim. My Bill, as proposed, in three Sections would I help..I hope help the Treasury of the State of Illinois recover some of that money from those people who have been victims of rape and who have insurance coverage. In the first Section what we have is a provision to remove the deductible and co-insurance clauses and in that way encourage people to use their insurance coverage. As it happens there is a problem with the insurance industry in the State of Illinois, which I support, and I have agreed that the Bill will again be amended when it gets over to the Senate. Senator Adeline Geo-Karis and I have agreed that we will work out the problems that the insurance industry has with this Section of the Bill. The second Section requires the insuring companies to disclose the names of the insured to the Department of Public Health. And you'll remember that last night there were some questions involving the confidentiality of those names. It is absolutely not the intent of this piece of legislation to allow disclosure of those persons who have been victims of rape, who would not want their names disclosed on the public record. And the third Section of the Bill again reiterates that the Department of Public Health shall be

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reimbursed by insurance carriers who find that they do have this coverage. I'd be glad to answer any questions that you have about the Bill, and I would appreciate your support for House Bill 2520."

Speaker Ryan: "We're going to interrupt the...just for a minute for a special introduction, Representative Nelson. Representative Madigan would like to introduce a special guest here this morning."

Madigan: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, we are fortunate this morning to have with us a member of the Appellate Court assigned to the Cook County District, Justice Arthur McGloon, who is a former Minority Leader of the State Senate. Justice McGloon."

Justice Arthur McGloon: "I haven't had a microphone exposed to me for 12 years. And frankly, I'm at a loss as to what to say other than hello. It's good to see those of you fellows and ladies that were around here during the years I was here. I'm reminded of my good pal, Jack Touhy's advice when he..when asked two contenders. He said, you know, the referee when the fighters come out into the ring, he says, 'Gentlemen, come out fighting and protect yourselves at all times', and that's the best advice I can think of giving anybody. Good luck to you all."

Speaker Ryan: "Now, back to House Bill 2520. Now, we'll have discussion and your light buttons don't work, so you're going to have to raise your hands. Yours works. You want to be Representative Getty today, is that it? Representative Cullerton, second behind Mr. Getty in command would like to ask a question or two."

Cullerton: "In keeping with what Representative Getty would say if he were here..."

Speaker Ryan: "Work with whatever you've got, Mr. Representative."

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Cullerton: "I would...Well, Representative O'Brien...."

Speaker Ryan: "...I know it..."

Cullerton: "...What I have to work with. I would ask that we suspend Rule 55 (d) for the rest of the day so that we can accommodate ourselves with this problem with the microphone. 55 (d) says, 'No Motion is in order unless the Member so moving makes it from the Member's own seat'."

Speaker Ryan: "You have violated that rule all Session. Now you want to suspend it. Is that it?"

Cullerton: "Right. It's my day."

Speaker Ryan: "Your Motion is well taken. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and 55 (d) is suspended. Now, would you have any questions on the Bill, Representative Getty?"

Cullerton: "No."

Speaker Ryan: "Oh, I mean, Cullerton. Is there any other discussion? Representative Birkinbine, at Representative Telcser's desk."

Birkinbine: "Thank you, Mr. Speaker. Would the Sponsor yield for a question? Do I understand, Diane, that ..that what you said...You're aware of the fact that a number of people in the industry feel that this is a bad Amendment that now is the Bill and that Representative Geo-Karis (sic, Senator) in the Senate has agreed that it will not be moved in the Senate until all parties are satisfied. Is that right?"

Nelson: "That is absolutely correct. We have agreed."

Birkinbine: "Senator Geo-Karis has agreed to that, right?"

Nelson: "Yes, Sir."

Birkinbine: "Thank you. Now, to the Bill, Ladies and Gentlemen of the House, I don't know why we went through what we did last night of taking a Bill that in a sense did nothing, put on a unique Amendment that has...is a controversy within the industry while at the same time we're

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guaranteeing it's not going to go anywhere until that controversy is settled once it's over in the Senate. We could have sent it over to the Senate as it was and then come up with something. But, the fact is, we did. What the Amendment in the Bill does is to override the deductible. Now, in most every health insurance policy that you or anybody else has, there's a deductible involved. Usually those health insurance policies do not cover physical examination by the choice of the insured. Generally they aren't very expensive. Generally we're more concerned about major medical and expenses that might be incurred with being in the hospital for some time. But this Bill, strictly for the purposes of a physical examination for rape victims said the deductible is not going to be covered, whether the individuals want it that way or not. And I say, why are we making this exception? Admittedly rape is a terrible thing that no one wants to see happen, but so is child abuse. Why not do this for child abuse? Why not overrule the deduction...I'm sorry..the deductible for child abuse? What about the elderly lady who gets roughed up when some punk kid grabs her purse and she has to go in for a physical examination because she's been roughed up. Why not an exception for that? It simply doesn't make sense and what this Amendment were it to be carried does, is forcing the industry to amend every single health insurance policy that's out there, be it group insurance or otherwise, to say that, okay, this is not covered, that's not covered except in the cases of rape. And it would cover everybody. To me it's a nonsensical Amendment. I don't know why it's put on. Even the people who agreed because the Department of Insurance wanted it, agreed to put it on. They agreed it's a nonsensical Amendment that sets up a unique situation,



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and I don't think the Bill should pass since they're agreed not to do anything with it until there's an agreement among the parties. Let's come up with an agreement first before we pass out a half-baked Bill out of the House simply because our Department of Insurance wants it. I would recommend a 'no' vote."

Speaker Ryan: "Representative Nelson."

Nelson: "Thank you very..."

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

Hallstrom: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I find myself in a very unusual position because I usually do not stand up and talk against my colleague, John Birkinbine. But I feel that this is such an important piece of legislation, I have to. This is a very sensitive area, and as Representative Birkinbine mentioned, you know, we talk about someone who is older, who is physically abused, a child who is physically abused. Would you believe, Ladies and Gentlemen, the public is on the side, of course, of the victim. When it comes to a victim in these circumstances, that is not true. We need to support this legislation. This is such a sensitive area. The Rape Victims Assistance Program could recover funds spent for treatment of insured rape victims. It is suspected that some insured victims do not report coverage when their insurance is carried through their employment or through a spouse because a victim wishes to keep the incident confidential. I'm sure you all can understand that, and I would ask, please, that you support this Bill. Thank you."

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

Giorgi: "Mr. Speaker, this..this is almost a replay of the

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workmen's comp fight. Here it is again. The insurance companies are screaming because you're going to remove the deductible on the rape victim? Well, have they lost their minds? Have they lost their hearts? The insurance company making billions of dollars and want to somehow put a...victim in a hospital emergency room wondering what happened to her, who may never recover from that trauma? Don't want to pay the insurance bill? That's a horrendous thought."

Speaker Ryan: "Have you completed, Representative? Is there any other discussion? Representative Nelson to close."

Nelson: "Thank you very...Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I think that by our actions in passing the Rape Victims Assistance Act, we have already said, as a General Assembly, and as the State of Illinois that we believe rape victims are special and that we are sympathetic to them and the trauma that they have suffered. I would say, by way of answer to Representative Birkinbine, that I do agree that removing the deductible in some particular cases, especially major medical, would be perhaps unreasonable. And that's why we have agreed to work it out. Basically this Bill will help the financial condition of the State of Illinois, and I would very much appreciate your 'yes' vote."

Speaker Ryan: "The question is, 'Shall House Bill 2520 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Representative Satterthwaite, to explain your vote. Representative Satterthwaite, record her as 'aye'. She said her switch doesn't work. You've got to turn the key on, Representative. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 144 voting 'aye', 6 voting 'no' and 2 voting 'present'. This Bill, having

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received the Constitutional Majority, is hereby declared passed. It's the intent of the Chair today to proceed through all of the Bills on Third Reading, the nonappropriation Bills, so everybody gets a chance to have their Bill called. On that Order of Business, prior to the last Bill there were 42 nonappropriation Bills on the Order of Third Reading. There are four nonappropriation Bills on the Order of Second Reading for a total of 46 Bills that we have to act on today under somewhat restrained conditions. I would ask that you would keep the debate at a minimum if possible and that we eliminate a lot of the introductions and so forth so we can get out of here at a decent time today. Representative Peters."

Peters: "Mr. Speaker, I apologize for being the first to ask permission to make an introduction. The Illinois State Council on Nutrition every year conducts a contest throughout the elementary schools of the State of Illinois. This year we had over 12,000 young people in the elementary schools participating in this contest. And every year the Council does bring the winners and their parents and teachers down to Springfield for the day to meet their Legislators and see the process in Springfield. I would like to introduce to you from...one of our winners from Atkinson, Illinois, 'Candy Klapp', represented by Representatives McMaster and Neff and McGrew. 'Candy Klapp'. 'Jon', whose parents are recent immigrants to the United States from Mt. Prospect, Illinois, represented by Representatives Chapman, Macdonald and Roland Meyer. 'Jon Han Lee', there he is. And over on this side, 'Jeff Hasler', from Collinsville, Illinois, represented by Representatives Watson, Slape and Dwight Friedrich. Thank you very much, Mr. Speaker."

Speaker Ryan: "On page six of the Calendar under the Order of

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House Bills, Third Reading, appears House Bill 2531.  
Representative Cullerton. Read the Bill?"

Clerk Leone: "House Bill 2531, a Bill for an Act to amend the  
Illinois Vehicle Code. Third Reading of the Bill."

Speaker Ryan: "Representative Cullerton on '2531."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of  
the House. This Bill provides that the Clerk of the Court  
in any county may notify the Secretary of State that there  
is a warrant outstanding for the arrest of an individual  
who has committed ten or more violations of parking  
regulations or one or more moving violations. The  
Secretary of State shall immediately suspend the  
individual's drivers license and shall not remove the  
suspension or issue any license or issue any permit to any  
such individual until the Clerk of the Court notifies the  
Secretary that the individual has satisfied the outstanding  
warrant. Of course the purpose of this Bill is to  
encourage cities to obtain the financial benefits of people  
paying their fines for parking violations and for moving  
violations. It does not in any way work an undue hardship  
on any individual because after they've received ten  
parking tickets, they also receive ten more notifications  
that they have these ten violations and finally after  
receiving these 20 notices, they receive a letter from the  
court indicating that they have 60 days to make good on  
their obligation to pay. And, finally, if they haven't  
done that, then their license would be suspended. I think  
it's a very good concept. Will bring in money to local  
municipalities. And I would ask for its adoption."

Speaker Ryan: "Further discussion? Representative Vinson?"

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

Speaker Ryan: "Indicates he'll yield."

Vinson: "As I remember this Bill when it went through Committee,

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there were three parking violations that triggered this process, John."

Cullerton: "That's correct. We amended the Bill last night at the request of the Secretary of State, Edgar. And he is in approval of the Bill at this time."

Vinson: "Is there anything in here where if he discovers that the individual had no knowledge of the parking violations, had not been involved in the parking violations, that he would...that the individual would not be liable and that the Secretary of State could go ahead and issue the license?"

Cullerton: "Yes, because we say in the Bill that the notification shall be in the form prescribed by the Secretary of State, so that in his form he can indicate...he can require knowledge of the individual that they have these violations and therefore, if there is no knowledge, that it's up to his discretion to issue the ..the license."

Vinson: "Who notifies the Secretary of State?"

Cullerton: "Circuit Court."

Vinson: "What if...For a parking violation?"

Cullerton: "Ten parking violations."

Vinson: "I mean, for ten parking violations. How do you...How do you get this into Circuit Court?"

Cullerton: "Okay. After someone has been issued ten parking violations, the municipality issues the tickets, there's ten court dates and say no one...no one..the ticket isn't paid and no one shows up. Then there's ten second notices generally in the form of postcards indicating that they owe parking tickets. And then, finally, after they've received these 20 notifications...are you with me?"

Vinson: "Yes."

Cullerton: "After they've received 20 notifications, sent to the address of the owner of the car, they get a letter saying

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that they've got 60 days to pay these tickets. And finally, after 21 notices, after all this time, if they still haven't paid them, then the Secretary of State is notified."

Vinson: "What happens to Hertz?"

Cullerton: "Okay. My understanding on a rental car is that the rental cars are notifying the individuals who rented the car, themselves. I'm not sure what the...I know it varies from jurisdiction. I'm not...I believe the tickets are issued in the name of the owner...the company that owns the car and they, then, proceed against the individual they rented to."

Vinson: "Okay. Now, my concern is, I believe in a number of areas downstate, perhaps not in Chicago, these parking tickets are not handled through municipal court. I mean, through Circuit Court. I don't believe that's the enforcement mechanism in at least some of the municipalities I'm familiar with."

Cullerton: "When there's a failure to pay they have to go through Circuit Court, it's my understanding."

Vinson: "Oh, you're saying if there's a failure to pay that..."

Cullerton: "Right."

Vinson: "I have no further questions."

Speaker Ryan: "Any further discussion? Representative Meyer."

Meyer, Ted: "Not to the Bill, but a point of order. Would you recognize me when this Bill was over for a point of order?"

Speaker Ryan: "Representative Leinenweber."

Leinenweber: "I have one or two questions of the Gentleman also. Now, Representative Cullerton, the notice that the individual gets is...Is there any specific type of mailing requirement?"

Cullerton: "You mean in the law right now?"

Leinenweber: "What?"

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Cullerton: "You mean in the law right now?"

Leinenweber: "No, in your proposed Bill. The notice, the 60 days that you have to pay the tickets, is there any type of..."

Cullerton: "This Bill does not address any notice to the individual. This Bill addresses the notice that's sent to the Secretary of State so that the license would be suspended if they have ten or more parking violations or one or more moving violations."

Leinenweber: "Well, it says here that, '...the individual against whom the warrant is outstanding has been notified of said warrant by the Clerk's mailing it to his last known address at least 60 days prior to certification of the Secretary of State'. Have I got the right Amendment?"

Cullerton: "No. No, that's ...Amendment #3 is the Bill. That's correct. We also send a notice to the individual telling him that the Secretary of State has been notified."

Leinenweber: "But that's by...There's no specific certified mail or return receipt requested or any type of requirement that the ..the Clerk prove that the individual got the letter. Is that right?"

Cullerton: "We have allowed for the Secretary of State to require that in his form if he wants."

Leinenweber: "Well, I don't see where it says that. Because you've got (b); '...that the form prescribed by the Secretary shall be certified by him..by the Clerk of the Court...'. And it just says that they be notified that there was a warrant. In any event, the second question would be..."

Cullerton: "That would be the 22nd notice that they would receive, Harry. They've already received 10 moving violations. They've already received ten postcards. They've already received a letter from the Circuit Court saying that they have 60 days to pay. That would then be

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the 22nd notice that they would have received."

Leinenweber: "Well, I'm not worried so much about the moving violations. I'm more concerned about the traffic tickets..."

Cullerton: "I'm talking about traffic tickets. I'm talking about traffic tickets, the 22nd traffic notice of of traffic tickets including...moving..parking tickets.."

Leinenweber: "Let me...Let's walk me through it once. Okay. The individual parks his car and in a ten minute zone and he stays for 15 minutes and he gets a little yellow envelope on ..in..under his windshield wiper. That's the first notice, right?"

Cullerton: "That's the first notice, right."

Leinenweber: "And then somewhere along the line what happens?"

Cullerton: "He has to do that nine more times."

Leinenweber: "All right."

Cullerton: "So he's got at least ten of these."

Leinenweber: "All right."

Cullerton: "Then he ...Then he starts getting postcards at his house.."

Leinenweber: "All right.."

Cullerton: "...Indicating that he owes, in many cases I think they double the fines because he didn't pay it on time. So he's got 20 notices that he owes...money on parking tickets. Then he receives a letter from the Circuit Court saying that he has 60 days to pay the 20 tickets or a warrant...a bench warrant will be issued and then if that is not paid within 60 days, then a notice goes to the Secretary of State and a 22nd notice goes to the individual, telling him that his license will be suspend if he doesn't pay the parking tickets."

Leinenweber: "Well, as I read the Bill, automatically, that when...upon receipt of the form from the Clerk, that at



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that point and without anything further, the plates are immediately suspended. I don't see where there's a notice or any type of thing where a person has any grace period after that. Is there?"

Cullerton: "The individual...Maybe I don't understand your question. But the individual against whom the warrant is outstanding would have been...will have been notified of a warrant by the Clerk's mailing at least 60 days prior to the certification to the Secretary of the State by the Clerk."

Leinenweber: "All right. Once the certification is accomplished, then boom, automatically the guy loses his plates. Isn't that the way Paragraph A reads?"

Cullerton: "His drivers license, not his plates."

Leinenweber: "Oh, his drivers license."

Cullerton: "But you're correct."

Leinenweber: "Okay. Mr. Speaker, I'd like to speak briefly to this Bill. This is an effort to assist municipalities in collecting parking fine revenue. And to that extent, I suppose it's laudable. But, usually the Gentleman who is presenting this Bill is very, very careful of the rights of those who receive criminal citations of one form or another. Here we have an instance where people perhaps have gotten ten traffic tickets. They supposedly got ten letters...ten postcards, which is by regular mail. No return receipt requested requirement. He supposedly gets ten letters then saying, 'You haven't paid us and you owe extra amounts of money'. And then, finally, one after..one letter goes out by ..the saying that a warrant's going to be issued if you don't pay. And then, they go down to the Secretary of State and whether the person got any of this information or not, he loses his drivers license until he can somehow regain it. I think this Bill, while maybe the

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motive is laudable, it's fraught with danger to you and your constituents. They're going to, all of a sudden, be losing their drivers licenses without...probably without having any idea that this is coming about. I think that this is..this effort, laudable as it may seem, is the proverbial using the so-called shotgun to wipe out the mice population in your basement. I think that the Bill goes way too far. It does not have the safeguards that ought to be. There's no requirement that there be any demonstration that the individual received any of these things. You may have loaned your car to someone. He threw the ticket out. You don't know you got that one. The postcard may be misdirected. All kinds of things can go wrong. I think that this is overdoing it and we ought to vote against it."

Speaker Ryan: "Any further discussion? Representative Slape?"

Slape: "Yes, Mr. Speaker. Will the Sponsor yield?"

Speaker Ryan: "Indicates that he will."

Slape: "Yes, Representative Cullerton, who keeps track of all the tickets that are issued in the City of Chicago?"

Cullerton: "Circuit Court."

Slape: "Circuit Court. Does he do a reasonably good job?"

Cullerton: "It's all computers."

Slape: "Well, Representative, I would support your Bill if you would quit sending notices to my constituents that have never been in Chicago that they have parking tickets due in the city."

Cullerton: "Well, people in your district don't like to admit they've been to Chicago. That's what the problem is."

Slape: "Well, people in my district don't have passports. They don't travel out of the country."

Cullerton: "The Secretary of State's in favor of the Bill."

Speaker Ryan: "Any further discussion? Representative Robbins."

Robbins: "Will the Sponsor yield? John, just how much extra

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money do you have filed as a Fiscal Note on this Bill?"

Cullerton: "This..No Fiscal Note's been filed. This Bill is not going to cost money; it's going to save money. It's going to make money."

Robbins: "It's going to make the Secretary of State's Office money?"

Cullerton: "No. The..the..Yes. The Secretary of State gets \$15.00 from the individual when they send their revocation back. When they pay the tickets they also pay \$15.00 to cover the cost of the Secretary of State's Office handling these...the administration of the Bill."

Robbins: "Can we buy a whole new computer system for the State of Illinois for the Secretary of State's Office to handle this?"

Cullerton: "We use the one that they have right now."

Robbins: "Use...There is additional room on there for that, then?"

Cullerton: "That's what I understand, yes."

Robbins: "Yes. Well, I don't know whether they'd do it routinely, but I have a daughter that lives in Oklahoma and she got a ticket from Chicago and the car hadn't been in Illinois. So, this is one of the things..."

Cullerton: "That's one ticket now. We're talking about ten..."

Robbins: "I..I understand what you're saying. But, now, this only applies to Chicago? You get ten tickets then for..."

Cullerton: "No. No, this applies statewide. The Bill applies statewide."

Robbins: "If I got three tickets in Mount Vernon, one..one alleged ticket from Chicago and four tickets from Mount Carmel, would that apply?"

Cullerton: "No. It would have to be ten tickets in the same municipality, the same jurisdiction.."

Robbins: "Ten tickets from the same municipality."

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Cullerton: "Right."

Robbins: "Okay, well, that sounds like it'll be a real good Bill.

I'd like to vote red, John. Thank you."

Cullerton: "Thank you."

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

Giorgi: "Mr. Speaker, someone questioned the cost of providing this service. If the Secretary of State's Office can allow the six largest insurance companies in Illinois to have six terminals into their offices and send out...sell them two million copies of a Motor Vehicle Report every year, it ought to be a very simple thing to figure this out. Our Secretary of State's Office invades the privacy of two million people in Illinois every year by selling their Motor Vehicle Reports to the..to anyone that comes along for 2 bucks and 4 bucks. It ought to be a very simple matter to solve this for Chicago and to get these 'scoff laws'."

Speaker Ryan: "I see we have in the center aisle with us today the former sheriff of Champaign County, 'Everette Hedrick'. Representative (sic)...Everette, nice to have you with us. Representative Jones."

Jones: "Yes, thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Ryan: "Indicates he will."

Jones: "Representative Cullerton, according to my analysis, this Bill...does it deal with moving violations as well?"

Cullerton: "I can't hear you. I'm sorry. I couldn't hear."

Jones: "Is there anything in this legislation that deals with moving violations?"

Cullerton: "Yes. One...One or more moving violations."

Jones: "One or more moving violations. According to my analysis, indicates that if a person has more than three unpaid moving violations, that their license could not be

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renewed..."

Cullerton: "We amended it so that it's one or more moving violations and ten parking violations."

Jones: "Okay, I wanted...Have you had the opportunity to visit the traffic court in the City of Chicago?"

Cullerton: "Yes, I have."

Jones: "And have you noticed that when you go through traffic court you see just a..one particular group of people there with the moving violations?"

Cullerton: "Are you talking about the race track?"

Jones: "Well, if you want to call it that. You want to drop the latter half."

Cullerton: "Well, the only thing I see there, there's this one group of lawyers that handles most of the cases. If that's what you're talking about, I think that this..."

Jones: "No, what I'm talking about, I'm talking about the persons that are issued traffic citations. I'm not talking about the parking thing. I'm on the traffic citations."

Cullerton: "Well, I think I know where you're..what your question is. What I'm saying is this; If someone hasn't paid ten parking tickets and if they haven't paid and a warrant's been issued for one moving violation, they owe money to the muni...to the city. People haven't been paying that money and what we're saying with this Bill is they're going to lose their license until they pay the money. It's not designed to...to any one particular group of people other than 'scoff laws' for people who don't follow the law, people who don't pay their parking tickets."

Jones: "You know, I can..I can go along with this, but..as far as the parking tickets are concerned. But I was more or less dealing with the moving violations because it seems to me if you go to traffic court, you would think that only a particular group of people violate the traffic laws in the

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City of Chicago, the ones that be in traffic court.."

Cullerton: "Okay. I think I can answer your question. In a moving violation, you have to post a bond. Usually it's your drivers license. If you..If you haven't gone back to court and there's been a warrant issued, you don't even have your drivers license physically with you. So it's not going to hurt you to have that license suspended because you're not going to even have your ticket. Okay? You're not even going to have your..your ...your license. So..so that's..I don't think it works an undue hardship. This is a person who has ignored going to court, doesn't have their..their license even with them because it's still attached to the file in the court. What we're saying with this Bill is that license would be suspended."

Jones: "Are you familiar with the quota system for issuing moving violations, that is a policeman must write so many tickets..."

Cullerton: "This doesn't deal with what happens before someone's arrested. This deals with ...after someone has refused to go to court and a warrant has been issued for their arrest."

Jones: "I have grave doubts about this legislation and I think I'll vote 'present' until that is cleared up."

Speaker Ryan: "Is there any further discussion? Representative Tuerk? Would you step across the aisle and make your Motion, Representative?"

Tuerk: "I move the previous question."

Speaker Ryan: "The Gentleman moves the previous question. All in favor will signify by saying 'aye'. All opposed 'no'. The 'ayes' have it and the Motion prevails. Representative Cullerton, to close."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The purpose of this Bill is to help enforce the

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parking laws of the state, to help bring in money to the municipalities. There people who are not paying their parking tickets, people who are not paying tickets for moving violations. I think it's a reasonable Bill. It's been worked out with the Secretary of State. We've amended it so ..to his approval, and I would ask for an 'aye' vote."

Speaker Ryan: "The question is, 'Shall House Bill 2531 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 68 voting 'aye', 77 voting 'no', 15 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 2540, Representative Huskey. Want the Bill heard, Representative? Read the Bill, Mr. Clerk."

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

Speaker Ryan: "Representative Huskey on House Bill 2540."

Huskey: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. There are many proposals coming before this House that are a cost to the taxpayer. Here is a proposal to the taxpayers that cost the taxpayers absolutely nothing, and it gives the senior citizens of this state the opportunity to earn a discount on their automobile liability insurance simply by taking and passing a defensive driving course. The Department of Insurance has approved this. The insurance companies have approved this, and the Secretary of State is in support. Senior citizens groups have asked that they be given a chance to earn these discounts and the Bill has been altered to meet their demands. Some insurance companies are now giving ten percent discounts. The Bill says that these discounts that are ..are to be

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given after whatever discount they're giving now is in effect. In talking with the State Aviation Department, every person who has a pilot's license has to take a flight test with a qualified instructor every two years to correct the bad habits he has developed. An unknown bad habit could cost a flyer his or her life. The pilots for the State of Illinois have to take this test every six months. More senior citizens like myself have never had any driving checks or instructions other than the license test which is very minor. The Bill requires an eight hour defensive driving course in order to be eligible for the discount from the insurance companies. Not only will this save senior citizens money, but the defensive driving course that they will be taking will upgrade their driving habits and save many lives. This will serve a twofold purpose and the senior citizens will avoid injuries and death. Mr. Speaker, I would hope that you would let the Joint Sponsor, Representative Kornowicz, close."

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

Yourell: "Thank you, Mr. Speaker. I know this is a news release Bill and certainly will prove to be of some benefit to the Gentleman in his district, but perhaps he could answer a couple of questions for me because, as I understand it, Amendment #9 now becomes the Bill. After a lot of fooling around we finally got down to the...to the guts of the situation. Representative Huskey, can you tell me how this Bill differs now than House Bill 781 which passed last year, will go into ...and it's been signed into law and will go into effect on July 1st, 1982?"

Huskey: "All right, Representative. I'll be happy to tell you. And I would feel..I would feel very despondent if you didn't get up and ask me a few questions, Representative. Number one, it allows the specific senior citizens discount



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to be determined by the marketplace, and that's over and above what they're getting now. Number two, the discount provided under this Bill is in addition to any other senior citizen discount. Number three, it provides that anyone convicted of a moving violation, and this is from your Amendment, Representative Yourell, is ineligible for the defensive driving discount until they have had a clean driving record for one year. This is in addition to the exclusion already provided by law. Anyone who's had an accident with the past year, has been ordered to take an accident prevention course...prevention course by a court, and that's the exclusion. Number four, it provides that any vehicle whose principal operator has had his license suspended or revoked for any reason within the past three years is ineligible for the senior citizens discount. And number five, any motor vehicle which is part of a motor pool or fleet or is used for commercial purposes...and number six is any automobile insurance policy written on a group basis. And that's the difference, Representative Yourell."

Yourell: "Well, thank you, Mr. Huskey, for reading from that prepared statement. But I would ask you to refer to the Bill and tell me exactly where in the Bill it says that this reduction shall be in addition to any reduction now being given by the insurance company. Show me where it says that and point out the line. In your testimony last week on this Bill, and I can read that to you if you like, you said that, '...in addition to any other premium reductions now in force..'. Read that language to me in Amendment #9, Sir, that is now the Bill."

Huskey: "Representative Yourell, the language in the original Bill was restrictive language. It restricted the..."

Yourell: "I'm talking about Amendment #9, Sir, that is the Bill."

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Huskey: "I'm talking about Amendment #9, but I'm also talking..trying to answer your question. I don't know. If you want to make a statement, go ahead and make a statement and then I will..."

Yourell: "Well, I asked..."

Huskey: "...Rebuttal..."

Yourell: "Mr. Huskey, I asked you to point out the lines to me in Amendment #9, which is now the Bill, which says what you're now claiming. That's all I'm asking. You either can do that or you can't."

Huskey: "We removed the restriction language, Representative Yourell, and left it on the free marketplace."

Yourell: "Will you read the Bill, Sir? Read the lines to me where it says that."

Speaker Ryan: "Is there any further discussion? Oh."

Yourell: "This is very important legislation, Mr. Speaker."

Huskey: "Representative Yourell, I'm glad that all my legislation is so important that it brings your attention. I wish you would cooperate and help me in my district...."

Speaker Ryan: "Will you Gentlemen get to the Order of Business that's on the floor?"

Yourell: "Yes, Mr. Speaker. I asked the Gentleman..."

Speaker Ryan: "Do you have a question, Representative, or a statement to make concerning the Bill? Proceed."

Yourell: "Yes, I'm going to ask...I'm going to ask him for the third time to look at Amendment #9 and read the language to me out of Amendment #9 which is now the Bill that says what he is saying now. He has read from a prepared statement that says..."

Speaker Ryan: "What's your question, Representative?"

Yourell: "...That this reduction...to read..I'm asking him to tell me where in the Bill it says, '...in addition to any other premium reduction..'. That's what I want to know."

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Speaker Ryan: "Can you respond, Representative Huskey?"

Huskey: "I'm trying to respond, but he hasn't let me..."

Speaker Ryan: "Respond please.."

Huskey: "...If you'll cut him off long enough that I can respond.

In the..the Bill on the original Bill had a restriction, and they were only limited up to the..whatever the ten percent or whatever the Department of Insurance would allow. The senior citizen groups did not want this restriction. So the restriction was removed and now it's left for the marketplace...for the..whatever they're giving, plus the discount will be given over and above what they're giving now."

Yourell: "Well, I don't know, Mr. Speaker, why the Gentleman won't answer the question..."

Speaker Ryan: "Well, I think he's tried, Representative.."

Yourell: "I know. I could give him a copy of the Bill and if he can show me..."

Speaker Ryan: "Representative Yourell, would you confine your remarks to the..to the...either a question or to address the Bill.."

Yourell: "..Yes, all right."

Speaker Ryan: ".....Try to respond..."

Yourell: "I'd like to address the Bill. The transcript of the record debate last week shows that Mr. Huskey made certain statements that are not verified by the language in the Bill. And I..I think that the Gentleman should be able to determine the line numbers and the language in the Bill so as to substantiate the statements that he's making today. The only two changes in the Bill are provided by Amendments #7 and 8 that I withdrew and Mr. Huskey incorporated in Amendment #9 that talks about those who would refuse their reduction because of convictions of drunk driving and other moving violations. Now, in Section 143, line 12, it says

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specifically, '...The rates in premium charges for every policy of automobile liability insurance shall include...', and I quote, '...appropriate reductions as determined by the insurer for any insured over age 55 upon successful completion of the..of the defensive driving course..'. Nowhere in the Bill does it say that this reduction will be in addition to any other reduction presently given by any insurance company. Now, if Mr. Huskey wants to lie to this Body and say that what ...this reduction will be in addition to any other reduction, then we all ought to know about it. That's all the Bill does now. It says the same as House Bill 781, provides for the words, and I quote, '...appropriate reduction...'. I think that the Gentleman has a good Bill, but the Bill has already been passed in the form of House Bill 781 that will go into effect on July 1st, 1982 and this is just a political gimmick to do something to fool the senior citizens in the State of Illinois. He's trying to fool the senior citizens and he knows it and I know it, and it just ain't going to work."

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

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

Speaker Ryan: "The Gentleman moves the previous question. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it. The Motion prevails. Representative Huskey to close."

Huskey: "Mr. Speaker, I'm willing to let the champion of senior citizens' causes, who's the Joint Sponsor of this Bill, close, Ed Kornowicz."

Speaker Ryan: "Representative Kornowicz to close on House Bill 2540."

Kornowicz: "Mr. Speaker and Members of the House, I support this fine senior citizen legislation. This is one of the

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programs that is well accepted throughout the state. In fact, I had several of these courses in my own district. Safety and driver improvement programs, '55 Alive Mature Driving', are sponsored by the National Retired Teachers Association and the American Association of Retired Persons. This is a good Bill, and I ask all my colleagues for their full support and vote 'yes'. Thank you."

Speaker Ryan: "The question is, 'Shall House Bill 2540 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Daniels, one minute to explain your vote."

Daniels: "Thank you, Mr. Speaker. I guess we've heard some of the preliminary rounds in the upcoming political battle in the district between the two individuals involved. But nevertheless, I support wholeheartedly 2540 and I think perhaps one of the greatest provisions of the Bill is that in 15 years I'll qualify for its terms."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 146 voting 'aye', 4 voting 'no', 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2541, Representative Bower. Representative Loftus, for what purpose do you seek recognition?"

Loftus: "I had a hard time getting back to my seat. Would you vote me 'yes' on that?"

Speaker Ryan: "Would you record Representative Loftus 'yes' on the last Roll Call? He had a little trouble getting to his switch as a result of being so kind as to let us use his mike today. Representative Bower on House Bill 2541. Read the Bill."

Clerk Leone: "House Bill 2541, a Bill for an Act to amend an Act concerning public utilities. Third Reading of the Bill."

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Speaker Ryan: "Representative Bower."

Bower: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Skyrocketing utility bills is one of the biggest problems facing the residents of Illinois. When current generating capacity construction is completed, every utility in Illinois will be able to produce 40 to 60 percent more electrical energy than is ..it is anticipated that is needed. Several of the utilities have admitted that their plans were inaccurate when they started the construction plans that they are currently involved in. House Bill 2541 is a partial solution to that problem. It would require that electric utilities file five and ten year energy plans with the Illinois Commerce Commission and with the General Assembly and that the Commerce Commission would then be required to make recommendations upon those plans. As amended, I know of no opposition to the Bill."

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

Brummer: "Yes, will the Sponsor yield?"

Speaker Ryan: "Indicates he will."

Brummer: "Yes. Representative Bower, do you have any estimate of the cost to the public utility company of preparing these five and ten year plans?"

Bower: "We believe it would be minimal because this information is already available to them and is filed in different forms with federal agencies."

Brummer: "But you had indicated that it had come to your attention that some of the plans that had..or some of the plants that had been constructed were done so as a result of inadequate plans. Is that correct?"

Bower: "That is correct."

Brummer: "You mean, the public utility did not have the plans?"

Bower: "What they did and the..several utilities in recent months have made public comments on this, that their forecast as

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what was..to what energy consumption demands would be were wrong, and this would require them to file their plans with the Commerce Commission in advance. The Commerce Commission would make comments on that, and the hopeful result would be that they would not overbuild nor underbuild."

Brunner: "Well, do you think the ..the public utility companies that you say have overbuilt intentionally overbuilt?"

Bower: "It may not have been intentional, but it was done because of inadequate planning."

Brunner: "And do you think if those plans had been filed with the General Assembly they would have..the General Assembly would have somehow corrected them?"

Bower: "I believe that the General Assembly and the Commerce Commission, if they were aware ...that the comments that they would make could be very beneficial in resolving the problem."

Brunner: "Well, as I understand the..the plant construction process, it is necessary for a public utility company, before it ever initiates construction, to ..to get authorization from the Illinois Commerce Commission for the construction of that plant. Is that not correct?"

Bower: "That is correct. This information has not been required and the Commerce Commission has not been required previously to make specific recommendations."

Brunner: "Well, we've had a great deal of interest in specifically 'Newton-2 Power Plant', at of CIPS. Now before...It's my understanding, before they constructed that plant they needed the ..the authority and the approval of the Illinois Commerce Commission to construct that plant. Is that correct?"

Bower: "That is correct."

Brunner: "And prior to issuing that permit, I assume the Illinois

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Commerce Commission does just not willy-nilly issue permits to public utility companies without examining the need for that plant in the best judgment of the...of the Illinois Commerce Commission. So, how, if they examine all these factors prior to issuing a permit, how is the...this Bill going to assist in ..in that whole project?"

Bower: "It establishes a long-term review process for the utilities. They...by the Commerce Commission. As currently structured, the Commerce Commission does not have such long range plans. They study specific requests, such as you indicate, but do not have the broad view, long-term picture."

Brummer: "Well, prior to...prior to the Commerce Commission issuing a permit on the Illinois..I mean on the CIPS 2 Plant, the CIPS had to show a long-term need for that and the Illinois Commerce Commission had to determine that there was a long-term need for that plant."

Bower: "Well, if you're satisfied with the job that the Illinois Commerce Commission has been doing up to this point in time, I believe you would rank in the minority. Frankly, I don't think they've been doing their job..."

Brummer: "Well, I agree..."

Bower: "...Specific statutory mandate to review these plans and make specific recommendations."

Brummer: "Okay, I didn't ask any...any question. And I'm certainly not convinced that the Illinois Commerce Commission has been doing its job. Simply filing an additional report on a five and ten year basis with the Illinois Commerce Commission is going to require some additional cost to the public utility company. I wonder if you have...Have you talked to the public utility company, any public utility company, and got an estimate of the cost of preparing these reports ten years in advance?"



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Bower: "Was that a statement or a question?"

Brummer: "That's a question. Have you got that specific estimate from any public utility company and if so, what was the estimate and which public utility company did you get it from?"

Bower: "No, I do not have that. But as I stated earlier, I know of no opposition to the Bill as it is amended and Commonwealth Edison was in the Committee and said that, as amended, they had no opposition to the Bill."

Brummer: "Yes, but do you..do you have an estimate of the cost of preparing these reports by Commonwealth Edison, CIPS, Illinois Power, or any of the public utility companies?"

Bower: "Well, as I have now stated twice and I will do it for the third time, I do not. The utilities were not opposed to it. The information is already available to them. It's just not prepared in a specific form..."

Brummer: "Okay, I have two more questions..."

Bower: "...And it's not filed."

Brummer: "Two more questions. Will the additional cost of this be included as part of the rate base for subsequent rate hearings?"

Bower: "That would not be our intention and hopefully..."

Brummer: "...Is there specifically a prohibition in the Bill?"

Bower: "I would like to answer the question that you posed. And if this plan is successful, it would result in a long-term savings to the consumer."

Brummer: "Okay. And the final question is, what is the General Assembly supposed to do with these reports? We get hundreds or thousands of reports a year. What are we supposed to do with this one?"

Bower: "It would make you much more knowledgeable on what was happening with our public utilities and we would consider legislation related thereto."

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Brummer: "Okay. Mr. Speaker, if I might, very briefly to the Bill. It seems like a relatively harmless Bill, both from the standpoint of the public utilities companies and from the standpoint of the consumer. Undoubtedly there is some cost in preparing a five year report and a ten year report. As everyone knows public utility companies cannot construct new plants without the authorization of the Illinois Commerce Commission currently. This would require the filing of a five year report and a ten year report in advance. I have no doubt that number one, that costs money. There are quite a few items that need to be set forth in that report. Number two, I have no doubt that the consumers ultimately are going to pay for the preparation of those reports. I know what happens to reports that are generally filed with the...with the General Assembly. The General Assembly, number one, is not in the ...we do not approve or disapprove the construction of new plants. That is the responsibility of the Illinois Commerce Commission. So, I see...I see no way that this Bill really helps with regard to the problems of over construction of public utility plants."

Speaker Ryan: "Any further discussion? Representative Tuerk?"

Tuerk: "I move the previous question."

Speaker Ryan: "The Gentleman moves the previous question. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Motion prevails. Representative Bower to close."

Bower: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would hope that we would not be pound-wise and penny foolish. Any minimal costs that might be involved in the preparation of these reports could be saved by millions and millions of dollars of savings to the consumer. The utilities are not opposed to it. I urge an 'aye' vote."

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Speaker Ryan: "The question is, 'Shall House Bill 2541 pass?'.

All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Levin, one minute to explain your vote. I'd like to point out that there are the free-standing mikes in the aisles now, so you don't have to all crowd around the desks if you'd like. Representative Levin, one minute to explain your vote."

Levin: "In explaining my 'aye' vote, Mr. Speaker, it's rare that the Sponsor of this Bill and I agree. But I think this is a good Bill. We have the experience, particularly with Commonwealth Edison, where they did not do adequate planning. Ten years ago they said there was going to be an increase in peak demand of seven percent a year, so we needed all these nuclear power plants. We now have six half-built plants and we only needed about a two percent increase each year. I think anything that forces the utility and the Commerce Commission to think ahead, to do some significant planning is a good idea, and I think the General Assembly also needs to have a better view of what's going on in the Commission cause our rates wouldn't be so high if the Commission is really requiring this kind of planning and taking it seriously."

Speaker Ryan: "Have all voted who wish? Representative Rea, one minute to explain your vote."

Rea: "Thank you, Mr. Speaker, Members of the House. I rise in support of this Bill and I understand why...the attempt is here that the utility companies have really not done an effective job of planning. But really this only touches the surface of it. Really the serious problem and the real problem before us is the election of the ICC members. And, Mr. Speaker, I would hope that ...that you would see how important this legislation is and that you would call the Motion that has been filed to act as a Committee as a

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whole. Because this is only a portion of what the real problem is in terms of utility rates and how irresponsible the Illinois Commerce Commission has been in this state. We hear it throughout the state. We know what the problems are. This is something that we should deal with..."

Speaker Ryan: "Would you confine your remarks to explanation of vote, Representative?"

Rea: "This is directly related to this, Mr. Speaker, and I think that this is something that we are all concerned with and is something that should be dealt with as a Committee. And I do feel very confident that this Bill will help. But it's not immediate, as we should have in dealing with the problem.."

Speaker Ryan: "Your time is concluded, Representative. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 147 voting 'aye', 7 voting 'present', 3 voting 'no'. And ...One hundred and forty-seven voting 'aye', 7 voting 'no' and 3 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2559, Representative Daniels. Representative Nelson, for what purpose do you seek recognition?"

Nelson: "Mr. Speaker, I'm a hyphenated Cosponsor on 2559."

Speaker Ryan: "Do you want to hear the Bill, Representative?"

Nelson: "What I would like to do is request that the Bill go into Interim Study Committee. I have talked to Representative..."

Speaker Ryan: "The Lady asks leave to return House Bill 2559 to the Order of Interim Study Committee..Committee. All in favor...Are there any objections? Hearing none, leave is granted. House Bill 2559 is now on Interim Study. House Bill 2560, Representative Conti. 2560, Representative."

Conti: "Go ahead. Read it."

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Speaker Ryan: "Read the Bill."

Clerk Leone: "House Bill 2560, a Bill for an Act to create sanitary districts. Third Reading of the Bill."

Speaker Ryan: "Go ahead, Representative."

Conti: "All right. Mr. Speaker and Ladies and Gentlemen of the House, I certainly want the attention of the...my colleagues on the other side of the aisle for the simple reason it's a common knowledge that they've got a kill on these three Bills, 2560, '61 and '62. Let me assure you that you're completely misunderstanding these Bills, Mr. Minority Leader, or whoever's in charge there today. And let me tell you what the real intent of my sponsoring these Bills were. The City of Chicago sells water to the suburban area that's fed into the city system. Yes, I..I would agree to that too. One Roll Call for all three of them. But let me explain to you the intent is not to stop the City of Chicago from selling water to the suburbs, but a good example is that the City of Chicago does not have water meter readers or does not have water meters in their city and the suburbs have to meter their water. So, right across the street from those who are using the same line, are paying \$50.00 a year for their water bill where the people in the suburbs are paying as high as 50 and 70 dollars a month. When they purchase water from the City of Chicago, they have to charge their consumers at least three times of what they pay the city for that water. Because the national...natural gravity of the water being transferred to these municipalities comes to about 10, 11, 12 pounds per pressure on the main line. And it's obvious that you cannot feed on the second floor or third floor even to flush a toilet closet, so we have to build a power plant and a water plant to maintain 28 to 32 pounds of pressure. So that is the purpose of why we have to charge

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three times the amount. Now, the real reason for putting these Bills in is that Elmwood Park adjoins the City of Chicago. We do not sell water to other municipalities. The Village of Melrose Park comes through and puts in a 34 inch water main through our municipality. We gave them an easement, no charge. And then we have a new city, the City of Northlake, which is incorporated and they purchase the water from Melrose Park. And after the City of Northlake purchases water from Melrose Park at one time they turn around and they're selling it to an adjoining unincorporated area. And what I'm trying to do is stop the domino effect because each and every one of these municipalities, because of the natural gravity, there's not enough in the pounds of pressure to deliver the water, have to build a power plant. So, from \$50.00 a year some of these municipalities are paying as much as \$75.00 a month to receive water and at the mercy of these feeder lines that are coming out into the suburban area. And believe me, this will not have anything to do, and I'll assure you, Mr. Minority Leader, or the Democrats that are concerned with these Bills, that if you think that I introduced these Bills to adjudicate three court cases that are now pending in the City of Chicago, I will change the effective date either in the Senate...But when it gets on..when it gets over to the Senate, we'll change the effective date on it so it would have nothing to do with the court cases pending now. We would like to, instead of have the Circuit Courts set the rates for these water bills, we would like to have the Illinois Commerce Commission be the sole authority in setting the rates. As I stated before, we have had three increases in the last ...less than three years and it goes before the Circuit Court and there's no doubt in my mind that when they set the rates, they're going to rule in

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favor of the City of Chicago. And we are at their mercy. Now, the Illinois Commerce Commission could stop some of this domino effect and set some kind of a ceiling by the time it gets at the end of the feeder line, that some municipalities won't have to pay these exorbitant water bills. To assure you that it's strictly not against Chicago, Dennis Hastert is very much concerned about these Bills and I would like to turn this over to Dennis Hastert now to explain the situation, what happens when it gets as far out where Dennis..the area that Dennis represents. And then I would like to close on it, Mr. Speaker. Will you have Dennis Hastert finish up on the Bills of 2560, '61 and '62?"

Speaker Ryan: "Representative Hastert."

Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, House Bills 2560, 2561 and 2562 do have an impact, an important impact, throughout the State of Illinois. During the 1950's when..and '60's when a great deal of suburban sprawl developed, not only in the collar counties, but also the..most of the counties in northeastern Illinois, there was a great deal of subdivisions and communities that built outside the city limits of small towns and cities. What happened was there was a set up of unilateral contracts dealing with water rates. Water rates in the 1950's that were \$10.00 per quarter inside the city would have been \$20.00 per quarter outside of a city. During the last 20 years I have documented evidence here in about 17 or 20 cities that as water rates inside those cities grew, the water rates outside those cities were doubled. Whereas in 1974 a person buying water from the City of Oswego in the community of Boulder Hill, inside of Oswego you paid \$10.00 for water. Outside of Oswego you paid \$20.00 for water. Today this quarter, if you lived inside the city you'd pay

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64.70 for water. Outside the city you'd pay \$129.40 for water which gave you a water rate of over \$500.00 a year. The people who live outside these communities have no way to rectify this problem, to address the unilateral contracts unless they go through Circuit Courts. People just aren't ready to go to Circuit Courts. What we're asking is that we have the Illinois Commerce Commission be able to come in and where rates are disputed at least we have a third party that could come in and settle the rates. That's all we're asking in this legislation. It's important legislation. It's needed legislation, and we ask for your favorable support."

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

Cullerton: "Thank you, Mr. Speaker. I would ask the Parliamentarian to consider these arguments with respect to whether or not this Bill requires three-fifths. Article VII, Section 6-A of the Illinois Constitution expressly grants all powers to municipalities that are not specifically excepted. That provision reads, '..as except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare, to license, to tax and to incur debt..'. The regulation that is imposed in each of these Bills, 2560, '61 and '62, is not specifically excepted from the general grant of power to municipalities. The General Assembly is not provided specifically by law for the exclusive exercise by the state of these powers. The regulations set forth in these Bills have never been a state function or a part of any comprehensive state scheme. The Commerce Commission does not regulate in any fashion,



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any municipally owned utility. The power to regulate for the protection of the public health, safety, morals and welfare is a specific grant of power to municipalities pursuant to Article VII. These House Bills attempt to interfere with municipalities' express authority to regulate since they impose limitations and restrictions on their granted powers. One more point that's very important. The statutes which these Bills seek to amend govern only nonhome rule units. Cause, as a consequence of the passage of the '70 Constitution, they do not apply to home rule units. All pre-1970 statutes which impose restrictions on municipalities in conflict with the broad grant of power to the municipalities pursuant to the home rule provisions, were made ineffective and inapplicable. The valid exercise of home rule powers as set forth in Article VII of the Constitution supersedes any conflicting legislation enacted prior to 1970. Consequently, since these statutes no longer apply to home rule municipalities and since they attempt to pre-empt the power granted to home rule units pursuant to the Illinois Constitution, Article VII, Section 6-G, requires a three-fifths vote in favor of these Bills in order for them to pass the House. Mr. Speaker?"

Speaker Ryan: "Representative Cullerton, we'll certainly take your statement under consideration and we'll respond prior to the vote."

Hastert: "Mr. Speaker?..."

Speaker Ryan: "Is there any further discussion? Representative Barr? Did you want to respond to the..."

Hastert: "...I'd like to respond to Mr. Cullerton's comment if I may."

Speaker Ryan: "Fine. Proceed, Representative..."

Hastert: "That we would ask that the..."

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Speaker Ryan: "...Representative Hastert. We'll get back to you in a minute, Representative Barr."

Hastert: "...Parliamentarian would just look at this as the municipalities selling a service outside of their home rule area, as a purveyor, which they would do through a unilateral contract. Therefore, the municipalities would not be acting within their home rule power, but outside of their home rule powers as a purveyor."

Speaker Ryan: "Representative Cullerton."

Cullerton: "I would ask Representative Conti if he wouldn't mind considering House Bill 2560 separately and then consider '61 and '62 together."

Speaker Ryan: "We're on 2560 now...."

Cullerton: "I thought he had asked to consider all three together."

Speaker Ryan: "No he didn't."

Cullerton: "Oh, okay, fine. Thank you."

Speaker Ryan: "Representative Loftus."

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

Speaker Ryan: "Representative Loftus, could we hold your question for a minute? Representative Barr, I think, I took out of the record earlier. We'll get right back to you. Representative Barr."

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

Speaker Ryan: "Indicates he will."

Barr: "Representative Conti, would your Bill apply to all municipalities who sell water or just to the City of Chicago?"

Conti: "2560 just refers to the City of Chicago and let me clarify this so that when the Parliamentarian is making his ruling that we keep referring this as the City of Chicago selling water. Let me make it perfectly clear that the

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Lake Michigan belongs to the Federal Government. It's a federal waterway. The Circuit Court, which that Bill ..this Bill also includes, is a state jurisdiction. For those two reasons, we are not preempting anyone in home rule. The federal...Lake Michigan is a federal waterway. The Circuit Court is a state agency and the Illinois Commerce Commission is a state agency. So, all three of them are state agencies and one's a...all two of them are state agencies and one's a federal agency...federal waterway, so we're not preempting any municipality."

Barr: "Well, that was a little more of an answer that I'd asked for, Representative. And might...But I want to make this very clear. Would your Bill apply to the City of Evanston which also sells water from Lake Michigan in the same manner as the City of Chicago to certain suburbs in ...in north and northwest Cook County?"

Conti: "Representative Barr, I could say yes, that the Illinois Commerce Commission would set a reasonable rate when you are reselling your water."

Barr: "So it does apply to more than the City of Chicago. Is that correct?"

Conti: "That is absolutely correct."

Barr: "All right. On the Bill, Mr. Speaker, very briefly. I can certainly understand Representative Conti's position on this Bill representing, as he does, buyers of water. But the sellers have, I think, an opposite position which is a very reasonable one. Yes, Lake Michigan belongs to all the people, but it's also true that municipalities such as Evanston, I assume Chicago, and perhaps various Lake County municipalities as well that are on the lake, have invested considerable funds in building a water department which is more than adequate for their own needs. They've done this in order to be able to sell a resource which is

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available to them, to provide pure water for..for many municipalities inland which would not otherwise be able to obtain water. They have provided these facilities, and it seems to me they're entitled to take advantage of the position that they have. These sales are not unregulated. They're not completely free. They are subject to approval by the Circuit Court, as I understand Representative Conti's discussion. And I think certainly this Bill would work to the disadvantage of those of us...of those municipalities who are in the position of being sellers of water, and I would urge people who have such municipalities in their district to vote against this legislation."

Conti: "Mr. Speaker, can I respond to Representative Barr? It will set a regulation, but a fair and reasonable regulation. And what we're trying to do here is to stop the exorbitant fees that they are charging. I'm sure the Illinois Commerce Commission will take in consideration the water plant that Evanston's built, the water plant that Elmwood Park built, the water plant that Melrose Park built. And so on down the line. Each and every person that purchases water from the federal waterways of Lake Michigan cannot, cannot use that water with a natural flow of gravity, because there isn't enough pressure, as I said before, even to flush the toilet closets on the second floor. So, each and every municipality has to build a water plant. The Illinois Commerce Commission will certainly take that into consideration when they set these rates. We have invested in our water plant and we don't sell. Now, I have no special interests in this as far as my municipality's concerned. We have invested over two million dollars and it's a one million dollar operation every year to run our water plant, to maintain our water plant, to supply 26,000 people with water. It costs us one

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million dollars a year. And it would be a fair and reasonable...that's all I'm asking for, is a fair and reasonable rate to be handed down to the next municipality. Now, Mr. Barr, when Evanston sells water to the adjoining municipality, you certainly...and the only way you can feed them water is through natural gravity. Therefore the municipality that buys water from you, they have to go through an expenditure of one or two or three million dollars to build their water plant, according to the amount of water they use a day. The Village of Elmwood Park, with 26,000 population, uses three million gallons of water a day. So we have to have at least one day's supply on hand at all times."

Speaker Ryan: "Representative Loftus?"

Loftus: "Is there anything in this Bill that would force a municipality to sell water to an unincorporated area?"

Conti: "There is absolutely nothing that mandates any municipality to purchase water from them."

Speaker Ryan: "Representative Zito."

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

Speaker Ryan: "I didn't hear you, Representative."

Zito: "I'd like to ask a question of the Sponsor."

Speaker Ryan: "Proceed."

Zito: "Mr. Conti, I realize that the rates, especially in our area with...that you're very familiar with, are extremely high to the surrounding suburbs that ...for our..in our instance the Village of Melrose Park sells water to. Why didn't this Bill just...out of curiosity, why didn't you deal with the water rates coming from the City of Chicago rather than the suburban area? It's my feeling that Melrose Park's rates are a clear reflection of the City of Chicago's rates."

Conti: "Absolutely, you're absolutely correct. And that's what

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2560 does. It deals with..strictly with the City of Chicago. And then 2561 and '62 deals with outlying areas. But 2560 certainly does do that, and again I want to reiterate that I will change the effective date if anyone is under the assumption that I am introducing these Bills to adjudicate the pending litigation. I will set the dates and change the dates until after all cases are cleared out of the Circuit Court before my Bills become effective. So I'm not going to try to adjudicate any litigation that is now pending. And House Bill 2560 addresses the direct purchase of the water that the power plant in the City of Chicago takes from the federal waterways of Lake Michigan to sell these municipalities."

Zito: "Would an individual municipality under...if this Bill became law, would an individual municipality have the right then to ask the ICC to set a rate of individual of other communities that might be in the surrounding area?"

Conti: "Absolutely. I think it would open the door for more municipalities now that do not have access to purchase this water. It would open the doors for more communities. The Village of Melrose Park could sell water to Northlake, more water to Northlake, could sell water to some...they now sell water to some 18,000 people in an unincorporated area of Leyden Township and there's a large unincorporated area in DuPage County ...that..in Addison where Representative Loftus asked a question. For a good many years the growth and the population and development of that second largest industrial area now in the City of ...in the DuPage County could purchase water and could have purchased water many years ago if this Bill was in effect."

Zito: "Theoretically then, the City of Northlake, for example, can have a different water rate than unincorporated Leyden Township?"

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Conti: "They do..."

Zito: "...If the ICC determines that."

Conti: "They do have that now. In fact, to be exact the unincorporated area pays 81 cents a hundred cubic foot for them to make out. For a thousand cubic feet, they pay the City of Melrose Park \$8.07 for ten thousand cubic feet plus the \$4.50 if they have to put a bond issue to build a water reservoir. So the minimum, the minimum bill would be \$12.50, \$12.60 and the average bill would be something like \$114.00 a month after they get through using water, because you know a family of four uses more than 10,000 gallons of water a month."

Zito: "The point I'm trying to make, Representative, is I don't think...I'm not so sure that we're eliminating the problem of varying rates. Would the ICC be able to set a blanket rate for the entire area, or would they have to still deal with the individual municipalities and taxing districts that purchase the water?"

Conti: "They would have to take in consideration the miles traveled, the pipelines laid, the facilities that they have and they would be fair in setting the rates, a lot fairer in setting the rates than the Circuit Court would be."

Zito: "They may be fair, but the rates can still fluctuate. So, by bringing in the ICC, this is not going to allow a blanket rate. The rates can still fluctuate from municipality to municipality, depending on distance and..."

Conti: "No. They could set the rates and make it ....It doesn't...It wouldn't have to fluctuate."

Zito: "Would municipalities such as the City of Northlake, unincorporated Leyden, Franklin Park, Melrose Park, have to go in jointly and ask for help from the ICC, or can they do this on an individual basis?"

Conti: "On an individual basis."

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Zito: "So then the rates could ...could in fact theoretically be individual. Northlake could have a different rate than unincorporated Leyden."

Conti: "They could go in jointly or they can go in individually, whichever they see...feel would serve their purpose."

Zito: "Thank you."

Speaker Ryan: "Any further discussion? Representative Madigan."

Madigan: "Mr. Speaker, a question of the Sponsor."

Speaker Ryan: "Indicates he'll yield."

Madigan: "Mr. Conti, are we concerned, essentially, with contract disputes between municipalities?"

Conti: "Mr. Minority Leader, I explained that right from the very beginning. No, absolutely not. I feel that we are very fortunate to be contiguous to the City of Chicago; that they have the finances to build the beautiful power plants, the..."

Madigan: "Mr....Mr. Conti, I'm not attempting to reach the question of the dispute between the City of Chicago and other municipalities in Cook County. My question is a general question. And, having listened to your comments relative to this Bill, I've been led to the conclusion that what the Bill is concerned with are disputes between municipalities where there is a contract between a municipality for the sale of water. And we can exclude the City of Chicago from this discussion."

Conti: "Mr. Madigan, I'm not aware of any dispute between any municipalities. The dispute lies with the municipality and the people that live within the corporate limits of their municipality, for the simply reason of the exorbitant rates that they have to pay for water; living right across the street from another family that probably pays 50 dollars a year for water, and their water bill's 114 dollars a month. So, it has nothing to do with it...nothing to do with



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that."

Madigan: "Well, after...after the Bill is defeated, we'll sit down and talk a little bit about it."

Conti: "Yeah, I have...I..."

Madigan: "Can I express myself to the Bill?"

Conti: "Mr....Mr. Minority Leader, I know of no disputes between contracts between municipalities."

Madigan: "Mr. Speaker, may I address the Bill?"

Speaker Ryan: "Absolutely."

Madigan: "Mr. Speaker, Ladies and Gentlemen of the House, contrary to some of the comments which have been put in the record relative to this Bill, what we are concerned with here is a situation where there is a contractual relationship between two municipalities. One municipality is in a position to supply water to another municipality, and the question is what will be the rate paid by the second municipality to the first municipality in order to obtain the water. And there is a disagreement between the two municipalities as to the rate. Today, where there is a dispute relative to that rate, the litigation is taken to the circuit court in the county where the dispute arose. This Bill simply says that the resolution of those disputes shall be taken away from the circuit court and given over to the Illinois Commerce Commission. My question to the Body is very simple. What reason has been given to lead us to believe that the Illinois Commerce Commission is better equipped to resolve these disputes than the circuit courts of the State of Illinois. As far as I am concerned, I know of no reason; which leads me to believe that the Illinois Commerce Commission is better equipped to resolve these disputes than the circuit courts of the various counties of Illinois. And, for that reason, I rise in opposition to the Bill."

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Speaker Ryan: "Any further discussion? Representative McClain."

McClain: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I, too, stand in opposition to House Bill 2560. For those of us in downstate, I think we ought to look at two issues. One issue is that this sets a dangerous precedent by putting this item under the jurisdiction of the Illinois Commerce Commission. This is an item that we have, typically, fought in terms of expanding the ICC's powers and jurisdictions. The next will be Cablevision; next will be another item. Sooner or later, the Illinois Commerce Commission will be taking care of all disputes not only of what we have typically called public utilities, but of all items of dispute. The second item is that the Illinois Commerce Commission is already overburdened. They cannot handle the pressures on them at the present time. So what we're doing wi...in this case is we're adding another gambit, another precedent and another whole jurisdictional area for the Illinois Commerce Commission whom already are overburdened and trying to handle utility tax rates. For those two reasons, I would urge a 'no' vote."

Speaker Ryan: "Representative Conti to close."

Conti: "Well, Mr. Speaker and Ladies and Gentlemen of the House, the bottom line on this is that the question was asked, 'Why don't we continue the same practice we have?'. We all know that the circuit court in the City of Chicago is controlled. We know that the Illinois Commerce Commission has been dealing with public utilities, and they are not partisan. They have the access to setting rates for other utilities, and they would be more reasonable and they would be more considerate of the various municipalities that are purchasing this water. Now, as I said before, and I can't get this point across, that it's pretty hard to sit in your home and know that you're paying and taking for

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granted, water; water that you drink everyday, water you cook with, water you wash with. And you have to pay as high as ten times the rate as someone maybe a mile away pays for water. This...For the Lake Michigan belongs to the State of Illinois...belongs to the Federal Government, rather. Chicago's very fortunate to be...have its shores on the east end of the City, and they have the know-how, the money, the filtering plant. And I, for one, would be the first to say thank goodness for that, and I would be happy to pay three times the amount that we are paying now. Even though the corporate limits of Elmwood Park is only eight and a half miles away from Lake Michigan, I would be happy to pay it, and I am paying it. But what bothers me more than anything else, we go almost all the way to DuPage County and into DuPage County, which the Metropolitan Sanitary District is now extending its lines into DuPage County. Those, by 1990, they figure there'll be close to seven and a half, eight million people in that particular area. They're going to need water. There's large thriving communities called DAMP now. That's a...a committee that's been set up, and DAMP stands for Des Plaines, Arlington Heights, Mount Prospect and Palatine. Those large municipalities now depend on the ta...the table...water table in the ground for their water. Hopefully, in the next two years, they will be hooked up to the Lake Michigan water, and they will be able to have their own water. And this is going to be...and, if not today, that I feel that the problem exists today, but this problem's going to even get bigger within the next two or three years if something isn't done and done soon about it. And the frameworks set up with these three Bills will take care of the problems that we're going to be faced with in the next five or six years in this vast metropolitan area of Cook County. I...I

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would like a favorable vote on these...on the House Bill 2560."

Speaker Ryan: "Representative Cullerton, in response to your inquiry. These Bills affect relationships. It's the opinion of the Parliamentarian and the Chair that these Bills affect relationships between municipalities and other municipalities or citizens not residing within the boundaries of that municipality. Extraterritorial relationships were considered by the Constitutional Convention and specifically determined not to be a power of the home rule unit. Therefore, these Bills are not a home rule limitation, and will require 89 votes for passage. The question is, 'Shall House Bill 2560 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Daniels, one minute to explain your vote."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, this perhaps exemplifies the classic conflict between the City of Chicago and suburban areas. There is not a single suburban Republican and Democrat Member of this House that shouldn't support this legislation. This is essential to the very life-essential services to...offered to people throughout our area, seven and a half million people. This doesn't tell the City or any city what they have to sell water at. This doesn't tell them that they have to offer lower rates to, say, Addison and DuPage County. If this Bill were enforced now, perhaps, very perhaps, our communities in DuPage County would have water from Lake Michigan today. I'm asking you to vote 'yes', a very, very important piece of legislation, and it's reasonable and it only applies to the Illinois Commerce Commission in settling disputes."

Speaker Ryan: "Have all voted who wish? You spoke in debate."

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Have all voted who wish? Take the record, Mr. Clerk. On this question there are 80 people...there are 80 voting 'aye', 78 voting 'no', and 5 voting 'present'. Representative Conti."

Conti: "...Speaker, I feel that this issue is important enough to take the time of the House. I'd like to poll the absentees."

Speaker Ryan: "Poll the absentees, Mr. Clerk."

Clerk Leone: "Poll of the Absentees. Abramson. Barnes. Bradley. Deuster. Kane. Kornowicz. Krska. Margalus. Martire. McAuliffe...I'm...I'm sorry. Mulcahey. Pierce. Reed. Sandquist and Telcser."

Speaker Ryan: "Representative Ebbesen. Change the Gentleman from 'no' to 'aye'. Is that right, Representative? Change Representative Ebbesen from 'no' to 'aye'. Representative Kornowicz to 'no'. Telcser, 'aye'. Are there any other cha... What's the count, Mr. Clerk? Representative Conti, on this question there are 82 voting 'aye', 78 voting 'no', and 5 voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill...Representative Madigan, for what purpose do you seek recognition? Should be on, Mike. Try Cullerton's there. Well, that one should work."

Madigan: "Mr. Speaker..."

Speaker Ryan: "Yes."

Madigan: "For the purpose of an introduction, Mr. Speaker."

Speaker Ryan: "Purpose of what?"

Madigan: "Introduction."

Speaker Ryan: "Have at it."

Madigan: "There's Mr. Hawkins and Mr. Blakely and the parents of the students of the Office of Special Programs from the University of Chicago, and these people come from all areas of the City of Chicago. They're in the gallery to my

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left."

Speaker Ryan: "Welcome to the Illinois House. House Bill 2561, Representative Conti."

Clerk Leone: "House Bill 2561, a Bill for an Act to amend Sections of the Illinois Municipal Code. Third Reading of the Bill."

Speaker Ryan: "Representative Conti."

Conti: "Mr. Speaker and Ladies and Gentlemen of the House, this has nothing to do with the City of Chicago. This is definitely setting the rates from one municipality to the other municipality. And, as was said by the previous speaker, that I can't understand how my colleagues on both sides of the aisle who represent the suburban area, such as Representative Greiman, Hastert, Loftus, Matijevich, Carey, Pierce, Jaffe, Zito, Mr. Yourell, Mr. Getty, DiPrima, Doyle, You...Yourell, Turner and many, many more that represent the suburban area. These are the people that should go back home and tell the people back home that they tried. They tried to reduce what we really need: water. Water in these municipalities; vast amount of waters laying in Lake Michigan and they have to solely depend on their water table. If they have a drought two years in a row, they're in trouble. To have any growth or any development in their municipality and if they want to vote differently, and I noticed that there are several Democrats and colleagues that understand the situation, and that...one mi...one sided on this. And I feel definitely that the circuit court is definitely controlled by the Party that sells all of these municipalities the water. And they're just jealous and guarding that jealousy with every vote that they have on this floor to defeat any measure that might be able to help these municipalities and that thriving great metropolitan area of our state which will

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have close to seven and a half to eight million people in the next few years. If they want to turn their back on them, that's their problem. But I want to remind them again that 2561 has nothing to do with the City of Chicago. This would be the Illinois Commerce Commission setting a fair rate; setting a fair rate and not a runaway rate that most of these municipalities are now paying."

Speaker Ryan: "There any discussion? Representative Yourell."

Yourell: "Thank you, Mr. Speaker. The Gentleman mentioned my name twice in debate as a Member of this House from suburban Cook County, and couldn't understand why I might be voting against this Bill. I haven't indicated to him or anybody else how I was going to vote against this Bill, so obviously he has a better pipeline into that information than I have. But, my point is, I represent 14 municipal corporations in the 8th Legislative District, presently. And I have not had one letter, one phone call or one inkling of how those local public officials feel about this legislation; nor have I had any information at all from the Illinois Municipal League which, the Gentleman knows, follows very closely the legislation dealing with municipal corporations. So, I don't know, my friend, how I'm going to vote on this legislation, but I don't know how you got the information as to the...as to my vote. But I certainly will respect the wishes of my local elected public officials and the Illinois Municipal League and, perhaps, vote the way they want me to."

Conti: "Mr. Speaker..."

Speaker Ryan: "Further discussion? Did you want to respond?"

Conti: "Just in closing. I..."

Speaker Ryan: "Well, we're not ready to close, yet. Can't you see all these people want to speak on this issue? Representative Hastert."

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Hastert: "Mr. Speaker, Ladies and Gentlemen of the House, as Cosponsor of this piece of legislation, I just want to bring a couple of points before this Body. Number one, on House Bill 2561, would only become a piece of...in place only when there was a dispute between a municipality selling water to either another municipality or a non-incorporated area. It doesn't affect water districts or water conservation districts. It only affects municipalities. It's a Bill where people who have a legitimate complaint about the cost of water, when their water rates have been quadrupled within a year. When they start out buying a home and paying 20 dollars a quarter for water, and now they're paying 300 dollars a quarter for water, it gives them a place to go to complain; someplace that can be a neutral third party that can, at least, establish what the cost of water should be. It's a good people's Bill. It's a good consumers' Bill. It only affects a municipality when it becomes a purveyor of a utility, which water is. I think it deserves your consideration. We've talked about this. It's not a political thing. It's not a Chicago versus downstate or Chicago versus suburbs or suburbs versus Lake Michigan or anything else. I wish you'd give it your sincere consideration, Ladies and Gentlemen. I ask for a favorable vote."

Speaker Ryan: "There any further discussion? Representative Madigan."

Madigan: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to this Bill. There is very little difference between 2561 and 2560, which is the Bill which just failed. Again, this Bill is concerned with disagreements between municipalities where one municipality is selling water to another municipality, and there is a



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disagreement as to the rate which shall be paid by the second municipality to the first for the purchase of water. Today those disagreements are litigated in the circuit courts of this state. The Bill would propose that that litigation be taken away from courts and given over to the Illinois Commerce Commission. I said earlier, I know of no good reason why this litigation should be taken out of the courts and given over to the Illinois Commerce Commission. A previous speaker stated that this Bill, by giving this jurisdiction to the Commerce Commission would give the consumer a forum where the consumer could take his or her complaint relative to water rates. My response to that argument is twofold. Number one, the consumer has a forum today. The forum is the circuit court in his county. And number two, there is no record that the Illinois Commerce Commission has been at all responsive to consumer complaints in other areas of utility regulation. So, why should we provide that another area of utility regulation shall be given over to the Commerce Commission so that we can hear another chorus of complaint all across the state from people who tell us that the Commerce Commission will not respond to them."

Speaker Ryan: "There any further discussion? Representative Zito."

Zito: "Sponsor yield?"

Speaker Ryan: "Indicates he will."

Zito: "Mr. Conti, unlike House Bill 2561...60, House Bill 2561 will now attempt to regulate rates from one municipality to another. Is that correct? A municipality that sells outside the City of Chicago to other municipalities."

Conti: "That's...That's correct. And I...And, certainly, before everybody turns their lights on, the names that I mentioned in debate was to show...because the noise level in the

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House, I wanted to make sure that everybody knew what we were...what Bill we were on. And not once did I indicate to my colleague on the other side that I knew how he was going to vote. I know that he is very responsive to the people in his area. I know he always has been responsive to the people in his area. So, I was not trying to say that I knew how he was going to vote. I mentioned those names because it affects those Legislators who do represent the suburban area."

Zito: "Representative Conti, any municipalities outside the City of Chicago that sell water to other municipalities; who assumes maintenance responsibilities for those facilities?"

Conti: "Each and every municipality assumes their own maintenance problems."

Zito: "But a municipality that would sell water to other communities, do they not, indeed, pay...pay for all maintenance and provide the transportation of that water to and from the municipalities?"

Conti: "Only to the corporate limits. From that...From that point on, then it becomes the municipality who's purchasing the water to maintain their own power plant because, as I mentioned several times, the natural flow of water...you cannot reach more than 11 to 12 pounds of pressure unless you're right at the end of the line from a water reservoir with a tower or a pumping station. So, they would have to build their own. And I'm sure that any municipality that is going to sell water to another municipality is going to ask them to put in their own water reservoir with their own power plant, with their own pumps. And, from the corporate limits on, it becomes that municipality's responsibility for the maintenance."

Zito: "Representative Conti, isn't it true this becomes a domino theory, where we can't get the City of Chicago to fix their

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rates, so now we're going after our neighboring municipalities? And, because of the high cost of City of Chicago's water, we're...we're sticking them with regulating rates and hurting them with their maintenance cost and everything else. Isn't this an attack rather...so that we couldn't get water rates regulated in the City of Chicago, now we're dictating to local municipalities that had the foresight 30 years ago to bring in water to the suburbs, now we're mandating fixed rates on them?"

Conti: "No, Mr. Zito. I'm sorry. You hit the nail right on the head. It is the domino affect, but you're misunderstanding the domino affect that I'm trying to stop here. It's not the excessive rates or controlled rates or trying to tell a municipality what they have to... It's just asking for a fair and equitable rate so that they can survive and still thrive as a municipality with Chicago water. That's all...With the water from Lake Michigan that comes out of Chicago."

Zito: "Mr. Speaker...Mr. Speaker, to the Bill, please."

Speaker Ryan: "Proceed."

Zito: "Ladies and Gentlemen of the House, I reluctantly support this legislation. I think the Sponsor's intent was good; however, we have neglected to realize the real culprit of the whole water situation, certainly in the suburban area of Cook County. It's not the other municipalities that sell water to their neighboring municipalities. Their rates are lock...locked in. They have to pay for maintenance. They have to pay for the transportation of the water. And their rates, obviously because the City...the City's rates are so high, they're going to be higher to the other municipalities. It stands to reason. The real culprit in this problem is still the City of Chicago. The suburban area cannot afford the rates and

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pass them on at a lower rate to the surrounding communities. I'm also reluctant because I don't think the ICC is in a position to mediate in these rate disputes. I'm going to support the legislation, but I'm going to do it only because the last Bill failed. And I think if we really want to get to the crux of the problem, and the Representative's...and the Representative has tried to, what we should do...make an honest effort to set the rates in the City of Chicago so that the suburban area will not be plagued by these rising cost of rates. And we're not going to single out small municipalities that sell water to neighboring municipalities and fix their rates. I would hope that legislation would do that in the future."

Speaker Ryan: "Representative Winchester."

Winchester: "Would the Sponsor yield to a question?"

Speaker Ryan: "Indicates that he will."

Winchester: "In...In my district, we have what's called the Rend Lake Conservancy District, which sells 50 to 100 million gallons of water a day or more. How would this affect a conservancy district, or would it even affect a conservancy district? They sell to municipalities, which municipalities, those municipalities will sell to other municipalities. But it does...Would it affect the conservancy district?"

Conti: "It only affect the municipal code."

Winchester: "Thank you."

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

Conti: "Well, just briefly, Mr. Speaker. That...As I mentioned before, that a good system...a good system has anywhere from a 20 to a 30 percent loss; because, when you have a heavy frost in the wintertime and you get a main that breaks, that water does not come to the surface. It

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probably seeks its own level to a sewer, and not until the thaw...the spring thaw comes out, do we realize that we've lost hundreds of thousand of gallons of water. And it is only right, as Representative Zito has mentioned several times, that the Village of Melrose Park is not making money on their water. They are being friendly and neighborly with the other municipalities by selling them water. And the fact that we do have a domino affect in there, when you get at the end of the feeder line, as I mentioned before, the rates are just prohibitive that the municipalities...any thriving municipality cannot have water. And I think, at this day and age, we can send people to the moon and we can't turn a faucet on to get water, to flush a toilet on the second floor without paying 100 to 150 dollars a month for your water rate. I would like a favorable vote on House Bill 2561."

Speaker Ryan: "Question is, 'Shall House Bill 2561 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. I'd like to point out to the Membership that we have now...this will be Bill #7 that we've acted on. That only leaves 39 before we adjourn this af...today. So, I would probably guess that we're going to be here a long time today. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this issue there are 88 voting 'aye', 72 voting 'no' and 2 voting 'present'. Representative Boucek. Change Representative Boucek from 'no' to 'aye'. Representative Madigan."

Madigan: "Mr. Speaker, if at any time this Bill has 89 affirmative votes, I request a verification of the Affirmative Roll Call."

Speaker Ryan: "The time has arrived, Representative, but they tell me they've got problems with the Roll Call coming out of the machine."

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Madigan: "Good. Very good."

Speaker Ryan: "On this issue there are 89 voting 'aye', 72 voting 'no' and 2 voting 'present'. Representative Madigan has requested a Verification of the Positive Roll Call. Representative Conti asks for a Poll of the Absentees. Read the absentees."

Clerk O'Brien: "Poll of the Absentees. Abranson. Barnes. Deuster. Garmisa. Kane. Kosinski. Krska. Margalus. Martire. Mautino. McGrew. Mulcahey. Reed. Sandquist. Telcser. No further."

Speaker Ryan: "Representative Kosinski. Record the Gentleman as 'no'. There any other changes? Representative Terzich. Change Terzich from 'aye' to 'no'. Representative Telcser wishes to be recorded as 'aye'. Representative LaHood, from 'no' to 'aye'. Representative Griffin. Are there any other changes before we start on the verification? Representative Griffin."

Griffin: "May I have leave to be verified, please?"

Speaker Ryan: "Gentleman asks leave to be verified, Representative Madigan. Is that all right with you? Where's Representative Madigan? Okay, Griffin. Griffin would like to be verified. Does that mean yes, Mr. Madigan? Is it all right to verify Mr. Griffin? Okay. The count, Mr. Clerk. Representative Dunn. Record the Gentleman...You want to be verified? Gen...Representative Dunn asks leave to be verified, Representative Madigan. Has he changed that responsibility over to you, Representative Cullerton? That shows you what kind of faith he's got in you. Representative Dunn wishes to be verified. Is that all right with you? All right, Representative Dunn. ...The count, Mr. Clerk. Representative Conti, on this question there are 90 'aye', 72 'no' and 2 voting 'present'. Now, Representative

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Cullerton, in Representative Madigan's place, will verify the Affirmative Roll Call. Read the Affirmative Roll Call, Mr. Clerk."

Clerk O'Brien: "Ackerman. Alstat. Barkhausen. Bartulis. Bell. Bianco. Birkinbine. Boucek. Bower. Carey. Catania. Collins. Conti. Daniels. Davis. Deuchler. Jack Dunn. Ralph Dunn. Ebbesen. Epton. Ewing. Fawell. Findley. Flinn. Dwight Friedrich. Giglio. Griffin. Grossi. Hastert. Hoffman. Hoxsey. Hudson. Huskey. Jaffe. Johnson. Karpel. Jim Kelley. Dick Kelly. Klemm. Kociolko. Koehler. Kucharski. Kustra. LaHood. Leinenweber. Loftus. Macdonald. Mays. McAuliffe. McBroom. McCormick. McMaster. Ted Meyer. R. J. Meyer. Miller. Neff. Nelson. Oblinger. Olson. Peters. Piel. Pierce. Pullen. Reilly. Richmond. Rigney. Robbins. Ropp. Schneider. Harry Smith. Irv Smith. Stanley. Steczo. E. G. Steele. C. M. Stiehl. Swanstrom. Tate. Telcser. Topinka. Tuerk. Turner. Vinson. Watson. Wikoff. Winchester. J. J. Wolf. Woodyard. Zito. Zwick. Mr. Speaker."

Speaker Ryan: "Representative Cullerton, do you have any questions of the Affirmative Roll?"

Cullerton: "Yes. Roland Meyer, please."

Speaker Ryan: "Representative Meyer. Roland Meyer. The Gentleman in the chamber? How's he recorded?"

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

Speaker Ryan: "Remove him. Representative Cullerton, do you have more?"

Cullerton: "Mr. Speaker, before I do any more, could you tell me what the count is?"

Speaker Ryan: "Before Meyer or after Meyer?"

Cullerton: "I can figure it out either way."

Speaker Ryan: "Can you? With Meyer off, it's 89-72-2. That's 89

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for, 72 against and 2 present."

Cullerton: "No more questions."

Speaker Ryan: "That's with Representative Meyer off."

Cullerton: "I have no more questions."

Speaker Ryan: "You're at 89. On this question there are 89 voting 'aye', 72 voting 'no' and 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 2, House Bill 2442 has met the requirement that a fiscal note be filed. The fiscal note has been filed. And House Bill 2442 is moved to the Order of Third Reading. House Bill 2562, Representative Conti. You want to hear the Bill, Representative?"

Conti: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I want to thank the Members. I know this is a busy day. This is a deadline for Bills, and I would like...and I want to thank the Members for their kind indulgence in working out this problem. And I would like to place House Bill 2562 in Interim Study."

Speaker Ryan: "Oh, now I understand. Gentleman asks leave to place House Bill 2562 into Interim Study. Are there any objections? Hearing none, leave is granted. You forgot to thank Madigan for that one, too. House Bill 2569, Representative Barr. Are you working the same deal? The Gentleman from Cook, Representative Barr, on House Bill 2569."

Clerk O'Brien: "House Bill..."

Barr: "Unfor...Unfortunately, Mr. Speaker, just as some of us Cook County Republicans don't know much about patronage, we don't know much about deals, which is probably why we are the Minority Party in the County. But we're working on that, too. Mr. Speaker, Ladies and Gentlemen of the House, this Bill, House Bill 2569 as amended was discussed and debated at considerable length on the floor of this House



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yesterday. I believe that there is no need to repeat all of the things that were said yesterday. The Bill, as it now stands, provides only as follows: it provides that the Commissioners of the Chicago Park District shall, every five years beginning with the year 1982, promulgate a five year plan for the use, maintenance of the property, the parks owned and controlled by the Chicago Park District. It provides that in the promulgation of this five year plan that the Board members shall seek input from the citizens of the City of Chicago by holding at least three public hearings in different locations around the City, at which the citizens can appear before the Park District Commissioners and present their views. It provides that in the interim years, between the ev...the five year plan, that each year the Board will review and consider its five year plan, see how it's going, determine if any changes or revisions are required, again, seek input from the citizens of the City of Chicago. That's what the Bill does. I believe that that provision, at least in debate yesterday, had strong support, virtually unanimous support, really, on both sides of the aisle. It does not change, in any way, the organization of the Park District. It doesn't abolish any park districts or anything of the sort. It's a reform that is needed in the City of Chicago to give the people an opportunity which they may not have now to formalize their opportunity, at any rate, to have input into the...the procedures of the Park District which does deal with and operate a very substantial and important asset; that is, the parks and building owned and operated by the Park District for the benefit of all the citizens of Chicago; in fact, all the citizens of the State of Illinois who use those facilities. This is a good Bill, and I would urge its approval today."

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Speaker Ryan: "Read the Bill."

Clerk O'Brien: "House Bill 2569, a Bill for an Act concerning the Chicago Park District. Third Reading of the Bill."

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

Farley: "Thank you, Mr. Speaker. House Bill 2569 is not in the form that I would like to see it. What the Gentleman is proposing here is a five year program and meetings by the Commissioners of the Chicago Park District. As I said yesterday, the Chicago Park District has nothing to hide. They're a cooperative body, and I'm not going to oppose the Bill. I'm not going to vote for it. I think a 'present' vote is the correct vote. I don't think that what the Gentleman is trying to accomplish is going to mean anything. It's not going to mean anything because Amendment #16 would have provided funds, money. You can go out and plan all you want, but if you don't have the money the plans mean nothing. I don't disagree with the Park District Commissioners going out and meeting with the people. I think it's a healthy situation. However, this concept means nothing without Amendment #16. So, I'm going to vote 'present'."

Speaker Ryan: "Further discussion? Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is a good government Bill. It opens up the process for decision-making in the Chicago Park District. It will allow people to have something to say about what happens in their neighborhood parks and along the lakefront. It's a heritage in Chicago that we should all have an interest in protecting, because that City is part of this great state. And many of you who don't live in Chicago still take advantage of its natural beauties and its wonders. And we want to keep it that way by allowing for citizen input. That's all this Bill does now is allows

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for citizen input in what happens in the parks. I'm actually surprised that Representative Farley would get up and suggest that someone not vote affirmatively for this good government Bill. Yesterday when this...when the Amendment that made the Bill what it is came up, Representative Farley joined with Representative Barr and myself in applauding this measure as a good government measure which he could wholeheartedly support. I ask for your wholehearted support now on behalf of the parks in Chicago, on behalf of the people in Chicago, and on behalf of good government in the State of Illinois."

Speaker Ryan: "Further discussion? Representative Barr to close."

Barr: "Thank you, Mr. Speaker. I think you've heard this discussed, and I would just urge an affirmative vote on this good Bill."

Speaker Ryan: "The question is, 'Shall House Bill 2569 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Take the record. On this question there are 111 voting 'aye', 3 voting 'no' and 28 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2574, Representative Ewing. Read the Bill."

Clerk Leone: "House Bill 2574, a Bill for an Act in relation to occupation and use taxes. Third Reading of the Bill."

Speaker Ryan: "Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, this is a small Bill, but it does provide a little relief for our not-for-profit fair associations. Currently, they are...or some are being required to pay sales tax on the material and supplies that they buy for repair and maintenance of their buildings. This Bill would allow them to buy this without the benefit...without having to pay sales tax.

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Most of the funds that these fairs get come from the state, so we're turning around, collecting tax on tax money that we've set out to support these institutions. The total impact of this Bill would be less than 3500 dollars in the entire state. I would ask for a favorable vote."

Speaker Ryan: "There any discussion? Question is, 'Shall House Bill...we have to wait for the last one to come through. The question is, 'Shall House Bill 2574 pass?'. All in favor will si...signify by voting 'aye', all opposed by voting 'no'. Representative Cullerton, did you want to explain your vote? One minute."

Cullerton: "I just wanted to ask the Sponsor what the loss to the state would be and the loss to the local units of government if this Bill passes. Maybe he can answer that in explaining his vote."

Speaker Ryan: "Have all voted who wish?"

Ewing: "The total loss in the fiscal note was 3500 dollars is the loss to local government. That would be one percent, so it would probably be four times that. That is if all of the money they get went for things that they're paying sales tax on. Well, it'd be four times that, then."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 126 voting 'aye', 20 voting 'no' and 6 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2578, Representative Barr."

Clerk O'Brien: "House Bill 2578, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Ryan: "Representative Barr."

Barr: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2578 deals with the Cook County Board of Appeals. Briefly, the Board of Appeals is an elected body which exists in Cook County to hear appeals brought by

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owners of taxable real estate who feel that their property has been over assessed by the Cook County assessors. It also deals with other related matters dealing with the assessment of property and the exemption of property from real estate taxes. It is analogous in its powers to the boards of review which exist in all other counties in the State of Illinois. These boards of review in other counties are appointed. The Board of Appeals in Cook County is an elected body. This Bill does not change the composition of the Board of Appeals. It does not change the method of selection of its members. What this Bill does is require that the Board of Appeals, when it decides a case, when a complaint is filed before it by a taxpayer and it decides a case, it requires that the Board issue a written opinion stating the method of valuation which it has used in...in making a change. This is when the Board decides to make a change in the assessment originally set by the assessor. At the present time, the...the Bo...the practice in the Board of Appeals in Cook County, although the statute does require it to issue written opinions, the practice is for the Board to mail a postcard to the complainant merely stating that a change has been made in the assessment from such and such dollars to some lesser amount. This would require a written opinion; not necessary a lengthy statement, but a written opinion. And then the Bill would permit the taxpayer, if he feels that the Board of...the decision of the Board of Appeals is wrong, to take an appeal from that decision to the Circuit Court of Cook County, under the Administrative Review Act. At the present time in Cook County, there is no appeal from the Board of Appeals. Decisions of the Board of Appeals, which is a quasi-judicial administrative body, are final. The only recourse which a taxpayer in Cook County has, if

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he feels that the opinion of the Board of Appeals in his case is unjust or unwarranted, is to then pay his taxes as billed in full under protest, and to file a complaint, called an objection, in the Circuit Court of Cook County. And, at that time, the only grounds on which the taxpayer can obtain relief is, he must contend and prove, that the assessment sustained...made by the assessor and sustained by the Board of Appeals is so outrageously excessive that it amounts to fraud. He must prove what is called constructive fraud. This is an extremely difficult burden for a taxpayer to...to carry. And, of course, as you might expect, very, very few taxpayers are able to sustain this burden. Now, this contrasts which...with the remedies available to taxpayers everywhere else in the State of Illinois. A taxpayer in any county outside of Cook files his complaint with his board of review. The board of review holds a hearing and then the...then the taxpayer, if he's not satisfied with the decision of his board of review, may take an administrative appeal to the Property Tax Appeal Board which is a state administrative body, which has jurisdiction throughout the State of Illinois except in Cook County. He files his...a complaint with the Property Tax Appeal Board. The Property Tax Appeal Board gives him a new hearing. It's a de novo review of the assessment, and it decides based solely on the equity and facts in the matter, what the proper assessment could be...should be. And then, another step exists. If that taxpayer is still dissatisfied with the decision of the Property Tax Appeal Board, he then may go into the appropriate circuit court under the Administrative Review Act, where the test is not was the assessment so bad as to be constructively fraudulent, but was the decision of the Property Tax Bo...Appeal Board based...or is it justified,

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based on the manifest weight of the evidence or not; the typical standard of appeal on administrative review. Taxpayers throughout Illinois have that right. In Cook County they don't, and so you've got a situation where a taxpayer on one side of the county line outside of Cook County has a whole, established procedure of administrative review available. The taxpayer in Cook County does not have those available. Mr. Speaker, this...this is a fair and just Bill. It eq...It conforms practice in Cook County throughout the rest of the state, and I urge affirmative vote."

Speaker Ryan: "Is there any discussion? The question is, 'Shall House Bill 2578 pass?'. Representative Schneider would like some discussion."

Schneider: "Just a question, Mr. Speaker and Members."

Speaker Ryan: "Proceed."

Schneider: "Can you tell me if this is a typical procedure of other counties throughout the state? For my own benefit, I need to know that."

Barr: "I'm sorry, Representative Schneider. I thought I explained the...the procedure throughout the..."

Schneider: "I...I don't always listen."

Barr: "...state differs from Cook County."

Schneider: "Is it anywhere as detailed as this request is?"

Barr: "Oh, much more de...Actually, the procedures and the appeals available outside of Cook, even with the passage of this Bill, would be much more detailed, and the taxpayers would have probably greater rights outside of Cook, even if this Bill were passed."

Schneider: "I just wasn't aware that that was true in DuPage County, and I was curious to see if it was or not. I don't know that. You can address that. Do you think it is?"

Barr: "Yes."

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Schneider: "All right. Thanks."

Speaker Ryan: "Further discussion? Representative Barr to close."

Barr: "I think this Bill's been adequately discussion, Mr. Speaker. I urge affirmative vote."

Speaker Ryan: "The question is, 'Shall House Bill 2578 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 130 voting 'aye', 4 voting 'no', 19 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Calendar on page 8 under the Order of Concurrence appears House Bill 497, Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 497, a Bill for an Act to amend Sections of the School Code."

Speaker Ryan: "Representative Hoffman."

Clerk Leone: "With Senate Amendments #2 and 3."

Speaker Ryan: "Representative Hoffman."

Hoffman: "Than...Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 497 as amended makes the provisions to split the June state aid payment, and move half of that payment, which is a double payment, to the...to the following month. Included in the Amendments adopted in the Senate, is a provision that school districts will be compensated at the prime rate of interest for 30 days, regardless of how long...regardless of when that interest payment is made to them, at the prime rate. Now, the prime rate is 16.5, and in House Bill 522, which is in the Senate on Third Reading, we have provided for a separate appropriation of a million point seven three dollars to cover the interest payment. In Fiscal Year '74 by amendment in the Senate, we agreed to 15 percent or the



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prime rate in affect on May 15th of 1983, whichever is greater. I emphasize to you, Ladies and Gentlemen, that with the inclusion of this interest payment there will be no dollar loss to school districts. Even if they have to go out and use their...borrow money to cover that, either on the form of straight tax anticipation warrants or warrants on their state aid which they can now draw, they will be able to borrow that money, certainly, inside the parameters that we have established. Also, we're very hopeful that that interest payment can be made in the early part of July and so, in effect, the rate of interest would be even higher. This has been under discussion for a long time. It was one of the first items that the Joint Finance Committee of the State Board of Education and School Problems Commission considered. This proposal has been endorsed by both the School Problems Commission and the State Board of Education, after considerable time and considerable study. Given the cash situation in the state, in my judgement, there really is little alternative, and this particular alternative, I think, is much more attractive than any other. And I would encourage your support of this concurrence, and so move, Mr. Speaker."

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

Matijevich: "Mr. Speaker and Ladies and Gentlemen of the House, I oppose the concurrence to the Senate Amendments. The way I look at it, this matter is strictly a matter of what I would call fiscal quackery. It's really the same thing that Governor Thompson criticized Governor Walker about at the time. At the time, as you know, Governor Walker has said...had said that our fiscal health was good, and Governor Thompson was then..."

Speaker Ryan: "Representative Matijevich, would you confine your

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remarks to the Bill? The Concurrence on Senate Amendments #2...#2 and 3, please."

Matijevich: "Well, if this isn't confining my remarks to the Bill... The issue is a matter of delayed school payments. That goes to the heart of the state budget, and if that doesn't...if I'm not speaking and addressing the issue, my name isn't John Matijevich..."

Speaker Ryan: "What is it?"

Matijevich: "...Not Matijevich by the way. So, Mr. Speaker and Ladies and Gentlemen of the House, the issue is, what is the fiscal health of the State of Illinois. The issue is, are we going to play this fiscal quackery, and say, on the one hand that our fiscal condition is good. And then you got...on the other hand, say that we have a cash flow problem. And then the other hand say that we need this delayed payment to put our fiscal house in order. But yet, at the ot...other hand, deny it to the local school districts, the same thing. In other words, not worry about the fiscal condition and the fiscal health of those school districts. Now, you and I know what that means. That means passing the buck; the whole issue of passing the buck to the local school districts; the local taxpayers, who are going to have to do something about their own fiscal condition, because the Governor has not lived up to his commitment. Now, the Governor said that this is going to be only a one-time thing or a two year thing. Now, he said the same thing with regards to pension payout level last year. He said it was going to be only a one year thing, but it's become a two year thing this year. And it's going to become a three year thing and so forth. So, the matter is, Ladies and Gentlemen of the House, is are you going to do this to your local school districts? Are you going to provide your local school district with what they have to

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do, putting a burden on your local taxpayers? I don't think any of you stand for that in an election year. The time is now to tell the Governor that you did not live up to your fiscal commitment. You are pro...You are doing what you have criticized Governor Walker of doing. This voodoo type of economics, fiscal quackery, it's a...it's a game that your playing on local taxpayers, and it's about time that someone came clean and said, 'Governor, it's a hoax'. And I stand here in opposition, and I would urge the Members to oppose the...the Motion to concur."

Speaker Ryan: "Any further discussion? Representative Tuerk."

Tuerk: "Sponsor yield for a question?"

Speaker Ryan: "Indicates he will."

Tuerk: "As I understand this proposal, the school districts will not lose a dime. Is that correct?"

Hoffman: "Correct."

Tuerk: "Some school superintendents envision this as a loss of one month's payment. Is that incorrect?"

Hoffman: "Yes, it is."

Tuerk: "In other words, they'll be whole. The previous speaker eluded to something, I don't know what he called it. Fiscal quackery, or something along those lines. The point remains that the school districts will be whole. They will not lose a dime. As in...And in effect, they'll get interest on the money that is lagging. Is that correct?"

Hoffman: "With interest."

Tuerk: "Thank you."

Speaker Ryan: "Further discussion? Representative McClain."

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

Hoffman: "To you, Michael, yes."

Speaker Ryan: "Indicates that he will."

McClain: "Mr. Hoffman, at what time will these payments be repaid

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to the school systems? In full. This one lost payment, when will this be paid in full?"

Hoffman: "Be paid in the following mo...the month of June, the same date...month of July, the same date as they were in June. Is that your question?"

McClain: "Okay. Okay. To the Bill, then. Mr. Speaker and Ladies and Gentlemen of the House, this is not as it perceives. I guess, for the Membership, I would ask two things. One is, this is May 20th...or 21st, 1982. Vouchers do not have to be made out for the June payment until somewhere between June 10th and June 20th. There is no emergency for this item to be considered. Part of your thought process on this ought to be that the Comptroller says that there's 191.5 million dollars available cash balance today. What items are shown that makes it such an emergency that we go completely out of the order of the business, completely change the order of business, stop hearing House Bills, do not handle the unitary tax Bill, do not handle the grand jury tax Bill, do not handle a myriad of other Bills because all of a sudden we go to this order of business. There is no emergency for us to handle it today. Secondly, I suggest to you that this is not, indeed, as some will say - maybe not Mr. Hoffman - but some will say. There's a great deal of concern that before these items can be paid back in full, it would be two, three, four years down the line. The entire complexion of the Legislature will change; maybe the Governor will change; and, indeed, these are lost payments. And into the record I would like to say, for those people from the City, that unless things are changed, the City of Chicago could lose 41.1 million dollars. Quincy school system will lose 421 thousand. Decatur will lost 1,100,000. So, you put in the record. You figure out how you're going to go. If you

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think you're going to get this money back two, three, four years down the line and plead with the legislature then, I think you're wrong. And I urge you not to support this Motion for concurrence."

Speaker Ryan: "Representative Hastert."

Hastert: "Will the speaker yield?"

Speaker Ryan: "Indicates he will."

Hastert: "Mr. Speaker, and the Gentleman who... Representative Hoffman, I'd like to ask you two questions. Specifically, for the record, this delay in school payment, which would take place in, I believe, the 22nd of June, it actually becomes 1/22 of the total appropriation. Is that correct, Sir?"

Hoffman: "No. It's 1/24."

Hastert: "Well, isn't that...aren't those payments split up into eleven months instead of 12 months, and two separate payments per month?"

Hoffman: "All right. There's two payments...There's two payments per month. We make a double...a double payment in June. So, we move the July payment...What we did is we moved the July payment up, at some point in time, to June. So, we pay that payment."

Hastert: "So, June is the only month where there's a double payment. Is that correct?"

Hoffman: "That's correct, and we propose to take half of each of those two payments and move them to July."

Hastert: "All right. And then, for the record, and by Fiscal Year 1984, it is substantive language in the Bill that that payment will be made up. Is that correct?"

Hoffman: "That's correct, and that's in Amendment #2."

Hastert: "Okay. And then the second question, the...was a guarantee in this Bill that the school districts will also receive at interest, and I believe that accumulative

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interest for that delayed payment is something like 1.6 million dollars. Is there an appropriation Bill attached to this that will guarantee, or that appropriates that money for that interest payment?"

Hoffman: "That appropriation was placed in House Bill 522 in the Senate, and is now on Third Reading in the Senate, and will be back here for concurrence next week."

Hastert: "Thank you, Representative."

Speaker Ryan: "Representative Vitek."

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

Speaker Ryan: "Gentleman moves the previous question. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Gentleman's Motion prevails. Representative Hoffman to close."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. We talk about where we placed the priorities on decision-making in this House, and I thought...I think Representative McClain made a good point, in the fact that we feel so strongly about this and the fact we want to make sure that the schools understand and the people connected with them understand how important we believe they are; and we want to make sure that any concerns that they may have are laid to rest as quickly as possible. We are considering this legislation today. Also, we cannot be certain about what the projections are going to be as far as the day-to-day ca...available cash levels. We want this in place so we know what we're going to do, and we'll be able to deal with it at the...at the appropriate time. I think we all understand the issue that is before us. I would just close by saying this is not going to place one five cents additional burden on local taxpayers. The fact of the matter is, they will probably be better off under this than they would, in terms of dollars and cents,

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they're probably going to be better off than they would without it. I would point out to some of those that have some concerns from Chicago, the interest payment for Chicago is going to be 565,000 dollars. That's on top of the 41 million dollars that they're going to be getting in July as part of that payment. So, Ladies and Gentlemen of the House, I would move for concurrence to the Senate Amendments 2 and 3 to House Bill 497."

Speaker Ryan: "Question is, 'Shall the House concur in Senate Amendments #1...#2 and 3 to Senate (sic - House) Bill 497?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative McGrew, one minute to explain your vote."

McGrew: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. We've had a lot of discussion on this side of the aisle that, frankly, is clouding the issue. What is at issue is, shall the local school districts get an additional million and a half dollars in interest. They're not going to get the money. The Governor holds the cards in the deck, and he's going to deal it his way. Now, we need this permissive language to pay 16 and a half percent interest. Do you want to give them a million and a half dollars or not? It stinks, but that's the best choice that we have. I tell you, at the risk of my reputation, that we better support Dr. Hoffman in his efforts. It's the only way we're going to get interest to local school districts, and this is the side of the aisle that has been standing up yelling for more money for schools. We've got to do this if you want to give it to them. That is the only question. Vote 'aye'."

Speaker Ryan: "Have all voted who wish? Representative Schneider, one minute to explain your vote."

Schneider: "Part of the...Thank you, Mr. Speaker. Part of the

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nonsense about the proposal in front of you today is simply that you will not get the money. It's a lost payment. It's projected two months down the road. I think you're being sold a bill of goods on interest. If that's palatable to you, then you can have that. The other reality is that there's an alternative. Article IX, Section IX of the Constitution, the Revenue Act, provides for the state to borrow up to 15 cents...15 percent of its appropriations, based on needs that are accruing to us at this point in a recession. There's no reason to put it on the backs of the children of the State of Illinois by forcing the school districts to borrow. It's something that the State of Illinois can do, and the Bureau of the Budget, when asked that question, said he doesn't like to do that. Well, I don't think school boards do either. Therefore, you're saying to your district, 'You borrow', even though we have the authority, by the Constitution and by the statutes to do that. I would suggest to you that the payment is lost; it is not delayed. There is no way you can project two years down..."

Speaker Ryan: "Representative Dunn, with the count of 104 to 52, one minute to explain your vote."

Dunn, John: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I don't know any school...school board, school teacher, parent, student who was in support of this legislation, back when it first was announced. What happened was school boards were intimidated by the possibility that there would be a default in this last payment if they didn't go along with this particular piece of legislation. All the Membership should know that when Director Mandeville came before the Appropriations Committee with his budget, he was questioned in detail about the administration's policy with regard to this



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payment. Director Mandeville said in the House Appropriations Committee that there would be no default. There would be no default in this last school aid payment. He said the appropriation is there. Don't be intimidated by the thought of losing this last payment. Don't go along with this legislation. Mandeville knows the money is there. All he has to do is pay it from this year's appropriation..."

Speaker Ryan: "Have all voted who wish? Do you want to explain your vote, Representative Satterthwaite. The count is now 108 to 54. One minute to explain your vote."

Satterthwaite: "Mr. Speaker, regardless of the count, I think we need to show on the record that it is the reputation of our local school boards that is at stake. The fact that they've been bought off with a high interest payment so that they don't resist this does not change the fact that the state government is putting on the backs of our local school districts the default in payment this year. Two years from now they'll be lucky if they get anything, interest or principle, back; and what they will find is, in the meantime, their reputation has been at stake because they have to carry deficit budgets for two years. The reason there is no resistance is because of the high interest payment with which they've been bought off, but I think we have sold the citizens of our district short; because they are the ones who will ultimately lose when we do not make the repayment two years hence."

Speaker Ryan: "Count 109 to 53. Representative Kane, one minute to explain your vote."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, this is, without question, a removal, a cut of 126 million dollars from the school districts around this state. It's 126 million dollars that those school districts will never see

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again. The fairy tale that this is not going to cost the school districts one dime is one of the more creative works of Dr. Mandeville and Dr. Hoffman; because they're saying it's only a one month delay. But, it's a one month delay that gets taken out again at the end of this next fiscal year. And if any of you think that 126 million dollars is going to be repaid in fiscal '84, you're crazy. That money is lost. It's not going to be put back again, and when we get around to starting to talk about the fiscal 1984 budget, there isn't anybody that's going to say, 'Hey, remember...'

Speaker Ryan: "With the count at 111, one minute for Representative Katz to explain his vote."

Katz: "I want to protest the lack of equality of sacrifice in the state, as part of this and the general state aid formula. This is, indeed, a second blow at small school districts in my area. The state aid formula is bringing a cut of 7.6 percent. But, in my district, the Wheeling School District will go down 62 percent; the Northbrook District, 26 percent; the Northbrook District 59 percent; the Glencoe District, 53 percent; the Winnetka District, 58 percent; the Kenilworth District, 65; the Wilmette, 61; New Trier, 54. That's grossly unfair and I protest what is happening to the schools. There is no equality of sacrifice in this state."

Speaker Ryan: "Now, have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 113 voting 'aye', 54 voting 'no' and none voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Thank you, Representative Lechowicz. House Bill 2580, Representative Barr."

Clerk O'Brien: "House Bill 25..."

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Speaker Ryan: "Just a minute, Mr. Clerk. Wait just a minute, Mr. Clerk. Representative Barr."

Barr: "Thank you, Mr. Speaker. Mr. Speaker, I'd ask leave to take House Bills 2580, 2581 and 2582 and have them placed on Interim Study."

Speaker Ryan: "Gentleman asks leave to replace...to place House Bills 2580, 2581 and 2582 on the Order of Interim Study. Are there any objections? Hearing none, leave is granted and those Bills will be placed on that order. House Bill 2586, Representative Donovan. Read the Bill."

Clerk O'Brien: "House Bill 2586, a Bill for an Act to revise the law in relation to coroners. Third Reading of the Bill."

Speaker Ryan: "Representative Donovan."

Donovan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. First of all, the synopsis of the Bill reads a little bit wrong. The synopsis says, 'amends the Coroners Act to delete provisions allowing the county coroner to transfer the death from the trauma center, where the death occurred, to the trauma center'. That should read 'coroner of the county, where the incident resulted, and admission to the trauma center took place'. This Bill was brought to me by the Illinois Coroners' Association. They're asking for a repeal to this one Section. The reason for the repeal or the ask of the repeal is it is very confusing, at this point, and it is a bit duplicative. Under a law passed last year, Senate Bill 370, it says that where a death occurs in a trauma center, they may...the coroner may transfer, for investigative purposes, to the county where the incident occurred. That, alone, has caused a lot of confusion, because it doesn't say shall. Who...Who investigates it, because it says may; and then, if the coroner from...from which the person came from, a different county if you will, from the trauma center, he is

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investigating it. Then the man, the coroner where the...the trauma coroner, if you will, he has to sign the death certificate. Well, by law he has to sign that. Most of them will not sign a death certificate where they have not investigated it. And, again, it doesn't answer, does he really have...again, the coroner from the...from outside the trauma center, does he really have to investigate it? These are the main points. Now, this law was supposed to go in effect November 1st of this year. It is a Bill that was...have not been able to work out what they feel is equitable, or at least on one word with the trauma coroners versus the other coroners. They have had meetings all over the state, and are unanimously behind the repeal of this Section at this time. They do feel they can work out something. They need some more time. They feel that it would be properly placed on the County Problems Commission or the Town...Counties and Townships Subcommittee to work out these details. So, they...the immediate problem is the November 1st thing. And then, again, the real key word in the whole Section that is causing problems is the word 'may', because it gives no direction. It causes confusion. It is a division of authority, if you will. It did come out of Committee unanimously. I would be glad to answer any questions, at this time. If not, I would ask for a favorable vote."

Speaker Ryan: "There any discussion? Representative Tuerk."

Tuerk: "Mr. Speaker, Members of the House, just very briefly; just to clarify the record. I happen to be the Sponsor of the Bill that he talked about a moment ago, Senate Bill 370. There were some problems with it, as was related. And that's why we put a later effective date on to the law. However, the problems weren't resolved as the Sponsor indicated. I've had the assurance, and I want to make this

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part of the record, had the assurance that the coroners and all the interested parties will be getting together over the summer to work out all the details, and come back in 1983 to put together a good Bill that will affect what the coroners are really trying to accomplish. I would support the repeal of the Section of the Act as stated by the Sponsor."

Speaker Ryan: "Any further discussion? Representative Donovan to close."

Donovan: "I ask for a favorable Roll Call."

Speaker Ryan: "Question is, 'Shall House Bill 2586 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 160 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Collins in the Chair."

Speaker Collins: "The Gentleman from Cook, Representative Terzich, for what purpose do you seek recognition?"

Terzich: "Representative Collins, may I have leave to put House Bill 2412 on Interim Study Calendar, please?"

Speaker Collins: "Gentleman asks leave to put House Bill...what was your number?"

Terzich: "2412."

Speaker Collins: "2412 on Interim Study. Is there any objection? Leave is granted. Representative Giorgi, were you seeking recognition?"

Giorgi: "Next Bill?"

Speaker Collins: "House Bill 2588. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2588, a Bill for an Act to amend Sections of an Act in relation to taxation. Third Reading of the Bill."

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Speaker Collins: "The Gentleman from Winnebago, Representative Giorgi."

Giorgi: "Mr. Speaker, House Bill 2588 is not correct in the Digest. House Bill 2588 was amended by Representative Bell to provide for unit...for the prohibition of unitary taxing in Illinois, and that is the Bill. And I think it was amply debated in the perusal of ten Amendments, so that I just ask that the House vote on this momentous Bill."

Speaker Collins: "Is there discussion?"

Giorgi: "Representative Bell will close."

Speaker Collins: "The Gentleman from Will, Representative Davis."

Davis: "Thank you, Mr. Speaker. I think everybody knows what this is all about. I'm not so sure that everybody totally still understands what the issue is. Simply reduced, the issue on this Bill is going to be the long-range tax policy of the State of Illinois, at a time when we're in a bit of confusion as to what exactly that policy is. As a result of a subjective and a somewhat ambiguous rule promulgated by the Department of Revenue, we find ourselves in a perplexing situation where we have, in fact...in fact, a dual system still operating; but one that has been ruled to be a single system, and that is unitary. Some people will get wounded if you change the system one way or the other ultimately. The origination of the Income Tax Act, in my opinion, was not a unitary origination. The implications are very simple. It's a long-term tax policy that, from the best information that we have from the Department of Commerce and Community Affairs, is that if we do not change it, we do not go back, we stand the chance in this State over the next ten years of losing three billion dollars in...in jobs, and three billion dollars in revenue to the State of Illinois. Now, you will hear, probably, in further debate about the Department of Revenue's fiscal

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note of 180 million dollars or whatever, in immediate or near term lost revenue. I, frankly, do not believe that. I think they're talking about projected revenue gain rather than revenue loss, and I'm not sure their figure is accurate to begin with. I believe the Department of Commerce and Community Affairs has hit it right on the head. But, notwithstanding that, the idea is that if we do not change what's going on, the Wisconsin Steels and the empty plants, the U. S. Steel plant in Joliet and other plants that...that could become vacant or that could go under in Illinois for ailing communities; no profitable business outside of this state would look to a unitary state to pick up a sick business or a closed business and put more jobs back into Illinois, and subject themselves to taxation; while unitary businesses would look outside of the state to pick up lost businesses so that they could reduce their tax liability in this state. It's a highly complex question, but one that reduces itself to, 'Which system do you believe is best in the long-term tax policy of this state?'. And I think 2588 answers that question, and I urge an 'aye' vote."

Speaker Collins: "I believe that your lights at your seats, if you're seeking recognition, do work. And if you'd push your buttons at your own...They don't. Oh, they don't. I'm in error. I'm sorry. All right, Representative Schraeder, the Gentleman from Peoria."

Schraeder: "Mr. Speaker, I realize I'm new, but I thought you'd recognize me. Thank you. Ladies and Gentlemen, I'm not so sure that this Bill is going to receive the votes that it did on the Amendment stage, but I just want to point out that if this Bill fails to pass, the status quo will remain in effect. And that means that every company within the...corporation within the state of Illinois will be

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treated exactly as it was in the previous years. It seems to me that that's what we ought to do, at this point in time, not to be drastically changing the tax system. The unitary system ought to have a little further study. It can be acted upon by those who come back next Session, and it just seems to me that we can't afford to change it so drastically and affect these companies that are trying to subsist in Illinois and, yes, even the big companies are trying to get by in these drier recession days. And I just ask you to let it hang fire till next year, till such a time as further study can be made, and, if nothing else, put up a 'present' vote on this Bill. Thank you."

Speaker Collins: "The Gentleman from Cook, Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'm not a tax lawyer and all that familiar with some of the ramifications of what has been said, but if we don't change the present situation certain things are a clear truth. Those are that any company that was thinking about moving into Illinois, were they to do so under our present system, their entire world-wide income would be subject to Illinois taxation. Additionally, any company that might be thinking of picking up a failing company here in Illinois, were they to do that under our present system, they would subject their entire world-wide income to Illinois taxation. Now, we talk about incentives and trying to create more jobs here in the state and help the business climate. There's probably no bigger disincentive that you can imagine than having our present system the way it is now. I recommend an...an 'aye' vote on this. We need to make a change. We can't afford to wait and study while our present situation exists. Thank you."

Speaker Collins: "The Gentleman from Sangamon, Representative



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Kane."

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

Speaker Collins: "Representative Bell, Representative Kane would like to ask you a question. And he indicates he'll yield."

Kane: "Representative Bell, the...the last speaker just got through saying that if this Bill is not passed that all the world-wide income of a corporation would be subject to taxation in Illinois. Is that a true fact?"

Bell: "It's basically true, yes."

Kane: "Would you explain to me what you mean by 'basically true'?"

Bell: "It...It's true because they have to base their...all of their income will be based upon their property sales, etcetera, in Illinois, whether they're in Europe or Oklahoma or Illinois."

Kane: "But, what we have as a formula and what every state that is part of the ...the income...the National Tax Compact says that there's an allocation formula of...that allocates income to a state. Is that not tr...correct?"

Bell: "Yes."

Kane: "So that the only portion of a corporation's world-wide tax that would be taxed in Illinois is only that portion that would be allocated to Illinois. Is that not correct?"

Bell: "I don't believe it is. I think it's..."

Kane: "Could you tell us who you're talking with?"

Bell: "All right. An example...An example, Representative Kane, would be a corporation...a foreign corporation. And let's take one that I had explained to me that's in England. A foreign corporation owned by a company that does business in Illinois has a very profitable strapping operation in England. That corporation only sells their product in Western Europe, and there are no sales, nothing coming out of Illinois; however, their...any profit that they make on

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that English corporation is brought into the Illinois income tax through combined apportionment."

Kane: "If...If they're not doing any business in Illinois, how does that income get allocated to Illinois, under the present law, so that we tax it?"

Bell: "The...The fact that they have a corporation in Illinois, on combined reporting they must bring in their income that's earned in foreign subsidiaries outside of Illinois, even outside of the country."

Kane: "And it is all taxed in Illinois."

Bell: "Yes. It has an apportionment, of course; but, yes, it is all taxed in Illinois."

Kane: "Yeah. Will you tell us about the apportionment? All of a sudden we're hedging a little bit here. Mr....Let me...Let me address myself to the Bill."

Bell: "We're not hedging, what we're saying is that this money that's earned in a foreign country, or even in a foreign state, that has nothing to do in Illinois, that does not do...that subsidiary that does not do business in Illinois, that has no operation here whatsoever, we do not understand, and we're saying that their...their tax should not be brought into this state; that we should tax on...based on business sales, property ratio within the State of Illinois."

Kane: "Mr. Speaker, Ladies and Gentlemen of the House, address myself very briefly to the Bill. There's been some statements made to the fact that we're going to be discouraging business coming into Illinois because, somehow or other, we're going to tax the income that they earn outside; we're going to bring them in, and it's going to be taxed in Illinois. Well, that's just a lot of hooey. That's like saying that if I go and I work in Indiana, that somehow I'm going to bring that Indiana income in and have

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it taxed in Illinois. Well, that's a lot of hokey, also; because the tax laws that we operate under have a specific allocation formula so that only that income which is attributable to Illinois is taxed in Illinois. And so, for people to get up and say that world-wide income is going to be taxed by Illinois is just not true. The question, then, becomes is, 'How fair is our tax system now?' and, 'Is this going to make it any fairer?' Are we going to be in any more competitive stance with other states than previously? Well, the Illinois tax climate for businesses is very good. You ask any neutral observer, you ask the Illinois Taxpayers' Federation, you look at their studies and the Illinois tax climate is very good. The corporate tax in Illinois, the corporate income tax is the lowest in the country. If...Even if you add the replacement tax, we're about 26th or 27th in the country, and we're only one of four or five states that do not tax corporate personal property. And so, we already have a good tax climate. In the last several years, we have already given away something in the neighborhood of 300 to 400 million dollars a year in tax breaks to businesses. And every time that those Bills come before us, we are told that these tax breaks are going to create jobs; these tax breaks are going to bring business into Illinois. The fact of the matter is that those are claims that are made, and none of those claims are backed up by any facts. In fact, people are now making the argument, they're presenting to us a case in which if you raise the gasoline tax, somehow that's going to create jobs. Creating jobs has sort of become the watchword. Regardless of what kind of a Bill you have, no matter what kind of a system you have, if you just say the words 'they're going...this Bill is going to create jobs', somehow or other, that's magic. Well, the case of the

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matter is that this Bill is not going to create jobs. This Bill is not going to bring new businesses in. All it's going to do is to create another tax loophole. People are saying, 'Look at California'. Well, California has the unitary rule, and California business has increased tremendously in the last several years, and they're not hurting. We are. And I would urge a 'no' vote at this time. The state cannot afford another tax break, at this time, that is going to cost in the mil...in the neighborhood of 180 to 190 million dollars, because that money goes to pay for roads. It goes to pay for transportation. It goes to pay for recreation. It goes to pay for education. It goes to pay for all of those things which create good communities; which create a good state; which create a...an attractive climate that people want to live, want to conduct business, and that's what we have to maintain. And I so urge a 'no' vote at this time."

Speaker Collins: "The Gentleman from Livingston, Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I would like to make a few points in regard to this Bill. First of all, this is very important. And probably the most complex tax measure that I've considered in my eight years in the General Assembly, was never presented to the Illinois Revenue Committee. Now, that was not the Sponsor's fault; not that he didn't try. It wasn't the proponents' fault that they wouldn't come and testify. But, there was fault in the fact that they started in the last week in which the Committee was charged with getting Bills out of Committee. Now, somebody was very negligent in not having a proposal in in this regard long before that. They knew about the court case, the U. S....the Illinois Supreme Court case which Caterpillar had won. I say, where were there? One

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of the previous speakers got up and they talk about scare tactics in Illinois as far as jobs. Well, the report from the Department of Business and Community Affairs is not an official report. In fact, it's even been repudiated by that Department, and, I think, withdrawn. They talk about how many jobs we'll lose in Illinois. And the proponents who use that argument will give you...or have you believe that is gospel. And yet, when we talk about the money we're going to lose, they discount that and they say that doesn't matter. Well, Ladies and Gentlemen of this House, this state is very close to being out of money, and I don't see how you can possibly encourage the loss of another 180 million dollars without even studying it by the Revenue Committee. There are a couple of other points that you ke...should keep in mind. Right now, this matter is before the U. S. Supreme Court. Illinois is not the only state that has a problem between unitary and separate filing of corporate tax returns. It's a problem across the state, and there's some likelihood that the U. S. Supreme Court, in the next year or year and a half will rule and will come down with a ruling that may help clear that up for this state. And they would have you believe that only the biggies are for this, that only Caterpillar Tractor Company is against this Bill. Well, I'll tell you that the Department of Revenue has indicated 1500 companies...1500 companies have applied for refunds under the Caterpillar unitary method. So, that tells you there's a lot of your constituents, your corporate constituents who are in favor of this, and you just may not have heard about it. And, finally, the unitary way is probably the fairer way to tax when it comes to the small business, the small corporation that's only located in Illinois. They've got to pay tax on everything in Illinois. Under the unitary method, the

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multi-national corporations have got to declare everything in this state and pay a percentage of it based on what they do in Illinois. But, if we've let them file separately in Illinois, they can hide their income in other states that don't have an income tax. Think about these points. But most of all, I don't know where all the equities lie in this, but I certainly know that it needs more study than it's gotten as an Amendment on this House floor before we set that kind of lasting corporate tax policy in this state. I say, vote 'no', send it to a study committee, let them review it, let's wait for the court, and then let's make our decision rationally. Thank you."

Speaker Collins: "The Gentleman from Cook, Representative Piel."

Piel: "I'd like to move the previous question."

Speaker Collins: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?'. All those in favor will indicate by saying 'aye', opposed 'nay'. The 'ayes' have it. I assume Representative Bell will close, Representative Giorgi? Did you... Representative Bell to close."

Bell: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. We've heard a lot of things said today; some of which we could go into long detail to try to refute. First of all, of course, small businesses are going to pay under this system or the old system. I think that if the Department of Revenue interpreted the law the way that one of the previous speakers had said they would, we wouldn't have a need for this Bill. But the fact is, they don't interpret the law this way. The case is in front of the Supreme Court. The Supreme Court decision is...The United States Supreme Court decision is not what we're dealing with here. We're not dealing with whether or not unitary tax is constitutional or not. We're dealing with the fact

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that we don't believe that corporations located in the state of Illinois should pay a combined apportionment or a unitary tax. Granted, there have been quite a few companies that have filed for a refund. Many of those companies, though, are on our list that have actively sought passage of House Bill 2588 as amended, one of which, of course, is Household International. In 1981, the Illinois Supreme Court ruled that the Department of Revenue may require world-wide comborn...combined apportionment, which is also known as unitary tax, for determining the income tax liability of a unitary business. The Department of Revenue now requires combined apportionment. House Bill 2588 as amended will prohibit the Department from requiring or permitting combined apportionment. Why do we say combined apportionment is bad? The California Department of Economics and Business Development has stated that combined apportionment has been a significant disincentive for business considering locating or expanding in that state. That's the experience from California. It is bad, because our own Illinois Department of Commerce and Community Affairs has estimated that combined apportionment will cost the State of Illinois 4,985 jobs annually. If you take that out over a ten year period, based on a study by the University of Illinois, you come up with a 3.1 billion dollar tax loss to local and state government. It is bad, because so many corporations have indicated their opposition to combined apportionment. For example, the Committee on State Taxation, a group called COST, an association of 181 corporations, is against combination. Forty-eight corporations were on record combined...opposing combined apportionment. We have approximately five or six who are on record in favor of it. You should be aware that the State of Arizona has advertised in

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Business Week magazine that is does not have combined apportionment, as a way of attracting business that might otherwise want to locate in California. It is clear to me that combined apportionment is a significant disincentive for business to invest in Illinois, and for that reason, I request your favorable vote on House Bill 2588 as amended. Thank you."

Speaker Collins: "The question is, 'Shall House Bill 2588 pass? Those in favor will indicate by voting 'aye', those opposed by voting 'no'. The Gentleman from Macon, Representative Tate, to explain his vote."

Tate: "Mr. Speaker, Ladies and Gentlemen of the House, I'd just encourage everyone to push their own button, because, in case this Roll Call receives a requisite number of votes, I plan on verifying it."

Speaker Collins: "The Gentleman from Lake, Representative Pierce."

Pierce: "Mr... Mr. Speaker, Ladies and Gentlemen of the House, in explaining my vote, I couldn't agree more with the learned and honorable Chairman of the Revenue Committee, the... the Gentleman from Livingston. I won't mention his name, 'cause I said something good, that this Bill is being rushed through without proper consideration by the House of Representatives. It may be good, it may be bad, it may help, it may hurt. The Sponsor of the Bill really doesn't know. He's quoting some figures that were given to him. The Sponsor of the Amendment may be an expert on it, but even he doesn't know. We don't know, because this Bill hasn't properly been heard by the Revenue Committee. We're rushing something through. We're using figures that are like blowing smoke out your ear. We don't know what we're doing, here. We're rushing ahead. The courts are still considering the matter, and, because of that, I may end up



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being for this concept of this Bill, but because we haven't properly studied it, we're going ahead, willy-nilly, with something that we have very little knowledge about, and have had very little information on that was unbiased. I intend to vote 'present'."

Speaker Collins: "Are you Gentlemen seeking recognition at the microphone? No... You're not... You're not seeking recognition? 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 103 voting 'aye', 45 voting 'no', 8 voting 'present', and the Gentleman from Macon, Representative Tate, has asked that this Roll Call be verified. Representative Hudson? The Gentleman from DuPage, Representative Hudson, I don't understand your... wishes to be recorded as voting 'no'. I understand the former. The Gentleman from Tazewell, Representative Ozella wishes to be recorded as voting 'no'. Mr. Clerk, when you're ready, proceed with the verification. The Gentleman from Cook, Representative Stearney, asks leave to be verified. He has leave, and the Lady from Cook, Representative Chapman, would like to be verified. Leave is granted. We're going to lose quite a few people. The Gentlemen from Cook, Representatives Barr and Domico and... and Lechowicz, wish to be verified. Is anybody going to be left when we get through with this? All right, slowly, now. Representatives Deuchler, Fawell, Representative Jim Kelley, Representative Bob Barr, and Representative Bob Piel, and Pat... and Representative Pat Grossi, and Representative Ed McBroom. All desire to be verified. Do you have all those names, Mr. May... Mr. Mays? Representative Deuchler voted 'no'. Ladies, you can't be verified. We're verifying the Affirmative Roll Call. Do we... Do we have all those names? All right. Proceed with

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the Affirmative Roll Call, Mr. Clerk. Was there a request to poll the absentees? Representative Bell requests that. Go ahead."

Clerk O'Brien: "Poll of the Absentees. Abramson. Barnes. Capparelli. Deuster. Henry. Jones. Kornowicz. Kosinski. Krska. Laurino. Margalus. Martire. Mulcahey. Reed. Sandquist. Telcser. Terzich."

Speaker Collins: "Mr. Clerk, Kornowicz answered 'aye'."

Clerk O'Brien: "J. J. Wolf, and Younge."

Speaker Collins: "Representative Leon requests leave to be verified. Proceed with the Affirmative Roll Call, Mr. Clerk."

Clerk O'Brien: "Poll of the Affirmative. Alexander. Alstat. Barkhausen. Barr. Bartulis. Beatty. Bell. Bianco. Birkinbine. Boucek. Bower. Brummer. Carey. Chapman. Christensen. Collins. Conti. Cullerton. Daniels. Darrow. Davis. DiPrima. Domico. Doyle. Jack Dunn. Ralph Dunn. Epton. Farley. Flinn. Garmisa. Giglio. Giorgi. Griffin. Grossi. Hallock. Hallstrom. Hanahan. Hannig. Hoffman. Huskey. Karpiel. Keane. Jim Kelley. Dick Kelly. Klemm. Kociolko. Kornowicz. Kucharski. Kulas. Kustra. LaHood. Lechowicz. Leon. Macdonald. Madigan. Mautino. McAuliffe. McBroom. McClain. McCormick. McGrew. McMaster. McPike. Ted Meyer. R. J. Meyer. Miller. Murphy. Neff. Nelson. Oblinger. O'Brien. O'Connell. Olson. Peters. Piel. Pouncey. Rea. Rhem. Richmond. Rigney. Robbins. Ronan. Slape. Harry Smith. Irv Smith. Margaret Smith. Stanley. Stearney. Steczo. E. G. Steele. C. M. Stiehl. Swanstrom. Topinka. Van Dwyne. Vinson. Vitek. Watson. White. Winchester. Sam Wolf. Woodyard. Yourell. Zito. Mr. Speaker."

Speaker Collins: "Representative Capparelli desires to be voted

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'aye'. Representative Terzich wishes to be recorded as voting 'aye'. Representative Leverenz wishes to be recorded as voting 'aye'. Representative Telcser wishes to be recorded as voting 'aye'. We're starting... Representative Jackson is waving his newspaper at me. He wishes to be recorded as voting 'aye'. We're starting with 109 'aye'. The Gentleman persists? Do you have questions of the Affirmative Roll Call?"

Tate: "Bianco."

Speaker Collins: "Representative Bianco's in the center aisle."

Tate: "McAuliffe."

Speaker Collins: "Representative McAuliffe is in his seat."

Tate: "R. J. Meyer."

Speaker Collins: "Representative R. J. Meyer. Is the Gentleman in the chamber? How is the Gentleman recorded?"

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

Speaker Collins: "Remove him."

Tate: "Farley."

Speaker Collins: "You said... Was that Farley you... I didn't hear you. Was that Representative Farley you asked... Representative Farley. Is the Gentleman in the chamber? How is the Gentleman recorded?"

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

Speaker Collins: "Remove him."

Tate: "Satterthwaite."

Speaker Collins: "Representative Satterthwaite. Is the Lady in the chamber? How is she recorded?"

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

Speaker Collins: "Well, she... she's in the gallery, and she's also recorded as voting 'no'. Further questions?"

Tate: "Greg Zito."

Speaker Collins: "Representative Zito is in the rear of the chamber."

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Tate: "We withdraw the Motion."

Speaker Collins: "Representative Henry? Record the Gentleman as voting 'aye'. On this question, there are 108 'ayes', 46 'nos', 7 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2593."

Clerk O'Brien: "House Bill 2593, a Bill for an Act to amend the Nursing Home Care Reform Act. Third Reading of the Bill."

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

McMaster: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. A little bit of the background on House Bill 2593. It amends the Nursing Home Care Reform Act of 1979. This Act, as you know, we amended last year with House Bill #580. There was agreements to be reached between the Department of Public Health and the nursing home people, in regard to House Bill 580, which we passed and signed into law last year, and it seems that, at some point in their negotiations, there were some misunderstandings in regard to whether the Department of Public Health was, indeed, following the rules and intent of House Bill #580. For that reason, we introduced, this year, House Bill 2593. I would like to point out that a lot of the things that were originally contained in 2593 have been agreed upon by the Department of Public Health and the Nursing Home Association. Since that time, there has been a feeling by everyone concerned that perhaps we needed to keep an avenue open in case we need a statutory change upon the Nursing Home Care Reform Act before the end of this Session. For that reason, we have amended House Bill 2593 to contain only one thing. It provides that the nurses' aides, orderlies, and technicians... nurses' aides, orderlies, and technicians must begin, within forty-five days of initial

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employment, a study course in regard to their duties. There would be a proficiency examination that must be taken and passed within 120 days of their initial employment. While this has not been completely resolved by the people involved, the Department of Public Health, and the Nursing Home Association, we are very close to that agreement, and in case agreement is reached, we will, perhaps, not need this legislation; but, until we are sure, and everyone has signed off in complete agreement of the results of those negotiations, I feel that we should pass House Bill 2593 over to the Senate, in order to keep an avenue open, in case statutory change is needed. I'll be glad to try to answer any questions, and certainly urge an affirmative vote on this piece of legislation."

Speaker Collins: "Is there any discussion? The question is, 'Shall House Bill 2593 pass?' All those in favor will indicate by voting 'aye', those opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Somebody push Irv Smith's button. It is... It is done. Take the record. On this question, there are 149 voting 'aye', none voting 'no', 1 voting 'present', and this... O'Connell, 'aye'. 150 voting 'aye'. Bullock voting 'aye', 151, and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2599. Read the Bill, Mr. Clerk."

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

Speaker Collins: "The Gentleman from Lake, Representative Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2599 directs the Department of Public Aid in considering reimbursement rates for nursing homes to take

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in account additional costs imposed on them because of new state or federal regulations. It doesn't have any cost impact on the state, unless the state requires the nursing homes to... to incur additional costs. What it does, is force a recognition of the fact that every time we impose new regulations, there are costs, not only to the homes, but there are costs to those who, private as well as public patients in the homes, and therefore, this direction was felt to be necessary by those in this field. The Bill is backed by the Illinois Health Care Association. The Rules Committee found an emergency in this matter, and the Bill was approved by the Executive Committee. It's... It is... It is really a direction to the Department of Public Aid to make certain that they take into account increased costs to the public and to the nursing homes for additional regulations imposed, and I ask for the passage of House Bill 2599."

Speaker Collins: "Is there discussion? The Gentleman from Morgan, Representative Reilly, at Representative Telcser's desk."

Reilly: "Thank you, Mr. Speaker. I reluctantly rise to oppose the Gentleman's Bill. No one argues that Public Aid Department shouldn't reimburse nursing homes for the cost of regulation. Indeed that's already provided in the law. There are two problems with this Bill that lead me to oppose it. Number one; the Bill provides that in every case, no matter how well agreed everybody may be on the cost of the regulations, an outside CPA has to be brought in to do, at great expense, an additional cost eventually, either to the nursing homes or the taxpayers, or both, a study. Now, that's just not needed in a lot of cases. One thing that's been discussed with the industry is that we might have some kind of triggering mechanism, perhaps

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working through the Joint Committee on Administrative Rules, that has to review these matters, anyway. It's simply unnecessary, and a considerable cost, to do this in each case. Second flaw in the Bill, as I see it, is that you must do this for each individual nursing home, and reimburse them for their particular costs. That means that, as the industry progresses and is, let's say, ninety-nine out of a hundred homes voluntarily raise their standards, and at some point the rule says you've got to meet a new standard, the one laggard home in the industry gets reimbursed the whole cost of coming up to what are simply, by now, industry standards. That seems to me to be unreasonable, so, while I understand what's trying to be accomplished, I think the cost and the impact in particular cases, is just unwarranted, so I would urge a 'no' vote."

Speaker Collins: "Is there further discussion? The Gentleman from Lake, Representative Pierce, to close."

Pierce: "Yes, Mr. Speaker. The law now requires that an individual prospective rate be set, and includes standards that must be included in making that rate. All we're doing, by this Bill, is asking the Department to take into consideration one other element, and that is the cost of any new state regulations, not existing ones. Any new state regulation regarding this industry, and they're doing the study anyway, prospective rates for each nursing home. It just requires them to take into account one additional factor, and I urge passage of House Bill 2599, which is endorsed and supported by the Illinois Health Care Association."

Speaker Collins: "The question is, 'Shall House Bill 2599 pass?' All those in favor will indicate by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record."

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On this Bill, there are 142 voting 'aye', 20 voting 'no', none voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2617. Representative Daniels. House Bill 2617. Representative Nelson will handle this. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2617, a Bill for an Act to amend Sections of the Code of Criminal Procedure. Third Reading of the Bill."

Speaker Collins: "The Lady from Cook, Representative Nelson."

Nelson: "Thank you, Mr. Speaker, Members of the House. House Bill 2617 amends the Code of Criminal Procedure to allow everyone to have property that has been stolen, returned to them, rather than having it kept by the court until the conclusion of the case, if the court accepts photographic evidence in its stead. Presently, under Illinois law, we have an anomaly. If a burglar steals an outboard motor from a dealer, the dealer can get it back; and, in court, photographic evidence is used to show what the property looked like. However, if an outboard motor is stolen from a boat owner, he does not get it back. House Bill 2617 corrects this discrepancy. Recall, last year, the General Assembly passed House Bill 503, which provided for the return of stolen property to its rightful owners before trial. That Bill was strongly supported by the Illinois Retail Merchants' Association. There were some objections that were raised by defense attorneys, and that Bill was amended to apply only to property stolen from retail merchants. It was hoped, at that time, that the courts would treat property stolen from others in a similar fashion. Unfortunately, some courts have not, and they have drawn a negative implication from House Bill... the last year's Bill, House Bill 503. They feel that, by



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providing for the return of property only to retail merchants, we meant to prohibit the return of property to anyone else. I don't think that that was our intent, in the passage of 503, but this Bill will correct that impression. I would appreciate your support for House Bill 2617, and I'd be very pleased to answer any questions that you might have. Thank you."

Speaker Collins: "Is there discussion? Is there discussion? The question is, 'Shall this Bill pass?'. All those in favor will indicate by voting 'aye', those opposed, by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Somebody push Representative White's button. Take the record, Mr. Clerk. On this Bill, there are 150 voting 'aye', 4 voting 'no', 5 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. For what purpose does the Representative from Cook, Representative DiPrima, arise?"

DiPrima: "Yes, Sir, Mr. Speaker. Representative Sandquist asked me to handle a Bill for him, 'cause he wasn't going to be today... he here today, and I've consulted with the... the man that's responsible for the Bill, and he's asked me to put it in Interim Study, and I would so request."

Speaker Collins: "What's the number of that Bill?"

DiPrima: "2149."

Speaker Collins: "The Gentleman asks that House Bill 2149 be put in Interim Study Committee. Does he have leave? Interim Study. Representative DiPrima, do you have a further matter of business?"

DiPrima: "Yeah. All right. I wanted to give a report from the LaFore Lock Post 755, Veterans of Foreign Wars. The total amount of monies we collected was \$442.67, for which they're very grateful. They sent a letter of thanks, and I

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wanted to name the biggest donors. You know, we had quite a few of them, and I wanted to give credit where credit's due. We start off with Myron Kulas, five dollars, Greg Zito, ten dollars, Bob 'Shrimpel', five, Ed Doyle, five, Wikoff, five; Stearney, five; Collins, five; Clarence Neff, Ten; John O'Connell, five; Virginia Macdonald; five - I'm sorry I voted against your Bills, Virginia. Phil Bianco, five; Dan Pierce, five; Marco Domico, five; Virginia Frederick, five; Elmer Conti, five; Dick Mautino, five; Jack O'Brien, Assistant House Clerk, five; Ted Leverenz, five; Penny Pullen, five; Henry Leinenweber, five; Betty Hoxsey, Jim Reilly, Glen Bower, Ed McBroom, Mike Abramson, Roman Kosinski, Gerald Bradley, Ray Hudson, Taylor Pouncey, Bud Loftus, and Dolly Hallstrom. And then... we also have... Bill Margalus, Jesse White, five. And then, I went to eat the other night with Clyde Choate and Ted Lechowicz - with three other fellows. Clyde Choate, Congressional Medal of Honor winner, gave ten dollars. Ted Lechowicz gave ten dollars. Bob 'Pressman', five. Tony 'Cherivino' and Earl 'Sircy' gave five. Now, Topinka got some big money from certain people, and she didn't write down who gave it. She didn't... Someone... I think somebody gave her a double sawbuck. You? Irvin Smith? Was it you? Irvin Smith. Okay, thanks all of you, and we'll have a bigger and better Poppy Day next year. Thank you."

Speaker Collins: "Thank you, Representative DiPrima. 2635, out of the record. House Bill 560. House Bill 560. Out of the record. House Bill 1072. Out of the record. House Bill 1119, Representative Levin. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1119, a Bill for an Act to amend Sections of the Illinois Public Aid Code. Third Reading of the Bill."

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Speaker Collins: "It's... It's Representative Preston's Bill.

The Gentleman from Cook, Representative Preston. Oh, is Representative Levin handling it for him?"

Preston: "Mr. Speaker, if Representative Levin could begin, and if I could close after the discussion, I'd appreciate it."

Speaker Collins: "Representative Levin"

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. On behalf of the twenty-nine Cosponsors, Democrats and Republicans, Members from the city, suburbs, and downstate, I'm pleased to present House Bill 1119. Virtually every Member of this Body has heard from senior citizens and handicapped residents in their district, who had been adversely affected by the new Department of Public Aid spend-down policy for medical assistance. This policy does not affect the very poorest. Anyone receiving a public aid grant automatically qualifies for a green card. This policy is directed at those who are otherwise self-sufficient, except for medical bills that they are not able to pay because of catastrophic or chronic diseases. The policy established by the Department last November required a senior citizen or a handicapped person to incur a certain level of medical expense before becoming eligible for a green card, and even after they became eligible, they could not use the green card to pay for that spend-down amount. The Department of Public Aid put into effect last November, a policy that required the incurring of a spend-down level, which was the difference between the amount of income that person got and the standard for given months times six. So, for example, if somebody earned 300 dollars a month, a senior citizen, and the standard was 238 dollars a month, the difference would be 62 dollars a month times six, or they would have to incur 372 dollars in medical expenses before they would be eligible for a green

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card. The effect of this policy was, where there were 23,000 persons - senior citizens and handicapped, who had green cards in November; that was reduced to 2,568 in February. We have seen a number of cost-cutting proposals put forward over the last several months, many of which made a lot of sense, but a few of them, when we had had the opportunity to scrutinize them in the Illinois General Assembly, we have found that they really have not been cost-effective. Last fall, we had the day care cuts. 128 Members of this Body concluded that that was not a cost effective cut, because if a woman couldn't get day care to work, she'd have to go on public aid. We had the same thing with the potential closing of the Illinois Visually Handicapped Institute, and last week, we passed a drug formulary Bill, believing that the proposed policy on drugs was not cost-effective. The proposed spend-down policy fits in the same category. It is not cost-effective. It will cost the state more money than it will save. If a senior citizen or a handicapped person cannot get the out-patient services that they need - the chemotherapy, or the dialysis, or the insulin, they're going to get sicker, and they're going to be forced to go into the hospital, and in-patient hospitalization is substantially more expensive than out-patient care. This is exactly what has happened. In many instances, we had extensive testimony before the House Committee on Social Services, where many people testified as to the situation. A person wasn't able to get insulin. The doctor put that person into the hospital. There is other situations of the same sort. This policy is not going to save us any money. It's going to cost us money. The issue went into federal court in the case of 'Brogan v. Miller', and the federal court recently found illegal the Department's six month spend-down policy, and

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ordered, for the category of AABD persons, aged, blind, and disabled, that a spend-down of no more than one month be initiated. Thus, under the status quo, under the current court decision, you look at a person's income for the month, you determine the spend-down, and if they meet that spend-down requirement for the one month, they're eligible for a green card. House Bill 1119 provides for legislative input into the spend-down policy. It attempts to ameliorate some of the most adverse consequences of the spend-down. We cannot eliminate spend-down. This is a federal requirement, but there are other options that are available to make it less adverse in terms of the impact on the senior citizens and the handicapped, and to limit any financial impact on the state. Under the status quo, the court is requiring that there be a spend-down for no more than one month, based on one month's income. The Department of Public Aid has expressed a concern that this one month requirement will lead to seasonally unemployed persons becoming eligible for the green card. House Bill 1119 will save us some money in this regard, by providing that, as long as it is acceptable to the federal government, you can use a six month income period for determining eligibility. This would screen out the seasonally unemployed. However, in terms of the spend-down amount, the amount that a person would have to incur for any given month, could be no more than one-sixth of the six month spend-down. If the federal government found this not to be in compliance with federal law, House Bill 1119 provides that the existing law, as promulgated by the court, would go into effect. This would apply to both the aged, blind, and disabled, and to the AFDC 'no-grant'. I requested a fiscal note from the Department of Public Aid, in terms of this Bill, and after ten days, they came back

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with the determination that they could not... Okay, okay, all right. Okay, let me just ask for your favorable consideration, and if there are any questions, I'll be happy to answer them."

Speaker Collins: "Is there any discussion? The Gentleman from DeWitt, Representative Vinson."

Vinson: "Mr. Speaker, Ladies and Gentlemen of the House. Some of what Representative Levin said is accurate, and some of it is Pollyanna hope. The problem... The initial problem is, that the federal court decision did not apply to the AFCC 'mang' program. It applied to the AABD program... 'mang' program. So, we are not under mandate by the federal court to do everything that his Bill proposes to do. Beyond that, federal regulations, which, unless we comply with, if... if we violate those federal regulations, we lose money. We are denied money in the man... in the Medicaid program. Those federal regulations specifically prohibit what Representative Levin suggests we do. Now, beyond that, he suggests a different formula, in the event that we can't get a waiver from those federal regulations. The problem with his suggestion, in the event that we can't get that waiver, or in the event that we do get that waiver, is that the increased cost of any program he suggests in this... in this context, costs us a significant amount of money. The minimum cost that his program would cost us is 20 million dollars. The max is so incredible, it can't be calculated. It's somewhere in the range of 200 million dollars, depending on how you count recipients, and how you question el... eligibility. But, the real issue that we come down to is not just a question of cost, not just whether we're going to comply with federal regulations, not just whether, if we don't comply with federal regulations, we're going to have to spend a great amount of general

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revenue money; take it away from schools, education, whatever, to do what he wants. The real issue is that we are under attack; is, we attempt to deal with a very constricted budget. We are under attack from the federal court system. Now, you've seen that. You've had to deal with that earlier this month, on the General Assistance Program. You've seen that today in this program. What this Legislature has to do, if it's going to be a self-respecting, forthright branch of government, which is going to determine its own fate, and which is going to rationally balance the future of the State of Illinois, is to make the decision that we're going to make the judgment about what welfare recipients get, about how much we're going to take out of the pockets of tax paying citizens, to give to welfare recipients. We ought to make that decision, not the federal court system. If we make that decision, then we're going to reject this Bill. We're not going to ratify a federal court decision that was a bad court decision, and that we need not ratify. I would urge a 'no' vote on the Bill, and I will request a ratification... a verification if it gets the requisite number of votes, Mr. Speaker."

Speaker Collins: "The Lady from Sangamon, Representative Oblinger."

Oblinger: "Mr. Speaker and Members of the House, I can't talk as forcefully as the previous speaker, but I certainly can talk as sincerely. We're talking about court orders, we're talking about regulations and rules. I would like to direct your attention to people, for a change. We would have the same spend-down of 295 dollars, but instead of the... just putting that over two months, we would spread it over a six month period. I want to know how many of you know, and I'm not going to just talk about welfare people;

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how many of you know elderly people who have an income of about 312 dollars a month, being able to spend the first month's spend-down of 175 dollars. If you can tell me how anybody can live on 137 dollars, I want you on my economic staff. What I'm saying is, we are using the spend-down for six months, but we're asking people to do it on a one month basis, rather than having to do the whole six months at one time. I don't think we're asking too much of the state to say, 'We'll give you that six month period, so that you'll have money left to live on.' I think sometimes we have to stop saying 'Rules, regulations, courts costs, court cases', all the rest of it, and say 'What can our people do?' I think this is an excellent Bill, and I want to compliment the Sponsor on it, because he has taken all of the recommendations of the Committee, he has attended the Public Aid Advisory Committee to get their recommendation. This is not a... a gerry built, gerrymandered type of legislation. It's well thought out, and I think the people of this state ought to know about it, and know that we are supporting them."

Speaker Collins: "Further discussion? The Gentleman from Cook, Representative Preston, to close."

Preston: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I would like to repeat all the eloquent remarks of Representative Levin, so I will do so. Please vote 'yes' for this Bill. It's a good Bill. The elderly and the indigent poor need your help."

Speaker Collins: "The question is, 'Shall House Bill 1119 pass?' All those in favor will indicate by voting 'aye', those opposed, by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Record Representative Stanley as voting 'no'. Representen... Representative Bower, 'no'.



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Representative Daniels, 'no'. Representative Cissy Stiehl, 'no'. Representative Miller, 'no'. Representative Jack Dunn, 'no'. Representative Hoffman, 'no'. Representative McMaster, 'no'. Representative Robbins, 'yes'. On this question, there are 108 'ayes', 48 'nos', and 2 voting 'present', and the Gentleman from DeWitt, Representative Vinson, if he persists, has asked for a Roll... has asked for a verification. Representative Domico has asked leave to be verified. For what purpose does the Lady from Cook, Representative Topinka... She asks leave to be verified. It's granted. I knew this would start a flood. Wait, the... the Clerks are still tallying. Let me... Let them complete that first. Representative Preston or Levin, I announced 108. Actually, two of the 'nos' were 'yeses' changing, so it is 106, right now. Now, Representatives Katz, Jaffe, Schneider, Lechowicz... This is getting ridiculous. I... I don't see. It... Everybody... Everybody is seeking recognition to be verified. It might be easier to start over again, with an Oral Verified Roll Call. I... And, I... I think that's... I think that's what we'll do. All right, Mr. Clerk. Let's have an Oral Verified Roll Call. Call the Roll. Representative McClain, for what purpose do you seek recognition?"

McClain: "Mr. Speaker, how about the Gentleman that had, and the Lady that had leave to be verified? Too bad? Like Domico and Topinka?"

Speaker Collins: "Domico... Domico is here, and we'll get Topinka back."

McClain: "You'll get her back?"

Speaker Collins: "Call the Roll."

Clerk O'Brien: "Abramson. Abramson, 'pass'. Ackerman. Ackerman, 'no'. Alexander. Alexander, 'aye'. Alstat. Alstat, 'pass'. Alstat. Alstat, 'aye'. Balanoff.

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Balanoff, 'aye'. Barkhausen. Barkhausen, 'no'. Barnes.  
Barnes, 'pass'. Barr. Barr, 'aye'. Bartulis. Bartulis,  
'aye'. Beatty. Beatty, 'aye'. Bell. Bell, 'no'.  
Bianco. Bianco, 'aye'. Birkinbine. Birkinbine, 'no'.  
Boucek. Boucek, 'no'. Bower. Bower, 'no'. Bowman.  
Bowman, 'aye'. Bradley. Bradley, 'aye'. Braun. Braun,  
'aye'. Breslin. Breslin, 'aye'. Brummer. Brummer, 'no'.  
Bullock. Bullock, 'aye'. Capparelli. Capparelli, 'aye'.  
Carey. Carey, 'aye'. Catania. Catania, 'aye'. Chapman.  
Chapman, 'aye'. Christensen. Christensen, 'aye'.  
Collins. Collins, 'no'. Conti. Conti, 'no'. Cullerton.  
Cullerton, 'aye'. Currie. Currie, 'aye'. Daniels.  
Daniels, 'no'. Darrow. Darrow, 'aye'. Davis. Davis,  
'no'. Deuchler. Deuchler, 'aye'. Deuster. Deuster,  
'pass'. DiPrima. DiPrima, 'aye'. Domico. Domico, 'aye'.  
Donovan. Donovan, 'aye'. Doyle. Doyle, 'aye'. Jack  
Dunn. Jack Dunn, 'no'. John Dunn. John Dunn, 'aye'.  
Ralph Dunn. Ralph Dunn, 'pass'. Ebbesen. Ebbesen, 'no'.  
Epton. Epton, 'pass'. Ewell. Representative Donovan,  
will you push your button? Ewell. Ewell, 'pass'. Ewing.  
Ewing, 'no'. Farley. Farley, 'pass'. Fawell. Fawell,  
'aye'. Findley. Findley, 'aye'. Flinn. Flinn, 'aye'.  
Virginia Frederick. Virginia Frederick, 'aye'. Dwight  
Friedrich. Dwight Friedrich, 'no'. Garmisa. Garmisa,  
'pass'. Getty. Getty, 'aye'. Giglio. Giglio, 'aye'.  
Giorgi. Giorgi, 'aye'. Greiman. Greiman, 'aye'.  
Griffin. Griffin, 'aye'. Grossi. Grossi, 'aye'.  
Hallock. Hallock, 'aye'. Hallstrom. Hallstrom, 'aye'.  
Hanahan. Hanahan, 'pass'. Hannig. Hannig, 'aye'. Al...  
Hastert. Hastert, 'no'. Henry. Henry, 'aye'. Hoffman.  
Hoffman, 'no'. Hoxsey. Hoxsey, 'aye'. Hudson. Hudson,  
'no'. Huff. Huff, 'aye'. Huskey. Huskey, 'aye'.  
Jackson. Jackson, 'aye'. Jaffe. Jaffe, 'aye'. Johnson.

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Johnson, 'no'. Jones. Jones, 'aye'. Kane. Kane, 'pass'.  
Karpiel. Karpiel, 'no'. Katz. Katz, 'aye'. Keane.  
Keane, 'aye'. Jim Kelley. Jim Kelley, 'no'. Dick Kelly.  
Dick Kelly, 'aye'. Klemm. Klemm, 'aye'. Kociolko.  
Kociolko, 'no'. Koehler. Koehler, 'aye'. Kornowicz.  
Kornowicz, 'aye'. Kosinski. Kosinski, 'pass'. Kustra.  
Krska, 'no'. Krska is 'no'. Kucharski. I'm coming to  
Kucharski. Kucharski. Kucharski, 'pass'. Kulas. Kulas,  
'aye'. Krska. Krska, 'pass'. Kustra's 'no'. LaHood.  
LaHood, 'aye'. Laurino. Laurino, 'pass'. Lechowicz.  
Lechowicz, 'aye'. Leinenweber. Leinenweber, 'no'. Leon.  
Leon, 'aye'. Leverenz. Leverenz, 'aye'. Levin. Levin,  
'aye'. Loftus. Loftus, 'aye'. Macdonald. Macdonald,  
'no'. Madigan. Madigan, 'aye'."

Speaker Collins: "Somebody push Representative Madigan's button  
'aye'."

Clerk O'Brien: "Margalus. Margalus, 'pass'. Martire. Martire,  
'pass'. Matijevich. Matijevich..."

Speaker Collins: "Just a minute, Mr. Clerk. For what purpose  
does the Gentleman from Lake, Representative Matijevich,  
seek recognition?"

Matijevich: "Mr. Speaker, I'd like to vote 'aye', at the same  
time introduce the Jefferson Junior High School from  
Waukegan, represented by Virginia Frederick, Dave  
Barkhausen, and myself. They're up in the gallery. Thank  
you."

Speaker Collins: "Welcome to the House of Representatives."

Matijevich: "Welcome."

Clerk O'Brien: "Matijevich, 'aye'. Mautino. Mautino, 'aye'.  
Mays. Mays, 'no'. McAuliffe. McAuliffe, 'pass'.  
McBroom. McBroom, 'no'. McClain. McClain, 'aye'.  
McCormick. McCormick, 'pass'. McGrew. McGrew, 'aye'.  
McMaster. McMaster, 'no'. McPike. McPike, 'aye'. R. J.

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Meyer. R. J. Meyer, 'pass'. Ted Meyer. Ted Meyer, 'pass'. Miller. Miller, 'no'. Mulcahey. Mulcahey, 'pass'. Murphy. Murphy, 'aye'. Neff. Neff. Neff, 'no'. Nelson. Nelson, 'aye'. Oblinger. Oblinger, 'aye'. O'Brien. O'Brien, 'aye'. O'Connell. O'Connell, 'aye'. Olson. Olson, 'no'. Ozella. Ozella, 'aye'. Pechous. Pechous, 'pass'. Peters. Peters, 'no'. Piel. Piel, 'no'. Pierce. Pierce, 'aye'. Pouncey. Pouncey, 'aye'. Preston. Preston, 'aye'. Pullen. Pullen, 'no'. Rea. Rea, 'aye'. Reed. Reed, 'pass'. Reilly. Reilly, 'no'. Rhem. Rhem, 'aye'. Richmond. Richmond, 'aye'. Rigney. Rigney, 'no'. Robbins. Robbins, 'aye'. Ronan. Ronan, 'aye'. Ropp. Ropp, 'no'. Saltsman. Saltsman, 'aye'. Sandquist. Sandquist, 'pass'. Satterthwaite. Satterthwaite, 'aye'. Schneider. Schneider, 'aye'. Schraeder. Schraeder, 'aye'. Slape. Slape, 'aye'. Harry Smith. Harry Smith, 'no'. Irv Smith. Irv Smith, 'aye'. Margaret Smith. Margaret Smith, 'aye'. Stanley. Stanley, 'no'. Stearney. Stearney, 'pass'. Steczo. Steczo, 'aye'. E. G. Steele. E. G. Steele, 'no'. Stewart. Stewart, 'aye'. C. M. Stiehl. C. M. Stiehl, 'no'. Stuffle. Stuffle, 'aye'. Swanstrom. Swanstrom, 'no'. Tate. Tate, 'no'. Telcser. Telcser, 'pass'. Terzich. Terzich, 'aye'. Topinka. Topinka, 'aye'. Tuerk. Tuerk, 'no'. Turner. Turner, 'aye'. Van Duyne. Van Duyne, 'aye'. Vinson. Vinson, 'no'. Vitek. Vitek, 'aye'. Watson. Watson, 'no'. White. White, 'aye'. Wikoff. Wikoff, 'no'. Winchester. Winchester, 'no'. J. J. Wolf. J. J. Wolf, 'pass'. Sam Wolf. Sam Wolf, 'aye'. Woodyard. Woodyard, 'no'. Younge. Younge, 'aye'. Yourell. Yourell, 'aye'. Zito. Zito, 'aye'. Zwick. Zwick, 'aye'.  
Mr. Speaker."

Speaker Collins: "I pass. Are there any additions or changes,

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Representative Bianco. You're still open, you can change your switch. Bianco, 'no'. Alstat, 'no'. Would somebody push Alstat's button 'no'? Representative McCormick, 'no'. Representative Macdonald, 'aye'. Okay. Can I have a total. Let me have a total, Mr. Clerk. Representative McAuliffe votes 'no'. On this question, there are 99 voting 'aye', 51 voting 'no', none voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1463. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1463, a Bill for an Act to amend Sections of the Probate Act. Third Reading of the Bill."

Speaker Collins: "The Lady from Cook, Representative Catania. Use either the one in the aisle, or Representative Telcser's microphone. Representative Catania, at Representative Telcser's mike."

Catania: "Thank you, Mr. Speaker, and Members of the House. House Bill 1463 provides that when one natural or adoptive parent of a minor is deceased, the grandparents of that deceased person may petition the court for the right to visitation of the minor, provided it is in the best interest of the child, and we amended it, yesterday, to address the concerns that were raised in Committee about adoption, so that the child must stand in a family relationship to the adopting person, if the grandparents are to continue to have this right to petition the court; and, unless the grandparents had established some record of legal custody, or the minor had resided with them for not less than three consecutive months. In other words, a baby who had just been placed for adoption would not be one that the grandparents could petition for the right to visit, unless the baby were adopted by someone who stood in a blood relationship to the grandparents, and we protect the

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confidentiality of adoption records. I ask for your support of this Bill."

Speaker Collins: "Is there discussion? The question is, 'Shall House Bill 1463 pass?'. All those in favor will indicate by voting 'aye', those opposed by voting 'no'. Representative Deuchler, would you push my button 'aye', please? Thank you. 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 140 voting 'aye', 6 voting 'no', 3 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1841. Read the Bill, Mr. Clerk. Wait a minute, Representative Karpiel? House Bill 1841. Out of the record. House Bill 1882. House Bill 1882. Read the Bill, please."

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

Speaker Collins: "The Gentleman from Lake, Representative Barkhausen."

Barkhausen: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 1882, and the subsequent Bill, 1883, are the product of a year's work by the House Committee on Conservation and Natural Resources, as well as a special subcommittee that was created on... to study these questions of wetlands and rivers. House Bill 1882, dealing with wetlands, has been substantially amended from its original form. The original Bill not only defined wetlands that would be protected, but set in place a modest regulatory program for the state. However, there was some concern that the... that the areas had not been defined sufficiently, comprehensively, that the regulatory aspect of the program was premature; therefore, I amended the

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Bill, an Amendment in Committee, such that the Bill now only directs the Department of Conservation to develop a... a comprehensive inventory of wetlands in the state. I think that the... this is a modest, but important, first step for the state to be taking in the protection of wetlands. I would point out that the... that the acreage of wetlands has been rapidly vanishing in Illinois, and yet, that which remains is... is valuable from the standpoint of flood control, pollution control, preservation of habitat for rare species of birds and plants; and, for all of these reasons, I would urge the passage of this Bill."

Speaker Collins: "Is there discussion? The Lady from LaSalle, Representative Hoxsey."

Hoxsey: "Mr. Speaker, Ladies and Gentlemen of the House, if there's one thing that the State Department of Conservation doesn't need, is more authority in regard to the land along the rivers in... in Illinois. I want to just tell you what kind of a battle I've had with bureaucracy over the last year, just in regard to this type of issue. We talk about definition of wetland. The U. S. Fish and Wildlife have a definition of wetland. I had a project in LaSalle County, and it was obstructed by definition of wetland. I walked that wetland, my friends, and if there's been any water fowl in it for a good many years, it was several thousand feet up. If there was any wildlife in that little area for a long time, I couldn't see any tracks. I walked it, and let me tell you, their definition of wetland and my definition of wetland are two things. If you want to give this kind of authority to a bureaucracy that... If you... If you want my opinion, they don't know the definition. They are obstructionists, when it comes to private enterprise trying to do business along the rivers in

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Illinois, and there hasn't been one industry that's gone in along the river that hasn't had a red tape problem, and, let me tell you, it's from definition - from such things as wetland, and I think they are thoroughly regulated right now by U. S. Fish and Wildlife, and the de... Corps of Engineers. We don't need any more regulations from the Department of Conservation, or we're going to be out of business along the rivers in Illinois. I ask you to vote against this legislation."

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

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I know that these Bills, or similar Bills, have received a great deal of attention in the past, and when I was on the Conservation Department, the old Conservation Department, some years ago, these were perennial Bills that were introduced and heard in each Session of the General Assembly, but those Bills were not, as Representative... Those Bills were as Representative Hoxsey describes them to be presently. House Bill 1882 and 1883 are not that... do not do what she says they do. They merely provide, materialistically, an inventory of wetlands in the State of Illinois. Now, if there's objection to that, I don't know what the objection could be, because that is all, really, that the Bills do. There are only about 50,000 acres of wetlands presently in Illinois; 6,000 acres of which are considered prime. A wetland, by definition, as you heard the former speaker say, is very, very clear. It's a piece of wet, sloppy land that is covered with water upon or slightly above the elevation of the land. That kind of environment is necessary to grow and nurture a lot of very important ecological plants and animals that will not flourish in any other environment. These Bills are



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definitional Bills that deal with the environment of our state as it relates to about 50,000 acres, and do provide an inventory so that we can go forward from that point and decide what we want to do with them. There is no area of zoning in these lands that would affect commerce and industry along the lakes and rivers, and I would suggest that these are good Bills. These are start-up Bills that will allow the Department of Conservation not to confiscate and not to regulate, not to zone, but to provide an inventory of a very important part of our ecology in Illinois. We can do nothing less than support these Bills. They're good environmental Bills, and I would ask that you support them with your 'aye' vote."

Speaker Collins: "The Lady from Cook, Representative Macdonald."

Macdonald: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I want to commend Representative Barkhausen for working long and hard on these Bills, and I hope that every Member of this House heard Representative Yourell's explanation. These Bills in no way impair industry. They in no way infringe upon personal rights. They are simply, inventory Bills. Representative Barkhausen has taken out every objectionable part of these Bills, and has worked long and hard, and accommodated everyone and listened carefully. He has had state-wide hearings on these Bills, and they have met with the approval, and I am sure that he will go through the list of people who now support these Bills. I urge your support of these Bills. They, in no way, are going to infringe on the rights of any property owners."

Speaker Collins: "The Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I can add only a couple of things to what the

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previous two speakers have said. They are right, there is absolutely nothing in here having to do with regulation or zoning, anything like that. The wetlands are important for flood control and for recharging of the aquifer, for underground sources of water which are very, very important to many downstate communities. It's important that we must know where these wetlands are, what their characteristics are, if we are to plan ahead for our water resources, and that includes the water that you drink, and that you use in your homes every day, throughout downstate Illinois."

Speaker Collins: "The Gentleman from Wayne, Representative Robbins."

Robbins: "I stand opposed for some of the similar reasons that have been mentioned. In Committee, the wetlands that they considered important were identified on a chart that was presented to the Committee, two of them in my county, and we're not known for having a... a lot of marshes. Last winter, after a short period of from March until December, we was able to get together a man who had straightened a channel of two hundred and fifty feet - a long distance. We had a meeting of the Conservation Department, the Corps of Engineers, the Fisheries, on this man's farm. They give him a verbal commitment, which he has tried to live to. About two weeks ago, he got his... he... he got his permit to do the job. It was opposite to what he had been told that he would have to do. The Department of Conservation has the right, at the present time. All they want now is to get everything coded. They know where the wetlands are. This is a big waste of your money, and your scenic rivers Bills, if you want to go into that, and you want to, really, get into some of the problems that's going to come with that, when you come to identifying a scenic river, why, think of some of your scenic rivers now, that are so

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clogged up, the water runs through your house, and that really helps the aquifer; because your rivers do not drain the land properly. Now, as far as these Bills, once you identify something, what do you expect to do with it? How much money do you want to spend, at a time when you are talking about a tight budget, you're going to hire people from the Department of Conservation to go out and identify these lands, and identify these rivers, and then, next year, you'll be back, and you're going to want to condemn them, and go out and buy them, or you're going to take away the right of the person who has bought the land on both sides of the river, so we'll take and use the rivers for... for... to water their cattle, or whatever they wish to use them for. That... They do a lot of things to help create good fishing, but you cannot now, without the Department of Transportation... without the Department of Conservation, drain one drop of this, move one ounce of dirt without a permit, in the State of Illinois on... I urge you to vote against this Bill, because you will be spending more money than you can afford. Thank you."

Speaker Collins: "The Gentleman from Lake, Representative Barkhausen, to close."

Barkhausen: "Thank you, Mr... Mr. Speaker, and Ladies and Gentlemen of the House. I think it's important to understand what... what this Bill, and the subsequent Bill, do and do not attempt to accomplish, and... and that is, that, in the first place, to... to address, briefly, the remarks of the Lady from LaSalle. The definition of wetlands in this Bill is... is much narrower and less stringent in controlling than is the definition of wetlands that the Fish and Wildlife Service uses to regulate wetlands, and I could elaborate on that for anyone who's interested, but... but, suffice it to say that there is a

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great difference. More importantly, however, as I said in my opening remarks, there is no regulatory feature of any kind in this Bill. I confess that I... I would prefer that there would be, however, there is not, and what this inventory will do for us, is to assure that in the future, any regulation... additional regulation, I should say, that does occur, will be rational, and non-harassing to farmers and other landowners. It... It... For those of you who are concerned about the farm community and the impact that this Bill may or may not have on it, I would point out that the Illinois Farm Bureau that opposed the original Bill is... is now neutral, and we have a whole string of... of organizations which, as you can see in your analyses, that now support the Bills. The inventory will only be identifying areas of... of great natural significance to the state, not small farm ponds and little tributaries, here and there, but those that are of significance, and it's important that we get on with this job, and I urge the passage of this Bill."

Speaker Collins: "The question is, 'Shall House Bill 1882 pass?'. All those in favor will indicate by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question, there are 129 voting 'yes', 25 voting 'no', none voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1883. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1883, a Bill for an Act in relation to Natural Heritage Stream Act. Third Reading of the Bill."

Speaker Collins: "The Gentleman from Lake, Representative Barkhausen."

Barkhausen: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 1883 is a related measure to 1882, and yet, very

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different. It is also, I emphasize, very different than other so-called rivers Bills that have been considered by the Legislature in past years. I think the past measures made the mistake of having the state, from on high, come in and identify those rivers, which, in its ultimate wisdom, it deemed to be significant and worth preserving, and it also said that landowners along the rivers could not use their land in certain ways, unless they got permission of various state agencies. This Bill, on the other hand, depends on local initiative. What it does, is to have... encourages local communities with technical assistance of the Department of Conservation where... where requested, to identify rivers and streams in the state that these local governments consider to be worthy of protection, and in such case, county boards would have to adopt resolutions to include individual river and stream segments within an overall system. It is, therefore, not a matter of the state dictating what is to be included. It's a matter of local governments deciding on their own that they want to be part of this system. Once they have done that, advisory councils will be set up consisting of representative landowners of the area, members of... of the local governments involved, and others who are interested in helping to develop plans to enhance these river and stream segments. I emphasize that this measure is one to promote soil conservation and wise land use. It is not one to promote recreation or the use of... of an individual's land by... by outsiders or people from other parts of the state. I'd be happy to elaborate, but considering the press of time, I'd prefer to answer questions."

Speaker Collins: "Is there discussion? The Gentleman from Effingham, Representative Brummer."

Brummer: "Yes. You'd indicated last time, on the last Bill, that

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the Farm Bureau was neutral on that Bill. It is my understanding, from talking to Rich Clemons just recently, they are opposed to this Bill. Is that correct?"

Barkhausen: "They are, and I think I can tell you why, Representative."

Brummer: "No, you don't need to tell me why. I just wanted to point out that the Farm Bureau is opposed."

Barkhausen: "Well, I'll do that in closing. Thank you for reminding me to address that matter."

Speaker Collins: "The Gentleman from Wayne, Representative Robbins."

Robbins: "In... At the present time, if you want to build a bridge across a stream, and you have to cut a tree or move a spade of dirt, it takes around two and a half years to get this done. If you have to... If you want to try to... in the nineteen and fifteen area, when bridges were built, they were built to go straight across a stream, regardless of how they fit the road. Now then, if you want to try to straighten and build that bridge to fit the road where it's straight, you won't be allowed to do that under this Bill, because it will be part of the scenic river. You won't be allowed to move any dirt, and, at the present time, at Richland County, one of the bridges that needed to be built, unfortunately, the highway superintendent died before he got the permit from the state to build it. Now, this will just make it that much harder, and he worked on this for four years, so I... I think that we should help shut down our road program and save money and vote for this Bill."

Speaker Collins: "The Gentleman from Lake, Representative Barkhausen, to close."

Barkhausen: "Mr. Speaker, the reason that the Farm Bureau is opposed to this Bill, and I would... I would characterize

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their opposition as... as not being very strong, at this point. The... The reasons are twofold. One is, that they mistakenly have the impression, or I think, more importantly, some of their members have the mistaken impression that this Bill will somehow encourage trespassers to come on land, where this... whereas this Bill does nothing of the kind. All it is, is a soil erosion prevention measure that will encourage the wise and providential use of land along the rivers and stream segments. The other objection that has been voiced to them is that they feel that somehow the liability of landowners will somehow be increased by this Bill. Well, as a matter of fact, there is already a statute on the books that provides that when... when individuals coming on a rural landowner's land and... and not paying anything for the recreational use of that land, have no right to recover. They have... They have no more than the status of a trespasser, and so I... in... in that provision already in the statutes has been specifically added to this measure to... to seek to allay or alleviate that... that fear that has been expressed by a few members of the Farm Bureau, I'm sure. So, I would... I would emphasize that this is, I think, a program which is long overdue. I think it... it... the program is in the right posture now. It's not a matter of a state program, or the state dictating the local landowners or local governments. It is, in fact, modeled after a program that has been now in effect in Ohio for several years, and it is interesting to note, I... I got from the legislative counsel a report on the Ohio program, and I think it's fair to say that, although it met some... with some initial resistance, it has since received rave reviews, not only from environmentalists who one could expect to support this kind of a program, but also from

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landowners in the affected areas, who now see that... that where streams and rivers were willy-nilly channelized, there is now a second thought being given to some of these projects, and... and, as I say, the soil erosion on... on the part of the farms of the riparian landowners has been greatly decreased. I ask for your support of this Bill. Thank you."

Speaker Collins: "The question is, 'Shall House Bill 1883 pass?' All those in favor will indicate by voting 'aye', those opposed, by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 96 voting 'aye', 47 voting 'no'. Representative Stanley, 'aye'. There are 97 voting 'aye', 47 vo... Representative Davis, 'aye'. Representative Davis? From 'aye' to 'no'? From 'aye' to 'no'. Representative Brummer, for what purpose do you seek recognition?"

Brummer: "Verification, your honor... I mean, Mr. Speaker."

Speaker Collins: "Thanks for the promotion. The Gentleman... You know, there are a lot of switches. Why don't we take this Roll Call over? There are a lot of switches that are voted, that people aren't here. I... I suspect that if people refrain from voting other people's switches, we may not need this verification. That might... That might be faster than verification. Let's dump this Roll Call and try it again. All right. Ever... Everybody push only your own switch, please. The question is, 'Shall this Bill pass?' All those in favor will indicate by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 78 voting 'aye', 53 voting 'no', 6 voting 'present', and the Gentleman from Lake requests a Poll of the Absentees.



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Representative Jack Dunn desires to be recorded as voting 'aye'. That's a change from 'no' to 'aye'. Representative Alexander, are you seeking recognition? Change the Lady from 'no' to 'aye'. When you're ready, poll the absentees, Mr. Clerk."

Clerk O'Brien: "Poll of the Absentees. Abramson. Barnes. Barr. Bullock. Capparelli. Deuster. John Dunn. Ralph Dunn. Ewell. Parley. Flinn. Virginia Frederick. Garnisa. Getty. Hanahan. Huff. Kane. Keane. Kornowicz. Kosinski. Krska. Laurino. Madigan. Margalus. Martire. R. J. Meyer. Mulcahey. O'Brien. Pechous. Reed. Ronan. Sandquist. Irv Smith. Stearney. C. M. Stiehl. Telcser. Terzich. Topinka. White, and J. J. Wolf."

Speaker Collins: "Representative Barr wishes to be recorded as voting 'aye'. Representative Huskey wishes to be recorded as voting 'aye'. Representative O'Connell, change from 'no' to 'aye'. Representative Rhem desires to be recorded as voting 'aye'. Representative Irv Smith, 'no'. Representative Telcser, 'aye'. Representative Tuerk, 'aye'... from 'no' to 'aye'. On this question... Representative Smith? You are recorded as voting 'no'. Change Representative Irv Smith to 'aye'. On this question, there are 87 'ayes'. For what purpose does Representative Ebbesen seek recognition? How is the Gentleman recorded?"

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

Speaker Collins: "Change the Gentleman from 'no' to 'aye'. Representative Davis, for what purpose... You want to go from 'aye' to 'no', and back to 'aye'? Representative Davis votes 'aye'. We didn't save anything by dumping this Roll Call, I can see. On this question, there are 89 'ayes', 46 'nos'. Representative Rhem desires to be recorded as voting 'no'. Representative Piel, how are

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you... how is the Gentleman recorded?"

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

Speaker Collins: "He wishes to be changed to 'aye'. The Gentleman from Cook, Representative Pouncey. I... I... I can't hear you, Sir. He wishes to be changed to 'no'. Representative Bartulis, for what purpose do you rise? The Gentleman wishes to be changed from 'present' to 'no'. On this question, there are 88 'ayes'. I can't tell you until the Clerk gives it to me. 49 'nos', and this Bill, having failed to receive a Constitu... Representative Mays? Wishes to be recorded as voting 'no'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 1925. Is Representative Hallock... yes. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1925, a Bill for an Act to amend Sections of the Illinois Identification Card Act. Third Reading of the Bill."

Speaker Collins: "Representative Daniels in the Chair."

Speaker Daniels: "Representative Hallock."

Hallock: "Yes, Mr. Speaker, Members of the House, House Bill 1925 is a fake identification card Bill. The U. S. Department of Justice estimates that nation-wide there's billions of dollars lost each year because of fraudulent identification cards. The use of those cards is to defraud government, defraud businesses, used for identification cards for minors trying to portray themselves to be adults. Illegal aliens use those cards to try to portray themselves as being aliens to get jobs and therefore collect unemployment compensation. Overall it's been a major problem. It's been reported by Rockford and Chicago T. V. stations. This Bill would address that problem, and I would ask for your support. Thank you."

Speaker Daniels: "The Gentleman moves for the passage of House

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Bill 1925. Is there any discussion? Being none, the question is, 'Shall House Bill 1925 pass?'. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Record Representative Braun as..You are recorded as 'aye', Ma'am. You have a long arm. On this question there are 147 'aye', none voting 'no', 1 voting 'present'. House Bill 1925, having received a Constitutional Majority, is hereby declared passed. House Bill 1954, Representative Vinson? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1954, a Bill for an Act to amend Sections of the Cigarette Tax Act. Third Reading of the Bill."

Speaker Daniels: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1954 is an emergency measure designed to save, to some extent, the highway system in the State of Illinois. What the Bill would do would be to take four point eight million dollars that are raised by the cigarette tax in the state, transfer that money from the Metropolitan Fair and Exposition Authority back to the Road Fund. In essence it would provide at least some small amount of road resurfacing and pot hole filling throughout the state's road system, Chicago, the suburbs and downstate. And I would move for its passage."

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

Cullerton: "Will the Gentleman yield?"

Speaker Daniels: "Indicates he will."

Cullerton: "Where does the money come from now?"

Vinson: "From taxpayers."

Cullerton: "What specific form of taxpayers..."

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Vinson: "Cigarette..consumers of cigarettes."

Cullerton: "Okay. And this will go into the General Revenue Fund  
instead of..."

Vinson: "No, Sir. It would go into the Road Fund."

Cullerton: "That wouldn't really be a use tax then would it?"

Vinson: "I beg your pardon?"

Cullerton: "It really wouldn't be considered a use tax, then,  
would it?"

Vinson: "Yes. Some people who smoke cigarettes drive."

Cullerton: "What is the ...What did you say the Fiscal Note  
revealed in this?"

Vinson: "It would take four point eight million dollars from the  
Metropolitan Fair and Exposition Authority Reconstruction  
Fund to the Road Fund. It's a simple transfer Bill."

Cullerton: "What is the theory behind this, Sam?"

Vinson: "That..The theory behind it is that roads are more  
important than circuses."

Cullerton: "Well, what about the..the roads are more important  
than 4-H fairs too, aren't they? 4-H clubs and county  
fairgrounds and if we...we could do the same thing with the  
Agricultural Premium Fund, couldn't we?"

Vinson: "Well, I suppose we could. Now, there's no cigarette tax  
money that supports county fairs and 4-H and so forth, and  
I wanted to just deal with the cigarette tax issue, but you  
could probably introduce a Bill to do that,  
Representative."

Cullerton: "Well, would you mind if this Bill was used as that  
vehicle when it comes back from the Senate?"

Vinson: "Yes, I would reject that concept myself."

Cullerton: "Why is that?"

Vinson: "Well, I..I personally don't believe that that's  
appropriate for this kind of a Bill. I think the title of  
this Bill, which deals with the cigarette tax and so forth,

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would mean that that Amendment would be ungermane."

Cullerton: "I don't have any more questions. I think it's very obvious that this Bill..."

Speaker Daniels: "Further discussion? The Gentleman from Cook, the Minority Leader, Representative Madigan."

Madigan: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the Gentleman's Bill. This money by action of the Legislature in 1978 has been provided to the McCormick Place Exposition Hall in Chicago. The record of that exposition hall in attracting tourism and business to the State of Illinois is very good. One reason for the success of the agency has been the subsidy provided by this money. And for that reason, I think that the Bill should be resisted, and I would recommend a 'no' vote."

Speaker Daniels: "Further discussion? Being none...Oops. Representative Mays."

Mays: "Yes. Will the Gentleman yield please?"

Speaker Daniels: "He indicates he will."

Mays: "Mr. Vinson, would you please tell me what the original intent of setting up this whole fund was in the first place?"

Vinson: "Well, Representative, we built McCormick Place once. It burned down. It was apparently uninsured, so we created this fund to build it a second time. We paid off the bonds for that and they wanted to keep the money. Somehow they got that through the General Assembly and they kept the money to use it now on Donelley, the Donelley Building across the street. So, not one cent of this money goes for the building at McCormick Place. It goes for the Donelley Building."

Mays: "Is the Donelley...improvements all completed now? Are bonds paid off on that?"

Vinson: "Well, we have now put in some, I believe, 19

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million...19 point 7 million dollars to the Donelley Hall."

Mays: "So you're saying the original intent of this whole legislation in the first place has been met and now we shouldn't be taxing citizens statewide on cigarettes to go to a project that's already completed. Is that correct?"

Vinson: "Well, that plus the point that I think roads are critical priority in the state."

Mays: "Thank you."

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

Darrow: "Will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Darrow: "Representative Vinson, can I have your assurance that this money we're transferring to the Road Fund will not go to those people up in Chicago?"

Vinson: "You can have my assurance that it will go for better roads in the State of Illinois."

Darrow: "Well, what percentage of it will go to Chicago?"

Vinson: "I don't know what particular percentage goes to the City of Chicago in the Road Fund."

Darrow: "Is there any way we could put an Amendment on this to make sure that the roads downstate that are in such terrible condition could benefit completely from this transfer?"

Vinson: "Well, Representative, if you wanted to work with me in that respect with the Senate Sponsor, I would try to do that."

Darrow: "Let's take a look at that. Thank you."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would ask for a favorable Roll Call on this Bill which simply says that roads and lives are more important

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than circuses."

Speaker Daniels: "The Gentleman, Representative Vinson, has moved for the passage of House Bill 1954. The question is, 'Shall House Bill 1954 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 90 'aye', 57 'no' and 3 voting 'present'. The Gentleman, Representative Cullerton?"

Cullerton: "I would ask for a verification, Mr. Speaker..."

Speaker Daniels: "...The Gentleman asks for a verification. And a Poll of the Absentees is requested by Representative Vinson."

Clerk O'Brien: "Poll of the Absentees: Abramson. Barnes. Bullock. Capparelli. Deuster. Ewell. Garnisa. Kornowicz. Kosinski. Kraska. Kucharski. Loftus. Margalus. Martire. R. J. Meyer. Mulcahey. Pechous. Peters. Reed. Sandquist. Schneider. Harry Smith. Stearney. Telcser. Terzich. Topinka. And, J. J. Wolf."

Speaker Daniels: "Proceed with a verification of the Affirmative Roll."

Clerk O'Brien: "Ackerman. Alstat. Barkhausen. Bartulis. Bell. Birkinbine. Boucek..."

Speaker Daniels: "Mr. Clerk, change Representative Jack Dunn from 'no' to 'aye'. Record Representative Telcser as 'aye'. Peters as 'aye'. Proceed."

Clerk O'Brien: "Continuing..."

Speaker Daniels: "Excuse me. Excuse me. Representative Kane? Record Representative Kane...or change him from 'no' to 'aye'. Laz Murphy wishes to be recorded as 'aye'. You're changing Representative Murphy from 'no' to 'aye'. Proceed."

Clerk O'Brien: "Continuing the Poll of the Affirmative: Bower.

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Breslin. Brummer..."

Speaker Daniels: "Representative Chapman wishes to be recorded as ...changed from 'aye' to 'no'. Representative Griffin wishes to be recorded..or changed from 'present' to 'aye'. Proceed."

Clerk O'Brien: "Continuing the Poll of the Affirmative: Christensen. Collins. Conti. Daniels. Darrow. Davis. Deuchler. Donovan. Jack Dunn. John Dunn. Ralph Dunn. Ebbesen. Epton. Ewing. Fawell. Findley. Flinn. Virginia Frederick. Dwight Friedrich. Griffin. Hallock. Hallstrom. Hannig. Hastert. Hoffman. Hoxsey. Hudson. Huskey. Johnson. Kane. Karpel. Jim Kelley. Klemm. Kociolko. Koehler. Kustra. LaHood. Leinenweber. Macdonald. Matijeovich. Mautino. Mays. McBroom. McClain. McCormick. McGrew. McMaster. McPike. Ted Meyer. Miller. Murphy. Neff. Nelson. Oblinger. Ozella. Peters. Piel. Pullen. Rea. Reilly. Richmond. Rigney. Robbins. Ropp. Saltsman. Satterthwaite. Schraeder. Slape. Irv Smith. E. G. Steele. C. M. Stiehl. Stuffle. Swanstrom. Tate. Telcser. Tuerk. Van Duynes. Vinson. Watson. Wikoff. Winchester. Sam Wolf. Woodyard. Zwick. And, Mr. Speaker."

Speaker Daniels: "Questions of the Affirmative Roll. Representative Cullerton. What's the count, Mr. Clerk? Ninety-five 'ayes'."

Cullerton: "Hoffman, please?"

Speaker Daniels: "Representative Hoffman, is the Gentleman in the chambers? How's the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Cullerton: "Swanstrom?"

Speaker Daniels: "Representative Swanstrom is in the rear."

Cullerton: "Epton?"



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Speaker Daniels: "Representative Epton? Bernie Epton? Is the Gentleman in the chambers? How's the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Cullerton: "Representative Birkinbine?"

Speaker Daniels: "Representative Birkinbine is in his chair."

Cullerton: "Representative Barr?"

Speaker Daniels: "Representative Barr is in the aisle or walking towards his chair."

Cullerton: "Virginia..."

Speaker Daniels: "Did you wish...Excuse me. How is the Gentleman, Representative Barr, recorded?"

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

Speaker Daniels: "Did you wish to change your vote, Representative Barr? I have you, I think, as affirmative. Okay."

Cullerton: "Representative Frederick, Virginia Frederick."

Speaker Daniels: "Virginia Frederick? Representative Frederick? How is the Lady recorded?"

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

Speaker Daniels: "Remove her."

Cullerton: "Representative Nelson?"

Speaker Daniels: "Representative Diana Nelson is in the chamber."

Cullerton: "Representative Boucek?"

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

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

Speaker Daniels: "Remove him."

Cullerton: "Representative Barkhausen?"

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

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

Speaker Daniels: "Remove him."

Cullerton: "Representative Ralph Dunn?"

Speaker Daniels: "Ralph Dunn? Ralph Dunn, is the Gentleman in the chambers? How is the Gentleman recorded?"

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

Speaker Daniels: "Remove him. Excuse me. Mr. Clerk, record...change Representative Barr from 'aye' to 'no'..I mean from 'no' to 'aye'. From 'no' to 'aye'. Excuse me."

Cullerton: "Representative Ackerman?"

Speaker Daniels: "Representative Ackerman is in his seat."

Cullerton: "Representative McAu..."

Speaker Daniels: "Further questions?"

Cullerton: "Representative Irv Smith?"

Speaker Daniels: "Representative Irv Smith? Irv Smith? How is the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Cullerton: "Is Representative Conti in the building?"

Speaker Daniels: "Yes. He has been all day."

Cullerton: "Representative McMaster?"

Speaker Daniels: "He's in his chair. Further questions?"

Cullerton: "Representative Harry Smith?"

Speaker Daniels: "Harry Smith? How is Representative Harry Smith recorded?"

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

Cullerton: "Representative Leinenweber?"

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

Cullerton: "Representative Flinn."

Speaker Daniels: "Who?"

Cullerton: "Flinn."

Speaker Daniels: "Representative Flinn, Monroe Flinn? Is the Gentleman in the chambers? How is the Gentleman recorded?"

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

Speaker Daniels: "Remove Representative Monroe Flinn.

Representative Stanley wishes to be recorded as 'aye'."

Cullerton: "Mr. Speaker, could you tell me what the count is right now?"

Speaker Daniels: "Do you have any more questions, Sir?"

Cullerton: "Could you tell me what the count is right now?"

Speaker Daniels: "We had a starting count, Sir. We're ready to take the Roll."

Cullerton: "You just told the Speaker what the count was so that you have the benefit of the count. I think I'm entitled to that."

Speaker Daniels: "Sir, I did not tell the Speaker the count. I don't know the count myself. Now, do you have any more questions?"

Cullerton: "No, other than what is the count."

Speaker Daniels: "There are 89 'ayes' and 54 'nos'. Record Representative Olson as 'aye'. There are 90 'ayes', 54 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2002. Representative McClain? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2002, a Bill for an Act relating to the construction and maintenance of the state maintained highway systems. Third Reading of the Bill."

Speaker Daniels: "Representative McClain."

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I think the open...Mr. Speaker? The opening statement would be from Mr. Neff and that I would close."

Speaker Daniels: "The Gentleman, Representative Neff."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is probably as important a piece of legislation that's going to come before us this year. It pertains to raising the gas tax and the license plates. I

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think all of us realize that in Illinois we have not raised the gas tax since 1969. If we'll check the surrounding states we'll find most all of them have a higher gas tax than we do here in Illinois. House Bill 2002 is a realistic approach to helping solve the problems of deteriorating and incompletd highways in Illinois. And I think it's important that we do something now before the problem becomes worse at a time when the Road Fund for this purpose are less than adequate. House Bill 2002 in its original form as introduced would generate approximately 261 million dollars in Fiscal 1983. And 326 million dollars in Fiscal 1984, which is to be placed in a special construction account and used exclusively for construction, reconstruction and maintenance of state maintained highways in Illinois. None of this money can be used for administration to operate. Every effort has been made to present a fair and equitable percentage formula which we've had in the past. Of the 261 million dollars that we will collect in 1983 and 326 million dollars in 1984, 400 million dollars would accrue to the state and 178 million dollars would be passed on to local government. For example, we'll take Cook County, would receive 45 million dollars out of the local government money, out of the..out of the 178 million dollars that was pass out to local governments. Now, we're talking here of helping our highways, local and otherwise, streets, many of us live in towns where the streets are deteriorating. This is going to help them. In this legislation we have insisted that the funding principles of the Bill must be maintained, that every dime go for construction and not one penny for other purposes. Now, the past harsh winter that we've had has been devastating to our road system, already in desperate need of repairs. I do not believe we can afford to defer

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the problem any longer. The cross...the cost of increased auto maintenance, accidents and decreased fuel economy is tremendous. Most studies indicate that these factors are long cost to average motorists approximately \$200 per year. Our proposal, if enacted, would only increase the cost about one-third of a cent per mile or approximately for the average car owner, \$35.00 per year. Now, Illinois has approximately 3800 miles of narrow and bad unimproved roads that need something done. These are just state roads. We also have 2900 bridges in the State of Illinois that have been rated, bridges that need to be replaced. Most of these bridges are from 30 to 50 to 60 years old. The average life of a bridge is only considered 50 years. They were also built back when we didn't have the heavy traffic we have today. Now we did adopt Amendment #7 that changed the...a little bit on what I quoted on the ...the total amount received. Amendment #7 that was adopted did change the fees on 35 horse power and less, from \$18 to \$26. In the original Bill this would have went...been 18 to 44 dollars. Now, this does reduce the state construction account approximately 43 million dollars. I would ....I would also like to say this, that many of us that may not realize that we need ...should vote for a tax. But I think if we let our roads and our bridges continue by next fall many of us would wish we had voted for a tax because I think we're going to be hearing a lot from the public when fall comes around on both sides of the aisle. I would appreciate a favorable vote."

Speaker Daniels: "The Gentleman moves for the passage of House Bill 2002. Is there any discussion? The Gentleman from Cook, Representative Levin."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, I'm going to be very brief. First of all...I do want to commend the

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Sponsors of this legislation. I think they are very sincere and hard working in terms of their concern about roads, particularly Representative McClain who's been actively involved for several years in efforts to improve the road system in the state. But I've got to tell you I've had a change of heart about voting for a tax increase. I have decided that the people in my area are overtaxed and when I look at what they get from this legislation, it's very, very little. We talked yesterday about the fact that the six county area is traditionally paid 60% of the monies that have gone into the Road Fund and have gotten back substantially less than half. This Bill does not correct this inequity. It just makes us pay in the six county area an additional hundred eighty million dollars a year. We've got pot holes in our areas. They're not going to be fixed because we're not getting our fair share of the money and this legislation isn't going to fix that either. More importantly, I have many constituents who take mass transportation. Our system is falling down and this legislation does nothing. Accordingly I expect to vote against this legislation and urge everybody to join in voting against it. It does provide one component potentially for mass transit, but I don't think it's going to be this year."

Speaker Daniels: "Representative Madigan."

Madigan: "Mr. Speaker, before I address myself to the Bill, and I will be brief, by way of explanation of vote, I wish to declare that I have a conflict of interest on this Bill, but that I will vote my conscience on the Bill. Addressing myself to the Bill, for all of the reasons offered by Representative Levin I stand in opposition to the Bill. Transportation in Illinois is a problem of road construction and maintenance and mass transportation. If

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you are attempting to legitimately solve the problem of Illinois transportation, then you cannot separate the issues. You must treat them together. This Bill does not treat them together and for that reason, I will cast a 'no' vote."

Speaker Daniels: "Further discussion? If..Representative Hoxsey."

Hoxsey: "In response to the last speaker, you know, 13 million dollars, Representative, would be better than not at all. And if we ...we can address one issue at a time. And you know, it's unfortunate the way I see it. Sure, I'm a candidate in the next election too. But I recognize the needs of the people of Illinois both in the city and downstate. And I think this Bill is long past due. And I suggest that we ought to have guts enough in this General Assembly to stand up and be counted for what we believe and know that we need to build roads in Illinois. And working together we can take care of both areas of concern. But I suggest to you that one at a time with a priority of roads and the money that you would naturally get in the city is going to be helpful. I would ask you to support the legislation."

Speaker Daniels: "Representative Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Daniels: "Indicates he will. Which Sponsor? You want Representative Neff or Representative McClain."

Friedrich: "Whichever wants to take it. One of my hang-ups on this Bill has been the real heavy increase in motor vehicle license plates for passenger cars. My question is, would you, as Sponsors, be amenable to a further decrease in the license plates fee in the Senate if that's proposed?"

Speaker Daniels: "Representative Neff."

Neff: "I think many of us agree there should be some changes in

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this. And if this Bill does pass out of the House and goes over to the Senate, I'm sure there will be some Amendments offered and accepted. I think, as many people, some of the Leaders of the state, that feel that the license plates are just a little bit too high and there should be some reduction in them."

Speaker Daniels: "Representative Ropp. Representative Ropp."

Ropp: "Mr. Speaker and Members of the House, I'd just like to remind a couple of the Gentlemen who spoke on the other side of the aisle that when they were concerned about not wanting to vote for taxes, I'd just like to recall that a couple of years ago we had in this Body reduced the taxes for food and medicine which actually causes some three hundred million dollars less to come into the General Revenue Fund. So you can, in fact, go back to your constituents and say that we are responsible in that manner. Now we're asking for some assistance in terms of providing leadership for transportation here in the State of Illinois. We have seen all too often that because of the serious winters that our highways have been badly deteriorating. And I can assure you that the few cents that will be added to this tax will certainly not be offset by what you're going to have to pay for realignment of your trucks and cars having to try to dodge the pot holes in this state. It's going to take some leadership on all of our parts to support this necessary legislation. We needed it only..not only to maintain good highways throughout the State of Illinois, but to prevent that which we have heard, Illinois is the laughing stock of the nation in terms of good highways. Let's throw away that old myth."

Speaker Daniels: "Representative Ewing."

Ewing: "I move the previous question."

Speaker Daniels: "The Gentleman moves the previous question. The



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

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, Mr. Neff and I represent a coalition of business groups, labor unions, and interested banks and other kinds of businesses that are vitally interested in the Road Fund and the road transportation system in the State of Illinois. Now, we've made it perfectly clear during the second Amendment stage and throughout our entire negotiations on this matter, both the Governor and with the City of Chicago, that we recognize that there's something that needs to be done for mass transit. They offered no Amendments that were other than taking monies away from a philosophical thing that we cannot amend, and that is from user tax fees. To the issue of what they receive and what they don't receive, the six county area receives 57% of the local monies through the Motor Vehi...Fuel Tax Fund. That's 57 percent. They also receive monies from the state construction account. The six county area does very well. Just like this chamber and the Senate and the Governor in the past has always been willing to give the City of Chicago more school dollars because they have a unique problem in the City of Chicago, likewise 96 counties in the State of Illinois received a little bit more money because of the unique problems of how many miles local governments and the state road system had. I think this is...all of us should recognize that the roads are deteriorating. This is not an upstate, downstate battle. This is an issue for all of us to recognize that this is a plea for us to protect the road system, to maintain it, to rebuild and there's a study from the University of Illinois that says transportation network, be it transit or roads are vitally

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linked to economic growth and stability. For us not to vote 'aye' on this is for us to again turn our back on a vital network for us to improve our economic climate. There's nothing else for us to do. We all know we ought to be voting 'aye'. We all know it's the right vote. We all know we have tough political campaigns and all that kind of nonsense. But it's time for us to vote our conscience and put our districts ahead of any kind of politics. An 'aye' vote is a right vote. You know it is, and I urge your 'aye' vote."

Speaker Daniels: "The Gentleman moves for the passage of House Bill 2002. The question is, 'Shall House Bill 2002 pass?'. All in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Representative Jones to explain his vote."

Jones: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. The people in my district told me when I came down here this Session that ..don't go down there giving up some votes and not bring back any oats. And, the people in my area need mass transportation. They need funding for the buses, the trains, the subway trains and they want something....they want something off the table. So I'm not going to give up any votes for any oats. The people in my district want to sit down at the table in brotherhood with you. Those who need roads have got to join hands with those who need mass transportation and we walk this plank together."

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

Rigney: "Well, Mr. Speaker, I don't even consider this vote to be very controversial. I'm one of those that have already paid the tax for the next 75,000 miles that I'm going to be driving. I was out yesterday morning to Friendly Chevrolet

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and I'll assure you that's a very friendly place out there. I've got the receipt to show for it. I had to go out there and buy two wheel covers, and spent \$156.05, compliments of Illinois pot holes. So, as one who has already paid his tax in advance, I am proud to be voting green on this particular Roll Call."

Speaker Daniels: "Representative Preston to explain his vote. The timer's on."

Preston: "Thank you, Mr. Speaker. I have a conflict of interest and I will be voting my conscience against this Bill."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 45 'aye', 89 'no', 9 voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 2013, Representative Henry? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2013, a Bill for an Act to amend Sections of the Criminal Code. Third Reading of the Bill."

Speaker Daniels: "Representative Henry."

Henry: "Yes, thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 2013 prohibits any person who burns or desecrates a cross or...Thank you again, Mr. Speaker. Any person who burns or desecrates a cross or other religious symbols, knowing it to be a religious symbol or places or displays the sign marked symbols, emblems of other physical impressions, including but not limited to a Nazi swastika, on the private property of another without authorization for the purpose of terrorizing. Another or reckless disregarded risk of terrorizing another person is guilty of a class 4 felony, and a second and subsequent violation is a..guilty of a class 3 felony. For the purposes of this

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Section, terrorizing means to cause a person of ordinary emotions and sensibilities to be fearful for his personal safety or the safety of his family. This Bill is patterned after California Bill that's been passed. It's passed out of the Committee 13 to nothing. At this time I'd like to yield to the hyphenated Cosponsor, Representative Braun."

Speaker Daniels: "Further discussion? Being none, the Gentleman, Representative Henry, moves for the passage of House Bill 2013. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 140 'aye', none voting 'no', 7 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2076, Representative McMaster? Out of the record. House Bill 2139, Representative Pullen? Out of the record. House Bill 2412, Representative Terzich? Interim Study. House Bill 2437, Representative Karpziel. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2437, a Bill for an Act relating to land use. Third Reading of the Bill."

Speaker Daniels: "Representative Karpziel."

Karpziel: "Yes, thank you, Mr. Speaker and Members of the House. 2437 is a Bill that we amended late last night. With the Amendment on, it does not do what the original Bill did at all and the staff analysis that you may be looking at would therefore be incorrect. All this Bill does at this time is to put into the Environmental Protection Act the words that would allow municipalities to object if a county is going to put a regional pollution control facility within a mile and a half of their boundaries. They object in writing. Now, the county can still put that facility there if they vote approval with a three-quarter vote of the County

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Board. That's all this Bill does. The county, Urban Counties Council has signed off on it. The Municipal League is in favor of it. I had talked to the President of the American Planning Association who has no objection with it. And I would appreciate your vote."

Speaker Daniels: "Any discussion? We're having trouble with the machine. That's why the record is still up on the Boards. We can't get a good printout on the last Roll Call. Representative Karpziel?"

Karpziel: "Yes, Mr. Speaker. If there's a problem with the Board I'll take that Roll Call."

Speaker Daniels: "Representative Cullerton?"

Cullerton: "Can we proceed to debate the Bill while we're waiting to clear the Board?"

Speaker Daniels: "We didn't have anyone recorded to talk on the Bill. If you'd like to I will recognize you, Sir."

Cullerton: "Well, I'm...Representative McClain, if you can recognize...you recognized him? He..He wants to speak on the Bill."

Speaker Daniels: "Which order in the pecking order is he?"

Cullerton: "The leader."

Speaker Daniels: "Representative McClain."

McClain: "Thank you very much, Mr. Speaker. I stand before the Membership today and seek from you a 'no' vote on House Bill 2437. This piece of legislation is a very significant piece of legislation. I'd like to recount for you for a moment how we even arrived at the issue of local control for a siting of landfills in the State of Illinois. For years we sited landfills in the State of Illinois through a permit process from the Illinois Environmental Protection Agency. That proved to be fatal because often they permitted sites that should not have been permitted. Last year through the Governor's initiative and through a

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compromise from our side of the aisle, we agreed to try a new focus and that would permit some local control over siting of landfills, special waste sites and hazardous waste sites in the State of Illinois. This Bill goes even further. Instead of now us causing almost a severe halt to landfill dumping in the State of Illinois, this Bill now calls for three-fourths vote from the County Board in order to permit a landfill to be sited. Ladies and Gentlemen, that's greater than a simple majority or for the common good. That is three-fourths. That means 75% of those county board people must indeed vote to have this siting. Now, let me tell you the impact of that so you understand that this is not a Democrat and Republican industry versus consumer vote. The impact of that is if you have no land dumping or no incineration of wastes in the State of Illinois, the only place that these industries can place this waste is on top of the ground. The only place they can do it is to put it right there on the site. Now if you want these kinds of waste to be right there on the site, in the parking lots, in the back yards of the plants, then you vote 'yes'. If, indeed, you want to wait and see how a simple majority of county board members voting will decide on whether or not siting will indeed happen, then you should be voting 'no'. What is good for the goose is good for the gander. We gave the Governor the option to try local control. Let's give the Governor an opportunity to try local control with a simple majority of those county board members. You go for a 75% vote, we don't require that any vote here in the Legislature. We should not require it for a local vote for a siting. I think it's a very critical measure for the Membership. Anybody that's interested in land dumping of any kind of waste, even for recycling, ought to be very concerned. The second one is

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if you're concerned about things of leakage and those kind of matters on top of the ground, then you also ought to be voting 'no'. This is a significant piece of legislation. I ask you to vote 'no', and Mr. Speaker, if it arrives to a simple majority, I would verify the Roll Call."

Speaker Daniels: "Any dis...Further discussion? Representative Hoxsey. We haven't taken the record yet, Ma'am. We haven't opened it up yet. Is it fixed now? Okay. Further discussion? Representative Carey."

Carey: "Thank you...Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Last night we went through a long rigamarole on if's and and's and but's and don't's and do's. This morning we're all tired. We want to get out of here. So all I'm asking you, minds are already made up on how you're going to vote. Let's try and give the local authorities some power. They were elected also. Thank you."

Speaker Daniels: "Further discussion? The Gentleman, Representative Mautino."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stand in opposition to the comments recently made by a Member on my side of the aisle. I stand in support of House Bill 2437, and specifically, Amendment #6. I think the important provision that everyone in this House should understand, besides site selection, Amendment #6 addresses the question of a regional pollution control facility. This could very possibly be tied into concert with Senate Bill 1259 or 1260 under the Multi-State Regional Compact Provisions. I recommend most highly that if, in fact, you're going to authorize local control, whether it be municipality or by county board, that you would be supportive of this Bill, 2437. I, personally, do not feel that it goes far enough in authorizing control in licensure

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for any possible site selection provision. What I do recommend is that ...and evaluate, is that Senate Bill 172, that was previously signed into law after an amendatory veto, took away most of those general powers that were authorized to the municipalities and to the county boards. I recommend most highly that House Bill 2437, in its current posture, be adopted by this General Assembly to put some of that local control, even if it is an extraordinary majority, for consideration at the site selection provisions. I vote 'yes', and recommend to all of my downstate colleagues on both sides of the aisle that they support this concept."

Speaker Daniels: "Further discussion? Representative Macdonald? Did you wish to speak on this Bill? No. Representative Karpziel to close."

Karpziel: "Yes, Mr. Speaker. First of all, the reason for this Bill comes from a problem in my district, Representative Carey's and Representative Stanley's, and also some neighboring districts, because there is a landfill and it has come within...been expanded to within 200 feet of a municipality in my district, 200 feet of residences there. The municipality had no say so over whether or not that should be sited. This Bill is not going to give them a veto power. It is not going to give them any undue jurisdictional powers. All it does is say that within a mile and a half of their boundaries, they can pass an ordinance objecting to that. The county board still can site the facility there with a three-quarter vote of the board. This does not do what Representative from Adams County said, making it impossible for anybody to have landfills in this state. We're only talking about a mile and a half boundary of a municipality. This is the same wording, the same language that is now in the Municipal



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Code, giving municipalities an objection ...a means of objecting to zoning within a mile and a half of their jurisdictions. This is not any far-reaching Bill that is going to hamper or hinder the siting of landfills in the State of Illinois. I'd appreciate your 'aye' vote."

Speaker Daniels: "The Lady, Representative Karpriel, has moved for the passage of House Bill 2437. The question is, 'Shall House Bill 2437 pass?'. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 98 'aye', 35 'no', 2 voting 'present'. This Bill, having received a Constitutional Majority...who did? Is the Gentleman on the floor? I'm...I'm sorry. It's out of order. He's not on the floor. This Bill, having received a Constitutional Majority, is hereby declared passed. Cullerton, no, Sir. It's passed. I have declared it passed. Representative McClain."

McClain: "Mr. Speaker, I asked in my remarks to seek a verification."

Speaker Daniels: "That is correct, Sir. You were recognized for that purpose. You were not on the floor. We have announced this Bill as passed. We're now going on to House Bill 2466. 2448, Daniels. That Bill in Interim Study. 2466, Representative Stearney? Representative Telcser?"

Clerk Leone: "House Bill 2466, a Bill for an Act concerning fees and salaries. Third Reading of the Bill."

Speaker Daniels: "Is the Gentleman on the floor? Out of the record. Consideration Postponed, page eight of your Calendar, House Bill 1969. Representative Younge? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1969, a Bill for an Act to create the Illinois Municipal Assistance Corporation. Third Reading

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of the Bill."

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

Meyer, Ted: "Point of order, Mr. Speaker."

Speaker Daniels: "Proceed. State your point."

Meyer, Ted: "You didn't finish up the Order of Business you were on."

Speaker Daniels: "We will return to that Order, Sir. We're on..."

Meyer, Ted: "Did you have leave of the House?"

Speaker Daniels: "You don't need the leave of the House, Sir. It's within the discretion of the Chair. We're now on the Order of Consideration Postponed. Representative Younge, House Bill 1969. Has the Bill been read, Mr. Clerk?"

Clerk Leone: "The Bill has been read a third time previously."

Speaker Daniels: "Representative Younge, House Bill 1969."

Younge: "Thank you, Mr. Speaker. May I have leave to take that back to Second Reading for purposes of an Amendment?"

Speaker Daniels: "The Lady asks leave to take the Bill back to Second Reading. Any objections? Hearing none, leave is granted. House Bill 1969, Second Reading. Any Amendments?"

Clerk Leone: "Floor Amendment #4, Younge, amends House Bill 1969 as amended."

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

Younge: "Mr. Speaker and Members of the House, Amendment #4 would take out...this is the Illinois Municipal Assistance Cooperation Act Bill. Amendment #4 addresses itself to the discussion of this Bill two days ago in which all consideration of any type of fund being established is taken out of the Bill. Secondly, it addresses...the Amendment addresses itself to a change in the eligibility requirements not requiring that the bonds be in default

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before a municipality is eligible for assistance. I move for the adoption of this Amendment."

Speaker Daniels: "Any discussion? Representative Mays."

Mays: "An inquiry of the Chair. Has that Amendment been distributed yet?"

Speaker Daniels: "Yes, it has."

Mays: "I don't see what I want to discuss."

Speaker Daniels: "Any discussion on Amendment #4? Being none, the Lady moves for the adoption of Amendment #4. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes'...All those in favor signify by saying 'aye', opposed 'no'. The 'nos' have it. You want a Roll Call, Ma'am? Alright. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On this question there's 72 'aye', 35 'no', 2 voting 'present'. The Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. Representative Younge."

Younge: "This Bill would establish the ..."

Speaker Daniels: "Representative Younge, you have a..."

Younge: "Yes. I move for the immediate consideration of this matter."

Speaker Daniels: "The Lady has asked for unanimous leave. Does she have leave? There are objections. The Lady moves to have this Bill heard on the Order of Third Reading. All those in favor will signify by voting 'aye', opposed by voting 'no'. It takes 107 'ayes'. There are objections. We can't put the question yet, Representative Younge. The machine has broken down again. Okay. Now, the Lady moves for immediate consideration. It takes 107 votes. All those in favor signify by voting 'aye', opposed by voting

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'no'. Have all voted who wish? Have all voted who wish? Vote your own switch, please, so we don't have a verification. Have all voted who wish? Take the record. There are 96 'aye', 33 'no', 2 'present'. The Lady's Motion fails. The Bill will remain on Third Reading, Consideration...The Lady wishes to have this Bill placed in Interim Study. The Bill will be placed in Interim Study. House Bill 1974, Representative Catania? Is the Lady on the floor? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1974, a Bill for an Act in relationship to access to public records. Third Reading of the Bill."

Speaker Daniels: "Representative Catania. Representative Catania."

Catania: "Thank you, Mr. Speaker and Members of the House. I have a problem with 1974 because I have two Amendments filed and distributed, Amendments #4 and 5, to attempt to meet the objections of the Department of Corrections, the Department of Law Enforcement. I've also prepared a Fiscal Note, which is drafted with the Clerk, but there has been a request this morning for a State Mandates Act Note, which is in preparation, but is not here yet. They have just told our staff that it will take them 15 minutes to get it here, so the Bill will get stuck on Second Reading if I take it back, and I would ask that you would read the Amendments that you have on your desks, Amendment #4 and Amendment #5, which certainly will go on the Bill if it can get out of the Senate Rules Committee in the Senate. And they address, as I said, part of the problem of Corrections and the Department of Law Enforcement, certainly every objection of Corrections which was raised in debate night before last on this Bill, and which I agreed to address, and you can read them. I will go through them for you, and so, you certainly have my commitment to put those

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Amendments on in the Senate. And, I would like to just briefly tell you one more time what this Bill does, and then I would hope for your support now on Third Reading, with that commitment that I would not only put on the Amendments 4 and 5 that you have on your desks in the Senate, but continue to work with the Department of Corrections, Department of Law Enforcement..."

Speaker Daniels: "Excuse me. Representative, excuse me. For what purpose do you arise, Representative Johnson?"

Johnson: "Just a point of Parliament...Parliamentary Inquiry and perhaps a point of order. If a..."

Speaker Daniels: "State your point of order, Sir..."

Johnson: "If a request for a State Mandates Act has been filed and the proper response has not been filed, is this Bill properly under consideration by the House at this time?"

Speaker Daniels: "The Bill's on Third Reading, Sir. The Sponsor is absolutely correct. As long as she doesn't bring it back to Second, the request for a State Mandates Act is not timely."

Johnson: "Okay. Thank you."

Speaker Daniels: "Representative Catania?"

Catania: "Thank you, Mr. Speaker and Members of the House. House Bill 1974 is a Bill that would provide standards for all agencies, all public bodies, in the State of Illinois to use in understanding what documents they are expected to provide to people who request it and providing reasonable exemptions so that they will not have to disclose anything that would in any way compromise the privacy of people in the State of Illinois or divulge records that ought to remain private. It's a very carefully balanced Bill, and I would ask for your support."

Speaker Daniels: "The Lady moves for the passage of House Bill 1974. Any discussion? Being none, the question is, 'Shall

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House Bill 1974...'.Representative Dunn, did you...Representative Dunn?"

Dunn, John: "Mr. Speaker, Ladies and Gentlemen of the House, I had an opportunity to look at the new information, but I thought we'd beat this thing down yesterday by a couple of votes, but it looks like it appeared again today like the spector that it really is. I still have letters from the communities in my district opposing this kind of legislation. We already have an Open Meetings Act. We had the 'Scariano Bill' some years ago. And I think that we....I think that we have sufficient clarity within the units of local government now. I think it'll create chaos. The Bill, itself, is too open. The courts..the courts traditionally have been lenient on these things. We've got all kinds of people who will just wonder in the village halls, units of local government, many characters who ask for all kinds of things, demand them. They ask for them now and they usually get them, but they'll be demanding if this kind of legislation passes. I think it will lead to an election harassment as well. I think it's just as bad a piece of legislation today as it was yesterday, and I urge a 'no' vote."

Speaker Daniels: "Further discussion? If not, the Lady...Representative Dunn."

Dunn: "Verification of the Roll Call also please."

Speaker Daniels: "If not, the Lady, Representative Catania, to close."

Catania: "Thank you. Thank you, Mr. Speaker and Members of the House. I would ask for your support of this Bill which, as I said, carefully balances the right of the public to know, the right of the agencies not to be disrupted and the right of individual people to privacy. The press fully supports this Bill. The Freedom of Information Council, headed by

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Bill Miller, strongly supports it. And I have pledged to continue to work with anyone who has any problem with it in the Senate. I ask for your support."

Speaker Daniels: "The Lady moves for the passage of House Bill 1974. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Catania, to explain your vote?"

Catania: "Yes, thank you, Mr. Speaker. For anyone who might not have been paying attention, this is the Bill that I have been working on to provide standards for all public bodies in the State of Illinois so that they will know what they are expected to provide in the way of records to people and what they need not worry about having to provide. There is no such document now that they can refer to. It is very straightforward, easy to read, easy to understand, and it also provides that they will not have to put up with nuisance requests that would cost an inordinate amount of money and cost them a lot of time. If it is going to be a substantial burden for them, they can refuse the request. They can have a conference, sit down with the people and say, '..Well, look, we have one part-time Clerk who comes in three days a week. That Clerk can spend two hours a week for the next ten weeks working on your request and we will have to charge you part of the cost of the search and production and copying of the material..' We had an example in Committee of a request that was made of the Downer's Grove Board to tell the requestor the species and date of planting and location of every tree in Downer's Grove. It cost them \$156.00 to comply with that request. I don't think taxpayers expect that they should have to pay the bill for that kind of a request..."

Speaker Daniels: "Would you bring your remarks to a close,

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please?"

Catania: "And this Bill would make it very clear that the taxpayers don't have to bear that burden. The requestors would have to help pay the costs. It's a very reasonable Bill, and I ask for your support."

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

Kane: "Mr. Speaker and Ladies and Gentlemen of the House, the remarks of a previous speaker are absolutely amazing, because from what that speaker was saying, it sounded like government is something that is the private preserve of those people who are running the government. Well that is absolutely not true. Government is for the public and of the public and the public should have access to these kinds of documents. What I find also amazing is who's up there voting red. If you will look at those, a lot of those red votes, they're the people who are always telling us, 'Get government off the backs of people. Government should be small. Government should be open'. And those red votes now are being put up there by those..by those same people. What are they afraid of? If we want to keep government small, if you want to keep government open, this is the kind of Bill that you ought to vote for. This is something that every conservative should vote for. And it's absolutely amazing, some of those votes up there."

Speaker Daniels: "Representative Conti to explain his vote. The timer's on, Sir."

Conti: "Just briefly because I know I'm not going to change anybody's mind. But as per usual, I get up and make a statement on the Bill which I truthfully believe and am sincere, just as sincere as the Sponsor is with her Bill. This is a Bill now that we're going to have to set guidelines for people that are running in public office.



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What happened to the electoral process? If you've got crooks in office, if you've got people who are for...hiding something, they're ashamed of something, throw them out of office. Vote them out of office, but we don't have to be setting guidelines for every step that every public official makes. We are not anointed. We are elected people and the public is open. The records are open to the general public and I take..I take very much offense to the article that came up in the Sun Times that I'm against reform. I'm not against reform. I'm as open as a lot of my ...running of my government, about as anybody could be open. And to be against a Bill like this..."

Speaker Daniels: "Bring your remarks to a close, Sir."

Conti: "I just hate to be dubbed as being against reform when it's a phony reform package and I'm ashamed that we have to have guidelines set for everybody that runs for public office."

Speaker Daniels: "Representative Fawell to explain her vote. Timer's on, Ma'am."

Fawell: "I'll just make this as..very brief since we do have 89. But, Downer's Grove is in my district. It was brought to my attention that this could be a very costly Bill, the way it was originally was written. I did ask Representative Catania if she would take out 'reasonable costs' and put 'actual costs, including the personnel' in the Bill, which she did. I think this is a reasonable Bill now. She did take out an awful lot of the objectionable language. I think we have compromised to the point where anybody can live with this Bill. I don't know of any village official that I have in my district that's trying to hide anything. It's just that they felt that the cost was unreasonable and I think that has been corrected with the word 'actual cost'. In fact, I think, in the long run they may find

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that it..it pays for bills that are being run up by taxpayers that they are presently getting."

Speaker Daniels: "Some of the switches have been voted inadvertently on people that are not here. We would ask you to put those people on 'present' before we take the record. There has been a request for a verification. Representative Findley to explain his vote. Timer's on, Sir."

Findley: "Thank you, Mr. Speaker, Members of the House. I think there is no greater assurance of good government than action we would take in passing this Bill to ensure the people of fair and reasonable access to public records. Like Representative Madigan earlier and Representative...my friend, the insurance man, saying, 'I have a conflict of interest', I do have some conflict. I'm a newspaperman by trade, and I have had the experience of going to public officials asking for public records and having those documents denied me simply because an influential person within or without government asked that that potentially damaging and embarrassing information be withheld. I think this is only consistent with good government and I think this Bill should have 100 votes."

Speaker Daniels: "Representative Bowman to explain his vote. The timer's on, Sir."

Bowman: "Ladies and Gentlemen, all of us in this chamber know that knowledge is power. And there is nothing that makes any one of us madder than to call a state department or agency to get some information and have them fool around with us, you know, do not send us the right stuff or to play games with us. We ask for information. We feel it's our due and we can't get it. It makes us really mad. Well, our..our constituents, the people we represent, feel exactly the same way when they try to get information from

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government. Before they can have any influence on government, they have to know, first of all, what is happening and why it's happening. Government should not be perceived as the enemy. It should be perceived as the servant of the people. We are the servants of the people and we should give the people the tools necessary which to operate in a democracy."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Representative Katz to explain his vote. The timer's on, Sir."

Katz: "When this Bill was heard in Committee, the representative of the Municipal League objected to the fact that their private communications with their lawyers could be discovered by a citizen under this, and Representative Catania accepted an Amendment which exempts under this Bill any communications between a village and its lawyer. It also exempts anything that's already exempt under the Open Meetings Act for example, minutes of closed meetings. The Sponsor has been very fair in adopting those proposals and in the form in which it's here. It is a reasonable compromise between the desire of the village for privacy and the desire of citizens to know what's going on in their government."

Speaker Daniels: "Representative Friedrich."

Friedrich: "Mr. Speaker, I can give you the names of ten people that are green up there and I think it would save the time of the House ....Representative Dunn has said he's going to verify..if those people who pushed those switches would move them to 'present', we can get out of here."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 92 'aye', 34 'no', 17 'present'. The Gentleman, Representative Dunn, requests a verification of the

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Affirmative Roll. Representative Madigan on the floor?  
Proceed with a Poll of the Absentees. Representative  
Dunn?"

Dunn: "Mr. Speaker, I think we could save some time if I just  
read some names off here if that's appropriate, or an Oral  
Verified Roll Call."

Speaker Daniels: "Okay. You want to give me some names and I'll  
call them out, see if they're here."

Conti: "Is that legitimate?"

Speaker Daniels: "Yes, Sir."

Conti: "Well, yes. Breslin, Getty, Farley, Keane.."

Speaker Daniels: "Well, wait a second. Representative  
Breslin..is here."

Conti: "All right. Getty."

Speaker Daniels: "Representative Farley? How's the Gentleman  
recorded?"

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

Speaker Daniels: "Remove him. Further questions? Representative  
Conti, further questions?"

Conti: "Getty."

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

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

Speaker Daniels: "Remove him."

Conti: "Keane."

Speaker Daniels: "Representative Keane? Is the Gentleman in the  
chambers? How's the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Conti: "Ronan."

Speaker Daniels: "Representative Ronan? Is the Gentleman in the  
chambers? How's the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Conti: "Rhem."

Speaker Daniels: "Rhem?"

Conti: "Rhem?"

Speaker Daniels: "How's the Gentleman recorded?"

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

Speaker Daniels: "Is he in the chambers? Remove him."

Conti: "Steczo."

Speaker Daniels: "Steczo? Is the Gentleman in the chambers?

How's the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Conti: "Leon."

Speaker Daniels: "Leon? Is the Gentleman in the chambers?

Representative Preston, why are you... Representative  
Preston is verified. Leon? Is the Gentleman in the  
chambers? How's the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Conti: "Balanoff."

Speaker Daniels: "Balanoff? Is the Lady in the chambers? She's  
here."

Conti: "She's here?"

Speaker Daniels: "Yes."

Conti: "Satterthwaite?"

Speaker Daniels: "Satterthwaite's here."

Conti: "DiPrima?"

Speaker Daniels: "DiPrima is voting 'present'."

Conti: "Kulas?"

Speaker Daniels: "Kulas is voting 'present'."

Conti: "Vitek?"

Speaker Daniels: "Vitek? Is the Gentleman in the chambers?"

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Representative Vitek?"

Conti: "If he's in the House, that's all right with me."

Speaker Daniels: "Well, let's...let's hold on that one. Further questions?"

Conti: "Darrow?"

Speaker Daniels: "Darrow is here."

Conti: "Preston?"

Speaker Daniels: "Preston is here. He was verified."

Conti: "Leinenweber."

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

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

Speaker Daniels: "Remove him."

Conti: "Doyle?"

Speaker Daniels: "Doyle? Representative Doyle? Is the Gentleman  
in the chambers? He's voting...How's he recorded?"

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

Speaker Daniels: "He's voting 'no', Sir."

Conti: "Schneider?"

Speaker Daniels: "Representative Schneider is voting 'present'."

Conti: "Barkhausen?"

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

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

Speaker Daniels: "Remove him."

Conti: "Epton?"

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

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

Speaker Daniels: "Remove him. Return Representative Barkhausen  
to the Affirmative Roll. Further questions?"

Conti: "I have no further questions."

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Speaker Daniels: "What's the count, Mr. Clerk? Excuse me. Jaffe was not verified off, was he, Mr. Clerk?"

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

Speaker Daniels: "And Giglio is recorded as 'aye'. Is that correct, Sir?"

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

Speaker Daniels: "All right. What's the count, Mr. Clerk? Eighty-three 'aye', 34 'no'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 2413, Representative Kustra? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 24...13..."

Speaker Daniels: "Out of the record? Out of the record. House Bill 2442, Representative Macdonald. Read the Bill, Mr. Clerk. Representative...Meyer?"

Meyer, Ted: "By what Order did you get to these numbers?"

Speaker Daniels: "Sir, House Bill 2413 is the last Order on Consideration Postponed. House Bill 2442 is on the Order of Third Reading between 2437 and 2448, which was in the Calendar and I inadvertently missed. We are in the Order of Business that I think you want to be, Sir, and we're trying to get to your Bill. If you'll be patient, we'll do our best. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2442, a Bill for an Act to amend the Workmen's Compensation Act. Third Reading of the Bill. House Bill 2442, a Bill.."

Speaker Daniels: "Representative ..."

Clerk Leone: "...For an Act to amend the Worker's Compensation Act. Third Reading of the Bill."

Speaker Daniels: "Representative Cullerton."

Cullerton: "It's..It's my understanding that there would have to be a Supplemental Calendar for us to consider this Bill. Now, if I'm in error, I'd appreciate it if you'd tell me

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what rule. It's..Right now it's on...The Calendar we have is Second Reading, third page. I understand it was moved to Third Reading, but I believe it needs to be on the Calendar on Third Reading, like the gas tax Bill which..."

Speaker Daniels: "The Parliamentarian advises me on this issue there's no Supplemental Calendar required in this case. Representative Macdonald."

Macdonald: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Fiscal note, indeed, was filed, was filed this morning. I would like to say, and not spend too much time of the House, we talked about this Bill last night. All it does is require that each arbitrator appointed after the effective date of this Amendatory Act of 1982 be subjected to..."

Speaker Daniels: "Representative Dunn?"

Dunn, John: "Point of order, Mr. Speaker."

Speaker Daniels: "State your point."

Dunn, John: "Page three of today's Calendar shows this Bill on Second Reading. We only consider Bills on Third Reading when they're on the Calendar. Where is this Calendar that calendars House Bill 2442 for today on Third Reading? Now, sometimes we do things that are not on the Calendar, but it's my understanding we have unanimous consent. I didn't hear unanimous consent given."

Speaker Daniels: "The Parliamentarian advises me the Bill was on the Calendar this morning, as you observed, on the Order of Second Reading, for purpose of a Fiscal Note. When the Note was filed, it was moved to the Order of Third Reading, and it is not required to be on the Calendar. It's just numerical order that we have taken up the Bill. That's the Parliamentarian's opinion. ....rules against it. May we proceed, now? Representative Macdonald. Proceed, Ma'am."

Macdonald: "This merely requires that each arbitrator would



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be...that was appointed will be reevaluated once every six years and such review shall include the performance of the arbitrators since the last review as well as the arbitrator's knowledge of the expertise in the law of judicial process of this Act, an occupational disease Act. There is a further Amendment, and that Amendment was by Representative Davis, and this would allow the corporate officers of corporations to opt out of coverage under Workmen's Compensation Act. This is not an unreasonable Act. My understanding is that in the late 60's that this was the case, and it worked probably very well up until we passed the Workmen's and Unemployment Compensation laws in 1975. And there have been so many complaints and so many observations of arbitrator decisions by some of these arbitrage that it was felt that it was needed and this would go a long way towards relieving of situation that exist today, and is an imposition on many of the businesses and costs hundreds of thousands of dollars every year in the business community. I ask for your support of this Bill. It is a simple Bill and I don't think it should be as controversial as it has been made by the other side of the aisle. I ask for your vote on this Bill."

Speaker Daniels: "The Lady moves for the passage of House Bill 2442. Any discussion? The Gentleman, Representative John Dunn."

Dunn, John: "Mr. Speaker, I'm not really too interested in the subject matter of this piece of legislation, but I am very interested in the integrity of the rules and calling Bills when we don't even have them on the Calendar. If this precedent is allowed to stand, then we might as well just forget a Calendar. So I'm going to do the best I can to see to it that this Bill doesn't pass, and maybe we'll back up and do what we should. So, I hereby request an Oral

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Verified Roll Call on this piece of legislation."

Speaker Daniels: "Any discussion? On the Bill, Representative Katz."

Katz: "Mr. Speaker, years ago it used to be that arbitrators..."

Speaker Daniels: "On the Bill, Sir?"

Katz: "On the Bill.."

Speaker Daniels: "On the Bill."

Katz: "Years ago it used to be that arbitrators at the Industrial Commission were treated as patronage employees. They came or went at the whim of the ...whatever happened in the winds of politics. Really, at the instance of the business community, an attempt was made to treat arbitrators at the Industrial Commission in a professional way, in the same way that hearing officers, Commerce Commissioners are treated, cause they are hearing cases involving a contest between insurance companies and individuals. Now, what this Bill does is to single out arbitrators and treat them differently than other employees of the state who are rendering service in a quasi-judicial capacity. This would include hearing officers of the Commerce Commission, or hearing officers of the Division of Unemployment Compensation or hearing officers of the Secretary of State, or other people who are sitting as Judges. The fact is that when you have a situation of people who are going to be Judges, and when they can be wacked off in the guise of some sort of review, you do not get fair and impartial administration of justice. That's why this Bill is really a step back. It singles out Industrial Commission employees and treats them differently than other quasi-judicial hearing officers in the state are treated, and for that reason, Mr. Speaker, as well as the reason that this Bill has never been on the Calendar, this is a Bill that ought to be rejected as a step backward in terms

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of the professionalization of hearing officers at the Illinois Industrial Commission."

Speaker Daniels: "Any discussion? The Lady...Representative Davis, did you want to speak on this? I'm sorry. Representative Hallstrom."

Hallstrom: "Mr. Speaker and Ladies and Gentlemen of the House, I'm particularly interested in the Bill because honestly I did work with the Arbitrators Association and with the business people trying to come up with some kind of a compromise. As you know, there was an Amendment to Representative Macdonald's Bill that I certainly didn't agree with, and they wanted to have the review every two years. And I felt that was not fair. There was some concern in the Arbitrator's Association that we were taking them out of the Personnel Code, and so we rewrote this Amendment with the actual help of some of the people in the Arbitrator's Association, not that I'm saying that they're for it. They would like to have it stay, I'm sure, the way it is. But they did help us and gave us language to put it in at least in a frame of reference that they felt would be certainly better to live with. So, I would ask for your support. In regard to the Bill today being heard, I honestly have to tell you that I heard today that Bill being moved to Third and there was not one objection from the other side. In fact, Representative Bell turned around and looked at me and smiled cause he knew that I was concerned about this piece of legislation. And my role in it honestly has been trying to get the Arbitrator's Association and the business community together for the best of both of them. And I would ask you, please, to support the Bill."

Speaker Daniels: "Further discussion? The Gentleman from Will, Representative Davis."

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Davis: "Well, thank you, Mr. Speaker and Members of the House. Representative Hallstrom is absolutely right, and the record will show that, and the transcription will show that. If you're voting against it because you're opposed to what happened here this morning when you may or may not have been off the floor, I don't think that's a valid reason to oppose it. If you're opposing the portion on the arbitrators and the six year thing that Representative Macdonald's base Bill is, then you can oppose it, I suppose, on that basis. But I suggest to you and Representative Breslin will nod at me when I say this, I suggest to you that the subject matter of the Amendment we added last night that was a subject matter of hers and my Bill that never got out of the Rules Committee, is the best small business Bill that has come along in a long time. Now, small businesses all over the state are in serious, serious trouble. They're going out of business daily, and that Amendment would allow small service corporations or any service corporations in retailers, in merchants, to withdraw from the Worker's Compensation Act by action of their board of directors, if they're incorporated, for officers only. Now that means that the small closely held family corporations that run in your jewelry stores or whatever that have decided to incorporate, can remove themselves if they chose to do it from under Worker's Compensation, and put themselves into a position where they have downward pressure on the expenses of their business. And obviously they take a risk at doing it because it is a low form of insurance, and we all understand that, but at this point in time, small businesses are looking for ways to survive. I think you all want them to survive on the other side of the aisle. There was no opposition to that Amendment, and I think for that reason alone, this Bill

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should pass, and deal with the other problems that you have with this Bill in the Senate. I recommend an 'aye' vote."

Speaker Daniels: "Further discussion? Representative Kane."

Kane: "Rise on a point of Parliamentary Inquiry?"

Speaker Daniels: "Raise your point."

Kane: "The point I'd raise is, is the effect of your ruling or calling this Bill to tell the House that a Bill that is not on the Calendar and does not appear on the Calendar can be called at the discretion of the Speaker?"

Speaker Daniels: "The Bill's on the Calendar, Sir."

Kane: "Not on Third Reading. It's being called on Third Reading and you are therefore calling a Bill that does not appear on the Calendar, and I'm asking if you are setting the precedent at any time of ..."

Speaker Daniels: "The ruling applies to House Bill 2442. That's the ruling that was made."

Kane: "Okay. I would then ask you in conjunction with Rule 8, which governs the daily Calendar, and Rule 37, which deals with the calling of Bills, is whether under those Rules if you would reconsider your..your ruling, because I think that if you get to the place where you start calling Bills that do not appear on the Calendar, contrary to all of the Calendar rules and all of the other kinds of implications, I think we're in real trouble."

Speaker Daniels: "The Parliamentarian tells me the first rule you stated was a Rule that stated it had to be on the daily Calendar. It is. The other one is that they be called in numerical order. We have. We've met the rules. Further points?"

Kane: "No. No. Mr. Speaker, you know that is an erroneous ruling. You know that you're trying to accommodate a Member on your side of the aisle against the rules."

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There's..."

Speaker Daniels: "State your further point, Sir. You have heard the ruling of the Chair."

Kane: "I would then call for a quorum."

Speaker Daniels: "You wish to persist in your call, Sir?"

Kane: "Yes."

Speaker Daniels: "Alright. The Gentleman questions the lack of a quorum. This is a Roll Call on a quorum call. All those present in the chamber will please signify by recording themselves as 'present'. Open up. It's is a quorum call. Your own switch only. Is Representative Bowman in the chambers? Take the record. There are 107 present. There is a quorum present. Further discussion? Representative Yourell."

Yourell: "Yes, thank you, Mr. Speaker. You indicated in your ruling that the Bill was on the Calendar and it didn't make any difference whether it was on Second or Third Reading, as long as it appeared on the Calendar, that you were following the Rules when you took the Bill in numerical order. Is that correct?"

Speaker Daniels: "State your point, Sir."

Yourell: "The point is that if you look on page six of the Calendar, you'll find at the top of the page House Bill 2437 had been called and then you went to, after that, 2448, and if you were proceeding in an orderly numerical fashion, you would have gone from 2437 to 2442..."

Speaker Daniels: "That's what we did, Sir. 2448 was my Bill which I placed in Interim Study. I didn't call it."

Yourell: "But you called it..."

Speaker Daniels: "State your point, Sir."

Yourell: "You called the Bill 2448..."

Speaker Daniels: "Only to place in Interim Study."

Yourell: "Well, it doesn't make any difference what you do with

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it. You went from 2437 to 2448 instead of 2442."

Speaker Daniels: "State your point, Sir."

Yourell: "The point is I want a ruling from the Parliamentarian whether you acted in proper fashion..."

Speaker Daniels: "The Parliamentarian says I acted properly. Further discussion on the Bill? If not, Representative Macdonald, to close."

Macdonald: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I regret that at the end of what I hope will be very near the end of this day that this particular Bill has caused so much trouble. I want to speak on a point of personal privilege for one moment, if I might. I have a very interesting seat in the House of the General Assembly which is in the well, seat #1. I have been here for ten years. I have been under a Republican Speaker, a Democratic Speaker and then another Republican Speaker. I have been able to observe silently. I have not abused the microphone of this House very often. When I rise I hope I have something to say. I want to say that I have seen the violation of these rules caused by the Leadership in power over and over and over again. The rule books have not been adhered to. It's just who happens to sit in the Chair and who wields the gavel. I think Mr. Telcser said that earlier, a week or so ago. This is not to say that I, as a Member of this House, do not adhere or do not want to adhere to the rules. I have not overruled the Speaker of this House ever. I have rescinded the one vote I made. Then we went back and that was when Speaker Redmond's ruling was overridden by this Body, and I changed my vote on that because I don't believe in that when it's...no matter who is in the Chair. And I want to reprimand the other side of the aisle to say that when I have sat in that seat number one, and Fiscal Notes have been requested, and other

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Speaker's than Mr. Redmond, who are in Leadership, sat up there, not Speaker Redmond, but his designees to sit in that Chair as Speaker, have asked for ...and Fiscal Notes from this side have been asked for, I have seen handwritten notes passed up to the Clerk and with great smiles and laughter, nothing official, not Economic and Fiscal Commission Notes, nothing official whatsoever, handwritten from the Members on the other side of the aisle, waived in just absolute abuse of this side of the aisle. I have never raised my voice. That is not my business. We have paid Parliamentarians. We have elected Speakers and Leadership of this House. Therefore, as a Member, if I, personally, am attacked or if I, personally, am abused, I will certainly rise up and say so. But I am abiding by what the rules of this House are, according to the Parliamentarian who sits up there on that platform with this administration. Now, I want to say that I do not believe all of this is necessary simply because there is a difference, and there may be a difference even in feeling on this particular piece of legislation on my side of the aisle. I happen to believe that this is a necessary Bill. I do not believe, anymore than I think Judges should be without, that is, legal Judges should be without a body to reprimand them, and in a Constitutional Convention I voted for the Judicial Inquiry Board for that very reason. I don't think that any people who rule so crucially in the lives of other people, and particularly businesses of this state, have any business having open-ended terms where they are forever in a place without being reviewed. I think this is a reasonable piece of legislation. I think to require that they be only reviewed...this does not take them out from under the Personnel Code at all. And I am only suggesting as a small comfort to the businessmen of



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this state who are diminishing, I might add, and whose problems are enormous, and if it is some small comfort to them, I am offering this at least as a hope for them that they will get fairness and equity. I would ask for your serious consideration beyond politics for fairness for these people, and I would ask for your vote. Thank you."

Speaker Daniels: "The Lady moves for the adoption and passage of House Bill 2442. What happened to the Board? 2442. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. Have all voted who wish? Representative Dunn..."

Dunn, John: "Mr. Speaker, I presume..."

Speaker Daniels: "Did you speak..."

Dunn, John: "I presume..."

Speaker Daniels: "Did you speak in debate, Sir?"

Dunn, John: "I requested an Oral Verified Roll Call. I presume you've denied it to me. Is that...Have you...I guess that's....Have you so done that?"

Speaker Daniels: "Dump the Roll Call. The Gentleman requests an Oral Verified Roll Call. That what you want?"

Dunn, John: "Now, my question, Mr. Speaker, is whether you had denied my request for an Oral Verified Roll Call, and I see you've dumped this. Where...What have you done?"

Speaker Daniels: "We'll have an Oral Verified Roll Call..."

Dunn, John: "...I have difficulty interpreting your rulings because of the creativity of them."

Speaker Daniels: "All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting's open. An Oral Verified Roll Call. Do not record your switch. Dump it again. Don't touch your switches. Oral Verified Roll Call. Start, Mr. Clerk."

Clerk Leone: "Abramson, passes. Ackerman, Ackerman 'aye'. Alexander, Alexander 'no'. Alstat, Alstat passes.

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Balanoff?"

Speaker Daniels: "Representative Dunn?"

Dunn, John: "I will withdraw my request for an Oral Verified Roll Call. But if this does receive the 89 votes, then I want a verification."

Speaker Daniels: "Proceed."

Clerk Leone: "Balanoff, Balanoff votes 'no'..."

Speaker Daniels: "Representative Turner in the chambers? Representative Turner? Start over."

Clerk Leone: "Abramson, Abramson passes. Ackerman, Ackerman votes 'aye'. Alexander, Alexander votes 'no'. Alstat, Alstat passes. Balanoff, Balanoff votes 'no'. Barkhausen, Barkhausen votes 'aye'. Barnes, Barnes passes. Barr, Barr passes. Bartulis?"

Speaker Daniels: "Representative Macdonald?"

Macdonald: "Thank you, Mr. Speaker. The hour is late, and it is obvious that these are just dilatory tactics that are being used against this Bill and against this side of the aisle and against all of the Members of this House. Therefore, with a controversy of this nature, and this magnitude, I send..I would ask leave to send this Bill to Interim Study Committee."

Speaker Daniels: "The Lady requests leave to place in Interim Study. Leave is granted. Interim Study, House Bill 2442. House Bill 2466, Representative Stearney? Representative Telcser? Out of the record. House Bill 2482, Representative Kustra? 2482, Sir? Read the Bill."

Clerk Leone: "House Bill 2482, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Daniels: "Representative Kustra."

Kustra: "Leave to put that Bill in Interim Study?"

Speaker Daniels: "The Gentleman places the Bill in Interim Study. Leave is granted. House Bill 2482, Interim Study. House

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Bill 2489, Representative Kustra? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2489, a Bill for an Act relating to the election of Board of Appeals in Cook County. Third Reading of the Bill."

Speaker Daniels: "Representative Kustra."

Kustra: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I realize the hour is late. It certainly was not my intention to hold this Bill until the last minute. It was my hope that an agreement would be worked out with the other side of the aisle, and in line with that, in good faith, I ...I waited until we could do that. Unfortunately, as of this morning, that agreement apparently broke down, and I'd like to move ahead with this Bill. House Bill 2489, as amended, increases the members...the number of the members of the Cook County Board of Appeals...I'd like to continue, Mr. Speaker."

Speaker Daniels: "Continue, Sir."

Kustra: "The Bill, as it was originally introduced, change the membership of the Cook County Board of Appeals from two to three. It provides one member to be elected from the City of Chicago, one member to be elected from Cook County, at large, and one member to be elected from Cook County outside of the City of Chicago. The Bill, as amended, provides now that we still will have suburban representation, City of Chicago representation and one at large member. It also provides for staggered six-year terms. The Commissioner having served the longest term will be the Chairman. There was some concern, on Second Reading, about the nature of the representation, about the fact that my Bill, in increasing the membership to three, provides for a suburban member. The only think I can say to that is that that's nothing new. We do that with the

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RTA. We do it with the Cook County Board, and we do it with the Cook County Circuit Courts. I will remind those of you from downstate, if you're concerned about the partisan nature of this Bill, that the provisions in the law, regarding board of reviews which is the equivalent of the Cook County Board of Appeals, provides that no more... no more than two members can be of the same political party. So, if possibly the third member, the suburban member, is a Republican, it would really offer no difference than the existing law downstate. This is a Bill which provides representation to suburban property taxpayers in Cook County, specific representation. It institutionalize representation on the Cook County Board of Appeals. I don't want to belabor the point. It's a good Bill, especially for those of you in suburban Cook County. This is a vote for the taxpayers of suburban Cook. I would ask your favorable consideration."

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

Madigan: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the Gentleman's Motion that this Bill pass. This issue has been thoroughly debated on the Order of Second Reading. It comes down to a simple question. Shall there be districts for the Board of Appeals with one person elected solely in Chicago, and one person elected solely in the suburban area and then a third elected county-wide, or will there be three people elected county-wide? My arguments in opposition to the Bill are twofold. Number one, the jurisdiction of this Board is county-wide. Under the provisions of the Bill, as amended, there would be a member elected solely from Chicago who would be called upon to render decisions relative to property outside the City of Chicago, and then there would



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wish? Take the record, Mr. Clerk. There are 69 'aye', 46 'no', 3 voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 2499, Representative Telcser. Out of the record. House Bill 2519, Representative Meyer. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2519, a Bill for an Act to amend an Act in relationship to public transportation. Third Reading of the Bill."

Speaker Daniels: "Representative Meyer."

Meyer, Ted: "Thank you, Mr. Speaker. This is... I feel like a... the wedding feast that came and that they saved the best for last. I certainly am the caboose on today's Calendar. House Bill 24... 2519 is a product of the Chicago Area Transportation Study Council of the Mayors' Transit Group. It is sponsored by myself, Representative Barkhausen, Levin and Bowman. This.. this work product is not an original idea, but it is a consensus agreement of all the Mayors in the six-county region of metropolitan Chicago. It abolishes the RTA and replaces it with the North East Transportation System, NETS. The NETS Board shall basically be a conduit for revenue to the three Service Boards as follows: Commuter Rail Service Board, Suburban Bus Service Board and CTA Service Boards."

Speaker Daniels: "Excuse me, Representative Meyer. Representative Telcser in the Chair."

Telcser: "Proceed, Sir. Representative Meyer, proceed."

Meyer: "I know you'll be fair, Art. We've been down here for 16 years together. The Service Boards will be directly responsible for budgeting and planning suburban bus, commuter rail and CTA service. Each entity would have its own Service Board of Directors. The NETS Board would be responsible for reviewing Service Board budgets and

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withholding funds, if these budgets are not balanced. It would maintain the current RCA...RTA sales tax of one percent in Cook County and one-quarter percent on the collar counties. It would set a formula for distribution of the local sales tax, in federal revenue, as follows: For suburban Cook, 30% to the CTA, 40% to the Commuter Rail and 30% to Suburban Bus; for the collar counties, 67 to the Commuter Rail and 33 to the Suburban Bus. It mandates fare box recovery ratios of 65% for the Commuter Rail, 30% for the Suburban Bus and 52% to the CTA. It includes a state subsidy of 1/32 of the... of the sales tax collected in 53 and 2/32 of the sales tax collected in the six-county region, thereafter. I urge its adoption."

Speaker Telcser: "Any discussion? No discussion? Gentleman from Cook, Representative Madigan."

Madigan: "Mr. Speaker, we all remember the last time that you took the Chair. We all remember the last time you took the Chair."

Speaker Telcser: "Which time, Representative?"

Madigan: "And our memories are still very fresh, Mr. Speaker. So, Mr. Speaker, I feel compelled to say to you that I would like you to commit now, on the record, that, if someone requests a verification of this Roll Call, that they will receive the verification; and, ask that that commitment, I feel that the Members on this side of the aisle could only feel comfortable with an Oral Verified Roll Call."

Speaker Telcser: "Representative, the Members on your side of the aisle, to me, look comfortable, and I think your request is presumptuous. However, noting the comfort of your Members, I don't think it needs an answer."

Madigan: "There's just something about you."

Speaker Telcser: "I take that as a compliment, Representative."

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Gentleman from Cook, Representative Madigan."

Madigan: "I would like to address the Bill; but, before I do, I would like to tell you, Mr. Speaker, that just less than an hour ago there was a quorum call. Less than an hour ago there was a quorum call in the House, and it only showed 107 Members present. Okay? So, addressing myself to the Bill, I plan to support this Bill, because I feel that the issue is so important that this legislation should continue to move through the process. There are some major deficiencies in this legislation which would compel me to oppose this Bill, if this Bill were at final passage stage in the second House, but it's not at that stage of the process yet. And, since the issue is so important, I plan to support the Bill so that, at least, it will continue to move through the process."

Speaker Telcser: "Gentleman from Macon, Representative Tate."

Tate: "Yeah, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to House Bill 2519. First of all, I would... I would like to commend to the Sponsor of the Bill and the Mayors' Association for putting a great deal of effort into this Bill, but the Bill is lacking in very many areas. For example, this Bill still does not address the issue of the labor problems that the CTA has encountered. It has no provisions for... for labor language, which is necessary if we're ever going to have any effective control over this issue. I think everyone should be aware that, in this Bill, that any downstater that would vote for this Bill that, on page six, if you would look on your analysis, this Bill provides for a subsidy - 45 million dollars out of the Sales Tax Fund. Forty-five million dollars. Now, you all remember that many Members on the other side of the aisle had complained earlier in this day about the funds in education, about the needs for education, about the needs



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for mental health and the needs... and the financial condition of this state today, and we cannot... I don't see how anyone can rationalize providing a subsidy of 45 million dollars to a system that is like sticking money in a sewer, at this point in time. Thank you."

Speaker Telcser: "Gentleman from Lake, Representative Pierce."

Pierce: "Mr. Speaker, Ladies and Gentlemen of the House, this is one of the best pieces of legislation on public transportation in the metropolitan area to come before this Legislature, and I think it's a disgrace that it came on the last minute of the last day for House Bills in the House. Now, I saw maneuvering today that made sure that this Bill came up when the House wasn't in full attendance. The Northwest Conference of Mayors, the suburban Mayors in the north and northwest area worked hard on this provision and came forward with it. I understand the Mayor of Chicago cooperated on it. The Mayors in the entire metropolitan area have reviewed it and approved it. It has bipartisan sponsorship. It sets up a finance authority at the top, the CTA, the Suburban Rail System and a Suburban Bus System. It's a good replacement for the RTA. It's a reform of the RTA, as we've all been asking for. You've all been wanting, all these years, a replacement for the RTA that the suburbs could support. This Bill is it. I think Representative Meyer is to be commended. He brought forward, yesterday, an Amendment that would recognize and allow collective bargaining by the employees of this agency, and many of you opposed it. I supported Representative Meyer's Amendment, as I did other Amendments for public employee collective bargaining. This is a good piece of legislation. I won't take up your time. As a suburbanite from Lake County who represents Lake and Cook County in the General Assembly and part of McHenry, I

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support this Bill and ask that we pass it today."

Speaker Telcser: "Gentleman from Madison, Representative McPike."

McPike: "Thank you, Mr. Speaker. I rise in opposition to House Bill 2519; and, if it receives 89 votes, I'd request a verification of the Affirmative Roll Call."

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

Johnson: "Mr. Speaker, I request a quorum call."

Speaker Telcser: "Gentleman's requested a quorum call. Anticipation. Alright, Mr. Clerk, we'll have a quorum call. Will the Members present be in their seats; and, when the board opens up, would the Members please vote 'present'. We'll see if we have a quorum. Is the board open, Mr. Clerk? Please hit your own switches. Have all voted who wish? Take the record. 103 Members answering the call, a quorum is present. Further discussion? Gentleman from Adams, Representative McClain."

McClain: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. I stand in opposition to House Bill 2519. Ladies and Gentlemen, I do so quoting my friends from the City of Chicago that, if we are indeed going to have a road program and a mass transit program, they have to be united. I've always had a kick out of it; that what's ours downstate is negotiable and what upstate is, is theirs. So, I would suggest, to all downstaters and those brave 45 'yes' votes on 2002, to oppose this matter, and, Ted, I'm sorry. You voted 'yes'. I know that your heart was in the right place."

Speaker Telcser: "Gentleman from Peoria, Representative Tuerk."

McClain: "Oh, Mr. Speaker. Speaker. Speaker."

Speaker Telcser: "Oh, I'm sorry, Representative."

McClain: "You did not acknowledge Mr. McPike's call for a verification. Will you acknowledge that you will allow him

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a verification, if there are 89 votes?"

Speaker Telcser: "At the appropriate time, we'll see who wants a verification and acknowledge it. We acknowledge it. Gentleman from Peoria, Representative Tuerk."

Tuerk: "Mr. Speaker, the hour has come to move the previous question."

Speaker Telcser: "Gentleman moves the previous question. All in favor signify by saying 'aye', opposed 'no'. The previous question is moved. Representative Meyer, to close."

Meyer: "Mr. Speaker..."

Speaker Telcser: "Representative Bowman, for what purpose do you rise?"

Meyer: "... if I could let..."

Speaker Telcser: "Representative Meyer, what were you saying?"

Meyer: "I have three Cosponsors. They'd briefly like to say a word or two. Representative Barkhausen."

Speaker Telcser: "Is he closing, Representative? Representative Barkhausen, to close. Representative Bowman, for what purpose do you rise?"

Bowman: "Mr. Speaker, I now move that we suspend the appropriate rule and postpone the deadline for consideration of this Bill to one week from today."

Speaker Telcser: "Your Motion is out of order, Representative. We're in the middle of debate. Representative Barkhausen, to close."

Barkhausen: "Mr. Speaker, very briefly, I just wanted to echo the words of the Sponsor, Representative Meyer, and the others that have spoken on behalf of this Bill. This Bill represents, virtually, hundreds of hours that have been put into it by Mayors from throughout the Chicago metropolitan area. For a long time now, even though our approach to the RTA problem has been... has been different in many cases, the consensus has been that the RTA has failed. This has

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the virtue of bringing accountability and representation from all the communities in the metropolitan area. Chicago can do what they want. The suburban area can do what it wants. I think it has some of the cost-containment measures, not necessarily all of them that some of us on this side of the aisle would like, but many of them that we're working for. And, with that, I'd like to yield to Representatives Bowman or Levin, other Cosponsors of the measure, to close."

Speaker Telcser: "Representative Levin."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, I think this is a significant Bill, in that we have made progress since last year. Last year, various actions were taking shots at each other. Since then, we've had the opportunity for negotiations. I urge the passage of this legislation."

Speaker Telcser: "Okay. The question is, 'Shall House Bill 2519 pass?'. All those in favor signify by voting 'aye', the opposed by voting 'no'. Lady from...Lady from LaSalle, Representative Hoxsey, to explain her vote."

Hoxsey: "Yes, Mr. Speaker, very briefly, yes, it is. It's a two-way street. I suggest a 'no' vote."

Speaker Telcser: "Have all voted who wish? Have all voted who wish? Take the record. On this question there are 48 voting 'aye', 63 voting 'no', none answering 'present'. This... Representative Grossi wishes to be recorded as voting 'aye', and this Bill having failed... Representative Giorgi 'aye', Boucek 'aye', Karpziel 'no'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Mr. Clerk, the Adjournment Resolution. The Members are comfortable. Agreed Resolutions, Representative Conti, while we get the Adjournment Resolution ready."

Clerk Leone: "House Resolution 930, McBroom - Ryan; House

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Resolution 931, Leinenweber - Davis; House Resolution 933, Pullen - Peters; House Resolution 934, Peters - Pullen; House Resolution 935, Winchester; House Resolution... House Joint Resolution 87, Hudson et al; House Resolution 88, DiPrima et al; House..."

Speaker Telcser: "Gentleman from Cook..."

Clerk Leone: "Senate Joint Resolution 81, Donovan."

Speaker Telcser: "Gentleman from Cook, Representative Conti."

Conti: "Mr. Speaker, House Joint Resolution 88, DiPrima - Ryan et al, declares and designates the week of November 7th to the 13th as the National Disabled Veterans Week. House Resolution 87, Hudson - Pullen et al, we congratulate the National Society of the Daughters of the American Revolution for recognizing Lester E. Schrader in his outstanding contribution to his Naperville community. House Resolution 930, we congratulate Doctor J. Strickler on his distinguished honor bestowed upon him by the Olivet Nazarene College. House Resolution 931, Leinenweber and Davis, whereas, it has become attention of the House of Representatives that Charles Kennedy is to be honored on May 30, 1982 of the Will County Republican Central Committee on Memorial Day brunch for his outstanding leadership and education. House Resolution, Pullen and Peters, 933, the Vikings of Niles North High School of Skokie recently won the North Suburban Conference Gymnastic Championship. House Resolution 934, Peters and Pullen, whereas, the Vikings Baseball Team triumph marks the first time in any Niles North High School Baseball Team in succeeded in winning their Conference Championship in the 18-year history of Niles. House Resolution 935, Winchester, we declare that the recognition of June 20 through June 27, 1982 as National Safety Week in the Workplace Week commemorating the seventeenth anniversary of

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the American Society of Safety Engineers and the efforts of the organization to promote safety for the American worker. Mr. Speaker and Ladies and Gentleman of the House, I adopt... I move for the adoption of the Resolutions."

Speaker Telcser: "Any discussion? Gentleman offers and moves the adoption of the Agreed Resolutions. All in favor signify by saying 'aye', opposed 'no'. The Resolutions are adopted. Adjournment Resolution, please."

Clerk Leone: "Senate Joint Resolution #95, resolved by the Senate of the 82nd General Assembly of the State of Illinois, the House of Representatives concurring herein, that when the Senate adjourns on Thursday, May 20, 1982, it stands adjourned until Monday, May 24, 1982 at 1:00 p.m., and when the House stands adjourned, it stands adjourned until Tuesday, May 25, 1982 at 12:00 noon."

Speaker Telcser: "Gentleman from DuPage, Representative Daniels, offers and moves the adoption of the Adjournment Resolution. All in favor 'aye', opposed 'no'. The Resolution is adopted. General Resolutions."

Clerk Leone: "Senate Joint Resolution 70, Currie et al; Senate Joint Resolution 72, Peters."

Speaker Telcser: "Committee on Assignment. Death Resolutions."

Clerk Leone: "House Resolution 932, in respect to the memory of Merle Harrison, Representative DiPrima."

Speaker Telcser: "Introduction and First Reading."

Clerk Leone: "House Bill 2652, Mautino - Matijevich, a Bill for an Act to amend ... Bill for the Illinois Plumbing License Law. First Reading of the Bill."

Speaker Telcser: "Gentleman from Cook, Representative DiPrima, offers and moves the adoption of the Death Resolution. All in favor signify by saying 'aye', opposed 'no'. The Resolution is adopted. Gentleman from DuPage, Representative Daniels, moves that the House stand

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adjourned until Tuesday, hour of 12:00 noon. All in favor signify by saying 'aye', opposed 'no'. The House stands adjourned."