

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

66th Legislative Day

June 18, 1981

Speaker Ryan: "The House will come to order. The Members will be in their seats. We will be led in prayer this morning by Doctor William Nichols from Central Christian Church in Springfield. Doctor Nichols."

Doctor Nichols: "Let us pray. Oh God, You created the world anew while we slept. And in our refreshment and rest You restored our personal resources. And we are ready now for another day of work. We are grateful to be needed that there are tasks that fit our hands, and concerns that fit our hearts, and problems that fit our minds so precisely that we cannot avoid the feeling that You have written our names upon them and that You look to us to carry those burdens and assume those responsibilities as our holy duty. We accept them humbly. In giving us two ears and only one mouth, You have shown us that listening is often far more important than speaking. Forgive us at when we are...forgive us when we are so sure that we are right that we have neither the time nor the inclination to hear what is being said by others who are equally sure of the righteousness of their cause and the validity of their opinion. Give us understanding and patience with each other as we accept one another in our differences as evidences of the necessary diversity that makes our world whole. Help us to remember that the greatest needs do not always cry out in the loudest voices. And that truth does not always shout more commandingly than falsehood. Give us wisdom and patience to look for, to listen to, and to heed the still small voice that calls us to be faithful in our championship of what is right, and true, and honest, and decent. We now apply ourselves diligently to the tasks at hand. In some things we may fail, in some things succeed, but in all things help us to do our best. Amen."

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

66th Legislative Day

June 18, 1981

Speaker Ryan: "Thank you, Father...or, Doctor. Representative Doyle will lead the Pledge."

Doyle 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. While we're taking the Roll, I would like to notify the Members that Areonautics has called and has informed me that the air controllers will be going out on strike Monday morning, and so any of you that plan on flying down should book commercial. There will be no state flights available. They figure the strike will last about two weeks. Representative Kulas...Representative Kulas in the chamber? Going to have to make up some more time it looks like. Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative DiPrima has...has a beautiful cake here that is in the shape of an American Flag, and he has offered a piece of it to every Member of the House, and I have volunteered to serve as hostess for the sharing of his Memorial Day Flag, I suppose,...or Memorial Day cake. You're all welcome to stop by Speaker....Bill Redmond's desk for a piece of Flag cake."

Speaker Ryan: "You'll probably get a commission for that, Representative. Representative Vinson, for what purpose do you seek recognition?"

Vinson: "An inquiry of the Chair, Mr. Speaker. Do you believe that perhaps the distinguished Reverend's prayer was too hopeful in the sense that Mr. Kulas is not really prepared for another day of work?"

Speaker Ryan: "I would leave that up to everyone's discretion. Representative Friedrich, do you seek recognition?"

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

66th Legislative Day

June 18, 1981

Friedrich: "Well, just a cheerful note. We've got 213 Senate Bills on the Calendar, and the deadline is Monday night."

Speaker Ryan: "That brings me to my next announcement right after Representative Tate."

Tate: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I would like to introduce Future's Unlimited from the City of Decatur as a group of students behind the Speaker's gallery. Give them a good welcome. Thank you."

Speaker Ryan: "Welcome to the Illinois General Assembly. Well, I would announce the schedule, but I wouldn't dare till Representative Kulas gets on the floor. So I'll...I guess you're all going to have to wait anxiously for his arrival. Take the record, Mr. Clerk. 166 Members answering the Roll, a quorum is present. Page two of the Calendar under the order of Senate Bills Third Reading appears Senate Bill 147. Representative Barkhausen. Is the Gentleman in the chamber? Out of the record. Senate Bill 168, Representative Deuster. Out of the record. I don't think anybody wants to go to Third Reading. Let the record indicate that Representative Kulas has arrived. Representative Kulas, I would like to inform you that it is the intention of the Chair to work into the late hours this evening. Somewhere around 11:00 or 12:00 o'clock tonight. So you can all plan accordingly, and this is where we're going to be from now until somewhere around midnight. Representative Getty."

Getty: "Mr. Speaker, I heard you call Senate Bill 147 on the Order of Third Reading. Could you tell me how you got to that particular Bill?"

Speaker Ryan: "I started on page 2 on Third Reading under Senate Bills. That is the first Bill on the Calendar that I've got, Representative."

Getty: "Oh well, I am referring to Rule 37A, and it provides when

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

66th Legislative Day

June 18, 1981

Bills or Resolutions are placed on the Calendar, that they point at which they appear as the point where you should resume. I just wondered, and I would make a Parliamentary inquiry as to where we ended last night and where...what Bill we should resume."

Speaker Ryan: "Well, Representative, if we're going to have...start the day off like that, that is fine with me. And we'll follow the rules and we'll go along. I was trying to accomodate the Members of the House to move these Bills any way that I could. If we're going to be technical about it today, then the Chair will be technical, too. And I'll get a response to your...to your inquiry in just a minute. Representative Polk."

Polk: "Well, Mr. Speaker and Ladies and Gentleman, up on the fourth floor is a...a stress test analysis. The people are here from Sangamon State University. Representative Vitek and I just completed their test, and Representative Findley. And it is here just for our benefit. They can tell you about the problems that we have with the many hours we put in here. They are concerned about our physical well-being, and it takes about 10 minutes to go through their little test up there, and I would certainly recommend that they are here as volunteers. It is something everyone should take advantage of. You may find it very very interesting because we certainly did. And I would recommend it. Fourth floor, right next to the Bill Room."

Speaker Ryan: "The House will be in recess for about five minutes while I conduct office hours here. The House will be back in Session. We will have Committee Reports from the Clerk."

Clerk Leone: "Committee Reports. Representative J.J. Wolf, Chairman from the Committee on Appropriations, to which the

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

66th Legislative Day

June 18, 1981

following Bills were referred, action taken June 17, 1981 and reported the same back with the following recommendations: 'do pass' Senate Bills 340 and 343; 'do pass as amended' Senate Bills 309, 332, and 344."

Speaker Ryan: "Messages from the Senate."

Clerk Leone: "Message from the Senate by Mr. Wright, Secretary. Mr. Speaker. I am directed to inform the House of Representatives the Senate has concurred with the House of Representatives in the passage of Bills, the following title to wit: Senate Bill...House Bill 31 together with attached Amendments hereto, an adoption of which I am instructed to ask concurrence of the House to wit: Senate Amendment #1 to House Bill 31 passed the Senate as amended June 17, 1981. Kenneth Wright, Secretary."

Speaker Ryan: "Representative Getty, in response to your question, we left off yesterday...the last Bill that we called...or the first Bill today on Third Reading would be 788. The Clerk's office is now researching the other orders of business, and I will have the answer for you on that."

Getty: "Thank you, Mr. Speaker. I am sure that the Chair will continue to call the Bills in a very orderly and fair manner."

Speaker Ryan: "Mr. Doorkeeper, will you clear the floor? All unauthorized people off the floor, Mr. Doorkeeper. All of them. Anybody that hasn't got a pass, off the floor. Do you have a Priority of Call list on your desk? And under the Order of Priority of Call appears Senate Bill 256, Representative Totten. No, that is Representative Davis. Former Representative Totten, Senator Davis. Out of the record. Representative Ronan on Senate Bill 484. Representative Ronan in the chamber? Out of the record. Senate Bill 1029, Representative Woodyard. Do you want

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

66th Legislative Day

June 18, 1981

your Bill called, Representative? This is on Priority of Call. May be a long time before we get back there. Out of the record. Senate Bill 1109, Representative Sandquist. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1109, a Bill for an Act to amend the Illinois Insurance Code, Third Reading of the Bill."

Speaker Ryan: "Representative Sandquist."

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, this is a Bill that amends the Privacy Act which we passed last year which goes into effect on July 1 of 1981. What it does, it...the original Bill puts it...makes it uniform for the Bill which the National Association of Insurance Commissioners has proposed. Last week when I was not able to be here, but Representative Epton handled it for me, there was Amendments put on by Representative Bowman and Greiman, which I believe, removed the opposition that there was to the Bill, and I would ask a favorable vote."

Speaker Ryan: "Any discussion? The question is 'Shall Senate Bill 1109 pass?' All those in favor 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 151 voting 'aye', none voting 'no', and 3 voting 'present', and this Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 1173, Representative Braun. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1173, a Bill for an Act to amend the Illinois Insurance Code, Third Reading of the Bill."

Speaker Ryan: "Representative Braun."

Braun: "Thank you, Mr. Speaker. I would like this Bill brought back to Second Reading for the purposes of an Amendment."

Speaker Ryan: "The Lady asks leave to bring Senate Bill 1173 back

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

66th Legislative Day

June 18, 1981

to the Order of Second Reading. Are there objections?
Hearing none, leave is granted. Return the Bill to Second
Reading. Are there any Amendments?"

Clerk Leone: "Floor Amendment #1, Braun, amends Senate Bill..."

Speaker Ryan: "Representative Braun on Amendment #1."

Braun: "Thank you, Mr. Speaker. In Committee some of the
insurance members of the task force had some concerns
regarding the modification aspect of the Bill. They
prepared an Amendment which was agreed upon by
Representative...Senator Marovitz, and I did check it
earlier with Senator Epton, and he says that it is alright.
And I would like to encourage its adoption."

Speaker Ryan: "Any discussion? Representative Brummer."

Brummer: "Yes, I appreciate the fact that it is okay with Senator
Marovitz and Representative Epton, but could you explain
what the Amendment does?"

Braun: "Thanks. Representative Brummer, you were in Committee
when the question came up about the modification process."

Brummer: "Right."

Braun: "As I understand it,...as I understand it, this will allow
the Director to review those modifications to see if they
actually do what the Bill is looking for them to do. I
think."

Brummer: "Well, does this....with the Amendment does the...does
the fair plan...I mean, I'm sorry, does the Director still
have authorization to modify the standard fire policy?"

Braun: "Okay, that goes to the substance of the Bill itself.
This Amendment, first off, requires them to have a public
hearing, and second, he has to make a determination that
the modification actually, one, will provide for equitable
settlements, two, actually will discourage arson, arson for
profit, and will encourage the neighborhood revitalization.
He has to, by virtue of this Amendment, shall confer with

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

66th Legislative Day

June 18, 1981

the facility to establish the criteria by which such modification is to be determined, and within two years after any modification, has to have another hearing on whether or not it has actually accomplished the objectives of the Bill. So I think it goes to the question that was raised. If you recollect, not many questions about this modification Section was raised in Committee, but the whole issue of, 'Well, how do we know this is going to work, and how do we know what the Director will be doing in this area?', will actually accomplish the objectives of the Bill. This Amendment addresses that concern."

Brummer: "Well, the serious concern that a number of us had was granting the Director the authorization to modify our standard fire policy. Are you...indicating that this Amendment still grants that authority to the Director but only after a hearing?"

Braun: "...the Amendment. No, Sir. That...that authority is part in parcel of the Bill..."

Brummer: "I understand that."

Braun: "...What this Amendment does..."

Brummer: "That was the objection that some of us had to the Bill itself."

Braun: "But the Amendment limits the authority, I think, consistent with what it was if you want it. I think it provides for the public hearing, it provides for review, and provides for consultation. And that was what the insurance companies were concerned about. And this Amendment is an attempt to be responsive to those concerns."

Brummer: "Who gets notice of the hearing?"

Braun: "It says...the Amendment says that the Director shall conduct within two years of any...oh, that's the second hearing...with regard to the first hearing the Director

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

66th Legislative Day

June 18, 1981

shall confer with the facility to establish criteria by which it can be determined whether such modification is accomplishing its objective."

Brunner: "Who gets notice of the hearing?"

Braun: "This only applies to fair plan articles...fair plan covered properties in the first place."

Brunner: "I understand that. Who gets notice of the hearing?"

Braun: "Well, I'll be candid with you, Representative. It...the Amendment refers to the facility. I don't know specifically who that would be in a specific case."

Brunner: "Well, on line seven it says that after the Director had conducted a public hearing. But I see no criteria as to, you know, who gets notice of the hearing, what type of notice there is, how many days notice, or whether the Director sits in his office and simply says, 'Okay, I am going to have a public hearing' and has a public hearing with no notice. I suppose the..."

Braun: "Representative, I don't think that would go...we're not on Third Reading, Representative. We're on an Amendment. And the Amendment, I think, addresses your concern. This is not a hostile Amendment and does not...I think, goes in the direction that you want the Bill to go in the first place, and responds...is an attempt to respond to the concerns that you and Representative Schuneman expressed in Committee. If you recollect, the Bill passed out of Committee with a good vote. There was not a real...I don't have the vote here, but I felt that in order to be responsive to concerns, legitimate concerns that were raised by Committee Members, that I would have an Amendment drafted to do that. Now if you don't want the Amendment to go on, then we will just go with the Bill when it gets to Third Reading like it was. But I think the Amendment does what you specifically were concerned about the Bill doing."

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

66th Legislative Day

June 18, 1981

Brummer: "Mr. Speaker, if I might briefly to the Amendment. It appears, although there is some doubt about what exactly the Amendment does, it does...it appears that it is a weak attempt to make a bad Bill slightly better. And so I suppose under those guidelines, the Amendment ought to be adopted and we can address the entire issue on Third Reading."

Speaker Ryan: "Further discussion? Representative Friedrich."

Friedrich: "Mr. Speaker, I wanted to suggest to you that it was very noisy and I couldn't hear what Representative Braun was saying. I think it is quite a 'down some sense'. The other thing is, I think the Amendment is going to be the Bill. And it is pretty important for those of us who weren't in the Committee like Representative Brummer was, or we'd know what she was saying. So I would wish that when people would explain Amendments they wouldn't try to say what went on in Committee. We'd like to know what the Amendment really does. And I don't think that was ever explained. They just say that, 'Well, they've agreed. You know what we said in Committee and all of that.' But that is not good enough as far as I'm concerned."

Speaker Ryan: "Representative Vinson."

Vinson: "Will the Sponsor yield for a question?"

Speaker Ryan: "She indicates she will."

Vinson: "Representative Braun, as I read the Amendment, it requires the Director before he makes these modification to, in essence, make predeterminations. One, that the modification will provide for an equitable settlement of a loss, two, that it will discourage arson for profit, and three, that it will encourage neighborhood revitalization. And I am sure you understand the way the Amendment is phrased, that all three of those findings have to be made. And I would like to ask you why it is that if a

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

66th Legislative Day

June 18, 1981

modificaiton did encourage equitable settlements of loss, and did encourage neighborhood revitalization but was neutral with regard to the discouragement of arson for profit, why then it would not be wise, still, to make the modification?"

Braun: "The Bill is specifically directed at cases pertaining to arson for profit. I think that the....I think that as a matter of reading the language of the legislation, I think you're right. The three separate sections are...have to be found. Each element has to be found with regard to the modification. I am not sure, Representative, that I understand your question. If he doesn't find one element but finds the other two, can he still make a modification?"

Vinson: "He can't prove the modification if he does that."

Braun: "No, I don't think so."

Vinson: "And wouldn't you say that, well, let's say that the purpose of the Bill is arson for...to discourage arson for profit. If the Bill...if a modification discouraged arson for profit and encouraged neighborhood revitalization, wouldn't those two purposes alone be good enough to justify a modification?"

Braun: "Representative, that's not what the Amendment would do. I mean, I...you still want to provide for an equitable settlement of the loss. I mean, that is a...was a part of the original Bill and was where we started. I suppose if you would like to pose another Amendment giving the Director the authority to modify...absent of these criterion, that would be fine by me. But I don't know if it would be fine by the Senate Sponsor. This Amendment was developed specifically to relate to the concerns of those that there be equitable settlements, etcetera, etcetera, that they...that the criteria be spelled out, number one; and number two, that there be, if you will, a sunset on it

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

66th Legislative Day

June 18, 1981

if indeed...that there would be an opportunity for, strike sunset, there would be an opportunity for a public hearing and for a hearing by the people who were to be affected by any such modifications both for and after the modification issue arose. So I, in that regard, I believe that it is responsive to, again, concerns that the insurance industry had about any false language, if you will, in the Bill. This, obviously, makes it more difficult because the Director, as I read this, would have to make a finding as to each of the three elements. But I think that, again, the legislative process is part of the compromise to respond to the interests of all concerned. And while we are trying to combat arson for profit, we still want to provide for the equitable settlement of losses within the fair plan policy."

Vinson: "Well, I understand the objections that caused you to frame the Amendment. But I get concerned when...with important regulatory statutes, we begin this late in the Session drafting language that can, in effect, have the result denying what all of us would agree on in a particular instance, might be the most just settlement. And I think in this particular case, because of the fact that the Director has to make all three of those findings, that I would have a problem with this Amendment. And I am concerned that you might yourself find in your neighborhood, in...for the problems that you want to fight, that this Amendment would paralyze the Director."

Braun: "Representative, I don't think...I respectfully disagree. Right now, the Director in order to modify a policy, the Director has certain enumerated powers under the statute with regard to the fair plan. This Bill would add a sixth power. What we are doing by virtue of this Amendment is specifying the conditions under which that authority may be

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

66th Legislative Day

June 18, 1981

exercised. I think you're right. It is a limitation, but at the same time I think that it is responsive to the concerns of those that modifications not just be made willy-nilly, but rather there be specific cri...statutory criterion, and there have to be findings on all three. I personally do not find these three conditions to be onerous conditions for the Director to find. Because in the most egregious cases of arson for profit, you know, you will have a situation where in the...you will have a situation in which the impact of these three...meaning these three criteria, will not be, in my opinion and I can't prejudge the Director's decision-making, but in my opinion, it would not be that difficult in effecting the real hard core arson for profit situation."

Vinson: "Has the Director expressed a position on the Amendment?"

Braun: "Yes, he has."

Vinson: "What is his position?"

Braun: "I defer to...I don't know. I would defer to Representative Epton. I have had direct contact from, again, the Senate Sponsor. I have checked it with Representative Epton, and he apparently communicated with the Director. So I would really defer that question to him."

Vinson: "Well, those are my concerns, and perhaps Representative Epton can resolve them. I don't know."

Braun: "I'm sure he can. Better than I can, Representative."

Speaker Ryan: "Representative Epton."

Epton: "Thank you, Mr. Speaker. I am glad my light is working. Ladies and Gentlemen of the House, the...this Amendment does no harm whatsoever to the Bill. In answer to some of the questions that were raised, this was taken up with the Director, and he and the Department of Insurance have no objection to it. As a matter of fact, the Insurance Study

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

66th Legislative Day

June 18, 1981

Commission has been investigating this problem for the last two and a half years, and there...it is almost impossible to separate items 1, 2, and 3. Where you have arson for profit, it obviously works to the disadvantage of the neighborhood. Where you're trying to get a suitable settlement, you, again, must take into account whether you're doing equity for those who are entitled to their money, but those who are not willing to rebuild in the neighborhood. So really even though the previous speaker is correct, it does put some strings upon the Director's unqualified right to change the policy, the strings which should be attached to insure that everyone is treated equitably. The Amendment adds to the Bill rather than detracts it, and I hope that you will vote in favor of it."

Speaker Ryan: "Is there any further discussion? Representative Braun to close."

Braun: "Thank you, Mr. Speaker. I encourage a favorable Roll Call."

Speaker Ryan: "The Lady moves for the adoption of Amendment #1 to Senate Bill 1173. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Levin - Rigney - Braun, amends Senate Bill."

Speaker Ryan: "Representative Levin on Amendment #2."

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, the language in this Amendment was developed with and is supported by the Department. Beginning with the annual reports that will be filed for next year, the Department of Insurance will be requiring disclosure of all ownership by insurance companies. They will be part of the report. What this Amendment simply does is...would authorize the Department after reviewing the information in those annual

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

66th Legislative Day

June 18, 1981

reports as far as non-resident alien ownership, if they see any problems, any patterns in terms of that ownership, on terms of insurance company that they believe needs to be brought to the attention of the General Assembly, it provides authority for them to do this. It does not mandate disclosure. This is something the Department is going to be doing on its own. It simply picks up on the fact that there is going to be disclosure of and....authorizes Department to give its recommendations to the General Assembly."

Speaker Ryan: "Is there any discussion? The Gentleman moves for the adoption of Amendment #2 to Senate Bill 1173. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. Senate Bill 512, Representative Beatty. Read the Bill."

Clerk Leone: "Senate Bill 512, a Bill for an Act to amend the Illinois Pension Code, Third Reading of the Bill."

Speaker Ryan: "Representative Beatty."

Beatty: "Mr. Speaker, I would like to bring this...bring this back to Second to put the Mandate's Amendment on. It is a technical Amendment. It'll take a second. I ask leave for it."

Speaker Ryan: "The Gentleman asks leave to bring Senate Bill 512 back to the Order of Second Reading. Are there any objections? Hearing none, leave is granted. Senate Bill 512 is now on the Order of Second Reading. Are there any amendments, Mr. Clerk?"

Clerk Leone: "Amendment #3, Beatty, amends Senate Bill..."

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

Beatty: "This is merely the Mandate's Amendment which indicates

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

66th Legislative Day

June 18, 1981

that we're in compliance with the State's Mandate Act. I would ask for approval of this Amendment."

Speaker Ryan: "Is there any discussion? The Gentleman moves for the adoption of Amendment #3 to Senate Bill 512. All in favor will signify by saying 'aye', all opposed by saying 'no'. The 'ayes' have it, and the Amendment's adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. Senate Bill 513, Representative Terzich."

Clerk Leone: "Senate Bill 513, a Bill for an Act to amend the Illinois Pension Code, Third Reading of the Bill."

Speaker Ryan: "The Gentleman from Cook, Representative Terzich, on Senate Bill 513."

Terzich: "Mr. Speaker, I would like leave to return the Bill to Second Reading for an Amendment."

Speaker Ryan: "The Gentleman asks leave to return Senate Bill 513 to the Order of Second Reading. Are there any objections? Hearing none, Senate Bill 513 is returned to the Order of Second Reading. Are there any Amendments, Mr. Clerk?"

Clerk Leone: "Floor Amendment #3, Terzich, amends Senate Bill..."

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

Terzich: "Amendment #3 would permit a participant who ceases to be a member other than be retirement and doesn't elect to receive a refund to leave his contributions in the system and continue to earn interest. This is a no cost item, and I would move for its adoption."

Speaker Ryan: "Is there any discussion? The Gentleman asks for the adoption of Amendment #3 to Senate Bill 513. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #4, Terzich, amends..."

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

66th Legislative Day

June 18, 1981

Speaker Ryan: "Representative Terzich on Amendment #4."

Terzich: "Amendment #4 is the state mandate disclaimer, and I would move for adoption of Amendment #4."

Speaker Ryan: "Is there any discussion? The Gentleman moves for the adoption of Amendment #4 to Senate Bill 513. All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. House (sic) Bill 534, Representative Preston. Read the Bill."

Clerk Leone: "Senate Bill 534, a Bill for an Act to amend the Criminal Code, Third Reading of the Bill."

Speaker Ryan: "Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 534 is a Bill similar to one that passed out of the House. It raises the felony limits on theft to...from its present \$150 value to \$300 value. It passed out of the House at \$500. The Senate amended it...the House Bill to \$300, and this is the condition in which we would like to get it passed. This enables State's Attorneys from around the state to prosecute and actually get convictions against people for theft. The present \$150 value was set in 1961 and with inflation and so on it covers even somebody who might steal a telephone. And what happens are that State's Attorneys are not prosecuting these people. By raising it to \$300, it will enable State's Attorneys to get convictions, and I ask for and encourage your 'aye' vote."

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

Pullen: "An inquiry, Mr. Speaker. Is this on Second Reading or Third Reading?"

Speaker Ryan: "The Bill's on Third Reading, Representative."

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

66th Legislative Day

June 18, 1981

Pullen: "Thank you."

Speaker Ryan: "Representative Hallock...Representative Hallock."

Hallock: "Yes, Mr. Speaker and Members of the House. Will the Sponsor yield for a question?"

Speaker Ryan: "He indicates he will."

Hallock: "Did you say that the \$500 amount which had been passed in the Judiciary I Committee has now been lowered to \$300?"

Preston: "Yes, Representative, it had. We had negotiated with the people in the Senate, and this is acceptable to me. And it was not objected to by the State's Attorneys."

Hallock: "Well, Mr. Speaker, if I might address the Bill for a minute."

Speaker Ryan: "Proceed."

Hallock: "As I indicated to Representative Preston, I would still oppose the Bill. It seems to me that if you want to have to try to get convictions either at the misdemeanor or felony level, to raise this level to \$300 will, in fact, defeat the purpose of the State's Attorneys. For those who are in the law and order system, presently if a person is arrested for a felony, it gives the State's Attorney the option to reduce it to a misdemeanor. What I fear is that if you, in fact, make these classifications misdemeanors, they may be dismissed entirely, and we'd have no prosecution cases. I would submit it is a bad Bill. If you do believe in law and order, you should defeat this Bill. As I urged in the one we passed last Session, no, I should say last month on the House Bill, I urge a 'no' vote."

Speaker Ryan: "Representative McBroom."

McBroom: "Yes, yes, Mr. Speaker, Members of the House. In the balcony behind me, for those of you who do not know there are two Ryan brothers, one is truly a nice guy, the Mayor of the City of Kankakee. He is here with the delegation."

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

66th Legislative Day

June 18, 1981

The other brother presides here. Would the Mayor please take a bow?"

Speaker Ryan: "Thanks, Representative McBroom. Mayor, you'll have to be seated. You can't stand here in these chambers. It's like City Hall. Representative Johnson. Just a minute, Representative. We also have with us today from Kankakee several of the city officials. I see the Chief of Police, the Fire Chief, and the City Engineer, the Water Pollution Control, the City Planner, and one of the Alderman. Take a bow, Gentleman. Now if you'll all watch carefully, you'll see how government should operate. Representative Johnson."

Johnson: "Well, Mr. Speaker and Members of the House, I am standing in support of Senate Bill 534. The Bill that would have raised the felony amount to \$500 passed overwhelmingly out of here before. I really don't understand Representative Hallock's opposition to this Bill. The \$150 amount that divided felonies from misdemeanors was set 20 years ago. The cost of living since then has accelerated to a point where if we set this Bill at around \$550, it would accurately reflect the rate of inflation. What Representative Preston is saying for those of you who didn't hear him, I think it is important to point out, State's Attorneys simply aren't going to prosecute petty cases when, in fact, they only have to charge them as felonies. This amount, while I think it is somewhat low, is at least realistic. And to talk about making a felon and sending somebody to the penitentiary for up to three years for stealing...a radio, a first offense, is just unrealistic. This is really a law and order Bill. It accurately reflects what the cost of items are. It conforms to the reality of prosecution the way it is in 1981. And if Representative Hallock is really concerned

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

66th Legislative Day

June 18, 1981

and wants to give the State's Attorney some kind of bargaining power that he doesn't have now, why don't we make the amount \$1 and impose the death penalty against anybody who steals more than a dollar. And then in that case, we give him a lot of flexibility, and I'm sure you'd get a lot of increased pleas from people who steal a \$2 item. I think this is realistic. It is a good Bill. It passed overwhelmingly out of this House, and the Committee in all the forms its been in, and the Senate, and I urge a 'yes' vote."

Speaker Ryan: "Is there any further discussion? Representative Preston to close."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen. Again, I am urging a 'yes' vote. What...the situation we find ourselves in now is if an individual goes out and should steal a telephone, or a pair of shoes, or a radio as Representative Johnson indicated, the value of that property in today's market is above \$150. That presents a State's Attorney with a dilemma. If he prosecutes that individual, that individual would be charged with a felony violation. The State's Attorneys know that they cannot get a conviction from a jury when the jury knows they are going to be sending this individual away for a long time for stealing a telephone, or a pair of shoes, or things that in 1961 at \$150 level were considered important, today with inflation that \$150 will encompass almost any piece of personal property. The State's Attorneys want this so that they can actually go out and get convictions against people who commit theft. This is a pro law and order Bill, and I urge your 'aye' vote."

Speaker Ryan: "The question is 'Shall Senate Bill 534 pass?' All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Ebbesen."

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

66th Legislative Day

June 18, 1981

Ebbesen: "Well, yes, Mr. Speaker. I would just like to ask Representative Preston what type of shoe he is wearing? \$150 a pair."

Speaker Ryan: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 153 voting 'aye', 10 voting 'no', 1 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 542, Representative Getty. Representative McClain, for what purpose do you seek recognition?"

McClain: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, in the center aisle right in front of Jim McPike and Emil Jones is a former colleague of ours, former Representative Jack Williams, Mayor of Franklin Park. If you'd welcome him."

Speaker Ryan: "Welcome back, Jack. Senate Bill 542, Representative Getty, out of the record. Senate Bill 558...or 556, Representative McMaster. Read the Bill."

Clerk Leone: "Senate Bill 556, a Bill for an Act in relationship to the compensation of county officials, Third Reading of the Bill."

Speaker Ryan: "Representative McMaster."

McMaster: "Thank you, Mr. Speaker. This Bill was introduced at the request of the Illinois Association of County Clerks. It will provide a \$3,500 stipend to be paid to the county clerks and will not be considered part of their salary. This stipend will be paid by the State Board of Elections. It is part of their appropriation Bill. The purpose of it is to pay the county clerks for the extra duties that have been heaped upon them by the consolidated elections law. It has added a great deal of work to them including all of the township elections, municipal elections, school board elections, water district elections, everything such as

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

66th Legislative Day

June 18, 1981

this. I think it is a good Bill, and I will certainly try to answer any questions."

Speaker Ryan: "Any discussion? Representative Bradley."

Bradley: "Question of the Sponsor. Hey, Mac, what about a situation where we have an Elections Commission and so the Elections Commission is doing most of the work that you're talking about. Does the county clerk still get the additional funds?"

McMaster: "The Election Commission, if you're talking about one that is within a county, a city Election Commission, Gary. They are not involved in running the elections as the county clerk is. The responsibility of the county clerk is much greater than the Elections Commission. We do have one county, I believe, DuPage, that has a countywide Elections Commission. And in that case, the stipend will go to the clerk, the chief clerk of that Commission."

Bradley: "Well, for instance, in our county I would have to disagree with you on who has the greater amount of work because the population of the Bloomington-Normal, or the Bloomington area where the Election Commission...well, I would have to take it back. There wouldn't be more, but there would be just as much. The county is only 118,000. The City of Bloomington is the....that is the Election Commission jurisdiction, is close to 50,000. You're giving somebody \$3,500 that does half as much...or does about as much work as the Election Commission, I am not...I guess I am opposed to the...to somebody that is only handling a total of about 70,000 population, or a lot less voters than that. I think it is kind of hard to justify the fact that you're telling me that they're doing more work just because we changed the Election Code and need \$3,500 more in compensation. We have as many Election Commissions around the state as we have..."

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

66th Legislative Day

June 18, 1981

McMaster: "Gerry...Gerry, I don't want to really disagree with you to any great extent. But if you consider the fact that in all probability your school district in Bloomington extends beyond the limits of the Elections Commission within your city, and in that case, the responsibility, of course, would become the county clerk's. Townships, of course, are outside, and that is a new duty added to the county clerks, not to the Elections Commission, and..."

Bradley: "I guess the way I feel we'd be better off maybe if we got rid of some of the Election Commissions that aren't necessary, and then that would justify the \$3,500 payraise for the clerks. Thank you, Mac."

McMaster: "Well, I'm not questioning your Election Commission or the necessity of it, Gerry. I think there are what? 12, approximately in the state. There are not a great number of them. But, again, let me say that they, in all propability, I don't know how you're Commission is set up, to not handle the school board elections, or the school elections as the county clerk's office does, the township elections, the soil and water district elections, all elections that are handled by the county clerk."

Bradley: "Thank you."

Speaker Ryan: "Representative Ewing."

Ewing: "Would the Sponsor yield for a..."

Speaker Ryan: "He indicates he will."

Ewing: "Tom, is this considered a mandated program?"

McMaster: "Except for this, Tom, we are not mandating an expense to the county. This is to be paid for out of the State Board of Elections budget and appropriation, and it is already in the State Board of Elections appropriation."

Ewing: "And so it is not a mandate, but the state is going to pick up the \$3,500 for us..."

McMaster: "Yes."

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

66th Legislative Day

June 18, 1981

Ewing: "And this is automatically given to each county clerk, or is it up to the State Board of Elections if they get \$1,500 of it or what?"

McMaster: "Well, I would say that if the amount were to be paired down, which it isn't in this Bill. This Bill says \$3,500 for county clerk. And in that case, the State Board of Elections would, of course, remit the \$3,500 to each county clerk. They would not be able to pair it down to \$1,500. No."

Ewing: "So it's...they have no discretion in that. If we approve it in this form, each county clerk will get \$3,500."

McMaster: "Yes."

Ewing: "Have you considered whether there should have been some differentiation between the small counties and the big counties?"

McMaster: "Yes, I certainly have, Tom. And I feel that the smaller counties are just as deserving as the larger counties because in most cases, the county clerks in the smaller counties have much less help, a much smaller operating budget. They do still have the same number of different elections to handle, Tom. Listen to me, Tom. I am talking to you."

Ewing: "But this money actually goes as salary to the clerk and not to the clerk's office for extra help."

McMaster: "It is not a fee for extra help, no. And it is not a salary. It is considered an award and not part of their retirement, considered for their retirement, or anything like that, Tom."

Ewing: "Thank you very much."

Speaker Ryan: "Representative Keane."

Keane: "Thank you, Mr. Speaker. I rise on behalf and support of this Bill. There are a number of problems with the elections, but however are consolidated elections...with

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

66th Legislative Day

June 18, 1981

election law and some things that have to be cleaned up. But the consolidated elections have definitely put a burden on local officials, and I think this goes part way in giving some kind of equity to them for what we ask them to do, and I would urge support of the Bill."

Speaker Ryan: "Representative Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Ryan: "He indicates he will."

Friedrich: "Is this a one time thing or are we stuck with \$3,500 a year from now on?"

McMaster: "No, it would be \$3,500 per year, Dwight."

Friedrich: "So we're really adding \$350,000 to our budget every year for this thing, right?"

McMaster: "\$357,000 to be exact."

Friedrich: "Yeah, and the county clerk of Pope County with 6,000 people gets \$3,500 and the county clerk of DuPage County with a population of half a million gets \$3,500."

McMaster: "Yes."

Friedrich: "Boy."

McMaster: "Let me point out the difference between the two counties, Dwight."

Friedrich: "On the....on the Bill then. I wish Representative Yourell was here because for four long years I heard how the consolidation of elections was going to save money. It was going to encourage voter participation, it would...get away with all these things, and boy was it going to save money. Well here is \$350,000 a year you're going to save. The biggest thing you could do would be to repeal the whole darn thing."

McMaster: "Well, let's not get this Bill mixed up with the consolidation of elections. That was our responsibility that we passed it, Dwight."

Speaker Ryan: "Representative Slape."

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

66th Legislative Day

June 18, 1981

Slape: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. 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 McMaster to close."

McMaster: "Well, Mr. Speaker, questions have been brought up in regard to smaller counties receiving the stipend also as well as the larger counties. But let me say in the larger counties the county clerk can in all probability go to a computer and would handle some of his chores that way. He would have much more staff to do the work. In the smaller counties, they have no computerized work. They have to do all of the work by hand. They have incurred a lot of extra responsibility, and this is where responsibility is incurred, as all county clerks have incurred in order to accomplish the purpose of consolidation of elections. I would encourage an 'aye' vote on this Bill."

Speaker Ryan: "The question is 'Shall Senate Bill 556 pass?' All in favor signify by voting 'aye', all opposed by voting 'no'. Representative Satterthwaite to explain her vote."

Satterthwaite: "Mr. Speaker and Members of the House, I didn't adequately feel that we had gotten an explanation about why some of the counties should be excluded from this Bill while others are included. I think I could support a Bill that would give a one time allocation to county clerks for having to implement the new law, but it certainly seems to me to be excessive to be adding to their salaries whether we call it that or not on an annual basis and picking up the tab for that at a time when the state has said so clearly that we need to economize in so many areas. This is an added expense that I do not feel we should place upon the taxpayers of Illinois for every year even after this

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

66th Legislative Day

June 18, 1981

law has been well implemented and no longer provides a heavier work load for the clerks who have to execute it. If we were to subsidize it in some way it seems to me to be more logical to subsidize the office of the clerk because in most cases the clerks do not have that much additional work on their shoulders. They do have work by..."

Speaker Ryan: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 125 voting 'aye', 35 voting 'no', one voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. You're light's on, Representative. Would you like to be recognized? Turn on Representative Yourell, would you please? Proceed, Representative."

Yourell: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. One of the Members who spoke in opposition to this Bill indicated that I made some kind of a promise during the debate on consolidation of elections that it would save the State of Illinois a great deal of money. That is exactly what it has done. It has saved the State of Illinois over \$3,000,000 already in election cost just in the first year of its operation. Now I am not in favor of this award to county clerks because I think it is not merited. I don't think it is necessary. I...they were well aware when they supported the consolidation of elections that there would be a little additional work. I agree with some of the speakers who said that there was additional work, but really I mentioned in Committee, in Counties and Townships, that why should Pope County with less than 6,000 people receive the same stipend as DuPage County or some other counties? And DuPage County wasn't even in this Bill in Committee. And now I understand they are in there for \$7,000 or double the amount that any other county clerk is going to get simply because they don't have

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

66th Legislative Day

June 18, 1981

a county clerk but rather a Board of Election Commissioners. Now, I think it is ridiculous that we have to pay people to fulfill their mandatory statutory responsibilities as far as any duties that their office calls for. This is a boondoggle on the State of Illinois. We should not be paying these county clerks this money. They don't deserve it. They haven't earned it, and you're giving away money that you shouldn't be giving away because next year or later on this year the county assessors are going to come in because they have had additional duties under some legislation we've passed and ask for an award. I think this is bad policy, and I am voting against this stupid Bill to award county clerks for work that they want to participate in. All of the Amendments that were attached to this Bill, the county clerks wanted. They wanted the Amendments to the consolidation of election laws that would make them the election authority and take away those responsibilities from the municipal clerks and the township clerks. That is their idea. They asked for it. They got it, and now they want to be paid for it."

Speaker Ryan: "Senate Bill 542, Representative Getty.

Representative Matijeich, for what purpose do you arise?"

Matijeich: "Somehow my button was pulled 'aye' on that, and I was on the other side of the floor. I would like leave to have that..."

Speaker Ryan: "The record has already been taken. The Gentleman asks leave to be...you want it changed to 'no', Representative?"

Matijeich: "Yes."

Speaker Ryan: "The Gentleman asks leave to be voted 'no' on Senate Bill 547. Are there objections? Representative Bower."

Bower: "Yes, Mr. Speaker. Was Representative Yourell recorded on

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

66th Legislative Day

June 18, 1981

the last Roll Call? Was he recorded? He said he was voting against the Bill. He has filed a continuing objection to anyone being added to a Roll Call even though they may have legitimately been off of the floor. And if he is seeking to be added, I want to object to it."

Speaker Ryan: "I don't think that he asked yet. We're on, right now, Representative Matijevecich's request, so yours isn't timely. Representative Matijevecich has asked leave to have his vote changed from 'aye' to 'no'. Are there objections? Objections? Objections are noted, Representative. Representative Matijevecich."

Matijevecich: "Mr. Speaker, I think somebody may be mistaking what I did some time ago in objection to a change of vote. That is much different than what I am doing now. I have never objected to somebody changing their vote right at the time. In fact, that vote was on the Board when I was seeking recognition. The vote was right on the Board. Never in my history in the Legislature have I seen anybody deny a Member who is standing in his chair at the time that a vote is being..."

Speaker Ryan: "Your objections have been withdrawn."

Matijevecich: "Well then, Mr. Speaker, I move having voted on the prevailing side, I move..."

Speaker Ryan: "Well, Representative Matijevecich, the objection to your change of vote have been withdrawn. Your vote has been changed from 'aye' to 'no', and it is so recorded. We're going to move on, Gentleman and Ladies, to House Bill 558. No,...House Bill 558, Representative Wolf."

Clerk Leone: "Senate Bill..."

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

Darrow: "Thank you, Mr. Speaker. Representative Dunn and I were upstairs taking the stress test, and we missed this Roll

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

66th Legislative Day

June 18, 1981

Call. Could I have leave to be voted 'aye' on House Bill 556?"

Speaker Ryan: "The Gentleman asks leave to be recorded as voting 'aye' on House...Senate Bill 556. Are there objections? Are there objections? Representative Johnson."

Johnson: "Well, I am not going to object to this one, but we have a procedure to be followed when we moved on to another Bill, and that is to fill out a form for change of vote. And I am not going to object to this because I am sure there is reasons, but if we're going to have rules of order that we follow by in the House, we ought to have everybody apply to them. So I hope in the future, Representative Darrow or anybody else is somewhere else when we've gone to another order of business, all you have to do is go down to the well and fill out a form."

Speaker Ryan: "Your point is well taken, Representative. There is a procedure for changing your vote, and if that is what you seek recognition for, come down and fill out a form and we'll take it later on. Representative Wolf on Senate Bill 558."

Clerk Leone: "Senate Bill 558, a Bill for an Act..."

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

Brummer: "I simply seek recognition to inquire of the Chair if my light is working. I was seeking recognition for explanation of vote which is a right to every Member of this House has..."

Speaker Ryan: "We're passed that order of business, Representative. We've moved on to a new order. Representative Wolf on 558. Proceed, Representative Wolf."

Wolf: "Senate Bill 558, a Bill for an Act to amend the Illinois Pension Code, Third Reading of the Bill."

Speaker Ryan: "Representative Wolf."

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

66th Legislative Day

June 18, 1981

Wolf: "Mr. Speaker, I ask leave to have this Bill returned to the Order of second Reading."

Speaker Ryan: "The Gentleman asks leave to return Senate Bill 558 to the Order of Second Reading. Are there objections? Are there objections? Objections have been noted, Representative."

Wolf: "Well, then let's go with the Bill, I suppose, and we'll try to do it on Conference Committee if that is what we've got to do."

Speaker Ryan: "Proceed on the Bill then, Representative. The Bill's on Third Reading. Senate Bill 558 on Third Reading. Representative Brummer, for what purpose do you seek recognition?"

Brummer: "I did not have an answer from the Chair as to whether my light was working. That was my only inquiry. I would like to know if my light was working."

Speaker Ryan: "Which light were you talking about, Representative?"

Brummer: "The speak button that is supposed to light up on your Board there."

Speaker Ryan: "What do you mean is it working?"

Brummer: "When I want recognition and I push this button on my desk, I want recognition and I push this button on my desk, I want to know if my light flashes on your panel there."

Speaker Ryan: "It is not flashing now, Representative, but it is on."

Brummer: "Well, I will remove my objection if we will simply run a test mechanism to determine if my light..."

Speaker Ryan: "Look, Ladies and Gentlemen, let me tell you. We can stand here and argue about this all day if you want. We've got some 200 odd Bills to pass. We're going to be in here till midnight."

Brummer: "I simply want to know if my light works."

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

66th Legislative Day

June 18, 1981

Speaker Ryan: "If you want to continue in this vein, that is fine with me. We can do it, and that is the way we will operate the House. We are passed that order of business, Representative. Your light is working. Your question has been answered. We are going to move on, and we're going to go to House...or Senate Bill 558. Representative Wolf has asked leave to return that Bill to the Order of Second Reading. Are there objections? Hearing none, leave is granted. Read the Bill, Mr. Clerk."

Clerk Leone: "Floor Amendment #4, Ted Meyer, amends Senate Bill 558..."

Speaker Ryan: "Representative Meyer on Amendment #4."

Meyer: "Thank you, Mr. Speaker. This Amendment amends page four line 13 by removing the words, 'Who became a Member on or after January 1, 1973'. It would allow Members who entered prior to '73 to participate. I move its adoption. Pardon me, Mr. Speaker. I move to table #3."

Speaker Ryan: "Well, this is #4, Representative."

Meyer: "Yes, Sir, but I want to table #3 before I adopt #4."

Speaker Ryan: "Let's start back...let's start over. We're on the Order of Second Reading for Senate Bill 558. The Gentleman moves to table Amendment #3 that was previously considered. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and Amendment #3 is tabled. Further Amendments?"

Clerk Leone: "Floor Amendment #4, Ted Meyer, amends..."

Speaker Ryan: "Representative Meyer on Amendment #4."

Meyer: "Yes, I previously explained, Mr. Speaker. This would allow Members who entered service prior to 1973 to participate. I move its adoption."

Speaker Ryan: "Representative Schraeder on Amendment #4."

Schraeder: "Well, Mr. Speaker, I am just inquiring how far we're going to go with these pensions. Now I don't know who is

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

66th Legislative Day

June 18, 1981

going to get covered by this Amendment, but is it going to be the former Speaker of the House of Representatives and now employed with the transit in Chicago? If...or someone in that...."

Meyer: "No, Sir."

Schraeder: "Well, who's going to get the coverage? Can you give me some specific examples?"

Meyer: "Well, that is on the Bill, Mr. Schraeder. If you want to..."

Schraeder: "On the Amendment I am asking. Who gets covered by the provision under this Amendment?"

Meyer: "The Amendment merely changes...removes the restriction for membership presently in the law from...removes the 1973 restriction."

Schraeder: "Does that cover Representative... and former Representative and Speaker Robert Blair?"

Meyer: "No, Sir, it does not."

Schraeder: "Thank you."

Speaker Ryan: "Blair's memory lingers on. Representative Wolf."

Wolf: "I just want to say that Mr. Meyer had a technical drafting error in #3, and that is why he has tabled it and putting on #4. And it does not apply to the Gentleman whose name was mentioned before."

Speaker Ryan: "Any further discussion? Representative Giorgi on Amendment #4 to Senate Bill 558. Okay, Representative Yourell on Senate Bill 558, Amendment #4. Representative Meyer to close on Amendment #4."

Meyer: "I urge its adoption."

Speaker Ryan: "The Gentleman moves for the adoption of Amendment #4 to Senate Bill 558. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

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

66th Legislative Day

June 18, 1981

Speaker Ryan: "Senate Bill 558, Representative....or 578, Representative McPike. Read the Bill."

Clerk Leone: "Senate Bill 578, a Bill for an Act in relationship to the authorization of multi-office banking through bank holding companies and community service facilities. Third Reading of the Bill."

Speaker Ryan: "Representative McPike."

McPike: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. A few weeks ago we debated at some length House Bill 666 which was...which passed this House and this is an identical Bill which passed the Senate to allow banks to affiliate under common ownership through a multi-bank holding company. I was sitting here the other evening noting with interest when we passed Senate Bill 919, which allows a state chartered Savings and Loans to branch state-wide...state-wide branching of Savings and Loans and it passed the House with no debate 149 to 1. Now for four years I have listened to the demagoguery of the small banks in Illinois that claim that somehow multi-bank holding company is going to ruin the state, it is going to decrease competition, it is bad for Illinois, its bad for competition and here a Bill that allows state-wide branching for Savings and Loans flew out of the House with no opposition. You might...you might say that it is almost comical that that opposition would arise so strongly then against a much watered down version of what is now being allowed for Savings and Loans. All we are asking for is to allow banks to facilitate under common ownership, holding companies. And we are not even asking that it be state-wide. We are limiting it to five regions of the state. You have to be in a particular region of the state or in a contiguous region. We are asking this so that banks can compete not just compete with Savings and Loans,

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

66th Legislative Day

June 18, 1981

federally chartered Savings and Loans that can branch state-wide now, and under Senate Bill 919 state chartered Savings and Loans will be branching state-wide. Credit unions are taking more money away from commercial banks. Stockbrokers are taking more and more money away from commercial banks. We are asking that commercial banks that fund ...that finance industrial growth in this state be allowed to compete. They have lost, relatively speaking, a share of the market every year so that today commercial banks have fewer of the dollars available than they did last year and fewer than the year before. We can't expect business to have a favorable business climate in this state if funds aren't available. When we talk about the business climate in this state quite often I'm on labor's side and Members on the Republican side of the aisle are on business side. But when we talk about those elements of the business climate that I feel are truly important to a business when they decide to locate or expand and that is good transportation, a good road system, and the availability of money to expand, then I'm on the side of business. And I'm on the side of business in this. Multi-bank holding company in Illinois is good for competition. Those banks that are in favor of this control over 70% of the assets in this state. The banks that have fought this the hardest control 9% of the assets in the state. There is no question who finances industrial growth in this state. It is those banks that belong to the Association for Modern Banking, those banks that have asked this General Assembly every year now for five years to modernize the laws of this state, to bring Illinois into the same type of compliance of the... of forty-eight of the other fifty states to allow us to do the same thing that banks do in Missouri and Wisconsin and Michigan and Indiana

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

66th Legislative Day

June 18, 1981

and Kentucky and all the midwest states, allow us to have multi-bank holding companies, allow us to compete with everyone else in the financial market so that we can finance industrial growth, so that we can improve the business climate. We discussed... we have debated this hours and hours upon end over the last five years and debated three weeks ago over an hour and would like to try to hold the debate as short as possible so I would just ask today for a favorable Roll Call on this Bill."

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

Robbins: "Will the Sponsor yield for a question?"

Speaker Ryan: "Indicates he will."

Robbins: "Representative McPike, what is the prime rate basically in Chicago at the present time?"

McPike: "I think it is about 19 1/2 percent."

Robbins: "What is T-bills bringing? In other words, if you have a money market certificate, how much will the...is the yield on it?"

McPike: "Well I don't know, but I would readily agree that the money markets have taken money out of the commercial banks and that is why I said they are receiving less share of the total money today than they did years ago. They have to compete with the money market just as they have to compete with Savings and Loans and credit unions and everyone else. That is the purpose of this Bill to allow them to compete better."

Robbins: "In other words, on June the 10th, the Tribune quotes money market for the week at 13.45, is that... or thereabouts..."

McPike: "Whatever you say. I..."

Robbins: "Okay. And 19 1/2 which means that the commercial banks, if they loan at prime rate, are making 6%. Is that right?"

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

66th Legislative Day

June 18, 1981

McPike: "No, I don't think that that is right at all. I think commercial banks probably have a few costs of operations among other things."

Robbins: "Are you familiar with the ...with the difference in the lending practices of most of the small banks and the commercial banks?"

McPike: "Yes, I am. Most small banks in this state don't lend in this state. The loan deposit ratio for small banks in this state is vastly underneath the national average and vastly underneath those banks that belong to Association for Modern Banking. They simply don't loan. They buy government certificates. They buy certificates from California, New York and everywhere else, but they simply don't loan in their community. I'm very well... I'm very familiar with the practices of small banks. I've documented it in Committee; I've documented it on the House floor. Everyone else should be familiar with the fact that small banks are ultra-conservative, do not loan money in the local community, have a loan-to-deposit ratio 25% below those banks that belong to the Association for Modern Banking. They don't make loans. That is their practice and that is why I think this Bill is going to improve competition and make more money available, not just to business, but to farmers also."

Robbins: "May I speak to the Bill? I make a practice of reading the bank statements that are published quarterly in my newspapers and most of the banks in the State of Illinois, especially the small banks, are loaned up at a rate of 60 to 70 percent of the funds available. They are, therefore, able to take care of a small business loan whereby they base their money that they loan to small businessman- now listen to this- at two percent over money market, not two percent over prime. So if you vote for this Bill you are

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

66th Legislative Day

June 18, 1981

basically penalizing the small businessman in your community in approximation of five percent in additional money. Now of course, there are a few people who would like to make a little money, such as Continental Bank in Chicago. Out of the six highest paid bankers in the United States, Continental Bank president got over 720 thousand dollars from your small people that borrowed money from that bank as his salary. The next...Then they were fortunate enough to have another member of this banking institution and his salary was only 550 thousand dollars and if this bank passes... Bill passes and they can get control of the state's money system, then they will be able to charge the people in the State of Illinois a million dollars a year in salary for their services. Now, I know that some people here are interested in the small man that works at the factory. That man borrows most of his money from the little bank. He gets a mortgage on his home from the local savings and loan and he gets the money below prime. If this Bill passes, prime will be the bottom that anyone can get their money for. So now think before you vote. Do you want to increase on that local man the cost of his money by 5 percent? Now this is what you are doing if you vote for the Bill. You are making the small businessman, you are making the farmer, you are making the laboring man help provide salaries in excess of a half a million dollars for the big bank corporations. Any of you that live close to the Missouri line and take the Globe Democrat should be aware that it cost at least one percent and sometimes three, a difference between the same kind of a loan from the same kind of a bank, because Missouri has bank holding companies. All you have to do is come across the bank of Ill..Ind...across the river into Illinois and you can operate and get your money for less. Now if you

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

66th Legislative Day

June 18, 1981

want to do this, if you want to rob your people of this much money so that you can pay a large banking corporate giant three quarters of a million and another one a half a million, why, vote for this Bill. If you don't want to, if you want to take care of your man that is making five, to ten, to twelve thousand or the small business company that is borrowing a quarter to a half a million, vote against this Bill. Thank you."

Speaker Ryan: "Thanks, Representative Robbins. Representative Flinn."

Flinn: "Mr. Speaker, we have heard all the pro's and con's and for that reason I move the previous question."

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

McPike: "Ladies and Gentlemen of the House, it isn't very often that you will see a Bill sponsored by Senator Keats and myself so here is an opportunity to vote for a Bill that clearly could not be against the business climate in Illinois and that clearly could not be against the working men and women in Illinois. I have stood in their defense and I know that you have heard Senator Keats stand in the defense of the business climate many times. This is a Bill that we have been waiting for and pushing for for four years. It brings Illinois to the same level as forty-eight other states. I think that it is time that we passed this Bill, to modernize our laws and it allows the...and allow the banks to compete freely in open and free market. I'd ask for an 'aye' vote."

Speaker Ryan: "The question is, 'Shall Senate Bill 578 pass?'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Representative Ralph Dunn to explain his

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

66th Legislative Day

June 18, 1981

vote."

Dunn: "Before I explain my vote I would like to raise the question of how many votes this would take. In this Bill, as you plainly know, the people who have followed this Bill, that there is a third facility that banks are allowed to have that can be up to 10 miles away from the facility that is...that the bank owns. This clearly is a branch banking Bill. It creates another facility and I was going to ask Representative McPike in debate, if I could, how important this third facility is, is about half of the Bill and this clearly is a Bill that refers to branch banking and under Section 13 or Section 8 of Article XIII of our Constitution it should take an extra ordinary majority. Have you ruled on this, Mr. Speaker, or will you?"

Speaker Ryan: "Well, Representative Dunn, we have examined this Bill and the Constitutional provisions and the record of the 1970 Constitutional Convention. Senate Bill 578 is not a branch banking Bill within the meeting of Article XIII Section 8 of the 1970 Constitution. The meaning of the term 'Branch Banking' in that Section is not defined in the Constitution which is clearly established in the debates and proceedings. That intent clearly distinguishes between bank holding company legislation and branch banking legislation and establishes that the Convention did not intend to include holding company legislation within the Article XIII Section 8 requirements for an extraordinary majority. Therefore, this Bill requires a Constitutional Majority of 89 votes. That is the ruling of the Chair."

Dunn: "Mr. Speaker, I would like to file a dissent to that with the other Gentleman on my...on our side that feel that this is a branch banking Bill and we will file a dissent on the ...entered into the record. The speech you read has been read about four or five times in the last three or four

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

66th Legislative Day

June 18, 1981

years and each time I have said that it isn't...I don't, I think your ruling is wrong and I'll file a dissent and I hope that some others will join me in signing that. Thank you."

Speaker Ryan: "That is certainly your privilege, Representative. There's procedures for that and you are entitled to do it."

Dunn: "I want the record to so show..."

Speaker Ryan: "The record will so indicate."

Dunn: "...And I urge the people to vote against this bad Bill."

Speaker Ryan: "Representative Stuffle."

Stuffle: "Yes, just to indicate that that dissent has been filed in the record pursuant to the Rules by two Members. Only to point out, since debate was cut off, but the same people were up talking about the loan-deposit ratios for farmers and small banks and those situations know that the facts and the data from federal studies show just the opposite of what was argued on behalf of this Bill. The people are getting the money in my district. They are getting it from the small unit banks and small businesses of those people and ag people are those people. The same people are trying to kill the ag Bills out here, trying to cut the farmers' throat are today arguing they are trying to help them. They are trying to dry up credit. They are trying to take away those people that control, as they admit, themselves only 9 percent of the assets. They want the whole damn pie. They want to transfer the pie from us, downstate, to Chicago to the suburban areas; away from the little businesses and away from ag to the suburban areas, to the big shopping centers, to the big banks, to the foreign interests and they don't care about downstate Illinois so they shouldn't stand here and say they do. I suggest a 'no' or a 'present' vote."

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

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

66th Legislative Day

June 18, 1981

Polk: "Well, Mr. Speaker, Ladies and Gentlemen, I just hate to rise and disagree with some of the last two speakers, but I have had some of the little, as you so call... say the little banks in my community have now come around and called me and indicated that they are supporting this legislation today different than they did a couple of years ago. Because of the cost of handling money today, the simple costs of what it takes for a farmer, such as come from my area, to run a business today compared to what it did years ago, they now have difficulty borrowing that kind of money from the mother and father pop type banks that we had years ago. And they are saying that we need some additional help. I think we have proven that we have done this... we have discussed this and I was reluctant to stand and discuss it because we have talked about it so many times. But, I truly believe an 'aye' vote is correct at this time."

Speaker Ryan: "Representative Daniels in the Chair."

Speaker Daniels: "The Gentleman from Cook, Representative Bullock, to explain his vote. The timer is on, Sir."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. We have considered this measure on several instances and each time I believe that those of you who are voting affirmative for the Bill have heard some of the speakers make the same outrageous, distorted allegations about the Bill and the evils of the Bill. The positives of the Bill quite simply is that many institutions today who, financial institutions are confronted with the same type of social pressures that you and I are as consumers. This Bill will enhance neighborhood revitalization. It will enhance the stability of smaller financial institutions. It will avert the closure of those smaller institutions that are undercapitalized. And I submit to you, Ladies and

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

66th Legislative Day

June 18, 1981

Gentlemen, that this is indeed an idea whose time has come and I think that Illinois should move out of the dark ages and relinquish the dubious distinction that it shares with West Virginia in not allowing holding companies to exist in the State of Illinois..."

Speaker Daniels: "Bring your remarks to a close, Sir."

Bullock: "And I would respectfully urge an 'aye' vote."

Speaker Daniels: "The Gentleman from Henderson, Representative Neff, to explain his vote. The timer is on, Sir."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. In explaining my vote, I think we all know that the unit banking system has been known in Illinois, has proven out to be one of the best banking systems that any state has had and I, therefore, can understand...cannot understand why people want to change it. It was brought up here that several banks do want it and if you will check that out you will find that only at least 80 percent of the banks in the State of Illinois are opposed to this. All you will have is a few large banks and very few small ones. But we are not interested in what the banks want or don't want, but we are interested in the consumer and I'm sure that the consumer is much better handled by the... having the unit banking system. I think they prefer it and states that they have put this up to the vote of the people and it has been overwhelming defeated. This type of...(cut off)"

Speaker Daniels: "Please bring your remarks to a close, Sir."

Neff: "Therefore, I don't think that there is any question that we are voting in favor of the consumers and the small people that we will defeat this type of legislation. Thank you."

Speaker Daniels: "The Gentleman from Cook, Representative Jack Dunn, to explain his vote. The timer is on, Sir."

Dunn: "Mr. Speaker, Ladies and Gentlemen of the House, I haven't

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

66th Legislative Day

June 18, 1981

heard anyone say anything from the banks. I have got about 30 small banks in the Ninth District and I have received letters from everyone of those banks encouraging both House Bill 666 and Senate Bill 578. They think it is a good Bill that they can live with. They are very comfortable. The small banks are looking for it in my district and I suspect they might be in yours. I would encourage an 'aye' vote."

Speaker Daniels: "The Gentleman from Marion, Representative Friedrich, to explain his vote. The timer is on, Sir."

Friedrich: "Mr. Speaker, I thought the Sponsor of this Bill demonstrated a great deal of ignorance about the banking business in the State of Illinois when he said that the little banks didn't take care of their home communities and so on. Well, you might say that I have a conflict of interest, but actually I would be voting my best interests if I voted for this Bill because I could sell my bank stock. I am involved as a Director of two banks and let me tell you something about both of them. We don't have any loans made to people outside the State of Illinois and we have never had a legitimate loan in either one of the communities that wasn't taken care of by our local banking facilities. We don't have a branch in England like Continental has because we loan to our local people. You let the big boys get a hold of this and this money will be sucked out of your community and loaned all over the world anyplace they can find a higher price for their money. Believe me, this is a sad day if this Bill passes."

Speaker Daniels: "The Gentleman from Cook, Representative Birkinbine, to explain his vote. The timer is on, Sir."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The prior speaker, as he mentioned, is on the Board of a small or hometown bank, as are a number of people in this Legislature. But think about that. For a smaller

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

66th Legislative Day

June 18, 1981

bank, such as the one he is on the Board of, to be taken over by a larger bank, the members of the Board, people like Dwight Friedrich, would have to approve such a move. Now they're not going to do it unless it is in the interest of the town and the people that that bank serves. You are not simply going to find ...And another thing, Continental, which was used as an example, could not come down into his district because Continental, the way we have apportioned this map, could only go into the collar counties. So that was an unfair comparison. But remember, only when the members of the Board approve such an action would such a move be made. And certainly the people who are on the Board of those banks have the interest of the town and the people served by such banks at heart. They are not going to make a move that would be bad... (cut off).."

Speaker Daniels: "Bring your remarks to a close."

Birkinbine: "They would not make such a move that would be bad for the bank or the people served by that bank. Thank you."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Bill there are 88 voting 'aye', 57 'no', 17 'present'. Gentleman, Representative McPike, requests a poll of the absentees. The Gentleman, Representative Robbins, in the event that it receives 89 requests a verification. The Lady from Cook, Representative Topinka."

Topinka: "Yes, Mr. Speaker, I'd like...I didn't apparently get a chance to hit my button and I would like to vote 'aye' please."

Speaker Daniels: "Record Representative Topinka as 'aye'. The Gentleman from DuPage, Representative Schneider."

Schneider: "Record me 'aye', Mr. Speaker."

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

66th Legislative Day

June 18, 1981

Speaker Daniels: "Record the Gentleman, Representative Schneider, as 'aye'. The Gentleman from Madison, Representative Sam Wolf, as 'no'. The Gentleman from Champaign, Representative Wikoff, as 'no'. The Gentleman from Peoria, Representative Tuerk, as 'aye'. Alright, before we go with a poll of the absentees and a verification, the Gentleman from Cook, Representative Dick Kelly, wishes to be recorded as 'aye'. Alright, has everybody been recognized that wants to be recognized? Representative Grossi?"

Grossi: "I ask leave to be verified."

Speaker Daniels: "We are not on that order yet, Sir. We haven't done the poll of the absentees yet. Would you please poll the absentees, Mr. Clerk? We are starting with a count of 92 'aye', 59 'no'."

Clerk Leone: "Poll of the absentees: Capparelli. Garmisa. Hastert. Henry. Huff..."

Speaker Daniels: "Excuse me. Mr. Cameraman, the TV light is not on. We are in the midst of a verification. The Rules of the House prohibit filming during verification, Sir. Proceed with the poll of the absentees."

Clerk Leone: "Margalus. Peters. Redmond. And, Telcser."

Speaker Daniels: "Representative Huskey? Change Representative Huskey from 'present' to 'aye'. Okay, Representative Robbins, we are starting with a count of 93 'aye', 59 'no'. We...will all Members please be in their seats? Will the Doorkeepers please clear the aisles and the House of all unauthorized personnel? Will all Members please be in their seats? Alright, Mr. Clerk, proceed with a verification of the Affirmative Roll."

Clerk Leone: "Poll of the Affirmative: Alexander. Alstat. Barkhausen. Barnes. Barr. Bartulis. Beatty. Bell..."

Speaker Daniels: "Okay. Excuse me, Mr. Clerk. Alright, Gentleman that wishes to be verified, Representative

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

66th Legislative Day

June 18, 1981

Grossi, is in the back. Representative Robbins, Representative Grossi asks for leave to be verified. Representative Sandquist and Representative Flinn. Representative Braun. I will read these back to you, Sir. Representative Nelson, Representative Leverenz. Representative Davis and Bartulis. And Representative Leon. Representative Davis?"

Davis: "Well if I might have just a minute, Mr. Speaker, this is the day for mayors. The mayor of the great city of Joliet, in the district represented by Van Duynes and Leinenweber and Hastert and others, standing right here, John Borg, the mayor of Joliet. Ladies and Gentlemen, give him a nice welcome."

Speaker Daniels: "Okay. The following people have been verified: Grossi. Sandquist. Flinn. Braun. Nelson. Leverenz. Davis. Bartulis. Leon. Conti. Bradley. And, Christensen. Representative Younge and Steczo. Reilly. Okay, that is it. Do you have all of those names? Proceed with a poll of the...or a verification of the Affirmative Roll."

Clerk Leone: "Continuing with the Poll of the Affirmative: Birkinbine. Bluthardt. Boucek. Bradley. Braun. Bullock. Chapman. Christensen. Conti. Cullerton. Currie. Davis. Deuchler. DiPrima. Domico. Doyle. Jack Dunn. Ewell. Fawell. Flinn. Virginia Frederick. Giorgi. Greiman. Griffin. Grossi. Hallock. Hallstrom. Huskey. Jones. Kane. Karpiel. Katz. Keane. Jim Kelley. Dick Kelly. Klemm. Kosinski. Kucharski. Kustra. Laurino. Lechowicz. Leinenweber. Leon. Leverenz. Macdonald. Martire. Mays. McAuliffe. McBroom. McClain. McGrew. McPike. Roland Meyer. Nelson. O'Brien. O'Connell. Piel. Pierce. Polk. Pouncey. Reed. Reilly. Rhem. Ronan. Sandquist.

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

66th Legislative Day

June 18, 1981

Schneider. Schraeder. Irv Smith. Stanley. Steczo.
Stewart. C.M. Stiehl. Tate. Terzich. Topinka. Tuerk.
Turner. Van Duynes. Watson. White. J.J. Wolf. Younge.
Yourell. Zito. And, Mr. Speaker."

Speaker Daniels: "Poll of the Affirmative Roll. Representative Robbins, do you have any questions of the Affirmative Roll?"

Robbins: "Beatty."

Speaker Daniels: "Representative Beatty is in his...I can't... is in his chair."

Robbins: "Okay. Chapman?"

Speaker Daniels: "Representative Chapman? Representative Chapman? Is the Lady in the chambers? Representative Chapman. How is the Lady recorded?"

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

Speaker Daniels: "Remove her and Representative Lechowicz requests leave to be verified. He is right up here in front. Does he have leave, Representative Robbins? Leave is granted. Proceed Representative Robbins."

Robbins: "Representative Currie."

Speaker Daniels: "Representative Currie is in her chair."

Robbins: "Representative Chirstensen."

Speaker Daniels: "Representative Christensen was verified and Representative Laurino is up front and he requests leave to be verified. Leave granted? Representative Robbins?"

Robbins: "Yes."

Speaker Daniels: "Okay."

Robbins: "Representative DiPrima."

Speaker Daniels: "DiPrima? Is in his chair."

Robbins: "Representative Huskey."

Speaker Daniels: "Representative Huskey was verified."

Robbins: "Representative Katz."

Speaker Daniels: "I'm sorry, Representative Robbins."

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

66th Legislative Day

June 18, 1981

Representative Huskey is in the back there. Representative Katz is in his chair. Representative Chapman has returned. Return her to the Roll."

Robbins: "Representative Jim Kelley."

Speaker Daniels: "Who was that?"

Robbins: "Representative Jim Kelley."

Speaker Daniels: "He is right there, Sir. Right in front of you."

Robbins: "Representative Klemm."

Speaker Daniels: "Representative Klemm?"

Robbins: "Klemm."

Speaker Daniels: "Flinn. Klemm is in his chair."

Robbins: "Representative Kucharski."

Speaker Daniels: "Representative Kucharski? Representative Kucharski? How is the Gentleman recorded?"

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

Speaker Daniels: "Remove Representative Kucharski."

Robbins: "Representative Martire."

Speaker Daniels: "Representative Frank Martire? How is the Gentleman recorded?"

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

Speaker Daniels: "Remove Representative Martire."

Robbins: "Representative Mays."

Speaker Daniels: "Representative Jeff Mays. Representative Mays is over on the Democrat side talking to Representative Ronan and McPike."

Robbins: "Representative R.J. Meyer."

Speaker Daniels: "Representative Roland Meyer is in the rear."

Robbins: "Representative Ted Meyer."

Speaker Daniels: "Representative Ted Meyer is in the aisle."

Robbins: "Representative Piel."

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

Robbins: "Representative Reilly."

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

66th Legislative Day

June 18, 1981

Speaker Daniels: "Representative Reilly was granted leave to be verified, Representative Robbins."

Robbins: "Representative Stewart."

Speaker Daniels: "Representative Stewart is in her chair."

Robbins: "Representative Birkinbine."

Speaker Daniels: "Representative Birkinbine is right up front here. Representative Hastert, for what purpose do you rise, Sir?"

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

Speaker Daniels: "How is the Gentleman recorded?"

Clerk Leone: "The Gentleman is not recorded as voting."

Speaker Daniels: "Do you wish to be recorded, Sir?"

Hastert: "'Aye', please."

Speaker Daniels: "He is voting 'aye'. Record Representative Hastert as voting 'aye'. What is the count Mr. Clerk? There are 92 'aye'."

Robbins: "Representative Frank Watson."

Speaker Daniels: "Representative Frank Watson is right there in the aisle."

Robbins: "Representative McAuliffe."

Speaker Daniels: "Representative Martire has returned. Return Representative Martire to the Roll Call. What was the last question, Sir?"

Robbins: "Representative McAuliffe."

Speaker Daniels: "Representative McAuliffe. Roger McAuliffe? Is the Gentleman in the chambers? How is the Gentleman recorded?"

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

Speaker Daniels: "Remove him."

Robbins: "What is the count, Mr. Clerk? What is the count, Mr. Clerk?"

Speaker Daniels: "92 'aye'."

Robbins: "No other questions."

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

66th Legislative Day

June 18, 1981

Speaker Daniels: "Representative Zwick, for what purpose do you rise?"

Zwick: "I would like to change my 'present' vote to 'aye' please."

Speaker Daniels: "Record Representative Zwick as 'aye'. Any other changes before I announce the Roll so that you are all recorded as you want? Representative Steele."

Steele: "How am I recorded, Sir?"

Speaker Daniels: "Representative Everett Steele, how is he recorded?"

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

Steele: "Vote me 'aye', please."

Speaker Daniels: "Record Representative Everett Steele as 'aye'. Representative Carey. Change Representative Carey from 'no' to 'aye'. Okay, everybody the way they want to be? Representative Ropp. Change Representative Ropp from 'present' to 'aye'. Okay, we all ready? Ah, Representative Mulcahey. You want to be changed to 'aye', Representative Mulcahey?"

Mulcahey: "Leave me...I want to report as voting 'no'. Keep me on 'no'."

Speaker Daniels: "Any other questions? Changes? Everyone the way they want to be? What is the count, Mr. Clerk? Representative Smith."

Smith, Margaret: "...My vote to 'aye', please."

Speaker Daniels: "Representative Smith is 'aye'. Representative Huff."

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

Speaker Daniels: "How is the Gentleman recorded?"

Clerk Leone: "The Gentleman is not recorded as voting."

Speaker Daniels: "Record the Gentleman as 'aye'. Alright, what is the count, Mr. Clerk? Representative Henry."

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

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

66th Legislative Day

June 18, 1981

Speaker Daniels: "Representative Henry, how is he recorded?"

Clerk Leone: "The Gentleman is not recorded as voting."

Henry: "Kindly record me as voting 'no'."

Speaker Daniels: "Record Representative Henry as 'no'. On this question... Representative McAuliffe has returned. Return him to the Roll. On this question there are 99 'aye', 58 'no', 17 or 12 'present', 59 'no', 99 'aye'. This Bill having received the Constitutional Majority of 89 votes is hereby declared passed. Representative Bullock."

Bullock: "Mr. Speaker, having voted on the prevailing side, I move to reconsider the vote by which..."

Speaker Daniels: "The Gentleman moves to reconsider. Representative Zito moves that that lie upon the table. All those in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Motion lies on the table. The TV lights are on. Senate Bill 580, Representative Ewing. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 580, a Bill for an Act in relationship to taxes imposed on cigarettes, Third Reading of the Bill."

Speaker Daniels: "Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, this is a Bill which has been approved by the administration of the Department of Revenue and all parties involved, and it is an effort to make the bonding requirement for cigarette vendors less of a burden than it has been in the past. It changes the bonding requirement from a maximum of 500,000 or 80% of the average monthly purchase of the vendor. This is changing the Cigarette Tax Act and the Cigarette Use Tax Act from its present requirement where the bond is 120% of the requirement for taxes collected with 15 days to pay. This Bill does give them 21 days to pay the...the tax, and the bonds for cigarette vendors are much much greater than they are for liquor and most any other type of vendor bond

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

66th Legislative Day

June 18, 1981

here in the State of Illinois. And I would be glad to answer any questions and ask for favorable approval."

Speaker Daniels: "The Gentleman has moved for the passage of Senate Bill 580. Is there any discussion? The Gentleman from Cook, Representative Getty."

Getty: "What will the fiscal impact of the delay in payments be to the state?"

Speaker Daniels: "The Gentleman indicates he'll yield. Representative Ewing."

Ewing: "Representative Getty, we have not had any figures from the Department of any fiscal impact, and I know of none. The delay might cause some, but I can't give you that figure."

Getty: "Now the delay will be how many days delay in collection? What is the net delay?"

Ewing: "The net delay is seven days."

Getty: "And what is the average daily collection?"

Ewing: "Pardon, Representative?"

Getty: "What is the average daily collection?"

Ewing: "I want to retract myself here. The Department of Revenue did feel that there would be a one time cash flow loss of \$7,000,000 with the 30 day payment for stamps."

Getty: "A one time transfer loss of \$7,000,000?"

Ewing: "When they gave us that estimate that was for 30 days, and that was lowered to 21 days, and they had the requirement to pay it within 15 days in the old law. So you have to scale those figures down according to the reduction of the time that they were going to make that payment, Representative."

Getty: "So instead of \$7,000,000, you're saying it would be roughly 1/3, is that right, of \$7,000,000?"

Ewing: "That's...that could be accurate. Yes, I'm..."

Getty: "So 1/3 of \$7,000,000 is what the impact would be?"

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

66th Legislative Day

June 18, 1981

Ewing: "Well, this is not a loss of revenue. I mean, the payment comes in just seven days after it would have come in anyway. Now for whatever reason, the Department, the administration feel that this is a legitimate Bill which the bonding requirements for cigarette vendors has been exorbitant. They collect an enormous amount of tax for the State of Illinois, and they were required to keep a bond of over 120...of 120% of their average sales."

Getty: "So that the loss would be the interest at least, the loss to the state would be the interest at least, that the state would lose by not having that at least 1/3 of \$7,000,000 for that period of time as a one time loss. Is that correct, Sir?"

Ewing: "Right. It would be a loss for one week. Seven days."

Getty: "Have you calculated based upon the approximate current interest rates, and I think prime is somewhere around 19 1/2% if I am not mistaken, what that loss would come out to in dollars, Sir?"

Ewing: "No, I haven't."

Getty: "Well, Mr. Speaker, on the Bill."

Speaker Daniels: "To the Bill, Sir."

Getty: "I believe this is the third or fourth time now in just a matter of two days that we have found Bills that will have very substantial impact upon the state's revenue. The Sponsor of the Bill properly admits, and he...to my question that this will cost the state the interest loss at least for that period of time on 1/3 of \$7,000,000. We have been told that there are declining revenues. We have been told that we must cut human services. We have been told that there must be belt tightening. I suggest to you, my colleagues in the General Assembly, that this may not be the time to enact legislation that will help one segment of society, a special interest group, a special interest group

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

66th Legislative Day

June 18, 1981

at the expense of the taxpayers and the people of the State of Illinois. When you vote on this, think very carefully about what your vote is going to mean. This is a loss of revenue to the people of the State of Illinois."

Speaker Daniels: "Any further discussion? The Gentleman, Representative Ewing, to close."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, we know that at times we must make adjustments in our law for fairness between industry. There is no reason that certain collectors should be paying a \$25,000 bond, others a \$50,000 bond, and then others 120% of collection with the bond running into \$500,000 to a million. We won't want to keep these people out of business. they collect a lot of money for the State of Illinois. We shouldn't be penalizing them in this regard and in regard to the interest that might be loss, seven days interest. We all know that the State of Illinois doesn't pay prime rate for its interest and doesn't get prime rate for its money. So the loss would be considerably less than the last speaker said in regard to this Bill. Sometimes when things are fair and when they are right, we should do it. And that is the case in this Bill, and I would ask for your favorable approval."

Speaker Daniels: "The Gentleman has moved for the passage of Senate Bill 580. The question is 'Shall Senate Bill 580 pass? All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. On that question, the Gentleman from Peoria, Representative Schraeder. The timer is on, Sir."

Schraeder: "Well, Mr. Speaker, I would like to point out to the Members that may not be aware of it, but the fellows that handle the distribution of cigarettes in Illinois buy these stamps in advance from the state. And if those...package

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

66th Legislative Day

June 18, 1981

of cigarettes lay (sic - lie) in their warehouse for any length of time, that is money that is tied up that is doing nothing for those wholesalers. And it just seems to me that if you're going to treat people fairly, it is one thing to tax them but at least give them the use of their money during the period when it should be theirs. And that is what this Bill does. This isn't a loss to the state. It is treating those wholesalers who have those stamps in their warehouses on those cigarettes that haven't moved. So we owe something and some consideration for that fact. And these are merchants who do a tremendous service for the State of Illinois in the taxes they collect for the state, and they should get this consideration."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Giglio. The timer's on, Sir."

Giglio: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think the dialogue between our side of the aisle and the Sponsor of the Bill was a little misleading. And what this is all about is to give these people in the distribution business of the taxes and the tobacco industry a little more leeway like we've given the people in the liquor industry. Now if we're going to be consistent, we gave a break to the two breweries the other day. We also gave a break of 20% and another 5% for the corporations. We're not taking any money away from the state with this Bill. We're giving the people who are distributors in Illinois in the tobacco industry, the so-called sin tax if you want to call them, or sin products. And they've got just as much right to stay in business as any other business. We're giving them a little leeway like we are with any other business. You want to keep them in Illinois. You want to stop them from going to Indiana and other places depriving the sales tax to the Springfield

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

66th Legislative Day

June 18, 1981

pot, then vote 'no'. If you want to help them, give them a 'yes' vote."

Speaker Daniels: "Bring your remarks to a close please, Sir."

Giglio: "Mr. Speaker, just vote 'yes' if you want to help some poor little people."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Gentleman from Peoria, Representative Tuerk, to explain his vote. Timer's on, Sir."

Tuerk: "Well, Mr. Speaker and Members of the House, I think the Gentleman on the other side of the aisle inadvertently mislead the Members of this Body in saying that it had a tremendous fiscal impact on the state. This Bill doesn't have that impact. The state is going to get its money. The Sponsor of the Bill readily admitted that there might be a few days lag. But the state will get its money. It doesn't have the fiscal impact that was indicated by the Gentleman from Cook, and I think that people in this chamber ought to support this and pass it to the Governor's desk."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? The Clerk...Representative Yourell."

Yourell: "Yes, I know that Representative Ewing has always been very sincere about protecting the state's resources even when those resources are not threatened, and I would hope that he would call for a verification should this vote (sic - Bill) get 89 votes."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Bill there are 98 voting 'aye', 57 'nay', 5 'present'. Senate Bill 580 having received a Constitutional Majority is hereby declared passed. Senate Bill 623, Representative Grossi. Read the Bill, Mr. Clerk."

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

66th Legislative Day

June 18, 1981

Clerk O'Brien: "Senate Bill 623, a Bill for an Act to amend Sections of the Juvenile Court Act, Third Reading of the Bill."

Speaker Daniels: "Representative Grossi."

Grossi: "Mr. Speaker, I ask leave to return this to the Order of Second Reading."

Speaker Daniels: "The Gentleman asks leave to take this Bill back to Second Reading. Does he have leave? Leave is granted. Senate Bill 623, Second Reading. Any Amendments from the floor?"

Clerk O'Brien: "Amendment #2, Grossi, amends Senate Bill 623 on page eight..."

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

Grossi: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #2 is being offered to you. Basically what Amendment #2 does is retain court jurisdiction in those cases where community based services have been exhausted or non-existent so that the court can refer the minors...that the subject of this Act to Court Service Departments or Probation Departments. This Amendment is being offered to satisfy those people who feel that there are certain areas in the state that do not have facilities that the court should retain jurisdiction in those areas."

Speaker Daniels: "The Gentleman has moved for the passage of Amendment #2. Representative Levin."

Levin: "Would the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Levin: "Representative, I must say that of all the Bills that are on the Calendar, this is the one that has caused me the greatest difficulty. I have gotten mail from all sides on this. Normally I tend to get mail on one side or the other in terms of the social services, but I have gotten mail from people I respect who support this, people I respect

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

66th Legislative Day

June 18, 1981

that oppose this. In terms of the Amendment, who would decide whether or not there are facilities available?"

Grossi: "That would be decided at the local level. At the present time as the Bill is presently constructed, the police officers, the social agencies involved would make the necessary referrals to the community base service or the Crisis Intervention Centers. If there are none, then the police officers would directly refer the children to the court."

Levin: "So you're saying it would be the place officers who would decide?"

Grossi: "They are one of the people that would decide."

Levin: "Okay, now, what about the situation where, you know, there were social services available, but there is a feeling by police officers or others, that those are not adequate. You know, what would the effect of this Amendment, if it was adopted, do in that situation? Would it oust the courts from jurisdiction?"

Grossi: "The court would only have jurisdiction under this Amendment if the social service agencies had exhausted....had exhausted their position or that they...there such things did not exist. That there is no services available."

Levin: "Okay, well you're saying that it is the police officer that decides this. I feel a little confused as far as what the effect of this would be. How can an outsider to the court make the determination whether or not there has been an exhaustion of services to...and thus determine whether or not the court would have jurisdiction over these minors in need of supervision?"

Grossi: "I'm sorry, would you repeat your question?"

Levin: "Okay, my understanding in term of the Amendment is somebody other than the court is going to make the

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

66th Legislative Day

June 18, 1981

determination whether or not there has been an exhaustion of all these other remedies and services. Is that correct?"

Grossi: "That is correct."

Levin: "Okay. So, would the...the courts would then be bound by that determination?"

Grossi: "I would think the court would be bound by that determination unless the court on its own decided that the services had been exhausted or non-existent."

Levin: "Okay, so that somebody would, would there be a formal filing of a piece of paper with the court? How would this work?"

Grossi: "Well, normally the court would not become involved in it unless there was a request or a petition before the court for ultimate placement of the minor to a place other than the minor's home."

Levin: "So now, if this Amendment is adopted and there is a determination made that there are reasonable services, that determination by a police officer or somebody else, it would not then be possible to challenge the court's jurisdiction if the minor was then brought to the court. Is that correct?"

Grossi: "Run that by me again."

Levin: "Alright, if a police officer made a determination that there were not ser...appropriate services available, or those services had been exhausted, and he brought a juvenile in terms of a mens petition, at that point, would there....would anybody be able to challenge the jurisdiction of the court to handle that?"

Grossi: "If the child was...sought to be placed in...outside the home, then it would have to go before the court for the court to make a determination whether that outside placement was necessary. I am not sure that my answer is

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

66th Legislative Day

June 18, 1981

what you're looking for."

Levin: "Okay, I think this Amendment goes a long way towards resolving a lot of the concerns I've heard. I am going to have to study it a little bit more to see if it goes all the way. But I would certainly support this Amendment."

Speaker Daniels: "The Gentleman has moved for the passage of Amendment #2. All those in favor will signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #2 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Third Reading. Representative J.J. Wolf for an announcement."

Wolf: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like to point out that the Gentleman from Wayne, our distinguished colleague and eleemosynary Gentleman of the highest order, the Honorable Clyde Robbins, has provided sustenance for Members of this House during their long hours of endeavors with his dietary delights without any form of appropriation, grant, or subsidy, and without regard to age, creed, sex, or political affiliation. And in view of this fine accomplishment and generosity, I have a plaque to present to him on behalf of the Members of the House that says, 'To the Honorable Clyde Robbins' with this certificate of recognition for providing nutritional services to Members of the 82nd General Assembly. Thank you, Representative Robbins."

Robbins: "I wish to accept on behalf of my co-contributors from the people within this row and the other rows that have donated to my delicatessen. Thank you."

Speaker Daniels: "We all thank you, Representative Robbins. Senate Bill 650, Representative Jones. Representative Jones. Read the Bill, Mr. Clerk."

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

66th Legislative Day

June 18, 1981

Clerk O'Brien: "Senate Bill 650, a Bill for an Act to amend the Court Reporters' Act, Third Reading of the Bill."

Speaker Daniels: "Representative Jones."

Jones: "Thank you, Mr. Speaker. I would like leave to take the Bill back to Second for the purpose of an Amendment."

Speaker Daniels: "The Gentleman has asked leave to return Senate Bill 650 to Second Reading for the purpose of an Amendment. Does he have leave? Leave is granted. Senate Bill 650, Second Reading. Any Amendments?"

Clerk O'Brien: "Amendment #1, Jones, amends Senate Bill 650 on page..."

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

Jones: "Thank you, Mr. Speaker, Amendment #1 provides that when any State's Attorney, public defender, or court appointed attorney of a county or state orders a transcript from a court reporter, then the amount that they would pay would be less than half as to that of what is in the Bill."

Speaker Daniels: "The Gentleman has moved for the adoption of Amendment #1. Any discussion? Hearing none, the question is 'Shall Amendment #1 be adopted? All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #1 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Third Reading. Representative Jones."

Jones: "With leave to hear the Bill now?"

Speaker Daniels: "It takes 107 votes, Representative Jones. Okay, just hold it on Third Reading. Senate Bill 685, Representative Braun. Representative Braun, is the Lady in the chambers? Out of the record. Senate Bill 788, Representative Stuffle. Out of the record. Senate Bill 1006, Representative Currie. Read the Bill, Mr. Clerk. Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1006, a Bill for an Act to amend the

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

66th Legislative Day

June 18, 1981

Illinois Public Aid Code, Third Reading of the Bill."

Speaker Daniels: "Representative Currie."

Currie: "Thank you, Mr. Speaker. May I have leave to return this to Second for the purpose of an Amendment?"

Speaker Daniels: "The Lady requests leave to return Senate Bill 1006 to the Order of Second Reading for purposes of an Amendment. Does she have leave? Hearing no objections, leave is granted. Senate Bill 1006, Second Reading. Are there Amendments on the Bill?"

Clerk O'Brien: "Amendment #1, Currie, amends Senate Bill 1006..."

Speaker Daniels: "Representative Currie on Amendment #1."

Currie: "Thank you, Mr. Speaker, Members of the House. Amendment #1 to Senate Bill 1006 contains provisions recommended by the Conference of Women Legislators..."

Speaker Daniels: "Excuse me, Representative Currie. Ladies and Gentlemen of the House, could we please have some order so we can hear the explanation of this very important Amendment? Representative Currie."

Currie: "Thank you, Mr. Speaker. The Bills containing these provisions are on the Spring Calendar next year. They did not have an opportunity to be heard on Third Reading in this House. The proposal is to facilitate the operation of the Department of Public Aid in helping people who are being released from prison to get the aid to which they are eligible. I would encourage adoption of the Amendment."

Speaker Daniels: "Representative Currie, we have three Amendments to this Bill. Amendment #3 has been filed and is not presently printed or distributed. Do you desire to go with it up to Amendment #3?"

Currie: "Well, I would like to, Mr. Speaker. I am not aware of the Amendment #3 that has been filed, and I certainly don't want to lose this Bill in the deadline crunch. So I would be happy to go with the two that are printed and return the

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

66th Legislative Day

June 18, 1981

Bill to Third Reading."

Speaker Daniels: "Well, we have another Amendment filed."

Currie: "I don't know what that Amendment is, Mr. Speaker, and I think that it is my prerogative to move with the Bill at this point. Is it not? Yeah, okay."

Speaker Daniels: "Representative Vinson and Representative Rea filed the Amendment."

Currie: "Well, may we move on Amendments #1 and 2 if the third Amendment is..."

Speaker Daniels: "Alright, on Amendment #1, Representative Ted Meyer."

Meyer: "Question of the Sponsor, Mr. Speaker."

Speaker Daniels: "She indicates she'll yield."

Meyer: "You indicated...did you indicate that this Bill was defeated or was it heard?"

Currie: "No...no, it was not heard, Representative Meyer. It came out unanimously from Committee, but it was not heard in the final days of the House deadline for hearing House Bills. It is on next year's Spring Calendar. So it is a Bill...the proposal..."

Meyer: "Would you briefly explain this Amendment again?"

Currie: "Yes, it is an Amendment that was proposed...it was a Bill that was proposed by the Conference of Women's Legislators to deal with the problem of people who have been incarcerated in penal institutions in the State of Illinois who find when they leave prison that they are unable to quickly get the public aid to which they are...if they are eligible, and this Bill does nothing about changing eligibility standards. It...we worked with the Department of Public Aid proposing language that should facilitate the reintegration of these people back into society."

Meyer: "I hate to dwell on the same point, but wasn't there

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

66th Legislative Day

June 18, 1981

substantially the same Bill on Third Reading in this House?"

Currie: "Yes, but we didn't have a chance to hear it on Third Reading in the House because of the deadline crunch. The Bill is on Spring Calendar for next year, but the Conference of Women Legislators would like to put this good proposal before us before a year from right now. But this Bill was...it was not defeated. It is a Bill that came out unanimously of Committee...from Committee but just plain didn't have a chance to be heard on Third Reading."

Meyer: "I have no further questions."

Speaker Daniels: "Representative McAuliffe."

McAuliffe: "I would like to ask the Sponsor a question about this. I don't think that too many people are listening to what she said. If I heard you correctly, this is a Bill to facilitate getting people fresh out of jail and putting them on public aid as soon as they get out of jail. Is that the idea of this Bill?"

Currie: "The idea of this Bill is to make sure that people who are eligible for public aid when they come out of prison will have an opportunity to receive that aid more quickly than presently is available. It does not change eligibility standards. It does not make any kind of difference except to someone who on leaving the prison doors may be unable to get the help that he or she needs to be reintegrated into society, able to function as an adult."

McAuliffe: "Well, if I may comment briefly on the Amendment. I am opposed to the Amendment. Take these people that have been in jail, going to take them right out of jail and put them back on the public aid rolls right off the bat. I think that is a bad concept. I think they ought to be looking for jobs and not looking to get on the public aid

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

66th Legislative Day

June 18, 1981

roll as soon as they get out of jail."

Speaker Daniels: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, it...excuse me. In order to clarify a little bit further. The Conference of Women Legislators held several hearings in regard to the problems of parents of dependent children who were incarcerated. Many of these parents upon their release from prison, have to again resume the responsibility for a minor child. They may be able to be employed or they may not. But in fact, under some of the new sentencing procedures now, one is released from prison, whether or not there are any provisions for employment or even for housing for the person when they come out of the penal institution. Particularly where that person is then assuming additional responsibility for a minor child, it is imperative that they have some means of livelihood in order to keep them from going back into a life of crime. And so the problem is do we want a person who is coming out of prison, needs to take care of a minor child, because of lack of income, they are then forced into an additional action of crime and are ending up again back in the penal institution. Now I realize, particularly for many downstate people, talking about putting someone on public aid sounds like a negative thing. But what we are really saying is, it would be better to give a small, short term kind of subsidy to that person in order for them to get back into the mainstream of a productive life rather than having them incarcerated again and paying the exorbitant cost that it takes for someone in a penal institution. We are certainly not promoting the idea that anyone ought to be on welfare who does not qualify. We are not giving anybody qualification who would not otherwise qualify. We are certainly also very much in favor of constructive

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

66th Legislative Day

June 18, 1981

programs to put that person back in the work force or in other ways get them into productive lines within society. We are simply saying it is counter-productive for these people not to have a minimum amount of subsidy and end up back in prison. And the Department of Public Aid has worked with us on the language of this Bill so that, in fact, the wheels will start to turn and they will not find themselves waiting six to eight weeks in order to have an application processed. That is all we're asking, a more speedy determination of whether or not they do qualify for public aid in order to keep them from recidivism and going back into the penal institution. And I would ask your support for the Amendment."

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

Piel: "Thank you, Mr. Speaker. Will the Lady yield for a couple of questions?"

Speaker Daniels: "She indicates she will."

Piel: "Representative, right now, alright first of all, this just deals with women who are incarcerated. Correct?"

Currie: "Could you repeat the question, Representative Piel?"

Piel: "This...this Bill just deals with women who are incarcerated or everybody that..."

Currie: "No, it deals with everyone."

Piel: "Alright. Everybody who is incarcerated?"

Currie: "Yes, but it depends upon the penal institutions to invite the Department of Public Aid to help with the facilitation of this program. This is...the language of the Amendment was worked out very carefully with the Department of Public Aid which does not oppose this proposal at all."

Piel: "Okay, well I don't care whether it is women, men, or both. That was not the main point that I was getting at. Question, what do these people make per day on their peace

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

66th Legislative Day

June 18, 1981

work in the institution?"

Currie: "It varies considerably. Because it is peace work, some make a fair amount of money, and some do not. But the question of eligibilty is not changed by this proposal. This does not change..."

Piel: "No, what I'm...what I'm trying to get at, alright, what would you say the average inmate that is incarcerated makes?"

Currie: "A dollar...a dollar fifty."

Piel: "Alright, a dollar fifty. Okay. Let's...per day?"

Currie: "At least for the women in Dwight Correctional Institution. It apparently rarely exceeds \$30 a month."

Piel: "Okay, \$30 a month. Now the question is, at what level...alright, they get this money when they leave, a lot of it, don't they?"

Currie: "Pardon me?"

Piel: "I'm not saying there is a lot of money, but the bulk of the monies they have earned..."

Speaker Daniels: "Representative Piel..."

Piel: "I beg your pardon?"

Speaker Daniels: "Just a second, Sir."

Currie: "The money may be spent, of course, while the woman is incarcerated for other kinds of things. But in any case, Representative Piel, the question of eligibility is based on income. The Department makes that determination for anybody who applies for public aid. This Bill does not change the way the Department determines who is and who is not eligible. It only tries to facilitate..."

Piel: "Okay, okay, I...I see what you're getting at. But what I am trying to say is you're saying income, in other words from the day they've left, obviously they are making nothing. So, technically speaking, every person who is incarcerated will be eligible."

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

66th Legislative Day

June 18, 1981

Currie: "No, because many of them have jobs to go to as soon as they leave the correctional facility. In the case of some individuals, in the case of some individuals, they may have other sources of income, a spouse for example, so that it is not true that everybody will be able to...to...to get dollars under this program who are not now eligible. It is only a question of facilitating public aid payments for those people who are eligible under the Department of Public Aid's ordinary, regular determinations. The problem, Representative Piel, is that there are people who leave prisons, frequently women with children, who try to reestablish a home with those children, and right now, the way this program operates, they are not readily able to do so. We are only trying to facilitate their reintegration into productive family and independent life back in society."

Piel: "Okay, what I am trying to say, that was the reason I started out with the first question, because you and Representative Satterthwaite have both mentioned women. And the way I've read this, is it was both men and women. Alright, now what percentage of these men and women who are incarcerated have jobs when they leave?"

Currie: "I don't know the answer to that question. I would remind you that this proposal would...would make the Department of Public Aid be responsive if invited into a correctional facility. I think Representative Satterthwaite explained that the Conference of Women Legislators, the Commission on the Status of Women, and the Senate Committee on Criminal Justice held hearings at Dwight Correctional Institute where we discovered that for many women leaving prison, the problem of trying to take back up with their children without any help from either the Department of Public Aid or somebody else to find them

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

66th Legislative Day

June 18, 1981

an immediate job meant that very often women were back on the streets or out committing crimes again and finding their way right back to prison. This does not change the eligibility standard..."

Piel: "Thank you. May I address myself to the Bill?"

Speaker Daniels: "To the Amendment, Sir. Amendment #1."

Piel: "To the Amendment. Ladies and Gentlemen of the House, I hope that you've looked at this Amendment. I think what we're doing, we're opening up a Pandora's box. What we're basically saying right here, is by this Amendment, we are increasing our public aid rolls. And I think, you know, with the Sponsor not being able to come up with the figures on how many people have jobs that are released...you know, the cost to the State of Illinois could just be enormous. I think the problem that we are running into in the future following this type of a...of an Amendment, would be hurting the people who are on public aid right now. The problem that we're running into, here are people who have had to pay a debt to society, have been incarcerated because they have done a crime against society, and then as soon as they get out the Sponsor doesn't know what the percentages are that the people that don't have jobs, and she'll say, 'Oh, that's alright. Even though you committed a crime, you've paid your debt to society, now you can go on the public aid rolls.' And I think what we're doing, we're talking about something that is going to hurt the people who are presently on public aid. And I don't think that we need people who are reformed from the penal institutions to hurt the people who are presently on public aid, and I would ask for a 'no' vote and a Roll Call on Amendment #1 to 1006."

Speaker Daniels: "Representative Rhem."

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

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

66th Legislative Day

June 18, 1981

let's face reality on this Amendment. Out here on these streets, especially in my district, most people don't have jobs. Now what this Amendment is trying to do is to cut out some of the bureaucratic system to help these people who will be coming out of penal institutions, especially Dwight, to see if they are eligible for the public aid rolls. They are going to go on public aid or go back into the life of crime. We want to cut out crime, so this is one way to help these people when they're coming out, to give them a chance to see if they are eligible before they get out on the streets. I think this is a good Amendment. I think we should vote for... 'aye' on it."

Speaker Daniels: "Representative Frederick. Virginia Frederick."

Frederick: "Mr. Speaker, Ladies and Gentlemen of the House, in all due respect to Representative Piel, he is totally wrong about this Amendment. This Amendment does not add one single person, not one single person to the public aid rolls. All it does is provide for those people who are eligible, who will be eligible for public aid to be able to move back into their families and take care of their children better than they are under the present system. I really ask for your 'aye' vote. Thank you."

Speaker Daniels: "Representative Vitek. The Gentleman has moved the previous question. The question is 'Shall the main question be put?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Lady from Cook, Representative Currie, to close."

Currie: "Thank you, Mr. Speaker and Members of the House. I think Representative Frederick has hit the nail on the head. This is not going to increase the public aid rolls. It may, in fact, decrease the costs we now spend to keep people in penitentiaries, \$20,000 a year I believe it is to keep a woman in Dwight. The woman who, when she comes out

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

66th Legislative Day

June 18, 1981

of Dwight and needs to be reunited with her family, needs a opportunity to get her feet on the ground so she can be self-sufficient and self-supporting, so she need not return to a life of crime. That is what this Amendment is about. It does not change eligibility standards. It only facilitates the giving of public aid to those people who are already eligible for it. There were questions about how much people are earning while they are in prison. I would like to assure Representative Piel that when the Department of Public Aid determines eligibility, they use a long term accounting period. Anybody who would not be eligible right now for public aid upon release would not be eligible by virtue of Amendment #1 to Senate Bill 1006. The granting of that aid would only be facilitated by this Amendment, and I would very much appreciate its adoption."

Speaker Daniels: "The Lady has moved for the adoption of Amendment #1. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Representative Alexander to explain her vote. The timer is on."

Alexander: "Mr. Speaker and to the House of Representatives, I rise in support of this Amendment. I, too, visited the prison and had an opportunity to observe. What many of you do not know, that the only occupations that are granted to women in the prison system is the sewing of drapes where they make something like a dollar and a quarter an hour or the sewing of dresses and shirts for the other inmates to make, and they make less than a dollar an hour. The other occupation, we're talking about money that they might make, is that they work in the kitchen, but they get no compensation for working in the kitchen. The type of schooling that they have there is somewhat limited as compared to what it should be at the rehab...situation. As

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

66th Legislative Day

June 18, 1981

for the public aid rolls, the statistics have proven that within the last thirty days the public aid rolls are now on the upsurge. And these persons, even if they came out without this program and you not give them this aid, would eventually end up on the roles. All we're doing is asking you to make us make that gap..."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Amendment there are 82 'ayes' 63 'no', three voting 'present'. Amendment #1 to Senate Bill 1006 is adopted. Representative Macdonald. I'm sorry, I didn't see it, Ma'am. Excuse me. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, Currie, amends Senate Bill 1006 on page one."

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

Currie: "Thank you, Mr. Speaker and Members of the House. Amendment #2 to 1006 contains the provisions of Senate Bill 1005 which did not have an opportunity to be heard in House Committee. It is a recommendation from the Joint House Senate Committee on nursing care reimbursement, and it would require the Department of Public Aid to set up a pilot project to reimburse facilities for costs based on an assessment of patient needs."

Speaker Daniels: "The Lady has moved for the adoption of Amendment #2. Is there any discussion? Hearing none, the question is 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #2 is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, Vinson - Rea, amends Senate Bill 1006 by deleting the title and so forth."

Speaker Daniels: "Representative Vinson."

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

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

66th Legislative Day

June 18, 1981

House. This particular Amendment incorporates previous...the previous two issues discussed. In addition to that, it establishes a new nursing home reimbursement system for the state. It is the product of the Joint Committee on Nursing Home Reimbursement. It was a unanimous recommendation..."

Speaker Daniels: "Representative Currie."

Currie: "Amendment...is the Amendment printed, Mr. Speaker?"

Speaker Daniels: "Is the Amendment printed and distributed? No, it is not. Alright, Senate Bill 1006, out of the record."

Currie: "Well, I would like..."

Speaker Daniels: "Representative Friedrich."

Friedrich: "Mr. Speaker, I would like to announce a Republican Conference in room 114 immediately. It should last about 30 minutes, so we need about 40 minutes, five to get there and five to get back and 30 for the Conference."

Speaker Daniels: "Representative Currie."

Currie: "Mr. Speaker, if the Amendment isn't printed, I would like to move this Bill to Third Reading. I would certainly entertain a request from Representative Vinson to bring it back after we've had a chance to look at his Amendment. But this Bill is right now before us, and that seems to me inappropriate to stop in the middle of hearing this Bill. Can we not move this Bill to Third Reading, in fact, let's move the Bill to Third Reading."

Speaker Daniels: "Why don't you hold the Bill until..."

Currie: "I would prefer, Mr. Speaker,..."

Speaker Daniels: "Now, Ma'am, if you would relax, relax. If you'll listen, we're going to go to a Republican Conference. As soon as we return we will pick the Bill up exactly where it is right now."

Currie: "I think in the middle of hearing a Bill we should finish with this Bill before we stop for a Conference or any other

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

66th Legislative Day

June 18, 1981

purpose, and I would like to move this Bill to Third Reading, Mr. Speaker. Now."

Speaker Daniels: "Alright, what is your desire, Ma'am?"

Currie: "Please move this Bill to Third Reading."

Speaker Daniels: "I am not going to. You may move to table it if you desire."

Currie: "Alright, I move to...I move to table Amendment #3."

Speaker Daniels: "The Lady has moved to table Amendment #3. Representative Vinson."

Vinson: "I would oppose the Lady's Amendment...the Lady's Motion. The Amendment is filed with the Clerk. It is being printed. It will be back here in 15 minutes. There is no problem with going to Conference. No Bills will be taken up before, and the Chair has indicated the Bill will be taken up immediately. I believe this is an important issue, and that we ought to oppose the Lady's Amendment...the Lady's Motion."

Speaker Daniels: "The Lady has moved to table Amendment #3. Is there further discussion? Hearing none, the question is 'Shall Amendment #3 be tabled. All those in favor will signify by saying 'aye', opposed 'no'. Roll Call. Made you nervous, right, Representative Currie? Roll Call. All those in favor will signify by voting 'aye'. This is on the Motion to table. All those opposed by voting 'no'. This is the Motion to table Representative Vinson's Amendment which has not yet been distributed. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Motion there are 86 'ayes', 79 'no'. Representative Vinson requests a Poll of the Absentees and a verification of the affirmative. By this time, Representative Currie, we'll have the Amendment up and printed. But we'll just go on this way."

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

66th Legislative Day

June 18, 1981

Clerk O'Brien: "Poll of the Absentees. Brummer, Conti, Fawell, Garmisa, Hoffman, Huff, Jackson, Klemm, Koehler, Margalus, Redmond, Sandquist. No further."

Speaker Daniels: "Representative Greiman."

Greiman: "Thank you, Mr. Speaker. At least the assemblage would wind down, I wanted to announce a Democratic Conference that will take place at the same time the Republican Conference is taking place. It will be in room 118."

Speaker Daniels: "We'll recognize you right after this Motion again, Sir. Okay, Poll of the Affirmative Roll."

Clerk O'Brien: "Alexander, Balanoff, Beatty, Bowman, Bradley, Braun, Breslin, Bullock, Capparelli, Carey, Catania, Chapman, Christensen, Cullerton, Currie, Darrow, Deuchler, DiPrima, Domico, Donovan, Doyle, John Dunn, Ewell, Farley, Flinn, Virginia Frederick, Getty, Giglio, Giorgi, Greiman, Hanahan, Hannig, Henry, Jaffe,..."

Speaker Daniels: "Representative Currie, will you come to the podium?"

Clerk O'Brien: "...Jones, Kane, Katz, Keane, Kornowicz, Kosinski, Krska, Kulas, Laurino, Lechowicz, Leon, Leverenz, Levin, Macdonald, Madigan, Matijevich, Mautino, McClain, McGrew, McPike, Mulcahey, Murphy, O'Brien, O'Connell, Ozella, Pechous, Pierce, Pouncey, Preston,..."

Speaker Daniels: "Representative Conti. Vote the Gentleman as 'no'. Representative Conti, 'no'."

Clerk O'Brien: "Rhem, Richmond, Ronan, Saltsman, Satterthwaite, Schneider, Schraeder, Slape, Margaret Smith, Stearney, Steczo, Stewart, Stuffle, Terzich, Turner, Van Duyne, Vitek, White, Sam Wolf, Younge, Yourell, Zito, and Zwick."

Speaker Daniels: "Representative Balanoff. Representative Satterthwaite."

Satterthwaite: "Just to request leave to be verified please."

Speaker Daniels: "Does the Lady have leave to be verified?"

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

66th Legislative Day

June 18, 1981

Verify Representative Satterthwaite. Representative Currie."

Currie: "Thank you, Mr. Speaker. It seems to matter a great deal to the Chair that we stop this Bill in the middle and that we go to Conference. I don't think that is the right thing to do, but I am willing to go along with Representative Vinson and Representative Daniels, and if we can take this Bill up immediately upon our return, and if we can begin with the Motion presently before us, I would be willing to do that."

Speaker Daniels: "Thank you, Ma'am. That is very nice. We will go, on return, we will go with Amendment #3 to Senate Bill 1006 when we return from Conference. Representative Friedrich. Take it out of the record. Take the Motion out of the record. Dump the Roll."

Friedrich: "Mr. Speaker, I would like to request a Republican Conference in room 114 immediately. Shouldn't last a little over 30 minutes."

Speaker Daniels: "Republican Conference, room 114. Representative Greiman."

Greiman: "A request, Mr. Speaker, for a Democratic Conference in room 118 right now. I have no idea how long it will go on."

Speaker Daniels: "Republican...Democrat Conference in room 118. Republican Conference, room 114. We will return and the House will be in recess until the hour of 3:45 p.m. Representative Greiman."

Greiman: "Yes, Mr. Speaker, thank you. The name of our Party is the Democratic Party, not the Democrat. If you make a political speech, that is okay. But when you're Speaker, it is the Democratic Party."

Speaker Daniels: "You all look the same, Sir."

Greiman: "Thank you."

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

66th Legislative Day

June 18, 1981

Speaker Daniels: "House in recess. Representative Hudson."

Hudson: "Thank you, Mr. Speaker. I would like to have that last issue brought forth by Representative Greiman explored a little bit, because I was always under the impression that Democratic is an adjective. It is used to describe something. I won't go into what, but I really think it is the Democrat Party. That is the way it started out. That is the way I think it still is. Democratic is an adjective describing a mode or operation of government. Now let's look into this and get the record straight."

Speaker Daniels: "Representative Greiman only, and then we're going to Conference."

Greiman: "Well, George, I think, your name is George Hudson, right? Perhaps you like to call yourself Ray Hudson. So what one calls himself is somewhat a fair choice. You prefer Ray, although your name is George. We prefer Democratic whatever the syntex might be. So I think we should call ourselves Democratic. It also describes our Party, the heart, and the sense, and the soul of our Party."

Speaker Daniels: "Republican Conference, 114. Democrat Conference, room 118. The House will be in order. The Members will be in their seats. Committee Reports."

Clerk Leone: "Representative Pullen, Chairman from the Committee on Executive, to which the following Bills were referred, action take June 18, 1981 and reported the same back with the following recommendations: 'do pass' House Joint Resolution Constitutional Amendments #7 and 8; 'do pass as amended' House Joint Resolution Constitutional Amendment #19; 'be adopted' House Resolution 321; 'be not adopted' House Resolution 99; 'be adopted as amended' House Resolution 113; 'Interim Study Calendar' House Joint Resolution 36."

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

66th Legislative Day

June 18, 1981

Speaker Daniels: "Messages from the Senate."

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

Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of the following Bills: House Bills 28, 32, 46, 70, 83, 132, 145, 158, 159, 187, 190, 197, 249, 256, 305, 322, 339, 341, and 368 together with attached Amendments hereto, an adoption of which I am instructed to ask concurrence of the House of Representatives to wit. Passed the Senate as amended June 18, 1981. Kenneth Wright, Secretary. A message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has concurred with the House in the passage of the following titles to wit: House Bills 286, 288, 290, 309, 335, 348. Passed by the Senate June 18, 1981. Kenneth Wright, Secretary. A message from the Senate by Mr. Wright, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House in the passage of Bills, the following titles to wit: House Bills 15, 17, 19, 38, 64, 76, 97, 123, 134, 174, 192, 219, 257, 259, 260, 264, 267, 272, 285. Passed by the Senate June 18, 1981. Kenneth Wright, Secretary."

Speaker Daniels: "Senator Marovitz is here paying a visit. Part-owner of the Chicago White Sox in case you need any tickets. Senate Bill 1006, Representative Currie on Senate Bill 1006. Representative Vinson. Amendment #3, Representative..."

Vinson: "Yes, Mr. Speaker. Is Amendment #3 now printed and distributed?"

Speaker Daniels: "It is, Sir."

Vinson: "Well, Mr. Speaker, I move to withdraw that Amendment."

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

66th Legislative Day

June 18, 1981

Speaker Daniels: "The Gentleman moves to withdraw Amendment #3.

Amendment #3 is withdrawn. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. Representative Currie, we thank you very much for your cooperation. Representative Vinson, the whole General Assembly owes you a pound on the head. Representative Huff."

Huff: "Yes, Mr. Speaker, just a point of inquiry. You're not convening the House to order, are you? Because I think most of my Members are still down in their caucus. I don't believe it has adjourned yet, Mr. Speaker."

Speaker Daniels: "If you'll look over to your right, you'll see many of your Members coming in."

Huff: "That is true, but you know, I can always question a quorum. I don't want to do that."

Speaker Daniels: "Consent Calendar, Third Reading, Second Day, page 15 of the Calendar. The Clerk will read the Bills."

Clerk Leone: "Senate Bill 468, a Bill for an Act to amend the Unified Disposition of Unclaimed Property Act. Senate Bill 901, a Bill for an Act to amend the Foreign Banking Office Act. Third Reading of these Bills."

Speaker Daniels: "The Clerk has read the Bills on the Consent Calendar. The question is 'Shall these Bills pass?' All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? This is Consent Calendar, two Bills. Have all voted who wish? Consent Calendar Third Reading Second Legislative Day. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On these Bills there are 124 voting 'aye', three 'nay', 32 'present'. Senate Bills 468 and 901 are hereby...having received a Constitutional Majority are hereby declared passed. Senate Bills Third Reading Priority of Call. Senate Bill 254, Representative

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

66th Legislative Day

June 18, 1981

Karpiel. The Clerk will read the Bill."

Clerk Leone: "Senate Bill 254, a Bill for an Act to amend the
Public Building Commission Act, Third Reading of the Bill."

Speaker Daniels: "Representative Karpiel."

Karpiel: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
House. Senate Bill 254 gives counties and cities the
authority to form single purpose Public Building
Commissions. Currently cities and counties have the
authority to form general purpose Public Building
Commissions. the Commissions issue bonds to finance
capitol projects such as jails or court houses and then
lease the facility to units of local government. The
Commissions then use the rent money, so to speak, to retire
the bonds. This Bill would give local governments more
flexibility in forming Public Building Commissions to suit
their needs and would also limit the authority of
Commissions for a specific purpose. A special...specific
project for which the Commission is being created must be
spelled out in the ordinance creating the Commission and
also additional units of government are prohibited from
joining the Commissions since there is no possibility of
the Commission undertaking new projects. I would ask for
your affirmative vote."

Speaker Daniels: "The Lady has moved for the adoption of Senate
Bill 254. All those in...Any discussion? The Gentleman
from Cook, Representative Getty."

Getty: "Now, what would this cost, Representative Karpiel?"

Karpiel: "What would it cost to whom? To whoever...Commission
was formed?"

Getty: "Yes, would it have any impact on the taxpayers, the
people, the taxpayers of the State of Illinois?"

Karpiel: "Well, if a unit of government, a county or a
municipality wanted to form a special purpose Building

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

66th Legislative Day

June 18, 1981

Commission, they would have to have a referendum just as they do for the general purpose Building Commissions. And in the referendum it would spell out the specific purpose for which the Commission was being formed and the cost also."

Getty: "Am I misinformed that...my analysis indicates that no referendum is required."

Karpiel: "Yes, there is a referendum required. The only thing we're changing in the Act, the present Act now, allows for municipalities and counties to form general purpose Building Commissions. The only thing that we are change...and it requires a referendum. The only thing that we are changing is that they are now...would be allowed under this Act or this Amendment to the Act, would be that they could now form a specific or special purpose Building Commission. This is actually would help the taxpayers because under the present law, if a general purpose Building Commission is formed, and a referendum is passed allowing it, the municipality or county could keep on building more and more and more until they have reached their limit, and under this particular type of special purpose Building Commission, they could only build the one facility that they passed the referendum for, and then the Commission would go out of existence. It is really a taxpayers' type of special purpose Building Commission."

Speaker Daniels: "Any further questions?"

Getty: "Where is this going to be constructed? Where are you going to have this done, Representative?"

Karpiel: "Well, this could be done at any place in the state, any county or any municipality could use a special purpose Building Commission. You have to understand, the law now provides for general purpose Building Commissions. We aren't changing anything. All we're doing is adding that

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

66th Legislative Day

June 18, 1981

they can have a Building Commission for a specific purpose.

I am particularly interested in a case in Bartlett, which is where this came from."

Getty: "Well,..."

Karpiel: "By the way, Chapman and Cutler is also supportive of this Bill."

Getty: "Well, a general purpose Building Commission would be with referendum. This...this, as I understand, this Commission would not require a referendum because it is not a county seat."

Karpiel: "I...I don't know what your analysis says, but my staff, and Chapman and Cutler, and all my information is that it des require a referendum. That part has not been changed."

Getty: "Alright, Representative, I take it this is important to your area..."

Karpiel: "Yes, it is, Sir."

Getty: "And you're asking people on this side of the aisle to support something that is important to you, to your area. Is that correct?"

Karpiel: "Yes, Representative Getty. It is important to me, but it is statewide. It could be important in your area. It could be important in any area of the state. If a municipality wanted to build a court house or a county wanted to build a court house or a jail, to pass a referendum for a general purpose Building Commission is sometimes very doubtful to be able to do that because the people are afraid of what might come after the court house or the jail. It could go on infinitum until they've reached their limit. This kind of a referendum would be easier to pass because it is a specific referendum, and it spells out specifically what the purpose of the Building Commission is for, and after it goes...it is built, it goes out of existence."

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

66th Legislative Day

June 18, 1981

Getty: "Alright, I just..."

Karpiel: "It is not just for my area."

Getty: "But you have a specific interest in getting this legislation passed in order to do something in your area. Is that correct?"

Karpiel: "Yes, Sir. Yes, Sir."

Getty: "And since this has not been amended, and it will go directly to the Governor, and should we find out that a referendum is not required under this legislation, I would take it you would ask the Governor to clarify that by amendatory veto so that it clearly does require a referendum. Is that correct?"

Karpiel: "Yes, Sir. I would. I am very much against taxes without referendum."

Getty: "Very good. Well, Mr. Speaker, on the Bill. I think the Lady has indicated something that is a need for her area. I believe she is sincere, and I am quite sure if it is found that if there is no referendum required, that she will follow through and ask the Governor to amendatorily veto it to require it. And I am going to support her in something which she believes she needs for her area, and I hope that the Lady will remember that when I want to do something for my area."

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

Stanley: "Thank you very much, and, Representative Getty, representing the same area that Representative Karpiel is from, I can speak to the fact that it is for our area. It is a unique problem, and we can address it legislatively and help the people in the area. And that is why we're here. So thank you for your support."

Speaker Daniels: "The Gentleman from Winnebago, Representative Hallock."

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

66th Legislative Day

June 18, 1981

Hallock: "Thank you, Mr. Speaker, Members of the House. We have a PSB in our county, and the issue has come up of late, at least it did last year, as to how to dissolve one of those entities once they have, in fact, been created. So with this in mind, I would like to ask the Sponsor if she would yield for a question."

Speaker Daniels: "She indicates she will."

Hallock: "My question would be, Representative Karpiel, if you do, in fact, create such a special entity, what is your termination process to insure that once a function has been attained that you can absolve?"

Speaker Daniels: "Representative Karpiel."

Karpiel: "Well, Representative, from my understanding, when the bonds are paid off, the Commission is obviously no longer an entity."

Hallock: "Well, in our county we assume the same thing and it seems that once a bond has been paid off that the Commission really didn't want to dissolve itself. Do you have any process to follow for that kind of procedure?"

Karpiel: "Well, Representative...Representative, that is exactly why I am trying to get this Bill passed. A general purpose Building Commission can go on and on and on after the original purpose of it was taken care of and the bonds were paid off. That is why I am creating this, a special purpose Building Commission which, which is created for a specific purpose. When that specific purpose...and that is all spelled out in the referendum. When the specific purpose is the capitol development is built and the bonds are paid off, there is no longer any Building Commission."

Hallock: "Thank you very much."

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

Carey: "I am also from the same district that Representative Karpiel and Stanley is from, and I think we need this in

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

66th Legislative Day

June 18, 1981

our area, and I am strongly in support of it. I wish an 'aye' vote from all of you. Thank you."

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

Bianco: "Mr. Speaker, I would like to move the previous question if we can and get on with the business of the House here. It seems like we're dragging here. I've got a Bill that is coming up and I want to get it over with."

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

Karpziel: "Yes, well, I think some of the objections that have arisen to this Bill actually point out the need for this Bill. This Bill is not just for our specific area although it will help solve a problem in our specific area. I think it can be used effectively any place in the state where a municipality or a county would like to form a Building Commission for one purpose. And the people...the taxpayers of the area would be behind that particular project but do not want to get involved in a Building Commission that would go on forever. I think it is a Bill that will help the municipalities and counties, and I think it is a Bill that will definitely help the taxpayers and I ask for your affirmative vote."

Speaker Daniels: "The Lady moves for the passage of Senate Bill 254. The question is 'Shall Senate Bill 254 pass?' All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 142 'aye', 9 'nay', two voting 'present'. Senate Bill 254

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

66th Legislative Day

June 18, 1981

having received a Constitutional Majority is hereby declared passed. Senate Bill 430, Representative Bianco. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 430, a Bill for an Act to amend the Illinois Vehicle Code, Third Reading of the Bill."

Speaker Daniels: "Representative Bianco."

Bianco: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 430 would increase the fee for copies of motor vehicle registration lists under Section 3-420 of the Illinois Vehicle Code from \$200 for one copy and three supplements to \$400 for each current list. This fee has not been changed since 1957. The fee increase would cover the cost of providing the copies and consequently also provide a total savings and increase to the Road Fund of about \$200,000 annually. Police departments, municipalities, and universities would, of course, continue to receive free copies of these lists. I ask for a favorable Roll Call."

Speaker Daniels: "The Gentleman has moved for the passage of Senate Bill 430. Any discussion? Being none, the question is 'Shall Senate Bill 430 pass?' All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? Representative Watson, could you hit my switch 'yes'? Have all those voted who wish? The Clerk will take the record. On this Bill there are 151 'aye', two 'nay', one 'present'. Senate Bill 430 having received a Constitutional Majority is hereby declared passed. Senate Bill 457, Representative Schraeder."

Clerk Leone: "Senate Bill 457, a Bill for an Act to amend the Illinois Vehicle Code, Third Reading of the Bill."

Speaker Daniels: "Representative Schraeder."

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

66th Legislative Day

June 18, 1981

Schraeder: "Thank you, Mr. Speaker, Members of the House. First of all, I want to point out that the digest doesn't show Representative McAuliffe as a chief hyphenated Sponsor with me, and I would like him to get that recognition. And he will close."

Speaker Daniels: "The Gentleman requests leave to ask that Representative McAuliffe..."

Schraeder: "Well, he's already on, but I want him...it is not listed in the digest."

Speaker Daniels: "Alright...alright, thank you."

Schraeder: "This is a Bill similar to House Bill 143 that we passed a few weeks ago 156 to 7, and it is the implied consent legislation. It is very comprehensive. There was, at this point in time, 40 or 50 organizations and groups of people who were in total accord with this legislation. And without further ado, I just ask for a favorable vote and let Representative McAuliffe close if necessary."

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

Katz: "Will the Gentleman yield?"

Speaker Daniels: "He indicates he will."

Katz: "I heard that the House Bill that went over to the Senate was amended in the Senate. I wonder if you could tell me if that is true, and if so, the nature of those Amendments and whether those Amendments might be considered for adding in the House."

Schraeder: "Well, I understand there was one Amendment put on in the Senate by someone over there. I don't know who it was, but..."

Katz: "Could you tell us what the Amendment does and whether it was agreed to by the Sponsor of the Bill?"

Schraeder: "I understand it took out the per se law under 5-11-01."

Katz: "Would the Gentleman repeat what he said directly. I could

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

66th Legislative Day

June 18, 1981

not..."

Schraeder: "It took out the per se law under 5-11-501."

Speaker Daniels: "Representative Katz."

Katz: "Yes, I am afraid I don't understand the nature of the Amendment. If the Gentleman would explain it just a little more so that..."

Schraeder: "Well, since you're an attorney, Representative Katz, I thought you would know more on what that particular Section was than I, but I..."

Katz: "I don't handle those kinds of cases, Representative Schraeder. The other Members of the House are entitled to know also what the answer is."

Schraeder: "Well, let me see if I can find it for you, Sir. I would be more than happy to..."

Katz: "Yes, I think...."

Schraeder: "As I understand it, it brings...would allow a person to bring in evidence into the trial..."

Katz: "Yes, I think that I now understand what you mean that a person who has refused the test and later is charged with driving under the influence of liquor, would still be entitled to bring in other evidence..."

Schraeder: "Yes, very definitely."

Katz: "...AS to whether he was or was not intoxicated, that the simple fact of his refusal to submit to the test does not convict him of the crime of driving under the influence."

Schraeder: "No, he has every defense, and that certainly would be proper."

Katz: "Yeah, and I would wonder if you would not add the same Amendment to this Bill so that they would both be in the same..."

Schraeder: "Well, since that Bill has been amended over there, we would prefer that this be passed out in this instance and then the Governor can make his determination of which one

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

66th Legislative Day

June 18, 1981

to sign."

Katz: "Well, as I understand the position of the Secretary of State, is that they want it in. I have some doubts about the fairness of it being in."

Schraeder: "No, the Secretary of State has indicated very clearly that he wants this Bill as the House Bill left here without any Amendments whatsoever, and he would solicit the support of everybody on both sides of the aisle, and I think Representative McAuliffe will answer to that particular question."

Speaker Daniels: "Representative Katz, to the Bill."

Katz: "Speak to it, if I might. Yes, we have a choice between two Bills and the only difference is the question of the per se provision. It is not a choice of being for or against the strengthening of this legislation, but whether the House version or the Senate version would be better. It is a fact that sometimes when people are stopped and asked to take a test, they may not take the test for a variety of reasons. The person may be frightened. The person may, in fact, not be intoxicated. They may be scared. And all that the Amendment does in the Senate is to say that if the person, as a result of refusing to take the test, bearing in mind that by refusing to take the test he is going to have his driver's license revoked for six months under this Bill, as I recall. In other words, the first thing that happens to the motorist, he refuses to take the test, so the Secretary of State revokes his driving privileges for six months. In addition to that, the state may then prosecute him, if they want to, for driving under the influence of alcohol. And the question is whether when that individual, in addition to having lost his driver's license for six months, is prosecuted for driving under the influence of alcohol as to whether he can

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

66th Legislative Day

June 18, 1981

then introduce other evidence that shows that he was not intoxicated. That the simple fact of his refusing to take the test doesn't convict him of driving under the influence. And it seems to me that the version in the Senate is superior. It seems to me that that individual who has now lost his driving privileges for six months as a result of refusing to take the test, when his case comes to court, ought to be able to present a defense as to whether or not he was, in fact, driving under the influence. Accordingly, I believe that we ought to reject this version in favor of the Senate version unless the Sponsor would send this Bill back to Second Reading and adopt the same Amendment. Accordingly, I would not...even though I voted for the Bill that went to the Senate - because I do believe that we ought to do something about cracking down on drunk driving, I believe that the Senate version with that new Amendment is a superior one. It is fair to the individual. It is fair to the Secretary of State. It is consistent with our right to have our day in court. And I, accordingly, would urge the Members to let the Senate version stand and not to vote for this Bill in its present state."

Speaker Daniels: "The Gentleman from Cook, Representative McAuliffe, or did you want to close, Sir?"

McAuliffe: "Well, I wanted to close."

Speaker Daniels: "Alright, how about if I call you for that? The Gentleman from Edgar, Representative Woodyard."

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

Speaker Daniels: "The Gentleman has moved the previous question. The question is 'Shall the main question be put?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The previous question is put, and Representative...Before we go to McAuliffe for closing,

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

66th Legislative Day

June 18, 1981

Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Just for an introduction and a welcome to one of our former colleagues, the excellent ex-Representative from the 45th, Don Anderson, is here with us today. Don."

Speaker Daniels: "Representative Anderson, it is nice to see you again. Representative McAuliffe to close."

McAuliffe: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 457 is the exact same Bill that we passed out of this House 157 to 7 about a month and a half ago. It is a Bill you've been getting letters about. It is a Bill that has been in all the newspapers, on the radio, and television. It is the kind of Bill you can go back to your district and tell them what a great thing you've done down here to make the highways of Illinois safer. The Bill in the Senate has been amended. We've met with the Secretary of State and other people who are in this coalition with us together, and we decided that we would resist any Amendments in the House. And I would just strongly urge that you give this the same affirmative vote that you gave to House Bill 153. Let the Governor choose between the Senate and House version. And I am sure he'll pick this one. It is a stronger version. Thank you very much."

Speaker Daniels: "The Gentleman has moved for the passage of Senate Bill 457. The question is 'Shall Senate Bill 457 pass?' All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Representative Darrow to explain his vote. The timer's on, Sir."

Darrow: "Thank you, Mr. Speaker. When the Governor considers this legislation, I hope he amendatorily vetos the provisions dealing with blood tests so that a doctor or

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

66th Legislative Day

June 18, 1981

medical individual is the one that draws the blood. Secondly, we had a lot of discussion about strip searching last year. I hope this is a rather delicate area. However, in taking the urine specimen, I hope he specifies that a person of the same sex is to take that specimen so that we don't have problems coming back later. I am going to vote for this legislation, but I hope the Governor makes note of those two provisions at least."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 150 voting 'aye', 8 'nay', four 'present'. Senate Bill 457 having received a Constitutional Majority is hereby declared passed. Senate Bill 614, Representative...excuse me, Representative Peters."

Peters: "Having voted on the prevailing side on Senate Bill 614....I'm sorry, the last..."

Speaker Daniels: "457."

Peters: "Right, I move that the vote be reconsidered."

Speaker Daniels: "Representative Peters moves to reconsider the vote by which Senate Bill 457 passed. Representative Wolf moves to table that Motion. All those in favor of that Motion signify by saying 'aye', opposed 'nay'. The Motion is tabled. Senate Bill 614, Representative Telcser."

Clerk Leone: "Senate Bill 614, a Bill for an Act to award income tax credit to businesses which contribute money or resources to community groups, Third Reading of the Bill."

Speaker Daniels: "Representative Telcser."

Telcser: "Mr. Speaker, can I defer to Representative Braun who will handle the Bill in my absence. She'll do the..."

Speaker Daniels: "Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 614 provides for tax incentives for

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

66th Legislative Day

June 18, 1981

community development. What the Bill would do is give a tax credit to businesses contributing money to community groups which are involved in job creation, crime prevention, or business stimulation activities in the community. The legislation has the support of several groups in the state and has been the subject of much discussion in the media, much of which you may be familiar with. Among the endorsers of the Bill are the State Chamber of Commerce, the Association of Commerce and Industry, Trusts, Community Renewal Society, the Chicago Rehab Network, and many others. I would encourage an affirmative vote on this legislation and respond to any questions that you may have."

Speaker Daniels: "The Lady has moved for the passage of Senate Bill 614. Is there any discussion? Representative Giorgi, your light is on, Sir. Being none, the question is...oops, excuse me. Representative Barr. Representative Barr. Representative Barr. Representative Barr, your light is on. The question is 'Shall Senate Bill 614 pass?' All those in favor signify by saying...voting 'aye', opposed by voting 'no'. The voting is open, and while we're waiting, Secretary of State, Jim Edgar. Right over here. Secretary of State, Edgar. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Bill there are 120 'aye', 30 'nay', 3 'present'. Senate Bill 614 having received a Constitutional Majority is hereby declared passed. Representative Stiehl in the Chair."

Speaker Stiehl: "Senate Bill 861, Representative Rigney."

Clerk Leone: "Senate Bill 861, a Bill for an Act to amend the Meat and Poultry Inspection Act, Third Reading of the Bill."

Speaker Stiehl: "Representative Rigney."

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

66th Legislative Day

June 18, 1981

Rigney: "Well, Madame Speaker, the subject of Senate Bill 861 addresses itself to the problems of bait and switch advertising in the selling of meat products. What we're hoping to do here is to prevent some of the practices that have taken place in some of our more urban areas where customers have been enticed into the shop under false advertising, and then after they are once in there are given some different product or quoted a different price. Some...specifically, some of the things would be prohibited under Senate Bill 861 would be the degrading of any product, substituting any product, failure to have sufficient quantity on hand, false price lists, misrepresenting a product as to grade or yield, and failure to disclose such charges as cutting, wrapping, and freezing. The penalties under this law would be the loss of a processor's license or a possible administrative fine"

Speaker Stiehl: "Is there any discussion? Representative Getty. Representative Getty."

Getty: "Mr. Speaker, I rise to ask to suspend the provisions of Rule 55B which directs that a Member address the Chair as Mr. Speaker so that while you are in the Chair, we may address you as Madame Speaker."

Speaker Stiehl: "Thank you, Representative Getty. The Chair will so note. The Gentleman has moved to suspend the provisions of Rule 55B. All in favor will signify by saying 'aye', those opposed. The...The 'ayes' have it. Is there any discussion on the Bill? Representative Wolf."

Wolf: "Thank you, Madame Speaker. Would the Sponsor yield for just one question?"

Speaker Stiehl: "He indicates he will."

Wolf: "In your explanation you mentioned about penalties for failing to have sufficient quantities on hand. How would that apply to a shopkeeper who, in good faith, advertised a

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

66th Legislative Day

June 18, 1981

product, had a large number of calls on that particular item, and say he ran out by noon. Would he be subject to any penalties under that?"

Rigney: "Well, that is a little difficult to answer until I would know the specifics of the case. Unfortunately, in some cases, Representative Wolf, apparently some of these processors have advertised items when they had really little or nothing on hand to be able to furnish the customers' demand. I think probably each case would have to be weighted on its own merits. That is the purpose of the hearing process by the Department of Agriculture. The complaint would have to be taken there. The decision would have to be made in administrative hearings."

Wolf: "Well, what you're...are you saying then, for example, there was...someone had a meat market and he advertised pork chops or whatever it was, steaks on sale, and maybe laid in a supply say double what he normally would sell because of the advertisement, and then ran out at one o'clock in the afternoon and somebody put in a complaint -- he would have to go for a hearing?"

Rigney: "Conceiveably he could if there was a feeling that he really did not have adequate product on hand at the time that he was making that kind of an advertisement. I know, for instance, in other cases with other types of merchandise, they will give you what they call a rain check or something of that nature that will entitle you to come back at a later date and to get some of that profit. I presume he could handle it in this fashion."

Wolf: "Thank you."

Speaker Stiehl: "Representative Dunn."

Dunn: "Thank you, Madame Speaker. Will the Sponsor yield? Representative..."

Speaker Stiehl: "He indicates he will."

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

66th Legislative Day

June 18, 1981

Dunn: "Representative Rigney, where do you say these violation occur? I don't know that we have any of this down in my district."

Rigney: "Representative Dunn, the violations have tended to occur in some of the larger areas, some of our metropolitan areas where some of these fly by night operators come in and set up an operation for maybe three or in many cases no longer than six months, will use some of these practices until the general public is aware of what they are doing. Then they simply fold shop and leave town. They tend to float."

Dunn: "This is not a problem in Red Oak urban area."

Rigney: "We handle it well in Red Oak."

Dunn: "Okay, fine. Madame Speaker, I don't know, it probably has a good beginning for the Bill, but it sounds to me like it could be a harrassment to a legitimate dealer, legitimate merchants and people who handle meat products. And as Representative Wolf pointed out, it could lead into a lot of hearings. I think maybe it is not a very good consumer Bill although that is what it is intended to be, and I intend to vote 'no'. Thank you."

Speaker Stiehl: "Representative Vitek."

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

Speaker Stiehl: "The previous question has been moved. The question is 'Shall the main question be put?' All in favor signify by saying 'aye', all opposed 'no'. The 'ayes' have it. Representative Rigney to close."

Rigney: "Well, in closing I just might answer Representative Dunn's comment. The legitimate meat processors in this state have asked for this legislation. Those people who are conducting a good shop, are carrying on legitimate consumer practices, have absolutely nothing to fear from this process. They are the ones that are asking for it, have appeared in Committee on behalf of it. Believe me,

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

66th Legislative Day

June 18, 1981

this is really only aimed at those fly by night outfits that simply want to misrepresent their product to Illinois' consumers. I think it is good legislation and deserves your support."

Speaker Stiehl: "The question is 'Shall House Bill (sic - Senate Bill) 861 pass?' All those in favor signify by voting 'aye', those opposed by voting 'no'. Representative Conti."

Conti: "Well, Mr. Speaker...Madame Speaker and Ladies and Gentlemen of the House, I have a colleague of mine in more ways than one sitting up in the balcony right behind the Speaker's podium. He's...guess he's serving his fifth term now as the Mayor of the all-American City of Niles. He has so much talent he should belong to the Republican Party, but he is also the Democratic Committeeman from 'Maine' Township. Nick 'Blaze' standing behind there."

Speaker Stiehl: "Have all voted who wish? Have all voted who wish? Have all voted who wish? On this Bill there are...Mr. Clerk, take the Roll. On this question there are 141 voting 'yes', 14 voting 'no', and two voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 913, Representative Epton. Read the Bill."

Clerk Leone: "Senate Bill...Senate Bill 913, a Bill for an Act to amend Sections of the Illinois Insurance Code, Third Reading of the Bill."

Speaker Stiehl: "Representative Epton."

Epton: "Thank you, Madame Chairman. Ladies and Gentlemen of the House, Senate Bill 913 is a Bill which attempts to effectively prevent any poor mergers or less in competition in the insurance area in Illinois. It is a uniform Bill which was passed out by the National Association of Insurance Commissioners, and we are one of the first states

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

66th Legislative Day

June 18, 1981

to adopt this Bill. It prohibits the acquisitions or anything which may in any way prevent competition to increase. It allows the individuals or the companies or the corporate bodies which may want to merge, it allows them to refute any ruling of the Director and ample provisions given for a hearing. That was, the original Bill as it came over from the Senate, I believe, 57 to nothing. We amended the Bill in this House to include a Bill which was previously sponsored by Representative Birkinbine. Unfortunately because of small attendance, that Bill did not pass the House. That is a Bill that is very important to the people of the State of Illinois. It is a Bill which allows the insurance companies to have a different rate of interest from that which they are presently paying. It does not affect any present life insurance policies. I should add that today many well to do individuals are borrowing money on their insurance policies as low as four, and five, and six percent, and then investing the money at considerable greater rate of interest. Over \$42,000,000,000 was taken from the insurance companies, money which would have been spent to create jobs, to provide mortgages, to provide housing, to provide many additional goodies that all of us need. This is a Bill which certainly does an excellent job on behalf of the consumer, and I must give credit to Representative Birkinbine who carried the load by himself previously. I would be pleased to answer any questions, and I would respectfully request your vote for the passage of Senate Bill 913."

Speaker Stiehl: "Is there any discussion? Representative Ebbesen."

Ebbesen: "No, I've just had my question answered by my seatmate. Thank you."

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

66th Legislative Day

June 18, 1981

Speaker Stiehl: "Representative Cullerton."

Cullerton: "Will the Gentleman yield?"

Speaker Stiehl: "He indicates he will."

Cullerton: "Is this similar to Representative Birkinbine's Bill?"

Epton: "The Amendment is identical."

Cullerton: "And what was the result of the vote on his Bill?"

Epton: "I don't know. I was absent at the time. However, it was called one of the first Bills early in the morning where the attendance was poor as you readily recognize, and it failed to pass at that time."

Cullerton: "Well, I would certainly agree that the Bill has a better chance with you as the Sponsor."

Epton: "No, that is not correct at all, Sir. Representative Birkinbine could do an even better job. I have to disagree."

Cullerton: "I think, though, that Bill didn't pass. And my question is would this, in effect, allow for the interest rates on policies to be increased?"

Epton: "Yes, it would on life policies. However, the insured has an option. He can purchase a policy and elect to have an eight percent rate, or he can have a rate which is adjustable, that can be adjusted up or down depending upon the average....."

Cullerton: "Thank you."

Epton: "You're welcome."

Speaker Stiehl: "Is there further discussion? Representative Vitek."

Vitek: "Madame Chairman, just to instruct our...just to inform Representative Cullerton, Cullerton, Representative Cullerton..."

Speaker Stiehl: "Represen..."

Vitek: "In answer to your question, it passed out of our Insurance Committee 12 to nothing as amended."

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

66th Legislative Day

June 18, 1981

Speaker Stiehl: "Is there further discussion? Representative
Dunn. John Dunn."

Dunn: "Ladies and Gentlemen of the House, I reluctantly rise in
opposition to this legislation. This is one of the few
places left in the State of Illinois where those of us who
are consumers can get a loan at decent rates and rates
which don't fluctuate and float. If we kill this Bill,
we'll at least have one bargain left in the State of
Illinois. The only persons this Bill is good for are those
who own the insurance companies and those who derive their
support from them. So I respectfully request a 'no' vote."

Speaker Stiehl: "Representative Epton to close."

Epton: "I am sorry that my distinguished colleague would take
that position because it is exactly the opposite of the
truth. Today, presently, we are paying additional money by
virtue of the fact that wealthy individuals are taking
advantage of that low rate. As a matter of fact, I doubt
that many of the poor working individuals who have life
insurance know they can even borrow on their policy. Today
what is happening is those of us who are in substantially
high brackets are taking that money and investing it. And
as a result of that, any one of you who has a life
insurance policy is paying, by virtue of getting a smaller
dividend or a smaller return, whether it be a mutual or
stock company. If this were a Bill that would help the
insurance companies, I can assure you I would not be up
here speaking on their behalf. Quite the contrary. This
helps the consumers and, in effect, what we are doing is
were stopping a run on the bank. And those of you who are
old enough to know what that did to the country will
realize that by allowing this to continue, the insurance
companies, the life companies can be in a position where
they'll be bereft of funds and unable to help the mortgage

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

66th Legislative Day

June 18, 1981

builders, the home builders, and those who are in great need of more housing and better conditions. I would appreciate a favorable vote."

Speaker Stiehl: "The question is 'Shall Senate Bill 913 pass?' All those in favor signify by voting 'aye', those opposed by voting 'no'. Representative Brummer."

Brummer: "Yes, this is good legislation. It was considered before the Insurance Committee and received bipartisan support there. It ought to receive an overwhelming 'aye' vote here."

Speaker Stiehl: "Take the record, Mr. Clerk. Have all voted who wish? Have all voted who wish? This question there are 133 voting 'yes', 19 voting 'no', and one voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 966, Representative Slape. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 966, a Bill for an Act to amend the Civil Administrative Code, Third Reading of the Bill."

Speaker Stiehl: "Representative Slape."

Slape: "Thank you, Madame Speaker and Ladies and Gentlemen of the House. Senate Bill 966 is a simple Bill. It sets the standard for gasohol in the State of Illinois. Also, it imposes a penalty upon any person who has been notified by the Department of Agriculture that their product is not gasohol by a definition of this Act. And they will be penalized \$100 a day. I would be happy to answer any questions on the Bill."

Speaker Stiehl: "Is there any discussion? If not, Representative Slape to cloe."

Slape: "I just ask for a favorable Roll Call."

Speaker Stiehl: "The question is 'Shall Senate Bill 966 pass?' All those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted

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

66th Legislative Day

June 18, 1981

who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 159 voting 'yes', no Members voting 'no', and none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 992. Representative Miller. Representative Miller, Representative Miller. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 992, a Bill for an Act to amend the Civil Administrative Code, Third Reading of the Bill."

Speaker Stiehl: "Representative Miller."

Miller: "Thank you, Madame Speaker, Ladies and Gentlemen of the House. Senate Bill 992 authorizes the Department of Agriculture to test fuel which is sold as gasohol or claims to be gasohol under the Use Tax Act, the Service Occupation Tax Act, or the Retailers' Occupation Tax Act, to determine if it contains at least 10% alcohol. Any person who knowingly sells or represents as gasohol any fuel which does not qualify as gasohol after being notified by the Department that it doesn't, is guilty of a business offense and shall be fined not more than \$100 a day. There is very little additional cost to the state. I think we've met all of the objections that were raised in Committee and would ask a favorable vote."

Speaker Stiehl: "Is there any discussion? Representative Barr."

Barr: "Madame Speaker, will the Sponsor yield for a question?"

Speaker Stiehl: "He indicates he will."

Barr: "Representative Miller, is there any difference at all between this Bill and the Bill we just passed a moment ago, Senate Bill 966?"

Miller: "No, there is not."

Barr: "What is the purpose for passing two identical Bills?"

Miller: "More than one person has the same idea to make it a law."

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

66th Legislative Day

June 18, 1981

Barr: "Thank you."

Miller: "It makes the Bill twice as good, I am told."

Speaker Stiehl: "Is there any further discussion? Representative Rigney. Representative Rigney, did you wish to speak on this Bill? Is there any further discussion?"

Rigney: "Madame Speaker, since the question was raised, I might just point out that in the Agriculture Committee, in fact, it was Representative Miller's Bill that was called first that day and passed. As a courtesy to our friends on the other side of the aisle, we let the other Bill out on the same vote, and I think maybe now is the time to have, again, a little reciprocal courtesy here and send both of these good Bills on to the Governor."

Speaker Stiehl: "The question is 'Shall Senate Bill 992 pass?' All those in favor signify 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 155 voting 'aye', none voting 'no', and none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 1007, Representative Piel. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1007, a Bill for an Act in relation to automobile renting, Third Reading of the Bill."

Speaker Stiehl: "Representative Piel."

Piel: "Thank you, Madame Speaker, Members of the House. I would like leave of the House to bring this Bill back. We found out there was one word missing in the Amendment that was offered in Committee, and Representative Bradley's got that Amendment to add that word back in."

Speaker Stiehl: "The Gentleman asks leave to return this Bill to the Order of Second for purposes of an Amendment. Does he...does the Gentleman have leave? Hearing no objections,

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

66th Legislative Day

June 18, 1981

Second Reading. Mr. Clerk, are there Amendments?"

Clerk O'Brien: "Amendment #2, Bradley - Piel, amends Senate Bill 1007 as amended with reference to the page and so forth."

Speaker Stiehl: "Representative Bradley on Amendment #2."

Bradley: "Thank you, Madame Speaker, Ladies and Gentlemen of the House. It is a technical Amendment. We just left out the word tax so that the sentence does not make sense. And we inserted the word tax with Amendment #2, and it now reads the way it should and in the proper form, and I move the adoption of the Amendment."

Speaker Stiehl: "The Gentleman has moved the adoption of Amendment #2. Is there any discussion? Representative John Dunn. All those in favor of Amendment #2 signify by saying 'aye', those opposed by voting 'no'. The 'ayes' have it. Amendment #2 is adopted. Further Amendments, Mr. Clerk?"

Clerk O'Brien: "No further Amendments."

Speaker Stiehl: "Third Reading. Representative Piel."

Piel: "With leave of the House, I would like to have that Bill heard today."

Speaker Stiehl: "The Gentleman asks leave to consider Senate Bill 1007 for final passage today. Are there any objections? There are objections, Representative Piel. Do you wish to proceed? It will take 107 votes?"

Piel: "I will proceed."

Speaker Stiehl: "The Gentleman has moved to suspend the rules to hear Senate Bill 1007 today. All those in favor signify by voting 'aye', those opposed 'no'. It will require 107 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 135 voting 'aye', 12 voting 'no', and three 'present'. And the rule is suspended. Representative Piel on Senate Bill 1007."

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

66th Legislative Day

June 18, 1981

Piel: "Thank you, Madame Chairman. Somebody over on the other side just made a very good point - we should take the same Roll Call. Basically what Senate Bill 1007 does, it puts us in a position with about 35 of the 50 states now have. A lot of people say this is a new tax, but if you'll look at the...your analysis...I hope the Democratic analysis is correct, it increases the income of the state...increases the income of the state between four and five million dollars. What it does, it creates an Automobile Renting Occupation Use Tax Act that will impose a four percent tax on people renting cars in Illinois. What this basically does, 85% of the cars rented in Illinois are rented by people from out of state. So basically we're not imposing a tax on the Illinois citizens, we're imposing people that fly into O'Hare Airport and want to rent a Hertz, Avis, National car. And it removes that tax that the companies are paying right now and replaces it with the new automobile renting occupation tax. And if there is any questions, I would be more than glad to answer them."

Speaker Stiehl: "Is there any discussion? Representative Barr."

Barr: "Yes, Madame Speaker, would the Sponsor yield for a few questions?"

Speaker Stiehl: "He indicates he will."

Barr: "Yes, Representative Piel, some of us just a short while ago attended a meeting in which you spoke out most eloquently against the imposition of any new tax and...spoke rather harshly to some of your colleagues who suggested that perhaps new taxes were needed. I wonder how it is that you reconcile your statements regarding the lack of need for any new taxes in Illinois with this Bill."

Speaker Stiehl: "Representative Piel."

Piel: "Basically I think what the whole situation is right now, the new freshman Representative from Evanston wasn't

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

66th Legislative Day

June 18, 1981

listening to what I just stated when I was giving my explanation. This is not a tax on Illinois citizens, Representative. This is a tax on people from out of state who are coming into Illinois renting cars in our state. And the way I look at it, I would much rather if we're talking about creating income for the citizens of Illinois, I would much rather create it by citizens coming in and renting cars from out of state than our own people by raising a sales tax."

Barr: "Excuse me, Representative Piel, are you suggesting that the tax to be imposed under your Bill would apply only to non-residents of Illinois?"

Piel: "What I'm saying is...see, you're not listening again, Bob. 85% of the people who rent tax...rent cars in Illinois are from other states. We're talking about an increase in income to the state of four to five million dollars."

Barr: "I understand it is a new tax. It would increase income of the state by four to five million dollars. My question to you now is, if a resident of Illinois were to rent a car in Illinois under your Bill, would the tax apply?"

Piel: "Yes, it would."

Barr: "How would this tax interact with the transaction tax currently imposed by the City of Chicago on car rentals?"

Piel: "It would have nothing to do with the transaction tax."

Barr: "Well, would it be an additional tax or would it not apply to rentals within the City of Chicago?"

Piel: "It is an additional tax to people renting cars. Yes."

Barr: "And it would apply to residents and non-residents equally. Is that correct?"

Piel: "Yes."

Barr: "Thank you."

Piel: "You're welcome."

Speaker Stiehl: "Representative Brummer."

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

66th Legislative Day

June 18, 1981

Brummer: "Will the Sponsor yield?"

Piel: "Yes, I will."

Speaker Stiehl: "He indicates he will."

Brummer: "What is the revenue impact of this legislation if it becomes law?"

Piel: "It will increase money in the general revenue fund of approximately four to five million dollars, Rich."

Brummer: "I'm sorry, I couldn't hear it."

Piel: "By the Amendment, by the way, it increases it for local governments also."

Brummer: "Yes, I did not hear your answer. I could not hear the figure. It was noisy over here."

Piel: "Four to five million dollars..."

Brummer: "Each year?"

Piel: "That is the approximate figure, yes."

Brummer: "Thank you."

Piel: "You're welcome."

Speaker Stiehl: "Further discussion? Representative John Dunn."

Dunn: "Question of the Sponsor please. Will he yield?"

Speaker Stiehl: "He indicates he will."

Dunn: "I have a question about a comment I see in our analysis. It seems to read that cars which have been rented or leased and then are sold will be exempt from sales taxes. Is that correct?"

Piel: "The companies right now, the average rental company in the State of Illinois, is holding their car from 18 months to two years. And what this would do is bring down a faster turn over in the cars, so we're talking about as far as the resale, they would be selling them earlier, but they would be buying new cars earlier, if you understand what I mean. In other words, basically it is a wash there...because of the time lag."

Dunn: "If I go to a used car dealer today and buy a car from him,

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

66th Legislative Day

June 18, 1981

a used car off of a lot, don't I pay sales tax on that?"

Piel: "Yes."

Dunn: "Now if I buy a car...if this becomes law, and I buy a car from someone which was a former rental car, will I pay sales tax?"

Piel: "See, the way rental cars are handled, John, is the sales tax is paid initially. And with a use tax, they are paying a tax each time the car is rented. And that is where we're getting the increase. We're talking about the increase. We're talking about increase over what they are presently paying. See, they are paying up front, and at the present time they are going anywhere from 18 months to two years and holding on to it."

Dunn: "At the end of the 18 month or two year period, if the owner of the vehicle who is in the business of renting cars and selling them at the end of the term, sells the car to me and this Bill becomes law, will I pay sales tax?"

Speaker Stiehl: "Representative Leinenweber."

Dunn: "Madame Speaker, I still haven't got..."

Piel: "I'm getting the answer to that...I am getting the answer to that. I didn't answer his question."

Speaker Stiehl: "Oh, oh, I'm sorry. I'm sorry."

Piel: "No, that won't be changed, John. That won't be changed."

Dunn: "Will I pay sales tax?"

Piel: "If you buy it from them. Yes."

Dunn: "Okay, so any statement to the contrary would be billed wrong."

Piel: "Because, see, they would be classified as a dealer in that thing. Do you see what I mean?"

Dunn: "And this Bill in no way then exempts anyone from the payment of sales tax for the purchase of a car."

Piel: "Correct."

Dunn: "And it adds a tax on the price of renting cars."

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

66th Legislative Day

June 18, 1981

Piel: "To people renting them. Yes."

Dunn: "Thank you."

Speaker Stiehl: "Representative Leinenweber."

Leinenweber: "Maybe the Gentleman covered it. If some of us, for one reason or other, rent automobile...or lease automobiles rather than purchase them, would your Bill tax that particular transaction too? Let's say if I entered into a three year lease with...for a Buick automobile with a Buick dealer."

Speaker Stiehl: "Representative Piel."

Piel: "No, this just applies in the one year and under, Henry...Harry."

Leinenweber: "One year and under, so that particular transaction would not be covered. Is that right?"

Piel: "Pardon me. You're...the one that you gave me as an instance would not be covered. No."

Leinenweber: "Thank you."

Speaker Stiehl: "Representative Bradley."

Bradley: "Madame Speaker and Ladies and Gentlemen of the House, I rise to support the legislation. As Representative Piel indicated, a number of states throughout the United States have this legislation. I think we have an opportunity to generate some new revenue into the treasury of the State of Illinois with this legislation. Obviously, we're going to raise five or six million dollars through charging a tax to those people who are renting automobiles or other vehicles when they fly in and out of the State of Illinois. I think it is something we ought to be addressing ourselves to. We ought to adopt the legislation, especially when we're facing the kind of short fall in our treasury that the Governor is anticipating. We ought to adopt this piece of legislation, and I urge an 'aye' vote."

Speaker Stiehl: "Representative Hastert."

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

66th Legislative Day

June 18, 1981

Hastert: "Would the Sponsor yield?"

Speaker Stiehl: "He indicates he will."

Hastert: "This, I guess, is a matter of definition. Here we talk about rental automobiles. Well, how does that apply to trucks and rental vans? Only automobiles? Alright, thank you."

Speaker Stiehl: "Representative Jaffe."

Jaffe: "Yes, will the Gentleman yield?"

Speaker Stiehl: "He indicates he will."

Jaffe: "Yeah, Representative Piel, I am looking at House Amendment #1. Is House Amendment #1 still on this Bill?"

Piel: "No, one was deleted by number two. Well, one is still on the Bill, yes, and two put the word tax in after the word the."

Jaffe: "Well, so House Amendment #1 is then on the Bill. Is that correct?"

Piel: "Yes, correct."

Jaffe: "Okay, now as I read the synopsis and...doesn't this permit the RTA authority to impose a tax and also the Metro East Transit Authority to impose a tax?"

Piel: "I'm sorry, I can't hear him."

Jaffe: "I am looking at House Amendment #1, and it talks about...it doesn't talk about state taxes, it really talks about county and municipal taxes, and it talks about the Regional Transit Authority levying a tax, and it talks about Metro East levying a tax. Is that correct or incorrect? I don't know. Just looking at the synopsis of House Amendment #1."

Piel: "House Amendment #1, Aaron, was put in basically because of the worry of local governments and Municipal League in reference to these specific taxing bodies stating that it was not affecting those taxing bodies at all."

Jaffe: "Well, no, wait a second. You know, it says over here,

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

66th Legislative Day

June 18, 1981

alright? It says that permits the Board of Regional Transit Authority to impose a tax upon all persons engaged in renting automobiles in the metropolitan region at a rate not to exceed one percent of the gross receipts of said business within Cook County and not more than a quarter percent of gross receipts from the business within the counties of DuPage, Kane, Lake, McHenry, and Will. And it also says over here that the trustees of the Metro East Transit District may impose a tax upon all persons in the business of renting automobiles in a district at a rate not to exceed one percent of the gross receipts for said business."

Piel: "Okay, what it is, alright. The Bill does away with the sales tax on them so your local...units of local government would be losing that sales tax. One is put in there to assure that they are getting their share of the new tax."

Jaffe: "I real...well, than it has a portion over here that says it is collected by the Department of Revenue. Is that correct?"

Piel: "Yes."

Jaffe: "And then it says it permits the Department to retain two percent of total collection for cost and collection, etcetera. Is that right?"

Piel: "That is correct."

Jaffe: "Do they retain two percent of the...of the tax money at the present time?"

Piel: "Yes, they collect approximately two percent on all regular sales tax at the present time, Aaron."

Speaker Stiehl: "Representative Dunn."

Dunn: "Thank you, Madame Speaker. I wonder if the Sponsor would yield for another question?"

Speaker Stiehl: "He indicates he will."

Dunn: "Our Republican staff analysis says, Representative Piel,

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

66th Legislative Day

June 18, 1981

that this shift...let me find it here. The rental companies now pay this tax up front, but under your Bill, they would get to delay it and only pay it as they rented the car. It would change the payment of sales tax by car rental people as I take it. Now they buy a car, they pay a tax on it, and...Is that not right?"

Piel: "Right, basically what I said was that the problem that we're running into now is that rental cars, and this has been shown in the 35 states that have done this, that before they had this they were holding their cars for a longer period of time. Now, in other states, the figure was anywhere from 12 to 18 months that they were holding them. They were holding them longer so they didn't have to pay that initial sales tax. Once this was instituted in other states, they were turning them over eight to ten months. So,...but the wash...the wash of the new one would increase your tax income to the state instead of decreasing it, if that is your worry."

Dunn: "I would assume, by the way, that they said the rental car companies probably support this Bill. It gives them a deferred sales tax. They don't have to pay a sales tax up front. They turn around and collect it from these 85% of the people that come in from out of state and then pay it. And I don't know if it would be any additional revenue to the State of Illinois."

Piel: "As well as, you know, helping out, you know, the rental car agent...companies in the State of Illinois, it does increase revenue to the state and to the local government. Right."

Dunn: "You know, if I were to fly from way down far Southern Illinois to Chicago and rent a car, I would have to pay the tax, too. I was going to ask that, but I think Representative Barr brought that around. It does apply to

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

66th Legislative Day

June 18, 1981

anyone who rents a car for a year or less in Illinois. But it also delays...it takes off the sales tax that the leasing people now pay. If I lease a car from a Chevrolet dealer or Buick dealer, he has to pay the tax on it when he leases...when I take the lease. But in this case if I lease it for 11 months, then I would pay the sales tax on a monthly basis and he wouldn't be liable nor I wouldn't be liable for the sales tax up front. Is that correct?"

Piel: "You're not paying a sales tax on a monthly basis. You know, the occupation tax that this is creating would be paid on a..."

Dunn: "Alright, you say if you lease a car for a year or less, and you pay a monthly lease, do you not suppose that your tax then would be on...if you leased it for \$300 a month say, don't you think you'd have to pay the sales tax or the tax that you're imposing here on the \$300 each month instead of paying up front."

Piel: "Correct, if it was a year or less. Correct."

Dunn: "If it was a year or less, yeah. If I may, Madame Speaker, I would like to address the Bill."

Speaker Stiehl: "Proceed."

Dunn: "I think this may be a good Bill some day if it is worked out right. But it sounds to me like it is a, and I am an auto dealer. I've been an auto dealer for 25 years, and it sound to me like maybe it is an auto dealer Bill or a car rental leasing Bill, and it is not a people Bill. It is not a Bill that is going to save the taxpayers any money. And if we want to get the people to fly into O'Hare, maybe we ought to just put a gate tax on them when they discharge from the airline and pay their tax then and let them rent the car and we could collect the money up front like we do now. I am going to vote 'no' on the Bill, and I would urge a 'no' vote."

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

66th Legislative Day

June 18, 1981

Speaker Stiehl: "Representative Schneider."

Schneider: "Thank you, thank you very much. Representative Piel, I couldn't hear the exchange between you and Representative Dunn, but I have a number of questions. One is, can you project or give us at least as close as possible a figure on what this would be worth to the coffers of the State of Illinois? If we're going to make money on this, how much are we making?"

Piel: "Okay, the average, or the figure that they have come up with would be \$5,000,000 to the state and \$5,000,000 to local government."

Schneider: "And does this exempt for leases...is a lease rental...I am only working from the digest, and it says renting. Is that equivalent to leasing? Is that the same definition? So when I read rent to I read lease?"

Piel: "If it is from a car rental company, it would be classified as the same thing, Glen."

Schneider: "How about if it is from an automobile dealer who leases automobiles? And I am a private citizen who wants to lease for over a year."

Piel: "If it is was done for over a year you're saying?"

Schneider: "That's right."

Piel: "If it is done for over a year, this is not in this Bill. No."

Schneider: "I'm not...If I lease from a car dealer for one year or less, I as a private citizen, pay a tax?"

Piel: "If it is from a car rental company, yes."

Schneider: "So that the argument about the 85% out of state on another side looking at the other 15% of us who may lease a car for less than a year, we turn them over ever year, we pay as a citizen of Illinois, an increase of four percent, and that would be a tax increase. Is that right?"

Piel: "Well, one thing I did want to bring up is that

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

66th Legislative Day

June 18, 1981

governmental bodies, charitable, religious, and educational organizations on their leases are exempt from this Bill."

Schneider: "I am neither of those, God forbid I fall into those categories, just a private good old citizen. I am paying four percent more because I turn my car over every year as a lease from a rental or dealer."

Piel: "Okay, the way the sales tax is set up right now, that is figured up into the rate that you're paying at the present time. So that, you know, it is basically a wash, Glen."

Schneider: "Well, if it is a wash, I am being taken to the cleaners in that case. The other thing that I am asking is pardon the pun, but I've heard so much for sure from you and others on that side of the aisle about driving business out of the State of Illinois. Can you explain to me why this does not drive business out of the State of Illinois when you charge a four percent tax on citizens who come in to do business for the most part. Maybe they came to Illinois for tourist reasons, whatever our attractions are, they are finding that it is a four percent tax on their rental. Why is that, all of a sudden, not bad for business when all these other things about trying to attract people who come to Illinois, this does not drive them away? That is a five million dollar gain. It doesn't seem to me to be worth the trouble. I don't know where the advantages for a rental company...It seems to me they would be opposed to this. But, explain to me just that very simple conceptual thing - why is this really good for business and not bad for it, and I love to use the word drive business out of Illinois as long as we're renting cars."

Piel: "Basically, Glen, all the states surrounding us, and I say all of them surrounding us, have this concept. They have found that the rental business, and all I can go is by historical data in the states...the 35 of the fifty states

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

66th Legislative Day

June 18, 1981

that have it right now. They have found through historical data that this has increased business and income for the State of Illinois...or for the state that is doing it."

Schneider: "Well, living in the northern part of the state, I would almost find it better to fly into Milwaukee or rent a car in Wisconsin because I am only an hour and a half out of the City of Chicago and maybe it would be a wash in that sense. It would be nicer to stay in a non-congested area. I think this Bill runs contradictory to the philosophy that you and some of your colleagues have been articulating. I know its been a simple solution to...a simple explanation to a lot of the legislation we've offered in this House and in Committees to say that whatever we do is bad for business. It is bad if we do something environmentally. It is bad if we do something in terms of taxation in certain areas. It is bad in workmen's comp, and all of a sudden you increase taxes on a person who does business. You increase four percent on people who are private and leased. That is all of a sudden good for Illinois. Five million bucks doesn't get us through 15 minutes on the amount of money that we spend in Illinois as it goes today. I don't think it is worth the trouble. I think you ought to vote 'no'."

Speaker Stiehl: "Representative Kornowicz."

Kornowicz: "Move the...move the previous question please."

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

Piel: "Thank you, Madame Speaker and Members of the House. Just to spell a couple things that have been said. First of all, they talk about this...bad for business in Illinois.

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

66th Legislative Day

June 18, 1981

The car rental business in the State of Illinois as far as the number of cars purchased, is an astronomical figure. And what it is right now that the average rental car agency, let's say Hertz, Avis, National, Budget, we'll take the top four, are purchasing cars every 12 to 18 months in Illinois. This will increase the purchase of cars in Illinois from anywhere from eight to ten months. They will be turning over their cars faster which will mean more for the business community - getting back to what Representative Schneider said a minute ago. The rental companies are keeping their vehicles longer and generally, if they keep their vehicles longer, it would hurt the car sales in Illinois. Years ago the average holding time in...the average holding time in other states, as I say, is anywhere from eight to twelve months where, you know, if we're keeping them for 18 months, that is less purchases in the State of Illinois. This reduces...Bill reduces the state vehicle taxes whereas the revenues will continue to grow. As I say, this will be an increase in revenues to local and state government of approximately five million dollars each. I think, you know, a lot of people are disspeiling the thing about people who are renting-leasing cars. If you'll check about 90% of your leases in the State of Illinois done by people in the State of Illinois are done by Illinois corporations, and so it is not a situation where, you know, the average taxpayer in Illinois, just think about yourselves and how many of you have rented a car in Illinois in the last year. And so I would ask for a favorable Roll Call on Senate Bill 10...007."

Speaker Stiehl: "The question is 'Shall Senate Bill 1007 pass?' All those in favor signify by voting 'aye', those opposed 'no'. Representative Friedrich."

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

66th Legislative Day

June 18, 1981

Friedrich: "Mr. Speaker, Members of the House, there is a lot of unanswered questions here, and I know we've been on this thing long enough. I don't know if this includes trucks or not. Trucks are leased motor vehicle. I don't know if it includes if I lease a car for two years from a dealer on a lease. Do I have to pay on that? There is a whole lot of other things. But if it does apply to that, why don't we go to these rental agencies that have...let them lose from paying sales tax on the items they buy and charge it on that. Where do you stop? At least right now when these leasing companies buy these cars, they pay the sales tax right up front and you know what you've got. I think that the one that benefits the most from this are the people who lease cars and not the State of Illinois."

Speaker Stiehl: "Representative Getty."

Getty: "I am rising for what might be a mute, but I think a technical question. Madame Speaker, in the Senate it was ruled that this required a three-fifths Majority. I have received the Bill, and I cannot see any reason that it would require a three-fifths Majority under the appropriate constitutional limitations especially considering the fact that it does not set out a specific limitation on the right of a home rule unit to tax or any other limitation that I am able to discover. I would therefore make an inquiry of the Chair if this does require a three-fifths Majority."

Speaker Stiehl: "The Chair will consult with her Parliamentarian. With all due respect for the Senate and having reviewed the Bill, the Chair agrees with Representative Getty that this Bill will require only 89 votes. It does not require the extraordinary Majority of 107 votes to pass. Representative Bluthardt."

Bluthardt: "Well, I am more confused than usual, Madame Chairperson. If I heard the Gentleman correctly, he said

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

66th Legislative Day

June 18, 1981

that it is a four percent sales tax imposed by the state, and local government would impose their usual one percent, and that the four percent will bring in five million dollars to the state, and apparently the one percent will bring in five million dollars to the local governments. Now, Bob, I don't understand that. You know, you're juggling those figures. Anyhow, I am so confused I am just going to vote my convictions and vote 'present'."

Speaker Stiehl: "Representative Beatty."

Beatty: "Well, Madame Chairman, I am voting 'yes' on this Bill. I think it is a good concept but it doesn't affect most of the cars leased, and it is limited to automobiles that are for business purposes. And so if a person comes into Illinois as he does in the other states, why should we be different? Why shouldn't we tax him if he comes in here? We will...that will be a business deduction on the corporate business return. You're really shuffling the money from the federal government to the State of Illinois, and we need more revenue here. If the other states are doing it, we should also, so I would think most of it would be for business purposes. People come in. They need an automobile. It is a tax deduction. Why shouldn't the State of Illinois have it? And I think it is a good concept."

Speaker Stiehl: "Representative Giorgi."

Giorgi: "Well, for a minute I thought he'd at least get 70 votes so he could put it on Postponed Consideration because I think this is a tax the Governor is looking for downstairs. You know, if he expanded this to a use tax to, you know, advertising, radio advertising, TV advertising, newspaper advertising, service tax on lawyers, doctors, dentists, and morticians, barbers and beauticians, you could raise almost \$500,000,000. I think the Governor...I think this might be

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

66th Legislative Day

June 18, 1981

a show Bill. We better watch this closely because it may end up being a train that is going to run through the General Assembly and raise \$500,000,000 bucks. One penny of any use tax will raise \$500,000,000, 5¢ will raise \$2,000,000,000. And I don't know really what game you're playing, but I am going to play.....with you. I am going to vote with you."

Speaker Stiehl: "Representative Leon."

Leon: "Madame Chairman, Ladies and Gentlemen of the House, whenever I travel throughout these United States, I fly to cities of some distance, and I rent a car. And every time I rent a car, there is added on that car rental a sales tax. We are doing nothing here that is not being done in other states throughout the nation, and I believe a 'yes' vote on this very good Bill is the right vote. Thank you."

Speaker Stiehl: "Representative Huskey."

Huskey: "Well, thank you, Madame Chairman. I am voting 'yes' because I think that this Bill will probably create as much money as Zeke Giorgi's Lottery Bill has created. And...and it is going to be...it is a good Bill. It lets the out of staters who come into O'Hare and some of the big transportation centers in the state, help us run the State of Illinois. And your 'yes' votes...only need a few more votes up there, and I certainly would say, let's put them on and get this tax because we certainly pay this tax to other states. Let's get some of it back."

Speaker Stiehl: "Representative Slape."

Slape: "Thank you, Madame Speaker and Ladies and Gentleman of the House. Just about a week ago the two major car rental industries in the United States issued their quarterly reports, and both of these companies reported that if it hadn't been from profits from other corporations being

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

66th Legislative Day

June 18, 1981

piled back into their company that they would be in financial trouble right now. With air travel down, the car rental traffic is down, so what they're going to do is they're going to try to come up with some budget plans, and they are going to try to induce people in the area to leave their own car at home and start renting rental cars. So when you say that this is not going to be a tax on the citizens of the State of Illinois, you're just fooling yourself because more and more people are going to be induced to use this, and a tax is going to fall upon our own citizens. I would urge a 'no' vote."

Speaker Stiehl: "The question is 'Shall Senate Bill 1007 pass?' Have all voted who wish? The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 97 voting 'aye', 65 voting 'no', and 4 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Representative Getty."

Getty: "Madame Speaker, having voted on the prevailing side by which Senate Bill 1007 passed, I now move to reconsider that vote."

Speaker Stiehl: "The Gentleman has moved to reconsider...Representative Piel...moves that the Motion lie upon the table. All in favor say 'aye', all opposed 'no'. The 'ayes' have it. And the Motion to reconsider is tabled. Senate Bill 1048. Representative Kelley."

Clerk O'Brien: "Senate Bill 1048, a Bill for an Act to amend the Vital Records Act, Third Reading of the Bill."

Speaker Stiehl: "Representative Kelley."

Kelley: "Madame Speaker, I think this is an Amendment. We would like to have this taken back to Second and picked up. Mr. Getty has the Amendment."

Speaker Stiehl: "The Gentleman asks leave to return the Bill to

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

66th Legislative Day

June 18, 1981

Second Reading for purposes of an Amendment. Is leave granted. Is there any objection? Hearing none, the Bill is returned to Second. Mr. Clerk, are there Amendments?"

Clerk O'Brien: "Amendment #1 was withdrawn in Committee. Floor Amendment #2, Getty, amends Senate Bill 1048 on page two and so forth."

Speaker Stiehl: "Representative Getty on Amendment #2."

Getty: "Madame Speaker, Members of the House, Amendment #2 merely strikes the language that says when death occurs in a municipality of one million or more and replaces it with when death occurs in a county of three million or more. I have discussed this with the Sponsor. I believe he is agreeable to this Amendment. This would permit continuance of the present practice in the County of Cook, and I would ask your support for this Amendment."

Speaker Stiehl: "The Gentleman moves adoption of Amendment #2. Is there any discussion? Representative Wolf."

Wolf: "Thank you, Madame Speaker. I just wanted to introduce two very important guests if I could use this time. I see one has left the gallery. That was Representative Swanstrom from the 3...Mr. Swanstrom from the 35th District who is represented by Representatives Rigney and Mulcahey, and we have Mr. Peters up there from the 15th District represented by Mr. Greiman and Laurino."

Speaker Stiehl: "Is there any discussion on the Amendment? If not, the question is 'Shall Amendment #2 be adopted?' All those in favor indicate by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #2 is adopted. Further Amendments, Mr. Clerk?"

Clerk O'Brien: "No further Amendments."

Speaker Stiehl: "Third Reading. Senate Bill 1124, Representative Macdonald."

Clerk O'Brien: "Senate Bill 1124, a Bill for an Act creating the

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

66th Legislative Day

June 18, 1981

Illinois Natural Areas Preservation Act, Third Reading of
the Bill."

Speaker Stiehl: "Representative Macdonald."

Macdonald: "Thank you, Madame Speaker, Ladies and Gentlemen of
the House. Senate Bill 1124 actually is a recodification
of existing statutes concerning the nature preserve system.
This system was established in 1963 and created a
Commission of nine members. This Act does not change that
Commission system. They still will be in place, but it
does clarify the difference between the Commissions and
their responsibilities and that the responsibilities of the
Department of Conservation. Through the years of practice
there has been some confusion between the Department of
Conservation and the Nature Preserves Commission as to what
the duties are. Actually, this Bill just simply attempts
to establish what those differences are and who does what
and who has responsibilities for creating also a
registration system where one may register their property
rather than dedicating it and expands the use of that
property for the owner of the property. And I would ask
for your affirmative vote on this particular Bill. I'd be
happy to answer any questions."

Speaker Stiehl: "Is there any discussion? If not, Representative
Macdonald, to close. Excuse me. Representative Dunn
(John)."

Dunn, John: "A question of the Sponsor. This does in some cases
result in reduction in property taxes does it not?"

Macdonald: "Yes..."

Dunn, John: "Would that apply to privately owned land? That's
what I really want to know."

Macdonald: "Yes, it does reduce dedicated land. It does reduce
to one dollar an acre and that... there was a similar Bill,
House Bill 1558 which was identical to what this Bill does

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

66th Legislative Day

June 18, 1981

and it passed out of this House 161 to nothing."

Dunn, John: "What privately owned lands will be taxed at a dollar an acre?"

Macdonald: "Well, if you want to register your land it has to go through the Commission. The Commission has to approve that the land is worthy of being dedicated land and then it is reduced to that. And must remain, then, as dedicated land after it has been registered and passes on."

Dunn, John: "And must remain dedicated land, how long?"

Macdonald: "Well, it will be dedicated permanently, then, after you use it as registered land and it will become the land of the Conservation Department."

Dunn, John: "That's what I'm really trying to get at is, will the dollar exemption..."

Macdonald: "It is voluntary."

Dunn, John: "But if I have land and I dedicated it and then taxed it at a dollar will I ever be able to get the land back free of the dedication?"

Macdonald: "No, if you dedi... if you register your land you do not take.. you do not take your land back but you may use your land and have full use of it but you may not take it back. You then register it as an area of natural wonder but you cannot have that, it does not then... it is not reduced in terms of your tax evaluation on it. Only when it becomes dedicated."

Dunn, John: "Thank you."

Speaker Stiehl: "Representative Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Stiehl: "She indicates she will."

Cullerton: "Could you explain to me how this effects the evaluation of cemeteries?"

Macdonald: "Well, a cemetery would have to be a dedicated to the Department of Conservation would have to have some historic

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

66th Legislative Day

June 18, 1981

value or some beautification value to be a dedicated cemetery and then there it would also be assessed at a dollar so it would not be under the regular taxation system."

Cullerton: "The land for tax purposes are these cemeteries, these specific cemeteries that you're referring to would be reduced to one dollar?"

Macdonald: "Of assessed evaluation per acre."

Cullerton: "And who would lose the money?"

Macdonald: "Who would what?"

Cullerton: "Who would lose, what tax would lose the money?"

Macdonald: "Well, there is... this does not come under the mandate if that is what you are referring to. The loss to municipalities and governments statewide would be between \$3,400 to \$5,000 a year and therefore, it is exempted from the State Mandates Act."

Cullerton: "But the loss would be to the county governments?"

Macdonald: "Well, wherever... yes to the areas of government where the dedicated or registered land is. Most cemeteries are not on tax rolls anyway."

Cullerton: "What is the procedure for eminent domain with respect to this..."

Macdonald: "I'm sorry I didn't hear you."

Cullerton: "What is the procedure with respect to eminent domain?"

Macdonald: "Well, currently, the Department of Conservation has the power of eminent domain as you well know and that's how we do have dedicated areas. The Conservation Department has these areas and is responsible for their upkeep and for the policing powers and so forth. The registration is a voluntary citizen operation. You dedicate as an individual. If you feel it's much like the landmarks preservation. If you feel you have a very valuable piece

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

66th Legislative Day

June 18, 1981

of property which has beautification qualities or special flora or fauna that you think deserves to be preserved in this way, you have to go before the Commission and they review and then your lands may be registered. And there is a difference between registration and dedication simply because you voluntarily register your land. You still have to pay the taxes on it. You still may use it but it is noted as registered land for beautification purposes."

Cullerton: "Well, if I understand it, the nature preserve may not be taken by eminent domain except for in other public use and with the approval of the Commission, the Governor and the public owner. Is that correct?"

Macdonald: "That's correct."

Cullerton: "Could you explain on page ten, line twenty-one your Bill. It talks about the existence of imperative and unavoidable public necessity. What does that mean?"

Macdonald: "Public utilities or power lines, that kind of thing would be the only reason that there could be public use coming in to repair those entities that might exist."

Cullerton: "Thank you."

Speaker Stiehl: "Representative, are you finished, Representative Cullerton? Representative Fawell."

Fawell: "I call for the previous question."

Speaker Stiehl: "The Lady has moved the previous question. The question is, 'Shall the main question be put?' All in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Representative Macdonald, to close."

Macdonald: "Well, I would merely say that I was asked to take this Bill by the Conservation Department and the Nature Preserves Commission. They are both in agreement with this Bill. They feel that the statutes need to be clarified. They need to know who is going to take care of the properties that are either registered or dedicated and they

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

66th Legislative Day

June 18, 1981

have to have a clear definition in the statutes. And that's all this Bill does and I would ask for your support."

Speaker Stiehl: "The question is, 'Shall Senate Bill 1124 pass?'

All those in favor signify by voting 'aye', those opposed 'no'. Representative Ewell. Representative Ropp."

Ropp: "I just wanted to ask a question. Was there any economic impact in terms of the amount of real estate tax that might be lost to a community?"

Macdonald: "I did explain that. There was about \$3,400 to \$5,100 per year that might be lost to the State Treasury."

Speaker Stiehl: "Representative Ropp, we're on explanation of vote. Have all voted who wish? Have all voted who wish? Have all voted who wish? Oh, excuse me. Representative Giorgi."

Giorgi: "The Lady said something about cemeteries, some paying taxes. Cemeteries that are not for profit and are associated with religious organizations, of course, are not paying taxes but this is a windfall for cemeteries that are for profit. You're cutting your assessment down to a dollar and I don't see how a three thousand dollar figure can hold up for the State of Illinois. So this is a windfall for profit cemeteries."

Speaker Stiehl: "Have all voted who wish? Take the record, Mr. Clerk. On this question there are 144 voting 'aye', 8 voting 'no', and 7 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Jack Davis, 'aye'. Senate Bill 1147, Representative Kulas."

Clerk O'Brien: "Senate Bill 1147, a Bill for an Act relating to health and accident insurance provided to employees by their employers, Third Reading of the Bill."

Speaker Stiehl: "Representative Kulas."

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

66th Legislative Day

June 18, 1981

Kulas: "Madame Speaker, Ladies and Gentlemen of the House, Senate Bill 1147 provides that every employer who provides Group Accident and Health Insurance for his employees shall give notice to the employees of termination of such coverage within 72 hours from the date of such termination. Failure to notify the employees of termination of such insurance shall cause the employer to be held liable for actual damages incurred by the employee as a result of determination of such coverage. At the present time, most employers do provide prompt notice of termination. This Bill, however, will insure that all employers in the state would provide such notification and I would urge an 'aye' vote."

Speaker Stiehl: "Is there any discussion? Representative Schuneman."

Schuneman: "Thank you, Madame Speaker. I hesitate to rise in opposition against the Chairman of the Democrat Scheduling Committee but I'd like to point out some problems with this Bill. What this Bill does is say that if an employer carries a group insurance policy for the benefit of his employees and that policy is cancelled for non-payment of premium the employer has to notify the employees within 72 hours. That part is fair. I have no objection to that but if he fails to do that then the employer becomes the insurance company. Now, some of these group insurance plans provide high limits of liability. For example, they may go to as high as a million dollars Major Medical. And the thing that I object to in this Bill, especially as it respects small employers, is that they may be opening themselves to some very, very large liability claims that they are not presently subject to. I think the Sponsor would be better advised if he wants to pass this kind of Bill to make the employer subject to a fine or something of

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

66th Legislative Day

June 18, 1981

that sort. But, if you'll stop to consider for just a moment, if you're a very small employer maybe the employer is ill or maybe he's on vacation and he fails to notify the employee that the insurance has been terminated then that employee has a devastating illness or an accident which might result in hundreds of thousands of dollars in claims that employer out of his own pocket has to pay that claim. And I think this is a very dangerous concept and you should know what you're doing here. I would urge a vote against the Bill."

Speaker Stiehl: "Representative Wikoff."

Wikoff: "Yes, thank you, Madame Speaker. Will the Speaker... the Sponsor yield?"

Speaker Stiehl: "He indicates he will."

Wikoff: "Myron Cal mentioned a couple of objections I have to it and I, as a small employer, I can see some of the problems that he did allude to there. And, I, like Cal don't have any problems at all with the problem that they should be notified and maybe there should be and would agree that there should be some retribution. I think this could get a little healthy particularly in the case of situations as Cal mentioned where somebody might be out of town something could... cancellation should come up, does this pertain only to a cancellation if the employer has failed to make a premium?"

Speaker Stiehl: "Representative Birkinbine. Oh, excuse me, Representative Kulas."

Kulas: "Representative Wikoff, this doesn't limit the cancellation just for non-payment of premium. And in answer to Representative Schuneman's problem with the Bill, the Bill does limit the liability for actual damages suffered by the employee. So all we are trying to do is to say that if an employee, who most of them pay into their

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

66th Legislative Day

June 18, 1981

group health insurance plans, is notified and he gets sick and when he gets sick, goes to the hospital he finds out he has no coverage. All we're asking is at that time that he should be able to proceed against the employer for the hospital cost incurred."

Speaker Stiehl: "Representative Wikoff."

Wikoff: "But those same damages you referred to could result in possibly as much as a quarter million dollars or so if it was a Major Medical situation that would develop within that interim?"

Kulas: "Yes, that could be true."

Wikoff: "I think that with that answer that I'd also, like Representative Schuneman, would have to urge a 'no' vote on this. I don't object to the premise of the Bill but I think the penalties are a little severe."

Speaker Stiehl: "Is there further discussion? Representative Birkinbine."

Birkinbine: "Thank you, Madame Speaker. A question of the Parliamentarian. Employers, I'm sorry, municipalities including home rule municipalities are employers. That being the case, would this not impact on home rule communities and would it not therefore, need 107 votes?"

Speaker Stiehl: "We'll check the Bill, Representative."

Birkinbine: "As I read it it makes no differentiation on employers so it would apply to the state local municipalities including home rule municipalities?"

Speaker Stiehl: "Examining the Bill there is not an express limitation on home rule powers and, therefore, the Bill does not require 107 votes. This Bill would require 89 votes."

Birkinbine: "Thank you. If I could speak to the Bill."

Speaker Stiehl: "To the Bill."

Birkinbine: "I would suggest that this would also impact on the

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

66th Legislative Day

June 18, 1981

Mandates Act since we would be mandating that local governments as employers would have to pay should they run a file of this law. One of the... in the last few days there's been a lot of discussion on various Bills relating to the business community here in Illinois into the idea of whether or not Illinois is a good state in which to do business. I think this is just the kind of law that were to go into effect would give Illinois another black eye. I think when you consider that the vast majority of companies in this state employ very few people. There are only a few Caterpillars around and International Harvesters. The vast majority of companies in this state employ fewer than twenty people and to... and, of course, many of them probably run their businesses something like the way some of us run some of our offices. It wouldn't be unusual for them perhaps to miss a mailing or sending in a payment to an insurance company to hold them liable, in effect, to make them an insurance company in a case like this I think is overkill. And probably does more than what the Sponsor really intends to do with this Bill. I think we'd be well advised to vote against this Bill. Thank you."

Speaker Stiehl: "Representative Friedrich."

Friedrich: "Would the Sponsor yield? Representative Kulas, would this also carry over to the coverage to the employee's family since it's a group policy? Many group policies do."

Kulas: "Yes, it would. It depends on what the policy coverage is."

Friedrich: "Okay. Yes, okay. Well, in normal cases the group policy covers the employee and his family. Well, let's take a situation where there are fifty employees and it's a small factory and instead of letting people have vacation one at a time they just shut the place down and everybody goes on vacation, suppose during that period when they're

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

66th Legislative Day

June 18, 1981

on a two or three week vacation this happens, what responsibility does the employer have to run all these people down all over the United States trying to find them to be sure and tell them in 72 hours they haven't got any insurance?"

Kulas: "Well, I think that's sort of a ludicrous example."

Friedrich: "That's not ludicrous at all. I think the problem here is that an employer can suddenly find himself with an unbelievable amount of claims to pay. He's not an insurance company and suppose any kind of an accident can happen could wipe out a whole family or put them all in the hospital for six months. That becomes the responsibility of that employer and I don't know how they would even pay it."

Kulas: "Representative Friedrich, most insurance policies have a grace period that they give you so much time before that policy expires or its terminated. So your example doesn't really fit in here."

Friedrich: "Well, I'm in insurance business and I know about how much notice you get when you're cancelled."

Speaker Stiehl: "Representative Ronan."

Ronan: "Yes, will the Sponsor yield?"

Speaker Stiehl: "He indicates he will."

Ronan: "Yes, I have one question and then a brief statement about this piece of legislation. Representative Kulas, does this Bill help out the little guy, the working man, the man who elects us to the General Assembly?"

Kulas: "Yes, it does, Representative Ronan."

Ronan: "Thank you, Representative Kulas. Speaking on the Bill. I'm amazed listening to the discussion from some of my colleagues on the other side of the aisle. Here we have an attempt to try to help out the working man. It's a simple concept and it's a concept dealing with simple justice.

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

66th Legislative Day

June 18, 1981

Representative Kulas, being a courageous Legislator, comes before us with a Bill that's going to help out the working man, protect his family, and really not be a big burden on the employer but here we sit listening to this kind of drivel by all the insurance agents and all the other people worried about the business. We've got to come in here and realize this Bill passed 52 to... 32 to one out of the Senate, 52 to one out of the Senate. It's obviously a good concept. We've got all the protectors of business over in the Senate who weren't worried about this legislation so let's get about the business of the people of the House. Let's protect the people who send us here, not always worry about the insurance brokers and people like that. Let's pass this fine piece of legislation for Representative Kulas so that he can go back to his district and prove to the people he's really worth all the things they sent him for. And I move for the passage of this fine Bill."

Speaker Stiehl: "Representative Tuerk."

Tuerk: "I move the previous question."

Speaker Stiehl: "The previous question has been moved. The question is, 'Shall the main question be put?' All those in favor indicate by saying 'aye', opposed 'no'. The 'ayes' have it. Representative Kulas, to close."

Kulas: "Yes, Madame Speaker, Ladies and Gentlemen of the House, listening to the opponents from the other side of the aisle I must say this is not an anti-business Bill. All this Bill does, it goes against the unscrupulous employers who knowingly do not pay their insurance premiums so they can use that money someplace else and meanwhile, one of their employers gets hurt, he's not covered and all we are asking for is that he can collect his actual damages that he has incurred. This Bill passed out of the Senate 52 to nothing and I would ask for a favorable Roll Call."

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

66th Legislative Day

June 18, 1981

Speaker Stiehl: "The question is, 'Shall Senate Bill 1147 pass?'"

All those in favor signify by voting 'aye', those opposed 'no'. Representative Mautino."

Mautino: "Thank you, Madame Speaker and Ladies and Gentlemen of the House. I think if this legislation would have been in effect it would have had a great effect in the 37th and 45th Legislative District because what this would have done is the three plants that closed up there did notify their employees if they terminated their group insurance. Those plants were Westclox, Electrical Utilities and the Spring Valley Garment Factory. And what it did to those people, they were notified after the plant shut down that they no longer had insurance. Basically, those good employees that had been working for that company for over thirty years. If this would have been in effect at that time they would have at least had the opportunity to do some quick shopping and get themselves some insurance coverage but it didn't happen that way. It should be in the law and it's only fair that we do accomplish that. And I'm happy to see many green votes. Thank you."

Speaker Stiehl: "Representative Bluthardt."

Bluthardt: "Speaker and Members of the House, again I'm confused. We talk about protecting the working man and yet it seems to me that this type of legislation will discourage the small businessman and I'm talking about the businessman who has a handful of employees who affords his employees hospitalization and accident insurance. And he's not going to take the chance any more if this is the law. He's not going to provide that insurance for the working man. He's going to be discouraged, somebody who's not going to gamble. He just won't cover it at all and I vote 'no'."

Speaker Stiehl: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr.

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

66th Legislative Day

June 18, 1981

Clerk. On this Bill there are 98 voting 'yes', 61 voting 'no'. Representative Schuneman, for what purpose do you rise?"

Schuneman: "I'd like to request a verification of the Roll Call."

Speaker Stiehl: "Okay. Representative Mulcahey, for what purpose do you rise?"

Mulcahey: "May I have leave to be verified right now, please?"

Speaker Stiehl: "Yes. Representative Domico requests permission to be verified. Is permission granted? Alright, Representative Preston requests permission to be verified. Representative Chapman requests permission. Mr. Clerk, poll the affirmative votes. The Gentleman requests a poll of the absentees. Mr. Clerk, poll of the absentees."

Clerk O'Brien: "Poll of the absentees. Bartulis. Jack Dunn. Garmisa. Griffin. Huff. Jackson. Kucharski. Margalus. McCormick. McMaster."

Speaker Stiehl: "Representative Balanoff, Representative Rea, and Representative Katz request leave to be verified. Is leave granted? Hearing no objection, leave is granted."

Clerk O'Brien: "Continuing a poll of the absentees. Miller. Peters. Redmond."

Speaker Stiehl: "Representative Murphy and Representative Brummer request leave to be verified. Is leave granted?"

Clerk O'Brien: "Telcser and Mr. Speaker."

Speaker Stiehl: "Poll of the affirmative, Mr. Clerk."

Clerk O'Brien: "Abramson. Alexander. Balanoff. Barnes. Beatty. Bell. Bowman. Bradley. Braun. Breslin. Brummer. Bullock. Capparelli. Carey. Catania. Chapman. Christensen."

Speaker Stiehl: "Representative Rigney, for what purpose do you rise?"

Rigney: "I'd just like to call attention to the press box that Representative Topinka is down here conducting an interview

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

66th Legislative Day

June 18, 1981

about her sales tax increase Bill."

Speaker Stiehl: "Continue with the poll of the affirmative, Mr. Clerk."

Clerk O'Brien: "Cullerton. Currie. Darrow. DiPrima. Domico. Donovan. Doyle."

Speaker Stiehl: "Representative Currie asks leave to be verified. Is leave granted? Hearing no objection, leave is granted. Representative Daniels, for what purpose do you rise?"

Daniels: "Well, Madame Speaker, as Representative Topinka was walking by Harlan Rigney she was mumbling something like 'little farmers have no understanding of tall women.' I'd like to understand what she meant by that."

Speaker Stiehl: "Proceed with the verification, Mr. Clerk."

Clerk O'Brien: "John Dunn. Ewell. Farley. Flinn. Getty. Giglio. Giorgi."

Speaker Stiehl: "Representative Breslin."

Breslin: "Leave to be verified, please."

Speaker Stiehl: "Leave is granted. Representative Matijevich."

Matijevich: "Point of personal privilege. I think it ought to be apparent to the Chair that many persons are walking out of here and there's a reason. You know, the Speaker came here today and said we're starting at noon and we are going to work until around midnight. Some of us have been here since 7:00 this morning. I had a Committee that started at 8:00 in the morning and I was in my office at 7a.m. I was in a Committee yesterday that started at 8:30. I was in my office at 7:30 and we worked til almost 11:00 last night. Everybody here knows that the deadlines are going to be extended and I think you ought to realize and I haven't made this speech yet this Session. And Kulas has been doing all of this. But I'm speaking respectfully of the Chair and the Speaker and my Minority Leader and I would hope that my Minority Leader gets together with the Speaker

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

66th Legislative Day

June 18, 1981

and gets together with him and say that it is unreasonable for us to work here until around midnight today. I was here when Mike McClain's dad fell over and he fell over and others fell over because we were either unreasonable at this time when there's a lot of stress on the Members. We aren't passing good laws when we do this. I would hope that they get together and get us out of here by around 9:00 because I'm going to be in my office at 7a.m. tomorrow morning. I saw Jake Wolf this week where he had pains across his chest and I was worried about him wondering if he or some others would be next. I think they ought to get their heads together and get us out of here tonight at a reasonable time and we've got a lot of time yet to do our work."

Speaker Stiehl: "Continue with the verification, Mr. Clerk."

Clerk O'Brien: "Greiman. Hanahan. Hannig. Henry. Jaffe. Jones. Kane. Katz. Keane. Dick Kelly. Koehler. Kornowicz. Kosinski. Krska. Kulas. Laurino. Lechowicz. Leon. Leverenz. Levin. Madigan. Matijevich. Mautino. McAuliffe. McBroom. McClain. McGrew. McPike. Ted Meyer. Mulcahey. Murphy. Oblinger. O'Brien. O'Connell. Ozella. Pechous. Pierce. Polk. Pouncey. Preston. Rea. Rhem. Richmond. Ronan. Saltzman. Sandquist. Satterthwaite. Schneider. Schraeder. Slape. Irv Smith. Margaret Smith. Stanley. Stearney. Steczo. Stewart. Stuffle. Terzich. Turner. Van Dyne. Vitek. White. Sam Wolf. Younge. Yourell. Zito. Zwick. No further."

Speaker Stiehl: "Representative Schuneman, do you have any challenges?"

Schuneman: "Yes, we do. What is the count? Are we starting at 98 on the Board?"

Speaker Stiehl: "98, that's right."

Schuneman: "Representative Beatty."

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

66th Legislative Day

June 18, 1981

Speaker Stiehl: "Representative Beatty. Is the Gentleman in the chambers? How is the Gentleman recorded?"

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

Speaker Stiehl: "Remove him, Mr. Clerk."

Schuneman: "Representative Yourell."

Speaker Stiehl: "Representative Yourell. Is the Gentleman in the chambers? How is the Representative recorded as voting?"

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

Speaker Stiehl: "Remove him."

Schuneman: "Representative Van Dyne."

Speaker Stiehl: "Representative Van Dyne. Is the Gentleman in the chamber? How is the Gentleman recorded?"

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

Speaker Stiehl: "Remove him. Representative McGrew and Representative Wolf ask permission to be verified."

Schuneman: "Yes."

Speaker Stiehl: "Leave is granted."

Schuneman: "Representative Bradley."

Speaker Stiehl: "Representative Bradley. Is the Gentleman in the chamber? How is the Gentleman recorded?"

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

Speaker Stiehl: "Remove him."

Schuneman: "Capparelli."

Speaker Stiehl: "Representative Capparelli. Is the Gentleman in the chamber? How is the Gentleman recorded?"

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

Speaker Stiehl: "Remove him."

Schuneman: "Carey."

Speaker Stiehl: "Representative Carey. He's in the aisle."

Schuneman: "Terzich."

Speaker Stiehl: "Representative Terzich. Is the Gentleman in the chamber. How is the Gentleman recorded?"

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

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

66th Legislative Day

June 18, 1981

Speaker Stiehl: "Remove him."

Schuneman: "Chapman."

Speaker Stiehl: "Representative Chapman had leave to be verified."

Schuneman: "Christensen."

Speaker Stiehl: "Representative Christensen. Is the Gentleman in the chamber? How is the Gentleman recorded?"

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

Speaker Stiehl: "Remove him."

Schuneman: "Stewart."

Speaker Stiehl: "Representative Stewart. How is the Lady recorded?"

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

Speaker Stiehl: "Is the Lady in the chamber? Remove her."

Schuneman: "Rhem."

Speaker Stiehl: "Representative Rhem. Representative is here on the side."

Schuneman: "Representative Darrow."

Speaker Stiehl: "Representative Darrow is in the center aisle."

Schuneman: "John Dunn, right there together. Ewell."

Speaker Stiehl: "Representative Ewell. Is the Gentleman in the chamber? Oh, he's in the back of the room."

Schuneman: "Farley."

Speaker Stiehl: "Representative Farley. He's on the side."

Schuneman: "Giglio."

Speaker Stiehl: "Representative Giglio. Is the Gentleman in the chamber? How is the Gentleman recorded?"

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

Speaker Stiehl: "Remove him."

Schuneman: "Greiman."

Speaker Stiehl: "Representative Greiman. Is the Gentleman in the chamber?"

Schuneman: "Representative Hanahan."

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

66th Legislative Day

June 18, 1981

Speaker Stiehl: "Representative Hanahan. Is the Gentleman in the chamber? How is the Gentleman recorded?"

Clerk O'Brien: "Representative Hanahan, the Gentleman's recorded as voting 'aye'."

Speaker Stiehl: "Remove him."

Schuneman: "Hannig."

Speaker Stiehl: "Representative Lechowicz requests leave to be verified. Is leave granted?"

Schuneman: "Leave."

Speaker Stiehl: "Leave."

Schuneman: "Representative Keane."

Speaker Stiehl: "Representative Keane. Is the Gentleman in the chamber? How is the Gentleman recorded?"

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

Speaker Stiehl: "Remove him. For what purpose do you rise, Representative Levin? The Gentleman requests leave to be verified. Leave."

Schuneman: "Laurino."

Speaker Stiehl: "Representative Laurino. Is the Gentleman in the chamber? How is he recorded?"

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

Speaker Stiehl: "Remove him."

Schuneman: "Leon."

Speaker Stiehl: "Representative Leon. Is the Gentleman in the chamber? How is he recorded?"

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

Speaker Stiehl: "Remove him."

Schuneman: "McClain."

Speaker Stiehl: "Representative McClain asks leave to be verified."

Schuneman: "McPike."

Speaker Stiehl: "Representative McPike."

Schuneman: "Oh, he's here. Ted Meyer."

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

66th Legislative Day

June 18, 1981

Speaker Stiehl: "Representative Meyer is in his seat."

Schuneman: "Abramson."

Speaker Stiehl: "Representative Abramson. Is the Gentleman in the chamber? How is he recorded?"

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

Speaker Stiehl: "Remove him."

Schuneman: "McBroom."

Speaker Stiehl: "Representative McBroom. Is the Gentleman in the chamber? How is he recorded?"

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

Speaker Stiehl: "Remove him."

Schuneman: "Representative Polk."

Speaker Stiehl: "Representative Polk. Is the Gentleman in the chamber? How is he recorded?"

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

Speaker Stiehl: "Remove him."

Schuneman: "Catania."

Speaker Stiehl: "Representative Leon has returned. Put him back on the Roll, Mr. Clerk."

Schuneman: "Representative Catania."

Speaker Stiehl: "Representative Catania. Is the Lady in the chamber? There she is."

Schuneman: "We have no further questions."

Speaker Stiehl: "Mr. Clerk, what's the count? Representative Kelley, for what purpose do you rise?"

Kelly: "Maybe I'm mistaken but I thought I heard my name earlier removed from the list. I wasn't? Okay. Thank you."

Speaker Stiehl: "What's the count, Mr. Clerk? 83 'ayes', 63 'nos'.. 61 'nos' and three 'present'. This Bill, having failed to receive the Constitutional Majority... Representative Kulas, for what purpose do you rise?"

Kulas: "I'd like to put it on Postponed Consideration."

Speaker Stiehl: "Postponed Consideration. Senate Bill 1198,

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

66th Legislative Day

June 18, 1981

Representative Bullock."

Clerk O'Brien: "Senate Bill 1198, a Bill for an Act to amend the Illinois Public Aid Code, Third Reading of the Bill."

Speaker Stiehl: "Representative Bullock."

Bullock: "Thank you, Madame Speaker and Ladies and Gentlemen of the House. Senate Bill 1198 is a permissive piece of legislation. It has been amended once. The Bill would permit the assignment of portions of the AFDC's check to the Public Housing Authority of Chicago upon written consent of residence of that authority. We added an Amendment to the Bill which assently tightened the language allowing the resident to opt in and allowing the resident to opt out of this arrangement. And it provides an essence at a portion of the recipients check equivalent to the rent allowance, will, in fact, be submitted from the Department to the Chicago Housing Authority. The Bill has several advantages. Not the least of which I submit the Bill will curtail public aid fraud. The Bill will also enable recipients in the Chicago area and the Bill only applies to those members of the Chicago Housing Authority. It would allow those individuals to, in fact, have portions of their allowance submitted for rent. I'd be glad to answer any questions that you have. I know of no opposition to the Bill at this time."

Speaker Stiehl: "Is there any discussion? Representative Vinson."

Vinson: "Will the Sponsor yield for a question?"

Speaker Stiehl: "He indicates he will."

Vinson: "Representative, are there any safeguards in the Bill? I'm not looking at it but are there any safeguards in the Bill to keep the housing authority from unfairly twisting the arms of residents?"

Bullock: "Very good question, Representative Vinson. And that's

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

66th Legislative Day

June 18, 1981

why we added Amendment #1 to this Bill on the floor at the suggestion of the distinguished Chairperson of the Public Institutions Committee, Representative Catania. And in the Amendment we provided that the consent to aid assignment may not be a requirement for rental agreements so that the landlord could not coerce a person to signing this agreement and that the individual will also be able to withdraw from the plant at any time and the consent automatically terminates with the termination of the lease."

Speaker Stiehl: "Further discussion? Representative Schneider. Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, I do commend the Sponsor of the Bill for having added the Amendment on the House floor which I think is some further protection to the recipient. However, it does not really remove the basic objection which the department has to the Bill. I don't really know why I should be a spokesman for the department in this regard except that they indicate that the federal regulations governing an AFDC program would prohibit them from receiving reimbursement for a program that did not comply with the regulations. And the regulations seem to stipulate that the only time that the Department of Public Aid could make this kind of an assignment directly to a vendor would occur when the person had demonstrated that they were not responsible for the health and safety of the child in the family for whom they were getting the AFDC payments. Since that provision is not a part of the Bill it really seems to me that a program of this sort might endanger our federal reimbursement for all of our AFDC recipients in the state. And I really doubt that the Sponsor of this legislation would like that to happen. I can understand his position that he wanted to

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

66th Legislative Day

June 18, 1981

be on a voluntary basis but unfortunately, the federal regulations make no provision for the recipient taking that action on his own initiative. And for that reason, although I don't have a real position on the merits of what the Sponsor is trying to do, I feel that I will vote 'present' so that we do not jeopardize these federal monies that are a very important part of our matching dollars for the state program."

Speaker Stiehl: "Representative Bullock."

Bullock: "Thank you, Madame Speaker. I think that perhaps I could add some clarity to Representative Satterthwaite's concern. I happen to represent eight of nineteen public housing projects in Chicago and certainly would not be my intent to adversely affect my constituents. And I don't know if other can boast that type of constituency. The fact of the matter is we would request from the federal government a waiver requirement which has been done routinely by the Department and it is the posture of this national administration to rescind regulations and to remove such regulations that are cumbersome to the orderly process of social welfare programs at the state level. I would submit to this Body that the national administration would probably very supportive of such a request from the Department of Public Aid. And it is, in fact, the Department's position as his testimony indicated that they would, indeed, request such a waiver. It has been granted in the past. There is a similar program in operation in the Department under the protective pay program. And I don't think that would encumber the passage of the Bill in any way."

Speaker Stiehl: "Representative Friedrich."

Friedrich: "Well, I think I have the same reservations as Representative Satterthwaite had. I wish that if this is

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

66th Legislative Day

June 18, 1981

legal to do it for the housing authority they could do it for the private landlords too because they... the reason we have to have so much public housing is that when these people don't pay the landlord they kick them out and then they have to go to public housing. So I wish there was some way but I know that Representative Satterthwaite is right. That right now you cannot take a voluntary assignment of your aidcheck to pay the rent. So I think you've got yourself in a booby trap, Representative Bullock."

Speaker Stiehl: "Representative White."

White: "Madame Chairman, I differ with Representative Friedrich. This Bill is designed to address itself to the problems of public aid recipients living in public housing. I rise in support of this Bill because I represent an area that takes in the Cabrini Green Housing project. And not long ago we had a problem with about 800 families that were on the verge of being evicted for nonpayment of rent. This Bill will allow the Illinois Public Aid Department to pay directly to the Chicago Housing Authority the rent that they have put into the grant. So again, I support the measure. I know the problem and I urge an 'aye' vote for the Bill."

Speaker Stiehl: "Representative Bullock, to close."

Bullock: "Thank you, Mr. (sic) Speaker and Ladies and Gentlemen of the House. I think the Bill has had adequate discussion. I think the intent is clear. I think the motive is clear and I think that the Department and the Chicago Housing Authority and the residents of that authority would find this a welcome addition to the statute where it will allow recipients protection. It also will allow the housing authority to begin to address its problem which is a severe cash flow and that they can anticipate certain revenues. I

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

66th Legislative Day

June 18, 1981

request, respectfully request an affirmative vote on Senate Bill 1198."

Speaker Stiehl: "The question is, 'Shall Senate Bill 1198 pass?'

All those in favor signify by voting 'aye', those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Stiehl, 'aye'. Bartulis, 'aye'. C.M. Stiehl, would you please hit my switch. Vote me 'aye'. Vote me 'aye'. Macdonald, 'aye'. Take the record, Mr. Clerk. On this question there are 156 voting 'yes', none voting 'no' and two voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 147, Representative Barkhausen. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 147, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act, Third Reading of the Bill."

Speaker Stiehl: "Representative Barkhausen."

Barkhausen: "Madame Speaker, Ladies and Gentlemen of the House, Senate Bill, should be 147 up on the Board I believe, Senate Bill 147 is very similar to a Bill, House Bill 514 that was sponsored by Representative Greiman and passed the House overwhelmingly earlier this Session. What it does like the majority Representative Greiman's Bill had two features to it and this particular Bill is similar to the second and major part of the Greiman Bill. What it does is to seek to avoid the capital gains taxation of property which is split up between spouses at the time of a marital dissolution. Under federal tax law right now when combined with Illinois Divorce Law when property is divided between spouses the appreciated value of that property is taxable from the transfer.. to the transfer or when he or she gives it to the transferee. This is an effort to avoid that tax consequence by providing that at the time the petition for

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

66th Legislative Day

June 18, 1981

dissolution is filed the interest of the spouses in the property will be considered a common interest so that the splitting up of the property will be considered a division of the property rather than a transfer which is taxable under capital gains tax laws. I ask for your support of this Bill."

Speaker Stiehl: "Is there any discussion? Representative Getty."

Getty: "Will the Gentleman yield?"

Speaker Stiehl: "He indicates he will."

Getty: "Representative Barkhausen, I call your attention to Amendment #1, lines 14 and 15, in conjunction with page 3 of the Bill, specifically lines 2 through 7. That is existing law which you are deleting without setting out the fact of the deletion. Now the method which the Reference Bureau should properly have used would be to interline that part which you wish to delete. The way you have it, I'm not sure but I hope it can be cleared up by Enrolling and Engrossing, but I just want to make it clear in our record here, that it is your intention to delete lines 2 through 7, and that it would have been your intention to set out lines 2 through 7 as interlined to delete them at that point and then reestablish them later under (f), which appears in lines 21 through 29 of the Amendment. Is that correct?"

Barkhausen: "Representative, you may be correct, I'm not sure in your suggestion that this Amendment may not follow the proper format. It certainly is not my intention to delete the existing subsection (d), having to do with...having to do with promoting the best interest of the children. As you've pointed out it is reestablished here, it's subsection (f) and if there's an error, a technical error in this Amendment I...as you suggest, I would presume that it could be handled by Enrolling and Engrossing."

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

66th Legislative Day

June 18, 1981

Getty: "Alright. And if this does pass and go back to the Senate and if you find Enrolling and Engrossing can't take care of it, it would be your intention to have a nonconcurrency so we could correct it in Conference Committee. Is that correct?"

Barkhausen: "That's correct."

Getty: "Thank you."

Speaker Stiehl: "Further discussion? Representative Stearney."

Stearney: "Will the Gentleman yield?"

Speaker Stiehl: "He indicates he will."

Stearney: "Is the sole purpose of this Bill to avoid the owners tax consequences of the transfer of property at the time of divorce?"

Barkhausen: "Yes."

Stearney: "It has nothing to do with bestowing certain rights on one party or another as to marital property?"

Barkhausen: "No, it does not."

Stearney: "Because I noticed that the Amendment, Amendment #1 says, that the time the petition is filed that a specie of common ownership vest in both parts. But that does not have anything to do then, I take it, with how the Judge decides to dispose or allocate the property."

Barkhausen: "No, it does not, Representative."

Stearney: "And a party can dispose of property that is in his or her sole name up until the judgment of dissolution is entered. True?"

Barkhausen: "That is correct."

Stearney: "And the only way that can be precluded is by an injunction?"

Barkhausen: "Yes, and subject to the rights of third party."

Stearney: "Then it's not your intent to change the law as to what constitutes marital property or as to how it's to be allocated by this Bill?"

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

66th Legislative Day

June 18, 1981

Barkhausen: "Not in anyway."

Stearney: "Okay, thank you."

Speaker Stiehl: "Representative Catania."

Catania: "Thank you, Madam Speaker. Would the Gentleman yield to a question?"

Speaker Stiehl: "He indicates he will."

Catania: "Representative, I note in the digest that it says, in subsection (f), in the Bill relating to transfer marital property from one spouse to another, in acknowledgment of their respected contributions to the accumulated marital state. This is what will be taken into consideration. Now, this I trust, in no way changes the current law which I understand says, that a homemaker's contribution shall be taken into account in deciding on the division of the property. In other words, the homemaker's contribution will still be taken into account in making this decision."

Barkhausen: "Absolutely. To the same extent that it is now."

Catania: "Alright. And that is that it must be taken into account?"

Barkhausen: "What ever the existing law is in respect to considering ones contribution to marital property will not in any way be changed by this Bill."

Catania: "Alright. So, it is in no way your intent to anyway diminish the recognition of the homemaker's contribution?"

Barkhausen: "No, it is not."

Speaker Stiehl: "Is there further discussion? Representative Barkhausen to close."

Barkhausen: "Very briefly, Madam Speaker. This Bill is intended to accomplish the important objective of avoiding owners capital gains, tax consequences upon division of property at the termination of a marriage. And I would urge all of your support for this Bill."

Speaker Stiehl: "The question is, 'Shall Senate Bill 147 pass?'"

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

66th Legislative Day

June 18, 1981

All those in favor signify by voting 'aye', those opposed 'no'. The voting is opened. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this Bill there are 141 voting 'yes', 2 voting 'no' and 3 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 168, Representative Deuster. Out of the record. Senate Bill 170, Representative Domico. Is the Gentleman on the floor? Out of the record. Senate Bill 190, Representative Davis. Do you wish this Bill called, Representative Davis? Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 190, a Bill for an Act abolishing the Illinois Building Authority and providing for the Capitol Development Board to be its successor agency. Third Reading of the bill."

Speaker Stiehl: "Representative Davis."

Davis: "Well, thank you, Madam Speaker and Members of the House. Senate Bill 190 is an interesting Bill because it finally does something in state government, it abolishes the Illinois Building Authority. And for those of you who don't know what that is, its an organization that was created in 1961 to build state buildings and lease them back to existing state agencies and using revenue bonds. And now the building authority finds itself in the enviable position of being a terrific money maker and has put itself in a position where the Bill now would authorize the non existance of the Illinois Building Authority and permit them with their excessive reserve to go to a gross defeasance bond procedure and to allow the bond holders to be protected in escrow with that gross defeasance and by the year 1985, have all of the issues grossed defeas and to absolve the State of Illinois this year of some 7.7 million dollars in rentals payments that it pays to itself. And

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

66th Legislative Day

June 18, 1981

alternately in 1985 to abolish some fifty million dollars we've paid ourselves in rent every year. It's a very good Bill, the General Assembly is being extremely responsible in abolition of an agency whose time has come and gone. And now we can find ourselves in the enviable position of picking up great chunks of changes in the next two years to fund other programs. I heartedly endorse it to you, I think it's an excellent Bill in keeping with good government and in keeping with fiscal prudence. I recommend an 'aye' vote."

Speaker Stiehl: "Is there any discussion? Representative Robbins."

Robbins: "A question of the Sponsor."

Speaker Stiehl: "He indicates he will yield?"

Robbins: "Mr. Sponsor, do I understand this correctly. That we're going to abolish the Capitol Development Board and give it to the.....is that right?"

Speaker Stiehl: "Representative Davis."

Davis: "No, Representative Robbins, that is not true. It abolishes the Illinois Building Authority, which is an archaic agency that was set up to circumvent the Constitution of 1870 and now it's going to be, it's functions will be rolled into the Capitol Development Board."

Robbins: "You mean, you mean we're transferring the function of an agency that is not functioning properly..."

Davis: "No...no...no. The agency is functioning properly at this point, what it's going to do is cease to exist. And the only functions left will be some insurance functions and some monitoring of the bond holders activities that can well be done by clerk or someone of that caliber in the Capitol Development Board."

Robbins: "Okay, then....may I speak to the Bill?"

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

66th Legislative Day

June 18, 1981

Speaker Stiehl: "Proceed."

Robbins: "I think that an Amendment should be added to this Bill to abolish the Capitol Development Board, also. Because, as the Capitol Development Board is operating at the present time they are setting up contracts whereby our citizens and you, as Representatives, pay on non bid items that are bid items, that are set expressly so only one company can compete and compare. And....I can't see giving them, giving them something when they're not doing a proper job of what they have at the present time. So, I urge a 'no' vote on the Bill."

Speaker Stiehl: "Representative McClain."

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

Speaker Stiehl: "He indicates he will."

McClain: "Mr. Davis, were there facilities built from '61 on prior to the creation of Capitol Development Board, under the Illinois Building Authority?"

Davis: "Yes indeed."

McClain: "Were some of those facilities built and now have defects?"

Davis: "Have defects?"

McClain: "Defects, like leaky roofs."

Davis: "To my knowledge, that is not true, no."

McClain: "Were't you...weren't you in the Appropriation Committee where, a last couple of years where we debated where there were Junior College facilities that were built under the Illinois Building Authority without proper supervision?"

Davis: "No, those weren't built under the Illinois Building Authority, those were built under the Public Buildings Commission. The Illinois Building Authority was created in 1961, to circumvent the Constitution by building buildings and renting them back to the state through a revenue bond

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

66th Legislative Day

June 18, 1981

procedure. To my knowledge, the maintenance has been outstanding on those buildings, there are no defects, everything is in apple pie order."

McClain: "Okay, thank you."

Speaker Stiehl: "Representative Vinson."

Vinson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. And I do apologize to Representative Davis for not having indicated to him earlier that I was going to have to oppose this Bill. But I do oppose the Bill. And I oppose the Bill, I think substantially because the record of the Capitol Development Board. I think that if you take a look at the cost of projects that they build and compare those projects to the cost of similar buildings in the private market place. You will find that we are really getting a bad deal. My preference would be to abolish the Capitol Development Board and transfer the responsibility for bonding to the Illinois Building Authority. I think that would be a much cheaper way and a much more efficient way of getting things done in this world. And I would urge that you vote 'no' on the Bill and then that we come back later with a Bill to abolish the Capitol Development Board."

Speaker Stiehl: "Representative Matijevich."

Matijevich: "Mr. Speaker and Members of the House. I rise to support this Bill. This is a recommendation of the Auditor General and the Appropriations Committee started a subcommittee last year at the behalf of the Auditor General. And that was continued this year with the Chairmanship of Jake Wolf and this is a recommendation, you know, we've got an Amendment to...for state employees, so that their insurance benefits do not decrease this year as compared to last year. With the monies that we will save with this bill we can provide for those benefits that we

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

66th Legislative Day

June 18, 1981

ought...to stay at the present levels, because that's how much monies that we can save. This is a good Bill, it is a recommendation of the Auditor General of the Audit Commission and a Committee of the Appropriations Committee. So, I would urge the Membership on both sides of the aisle to support it."

Speaker Stiehl: "Further discussion? Representative Deuchler."

Deuchler: "I plan to vote 'no' on this Bill. In some research that I have done and some information received from CDB, thirteen of the Illinois Junior Colleges are still facing litigation involving CDB, for some construction defects. I really don't think that their are track record entitles them to additional funding when there is some serious questions about what they have done to date. And also, as another Representative has mentioned, when they are going to single source suppliers for extremely large construction grants, I think this is another area that I would personally have some problems with."

Speaker Stiehl: "Representative McBroom."

McBroom: "I move the previous question."

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

Davis: "Well, thank you, Madam Speaker. I think you're misunderstanding, Representative Deuchler, Representative Vinson and Representative Robbins. This is the Illinois Building Authority, we're only transferring a clerical function to the Capitol Development Board for two years, until all functions cease to exist and until those bonds are defeased. We all have problems from time to time with the Capitol Development Board and certainly, Representative Deuchler, with the Public Buildings Commission who built

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

66th Legislative Day

June 18, 1981

the Junior Colleges. The Illinois Building Authority didn't do any of that, it doesn't do anything but sit there and make money for the bond holders and now we're going to return that money in escrow to the bond holders by gross defeasance and stop paying ourselves rent in this state to the tune of fifty-one million dollars a year, beginning in 1985, and 7.7 million in the current year. It has nothing to do with the Capitol Development Board, only as the receiving agency for a clerical and an insurance function. It's a very good Bill, I wouldn't sponsor it if it weren't. And if you've got problems with Capitol Development Board, then put in a Bill and I'll join you with it if that's what you want to do. But this is a good Bill."

Speaker Stiehl: "The question is, 'Shall Senate Bill 190 pass?' All those in favor signify by voting 'aye', those opposed 'no'. Have all those voted who wish? Have all those voted who wish? Daniels, 'aye'. Representative Vinson, would you please hit Representative Daniels button. Thank you. Have all voted who wish? Take the record, Mr. Clerk. On this question there are 140 voting 'aye', 9 voting 'no' and 7 voting 'present. This Bill having received the Constitutional Majority is hereby declared passed. Representative Collins, 'aye'. Representative Daniels in the Chair."

Speaker Daniels: "Senate Bill 191, Representative Hallock. Read....out of the record. Senate Bill 192, Representative Davis. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 192, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Daniels: "Representative Davis."

Davis: "Well, thank you, Mr. Speaker. I guess it's my time for a while here on the microphone."

Speaker Daniels: "Yes, Sir."

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

66th Legislative Day

June 18, 1981

Davis: "Senate Bill 192, Sponsored by Senator Randy Thomas is another version of the feticide murder Bill that we've discussed in this House on numerous occasions and it passed out of this House under my Sponsorship of HB...House Bill 65. This is a little different version and there is another version yet to follow sponsored by Representative Kelly. I think this is a very good version, in fact I think it's better than House Bill 65. The pro life groups are neutral on this particular Bill and this Bill would close the gap in the Greer case that was caused by the fact that the Supreme Court was silent on the Greer case Feticide Murder Bill. This Bill provides that, for purposes of the Section of finding in fact in trial of fetus murder by a third party, that the pathologist or physican performing fetal autopsy would determine, based upon the particular facts of case performed who has been capable at the time of his death of substain life. And for this reason, I think it is a better Bill than House Bill 65 which contained a third trimester, a murder provision in House Bill 65. And I recommend it to you as a very good Bill and I would answer any questions you might have."

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

Cullerton: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Cullerton: "Did this Bill get a hearing in any Committee in the House?"

Davis: "Well yes, Representative Cullerton, it was assigned to the Executive Committee."

Cullerton: "But, I see from the digest, if I understand it properly. There was a motion to discharge that Committee?"

Davis: "Well there was a motion to discharge that was never called. It was filed simply because of the deadline, it

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

66th Legislative Day

June 18, 1981

was heard in the Executive Committee, had a very thorough hearing as a matter of fact."

Cullerton: "And did they vote?"

Davis: "Oh, yes they did."

Cullerton: "What was the vote in the Committee?"

Davis: "The vote in the Executive Committee was 18 to nothing."

Cullerton: "I see, okay. Thank you."

Davis: "Oh, I beg your pardon, the Chairman may have voted 'present'. Did you vote 'present'?"

Cullerton: "I think it was 16 to 2, I just wanted to make sure..."

Davis: "I thought it was 18...maybe that was House Bill 65, I forget."

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

Stearney: "Will the Gentleman yield?"

Speaker Daniels: "He indicates he will."

Cullerton: "Turn me off."

Stearney: "Well, first I would like to preface my remarks by saying, perhaps we should exchange Bills, Mr. Davis. Send you all the criminal justice Bills and you send us the Executive Bills."

Davis: "Well, I have no quarrel with that..."

Stearney: "It would make it much more convenient for you."

Davis: "Representative Stearney, I have no quarrel with that."

Stearney: "However, my question deals with the subject, since you...is this a death penalty Bill?"

Davis: "No, it does not contain any provisions for the death penalty."

Stearney: "Okay. Now, if we're subjecting an individual to this punishment of murder as to killing a fetus, how would you...have you thought about what evidence would be required that the state must prove to show the defendant

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

66th Legislative Day

June 18, 1981

knew that the mother was pregnant."

Davis: "Well, we're assuming of course and we did in House Bill 65 and the other measures and the ones that will follow this one. That the trial court in a fact, in finding will have to prove knowledge of intent to murder the fetus."

Stearney: "Yes, but assuming the mother is one month pregnant and there's no visible signs."

Davis: "Well, this doesn't address that, Sir."

Stearney: "That would....the Bill would not apply then."

Davis: "That's correct."

Stearney: "So, in other words there has to be some visible signs to the defendant?"

Davis: "If you're asking for legislative intent, it would seem to me that no prosecutor in his right mind would prosecute unless there was visible signs."

Stearney: "Well, we want to know what your intent is, so...because the courts..."

Davis: "That's my intent. That is my intent."

Stearney: "....have intention for looking at legislative intent."

Davis: "That is my intent."

Stearney: "So, there should be some...some sign, visible sign that a defendant would know, be put on notice that the person is pregnant."

Davis: "Yes."

Stearney: "Now, second of all, as to defining life now. Because your Bill does say that the fetus has to be capable at the time of its death to sustain life outside of the mother's womb. Have you heard any medical testimony as to when the fetus would be capable of carrying on life outside of the mother's womb?"

Davis: "Well there was some testimony that was conjecture in my opinion because of the divergent medical testimony. I think that's best left in the language that's in the Bill

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

66th Legislative Day

June 18, 1981

to the pathologist or the physician performing the fetal autopsy and of course could be counted by a defense attorney with counter evidence."

Stearney: "Well but nevertheless, since you're passing such legislation I imagine some...you must have heard some medical testimony as to approximately what time the fetus is capable of sustaining life outside of the womb."

Davis: "Well as I recall last year when we were debating this Bill in Committee, that the medical society testified to their best knowledge, it was twenty-four to twenty-six weeks."

Stearney: "What is that again?"

Davis: "Twenty-four to twenty-six weeks."

Stearney: "Twenty-four to twenty-six weeks. Well, but you do know that the burden is on the prosecution in any homicide matter, to prove life before they can show death."

Davis: "Yes."

Stearney: "So, the burden is on them to show life by some medical testimony."

Davis: "That's correct."

Stearney: "Now the only testimony, I believe we heard was Mr. Utson, who is a lobbyist and we didn't hear any testimony from any doctors."

Davis: "That's correct."

Stearney: "And in that Executive Committee you didn't have any doctor testify, any physician testify as to what...when life can be sustained outside of the womb."

Davis: "That's correct."

Stearney: "And you don't know what problems would confront a prosecutor in attempting to move on such a measure."

Davis: "Well, a prosecutor drafted the language, the States Attorney of Rock Island County."

Stearney: "Rock Island. Where's that at?"

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

66th Legislative Day

June 18, 1981

Davis: "Rock Island County, Rock Island, Quad Cities."

Stearney: "Oh, I'm sorry. Well...thank you."

Speaker Daniels: "The Gentleman, Representative Kulas."

Kulas: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Kulas: "Representative Davis, does this Bill have an Amendment which provides for the manslaughter charge for spernicide?"

Davis: "I got the same letter you did. No, it doesn't, I guess, after I read the letter it should."

Kulas: "Is this Bill good small business?"

Davis: "It could be."

Kulas: "Thank you."

Speaker Daniels: "The Gentleman, Representative Davis to close."

Davis: "Well, I would simply tell you that it's a...the Bill addresses a very serious gap in the law of third party assailant on pregnant women. Facts of trial have to be proven by the prosecutor without a shadow of a doubt or beyond a reasonable doubt that the assailant had knowledge the woman was pregnant. All the safeguards I think are under a medical testimony on the possible life of the fetus itself. It's a much better Bill than House Bill 65 was when it left here, which only contained a third trimester provision and I simply recommend it to you, I believe it's a very very good Bill that will plug a gap in the law that's been nagging at this General Assembly for three years."

Speaker Daniels: "The Gentleman has moved for the passage of Senate Bill 192. The question is, 'Shall Senate Bill 192 pass? All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open and the Gentleman, Representative Dick Kelly from Cook to explain his vote. The timer is on."

Kelly, Dick: "Thank you, Mr. Speaker and Members of the House. I

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

66th Legislative Day

June 18, 1981

agree with Representative Davis, this Bill is better than the House Bill, I believe 65, which is similar in nature. It does cover that last period of pregnancy which gave me a little problem because I don't like protecting just a certain section and not protecting the earlier months of pregnancy. But House...Senate Bill 915 which I'm sponsoring is coming along next. I'm going to vote for this because Senate Bill 915 covers the entire nine month period of pregnancy so, the pro life groups do not have a position on this Bill and you'd certainly wouldn't have any problem voting either way and I'm going to support Representatives Bill."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Bill there are 115 'aye', 17 'nay', 11 'present'. Senate Bill 192 having received the Constitutional Majority is hereby declared passed. Senate Bill 243, Representative Davis. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 243, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill."

Speaker Daniels: "Representative Davis."

Davis: "Well, thank you, Mr. Speaker and I guarantee you this is my last Bill of the evening. Maybe of the Session. House Bill....Senate Bill 243, sponsored by Senator Grotberg is, I suppose controversial. It amends the death penalty statute and provides for lethal injection as a means of execution in this state. The testimony that was heard in Committee and Representative Stearney, was the Executive Committee again that heard the testimony. Was quite concerned on this subject and we had a long long discussion relating to this particular change in the method of execution in the State of Illinois. Now for those of you who are for the death penalty and voted for the death

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

66th Legislative Day

June 18, 1981

penalty, and I suppose I'm talking to Representative Kosinski, I have in my hand, I think an eloquent plea against this particular change and it's from the Illinois Coalition against the death penalty. And it's final paragraph says, to pass Senate Bill 243 would be to make this death so palatable that we would lose sight of exactly what it involved in the taking of a human life. Well, I can only tell you that....well, I support the death penalty the spectator of the circus that surrounded the Gilmore case and other highly celebrated cases of executions that have already taken place in the last few years. But the Circus atmosphere around this very sensitive subject that I found abhorrent myself. There are those of you who think that a convicted mass murderer or whatever, should be drawn and quartered and I understand that feeling. There are those of you who are oppose to the death penalty on any basis whatsoever. And believe me, philosophically I understand your arguments. I can only tell you that this particular alternate method of execution is humane, it can be performed in a setting that is totally devoid of a circus atmosphere, it can provide speedy and swift execution of a sentence of death that 80% of the people of this state seem to want and have adopted through our legislative activity and I believe for those of you who would see the Illinois Supreme Court finally rule on the death penalty that this would be a positive fact in that ruling and that they might feel more comfortable with this than with the electric chair in this state. Two other states have adopted this, Oklahoma and Texas who are noted for their liberal activities in the area of capital punishment. I believe it is time that this Bill should come to the Governor's desk and I believe that it is time that we address the humanness of executions. It's a morbid subject. It's one that a

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

66th Legislative Day

June 18, 1981

lot of people don't like to talk about, but it's time has come and I recommend to you that you vote 'aye' on this Bill."

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

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

Speaker Daniels: "Indicates he will."

Darrow: "Representative Davis, is a physician the person who is to administer this lethal dose?"

Davis: "No, it's not. A medical technician can administer and, as you know, now the execution method of the electric chair requires a physician in attendance to pronounce death and this Bill provides for the same thing. But a lethal dose of barbituates, which is suggested in the method of the Oklahoma and Texas statute, can be administered by a medical technician so that the hypocritical oath is not violated."

Darrow: "Is the medical technician in the State of Illinois licensed to handle these drugs?"

Davis: "Yes, I believe all of them are or could be, Representative Darrow, and I suggest to you that they're not subject to the bounds of the hypocritical oath."

Darrow: "Now, could you explain why you feel that the unborn child should be protected so carefully with the legislation you just passed and yet a grown individual should have no protection but should be executed?"

Davis: "Are you arguing... Are you asking for a philosophical definition of my, of my..."

Darrow: "I was just curious because of the order in which these Bills appeared."

Davis: "That wasn't my fault."

Speaker Daniels: "Representative Darrow, to the Bill."

Darrow: "I have no further questions. Let the people vote their

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

66th Legislative Day

June 18, 1981

own conscience."

Speaker Daniels: "Gentleman from Champaign, Representative Johnson."

Johnson: "Representative Davis."

Davis: "Yes, Sir."

Johnson: "I heard your explanation. What is the purpose of trying.. making what is, at least, a superficial effort to make execution more humane? Isn't execution by its very nature, whether it's wrong or right, something less than humane?"

Davis: "Representative Johnson, that bothered me a great deal and I must admit to you that I had some grave doubts about this when I was... when I had discussed this subject with the other Sponsor. That was an unfortunate term, Representative. I believe that execution is, of course, the final punishment regardless of how it is done upon the individual. It's the final punishment. It is a deterrent. I believe that, and I can only tell you that I seek with this Bill and Senator Groberg does to avoid the circus atmosphere that can turn a Gary Gilmore into a folk hero for other people and for younger people and for those who would possibly identify with that sort of bravado. I don't identify with that and I believe if we're going to get on the business of executing mass murderers and an arsonist and hit men and people of that nature by the law of this land and the Bill that you voted for, that this alternative method certainly would perceive..."

Johnson: "One more question and then I'll address the Bill. Why would this make a Gary Gilmore? Now, you understand, Utah has a firing squad and we have electrocutions. That's not exactly an apt analogy. But we had a Gary Gilmore in Illinois. Why would it make him any more or less a celebrity whether he was executed in the electric chair

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

66th Legislative Day

June 18, 1981

behind prison doors or whether he was executed by lethal injection behind prison doors?"

Davis: "It is not out of the realm of possibility that one day a federal judge may open the execution room and state... to the press and you could see the execution by the electric chair in your living room."

Johnson: "Okay. I guess if you executed him by lethal injection, you could see that process. From what I understand, it certainly would, at least, be some sort of a visual scenario."

Davis: "In a clinical, sterile setting of humane consequences."

Johnson: "Addressing the Bill."

Speaker Daniels: "To the Bill, Sir."

Johnson: "You believe how everyone feels about capital punishment, I think you really can't have it both ways. For those people who believe that capital punishment is a deterrent and that it's an effective deterrent to crime or the sorts of things that are covered under the capital punishment Bill, then it would seem to me that what you'd want to do is to probably go beyond what our law does now. To make executions public or at least quasi public, televised and to make the method of execution more gruesome than it is already. And if you don't, if you don't believe that it serves a deterrent effect, then perhaps something different, life imprisonment or something else is more appropriate. When we passed the capital punishment Bill in 1977, we had no law in Illinois because of our totally disorganized criminal justice system that would allow a judge to be certain that when that judge sentenced an individual to life imprisonment that that individual would truly serve a life term. The Class X reform package, the House Bill 1500 has changed that scenario. I don't want to offer an opinion on the death penalty at this point because

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

66th Legislative Day

June 18, 1981

that's not before us. But I am saying that I think to people who believe that capital punishment is a deterrent that making capital punishment what they say is sterile and inhumane or... humane is probably an inconsistency in terms. And for those reasons and really for no other reason, I can't support this Bill."

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

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

Speaker Daniels: "Indicates he will."

McAuliffe: "Representative Davis, is this part of the Governor's energy saving program?"

Speaker Daniels: "Representative Stearney."

Stearney: "Will the Gentleman yield?"

Speaker Daniels: "Indicates he will."

Stearney: "This Bill was around last Session. Am I right?"

Davis: "Yes."

Stearney: "Did it get out of Committee?"

Davis: "Senator Grothberg is sitting right here."

Stearney: "Did it get out of Committee?"

Davis: "No. Apparently it didn't. It was in Judiciary II."

Stearney: "It was in Judiciary II. And, by the way, what..."

Davis: "This year it was in Judiciary III."

Stearney: "By the way, what Committee did this Bill go to this time?"

Davis: "Judiciary III, the Executive."

Stearney: "Executive. Okay. Mr. Davis, in a more serious vein, let me ask you: is not the purpose of the death penalty to have a deterrent effect?"

Davis: "Yes, indeed."

Stearney: "And, if it is to have a deterrent effect, shouldn't you think it should have notoriety?"

Davis: "I'm sorry, Representative Stearney. I had..."

Stearney: "Let me repeat the question for you."

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

66th Legislative Day

June 18, 1981

Davis: "Please."

Stearney: "If it's going to be of any deterrent value, don't you think it should have notoriety?"

Davis: "The execution itself, of course, will be notorious, but I don't believe that anything is... Representative Stearney, let me finish the answer."

Stearney: "The question's been answered. Let me ask my next one. If it should have notoriety, then perhaps the death by electricution would be the best means because, if you are going to give them a simple injection, doesn't cause notoriety. Am I right?"

Davis: "Representative Stearney, mad dogs are not executed in the electric chair."

Stearney: "You're mentioning that you're interested in putting them to death, executing them in a humane fashion."

Davis: "That's precisely correct."

Stearney: "Mr. Speaker, let me address myself to the question. Before the Gentleman came to the General Assembly, I sat on the Judiciary Committee and I did vote for the death penalty and on this House floor I did vote for it when it became law. The purpose of the death penalty is to create a deterrent effect and how best to do it but to give it notoriety. You want to put the people on notice, the felons on notice that if they commit A, B, C, or D that they will go to the electric chair. And we want it in such a fashion that everyone does know that it is a heinous, it is a rather heinous means of putting a man to death, but, nevertheless, we're trying to create a deterrent so that people do not kill in the course of a robbery, burglary or in the commission of any forceable felony. But if we go about and do it in such a nice, humane fashion where he's taken aside, put in the little hospital room, antiseptic white, everybody wearing white and no one knows that he's

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

66th Legislative Day

June 18, 1981

every put to death, what deterrent effect would you have? We might as well abolish the death penalty if that's to be the case. This here Bill should be defeated."

Speaker Daniels: "Representative Vitek."

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

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

Davis: "Thank you, Mr. Speaker and Members. You know, I think the arguments are a bit hollow. The power of society to take a life is a terribly deterrent factor or this House and the Senate and the people of this state wouldn't have authorized the death penalty statute in the first place. It's the final, the ultimate punishment. And I made the comment not in jest to the Representative who spoke before. Mad dogs are put to sleep. The notoriety attached to a clinical, humane death penalty execution of sentence is equal to any other execution of sentence. And I suppose maybe even I'm a little back off of the idea of hair frying and eye balls popping out in an electric chair. I want to say that because it's true. Now the State of Texas has dismantled its electric chair. The State of Oklahoma has. The State of Texas has set up a procedure where three medical technicians, behind a blind draw which hence will inject barbituates, first a sedative and then barbituates until death. What could be more deterrent than that? The power of society to take a life is the deterrent. The Supreme Court hasn't seen fit to act upon what this General Assembly did in 1977 and I believe this Bill might help them off the edge and get about the business of the ultimate punishment the people of Illinois have demanded in this state and this General Assembly finally responded. I

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

66th Legislative Day

June 18, 1981

believe it's a very good Bill. I believe it's something that all of us can be proud of our vote and I suggest to you that it's a good 'aye' vote."

Speaker Daniels: "Question is, 'Shall Senate Bill 243 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. The Gentleman from Cook, Representative Dick Kelly, to explain his vote. The timer's on, Sir."

Kelly: "Yes, thank you, Mr. Speaker. I am going to support this proposal even though I tried to Sponsor an Amendment in Committee which would have made this an optional program. I happen to feel very strongly. It's a deterrent. If you know that you're going to die and the way you were going, as it was pointed out earlier, maybe some of the Members may have a problem with this long work schedule. But there are some little problems which I was going to ask questions about. Such as how it's going to be administered. I don't know whether the person being executed is going to be used to inject it from the front or back or be used for a dart board or what have you. But I do think that this will have a deterrent and I know that, if anyone sees the electric chair in its operation, they would want to move in that direction. So, I'm going to support his Bill."

Speaker Daniels: "Gentleman from Cook, Representative Jack Dunn, to explain his vote. The timer's on, Sir."

Dunn: "Mr. Speaker, Ladies and Gentlemen of the House. It's been said that hanging is inhumane. Electrocutation is inhumane, slightly less. Injection is even a little bit less more inhumane. But the bottom line is the same. I submit to you, it is still a deterrent. The law should reflect the will of the people. We had a referendum some years ago and the people said we should have a death penalty, but it's not happened. Look at Speck. Look at Gacey. The I57

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

66th Legislative Day

June 18, 1981

murders. Those people are still in jail and I think it would be a deterrent. It is less inhumane. I support the Bill."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? The Gentleman from Cook, Representative Huff, to explain his vote. The timer's on, Sir."

Huff: "Yes, Mr. Speaker, in explaining my vote, I want to take the position that this Bill, 243, is counting itself as a deterrent is no deterrent at all, Ladies and Gentlemen. There hasn't been an execution since 1961 across this nation and the only two prisoners that's been executed in the last four years petitioned the state themselves to execute. That's why Gary Gilmore is regarded as a folk hero. There are over 5000 convicts on death row and I guarantee five years from now they'll still be sitting there 20,000 per year. The only deterrent that the criminals fear in this nation, Ladies and Gentlemen, is the hands off Amendment. When... Now, each year, each year there's 10,000 deaths in this country due to guns. I guaran... (cut off). I'm almost through, Mr. Speaker. I guarantee if you cut off the hands of 200, you won't have any death by hand guns the following year. That is a deterrent. And believe me, Mr. Speaker, the hands off Bill is coming."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Gentleman from Will, Representative Davis, to explain his vote. Timer's on, Sir."

Davis: "I just want to remind all of the 'present' votes up there and those of you who think that we're hurting the deterrent effect and my running mate, Representative Leinenweber, who I see is not voting for it and should be. The truth of the matter is, Ladies and Gentlemen, the people who oppose the death penalty don't want this Bill. This Bill makes the

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

66th Legislative Day

June 18, 1981

death penalty palatable. This Bill will encourage juries to sentence to death who are squeemish about the electric chair. Now, this Bill will enhance the deterrent ability of the death penalty statute that all those 'present' votes voted for. Now, let's get another 14 votes up there and put this Bill on the Governor's desk. And if he's made of the stern stuff that you all 'present' votes seem to think he is, he'll veto it if he doesn't like it. But let's get on with the business of getting the Supreme Court off the dime and trial juries in this state off the dime and give them something that they can live with that the other guy can die with."

Speaker Daniels: "Gentleman from Edgar, Representative Woodyard, to explain his vote. Timer's on, Sir."

Woodyard: "Yes, Mr. Speaker. Two years ago over here I happened to sit in on a Committee hearing when this same Bill was argued at that time. There were about 200 people down here who were opposed to capital punishment. The reason that has been put forth this afternoon certainly was because this deters capital punishment. I happen to believe in capital punishment. The reason these people were opposed to this Bill is because they are afraid that a jury will initiate capital punishment more than they will now. I urge your support of this Bill."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. Representative Bradley 'no'. Gentleman requests a poll of the absentees. Representative Davis requests a poll of the absentees. Proceed with the poll of the absentees."

Clerk O'Brien: "Poll of the absentees. Collins. Conti. Domico. Ewell. Farley. Garmisa. Huff. Laurino. Lechowicz. Margalus. McGrew. Redmond. Ronan. Irv Smith. White and

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

66th Legislative Day

June 18, 1981

Yourell."

Speaker Daniels: "Representative Huff, did you desire to vote, Sir? Representative Huff, did you desire to vote? On this Bill there are 82... Huff, Representative Huff 'no'. On this Bill there are 82 'aye', 47 'nay', 33 'present'. Gentleman puts it on Postponed Consideration. Senate Bill 286, Representative Huff. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 286, a Bill for an Act creating the Chicago Community School Study Commission. Third Reading of the Bill."

Speaker Daniels: "For what purpose does the Gentleman from Lake, Representative Matijevich rise?"

Matijevich: "Mr. Speaker, an hour ago I said that I thought that it was unreasonable that we are here or could be here till midnight. I understand the Speaker's at his daughter's graduation and I know if my son is graduating that's where I'd be. But I'll be damned if I were Speaker of the House I would let somebody be here from seven o'clock in the morning as I have been and be here till midnight. Now, I think that somebody can get a hold of him and tell how unreasonable that is. If I have to be here all day working here and then have to be here again in the morning for an 8:00 meeting, I think that's unreasonable. Now, don't tell me you can't get a hold of him because you can. Let's get on the ball and get him because there's no reason why we have to be here till midnight and he can be at his daughter's graduation. I want him to be there but I don't want to be here till midnight."

Speaker Daniels: "Senate Bill 286, Representative... Representative Pullen."

Pullen: "Mr. Speaker, I'm glad the Gentleman says that he wants the Speaker to be at his daughter's graduation. Personally, I can vote my own switch without Mr. Ryan being

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

66th Legislative Day

June 18, 1981

here and I hope Mr. Matijevich can do the same."

Speaker Daniels: "Representative Johnson."

Johnson: "You know, it's one thing, Mr. Speaker and Ladies and Gentlemen of the House, for us to have... to make comments to one another about the proper way to run the House and so forth, but for a Member of this House who I really have the highest respect for and has been here far longer than most of us to make a public attack on a Gentleman who has spent inordinate amount of time since ... during his tenure as Speaker trying to run this House and be a responsible Speaker, working with the problems of transportation budget and on and on to make a public attack on him I think is just unjustified. We've sat here I think for five months under Speaker Ryan's leadership, and I think, in keeping with... Do you mind if I finish? I want to finish. If you want a point of order or make your comment, make them John. We were here... I have been for four years and many of the Members here for six years under Representative Redmond's leadership. He did a good job. He was a fair Speaker, just as Representative Ryan's been. And never in those four years when I was here and I presume the two years before that did anybody get up on the House floor and say that they didn't believe that Representative Ryan ... or Representative ... Speaker Redmond ought to have dinner with his daughter or that he should be in their room talking about issues or whatever it might be. And I think that to question his motivations and to cast a personal attack on the Speaker really attacks all of us. I'm really disappointed that in a public vein, Representative Matijevich, who normally is the last person in the world to cast any despersions on this House where he's served so respectively for so long, I think is a bad practice and I hope that it doesn't happen again."

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

66th Legislative Day

June 18, 1981

Speaker Daniels: "Representative Matijevich. Excuse me.
Representative Madigan. Representative Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, with regard to Mr. Matijevich's request. I have spoken with the Majority Leader. I've spoken with Mr. Newton, who I believe is an assistant to Speaker Ryan and I've apprised both of them that Members on this side of the aisle are concerned that there is expected to be a postponement of the deadline for consideration of Senate Bills in the House. I understand that that matter was under consideration in the Republican Conference today and was approved by the Conference. If it wasn't, so be it. It's under consideration. There's a good possibility that there will be an extension of the deadline and if that is the case, then there is a very legitimate question as to why we should be required to work until 11:00 or 12:00, especially when some of our Members were present this morning in this building at 7:30 in the morning for the Appropriations Committee. I think that it's a legitimate request. It should be addressed, and, for my part, I don't see any need to stay here until 11:00 or 12:00 when there are so many days remaining, especially in light of the ability to postpone the deadline."

Speaker Daniels: "Representative Matijevich."

Matijevich: "Mr. Speaker, I didn't intend that to be a personal attack against the Speaker at all. I really didn't and I really mean it when I say that if my son were graduating, I'd be there. The only thing I said that I don't think it's reasonable for us to be here. I, you know, somebody's voting the Speaker's switch and I'm not saying anything about that, but after Penny attacks me about voting switches, I guess I ought to attack that too. I could attack Representative Johnson and he knows it. Now, let's

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

66th Legislative Day

June 18, 1981

forget about those personal attacks. That's not what I meant. I meant that I think it's unreasonable for us to be here because some of us have been here since 7:00 in the morning. And believe me it will be on somebody's conscience if one of us keels over, and I don't think that's a personal attack to anybody. I mentioned Jake Wolf who had pains. Last week Roman Kosinski did in our Committee and that's all I'm saying; that it will be on somebody's conscience because these last two weeks are very critical when it comes to someone's health. If somebody interprets that as an attack on the Speaker, I apologize to the Speaker. That's not the way I intended it at all."

Speaker Daniels: "Representative Boucek."

Boucek: "Thank you, Speaker Daniels. Speaker Ryan, I'm sure, has reason to be where he's at. I, for one, know that he worked here all day Saturday and Sunday while the rest of us were back in our districts, and I don't think he has to account to anyone. I think he's doing a splendid job and he has appointed Speaker Daniels to be in charge of the Chair. Speaker Daniels, it is your responsibility to get on with the business of this House and do what we were elected to do."

Speaker Daniels: "Ladies and Gentlemen of the House. I understand your concern, Representative Matijevich. It is being taken under consideration. The Speaker is unavailable at the present time. He will be returning to the capitol as soon as possible. Our instructions are to proceed until midnight as everyone was informed earlier today, and we appreciate your concern. We'll do our best to proceed as instructed. Gentleman, Representative Huff, on Senate Bill 286."

Huff: "Mr. Speaker, I'm right in the middle of a Rothschild. Would you take this out of the record, please?"

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

66th Legislative Day

June 18, 1981

Speaker Daniels: "Out of the record. Senate Bill 589, Representative Swanstrom. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 589, a Bill for an Act providing for registration of farm names in the Soil and Water Conservation Districts Act. Third Reading of the Bill."

Speaker Daniels: "Representative Swanstrom."

Swanstrom: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In the spirit of harmony and cooperation I offer Senate Bill 589 for your consideration. Senate Bill 589 raises the fee for recording a farm name in the county recorder's office from one dollar to five dollars. There are also two other provisions of the Bill. The second one being that it provides that the Attorney General shall represent soil and water conservation districts and provide legal services as may be required. Thirdly, it repeals a Section of the Soil and Water Conservation Districts Act which made all districts subject to the Illinois Administrative Procedures Act."

Speaker Daniels: "Gentleman has moved for the passage of Senate Bill 589. On that issue, Gentleman from Cook, Representative Getty."

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

Speaker Daniels: "Indicates he will."

Getty: "Representative, yesterday this was taken out of the record because of a question concerning the second two points that you raised. What is the position of the Attorney General? Does he welcome adding the responsibility for representing local soil and water conservation districts?"

Speaker Daniels: "Mr. Swanstrom."

Swanstrom: "Representative Getty, the Attorney General's Office has agreed to take on this responsibility. They have been in contact with the soil and water conservation districts."

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

66th Legislative Day

June 18, 1981

They do not feel that there is going to be any added cost in this, and my information comes from Dick Cosby who is with the Attorney General's Office."

Getty: "Alright. Now, the third point is your elimination of the Administrative Procedures Act to the proceedings of soil and water conservation districts. That will, of course, have the impact of putting matters directly into courts. That is local circuit courts rather than procedures under the Administrative Procedures Act which will, of course, require the Attorney General to represent the soil and water conservation district. Have you discussed that aspect of it and what is the rationale for eliminating the Administrative Procedures Act from procedures of the soil and water conservation districts?"

Swanstrom: "Representative Getty, it is my understanding that, at the present time, the soil and water conservation districts are the only units of local government which must clear all their rules and regulations with the Joint Committee on Administrative Rules. The districts must also comply with the Department of Agriculture guidelines which are considered pretty stringent. Having each of the 98 districts clear all of their rules with the Administrative Rules Committee is pretty slow and repetitive process. And, for this reason, both the Committee and the districts have agreed to eliminate this requirement."

Getty: "You say this has the support of the Committee?"

Swanstrom: "That is correct."

Getty: "Thank you, Sir."

Speaker Daniels: "Gentleman from McLean, Representative Bradley."

Bradley: "Thank you, Mr. Speaker. A couple of questions for the Sponsor, if I might."

Speaker Daniels: "Indicates he'll yield."

Bradley: "The synopsis says that we're raising the ... from a

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

66th Legislative Day

June 18, 1981

dollar to five dollar to register the name of a farm. Is that correct?"

Swanstrom: "That is correct, Representative Bradley."

Bradley: "What do we do with that five dollars? Where does it go?"

Swanstrom: "That just goes to the recorder's office. This was a series of Bills that the Recorder's Association requested in an attempt to help out with their expenses."

Bradley: "The recorder?"

Swanstrom: "That is correct."

Bradley: "Does this go into the general fund or their recorder of deeds or where does it go? In the county coffers, the state?"

Swanstrom: "I would say it goes to the county recorder's office."

Bradley: "In other words, this is kind of an increase in taxes on somebody just because he names his farm Swanstrom Acres or whatever it might be. Correct?"

Swanstrom: "I don't look at it as a tax increase. It's an administrative cost involved here."

Bradley: "What? In registering the name of a farm is a huge cost? What Committee did this go through? The Agricultural Committee?"

Swanstrom: "Counties and Townships."

Bradley: "Who asked or who requested it? What's the purpose of the Bill? I guess maybe that would be the final question."

Swanstrom: "This Bill comes at the request of the County Recorder's Association of Illinois."

Bradley: "If I might speak to the Bill, very briefly. Mr. Speaker and Ladies and Gentlemen of the House..."

Speaker Daniels: "Proceed."

Bradley: "...it seems to me to be a rather dubious Bill with not much distinction as to, and no reflection on the Sponsor and the House at all, but I know what's going to happen

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

66th Legislative Day

June 18, 1981

back in the farm district if I go back home and somebody says, 'Well you raised my licensing fee from a dollar to five dollars just to register my farm with the recorder of deeds'. Maybe we shouldn't have any fee at all and let them just go ahead and put the sign up in the front yard and say this is Madigan's Acres or whatever it might be. It rather lacks any kind of distinction at all insofar as a really good piece of legislation. Are there legal fees attached to this, Mr. Swanstrom?"

Swanstrom: "Not at all."

Bradley: "There are no legal fees attached to the Bill? The Attorney General have anything to do with this with any kind of legal fees?"

Swanstrom: "I don't believe so, no. I might point out to Representative Bradley and to my other colleagues that if, for instance, I own a farm. It is completely up to me whether or not I want to register the name of that farm. I don't want anybody to be misled that for every farm owned in Illinois they are being forced to register the name of their farm."

Bradley: "In our analysis it also says the Attorney General shall represent and provide all legal services. That was my question about the legal services. That he shall provide all legal services as may be required for the county soil and water conservation district. Right or?..."

Swanstrom: "That is correct for soil and water conservation districts. You were addressing yourself earlier to the registration of farms."

Bradley: "What kind of charges would there be that the Attorney General would make if he's going to provide those services and who pays for those services?"

Swanstrom: "If the Attorney General is called upon to handle any law suit that soil and water conservation districts may be

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

66th Legislative Day

June 18, 1981

involved in any environmental type case, it would come out of the Attorney General's appropriation fees for handling that case."

Speaker Daniels: "Representative Van Duyne, do you want to add to that?"

Van Duyne: "I wanted to try to help out a little bit. As I understand this when we heard this Bill in Committee, the general purpose of the Bill is for that. The people who serve on these soil and water conservation districts may find themselves in some kind of a legal entanglement put to them because of some suit brought against them by some citizen. The paragraph there just refers to the fact that the Attorney General will be their lawyer so that the individuals don't have to go through the expense of defending themselves in court."

Speaker Daniels: "Representative Jaffe."

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

Speaker Daniels: "Indicates he'll yield."

Jaffe: "Where else do we have a precedent for the Attorney General representing a local unit of government? Is there any other place where the Attorney General represents a local unit of government?"

Swanstrom: "I don't know of any other local units, Aaron, myself, but we establish soil and water conservation districts by state law. It is for that reason that they believe that, in case of a law suit, the Attorney General should represent them."

Jaffe: "If I may address the Bill. It would seem to me..."

Speaker Daniels: "Proceed, Sir."

Jaffe: "... It would seem to me that for the first time we're saying, 'Okay. We're going to give the Attorney General authority to really go into local units of government and be their legal council'. No place in law do we do this and

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

66th Legislative Day

June 18, 1981

I can't really understand why the Attorney General wants to do it outside of the fact that perhaps he wants a little bit more patronage. I think that's basically what Senate Amendment #1 is. Let's get the Attorney General more patronage. Let us go in and let him be the attorney for local units of government. Even if local units of government don't want him, he's going to be their attorney. I think it's a very bad precedent. I think it's a very bad concept and I think we ought to vote against this Bill."

Speaker Daniels: "Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. Just to help clarify this as Representative Swanstrom said. The 98 soil and water conservation districts have been established by action of the General Assembly and being signed into law by the Governor. They operate under very limited funds. Many, if not most of them, come from appropriations out of this and other chamber, and what has happened wherever they had some problems dealing with law suits those funds were being used for service in the legal profession which completely drained their source of supply for the original intent of soil and water conservation commitment within that district. Since it has been set up by law, this is why it is felt that the Attorney General then really is in a position to represent them should that ever arise. I don't think that the Attorney General will be overworked in any way, shape or form and may never even be called upon, but this is made available so that funds that are very limited can be used in implementing the soil and water conservation program that, on many occasions, we have directed them to do by law too."

Speaker Daniels: "Representative Swanstrom, to close."

Swanstrom: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Just in closing other than the fee increase. There

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

66th Legislative Day

June 18, 1981

have been a lot of questions raised on this Bill and I don't believe it's nearly as complicated as some would make it out to be. In water ... soil and water conservation districts they are a governmental unit whose authority stems from what we, in the General Assembly, do. Their incomes are pretty fixed. They don't have a great deal of money. They handle whatever type of law suit may be brought against them. The Attorney General stands in support of this Bill and I would appreciate a favorable Roll Call."

Speaker Daniels: "Gentleman's moved for the passage of Senate Bill 589. The question is, 'Shall Senate Bill 589 pass?'. All those in favor will signify by voting 'aye', oppose by voting 'no'. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. Representative Fawell 'aye'. On this Bill there are 128 voting 'aye', 13 'nay', 1 'present'. Senate Bill 589, having received a Constitutional Majority, is hereby declared passed. Representative Vinson, for what purpose do you rise, Sir?"

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to take Senate Bill 148 from the table and place it on the Calendar on the Order of Second Reading, First Legislative Day."

Speaker Daniels: "Explain the Bill, Sir. What is that?"

Vinson: "It indexes the income tax, the exemption from the income tax."

Speaker Daniels: "Have you cleared that with the other side of the aisle, Sir?"

Vinson: "I believe they'll vote for it."

Speaker Daniels: "You have cleared it with the them. Yes, he has clear that with the other side. Gentleman has moved that we take Senate Bill 148 from the table, place it on Second

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

66th Legislative Day

June 18, 1981

Reading, First Legislative Day. It takes 107 votes. All those in favor will signify by voting 'aye', opposed by voting 'no'. Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On the Gentleman's Motion there are 130 voting 'aye', 12 'nay', 4 voting 'present'. The Gentleman's Motion to take from the table, place on the Order of Second Reading, First Legislative Day, Senate Bill 148 hereby declared passed. Motion prevails. Senate Bill 591, Representative Bower. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 591, a Bill for an Act relating the leasing of oil and gas where the owners cannot be located. Third Reading of the Bill."

Speaker Daniels: "Representative Bower."

Bower: "Thank you, Mr. Speaker. I ask leave to take this Bill back to the Order of Second Reading for the purpose of an Amendment."

Speaker Daniels: "Gentleman requests leave to return Senate Bill 591 to Second Reading for purpose of an Amendment. Does he have leave? Leave is granted. Second Reading. Are there any Amendments?"

Clerk O'Brien: "A Motion to table Amendment #1."

Speaker Daniels: "Representative Bower."

Bower: "I wish to withdraw that Motion."

Speaker Daniels: "You wish... Is that your... Who's Motion is that?"

Bower: "Mine."

Speaker Daniels: "Alright. Gentleman withdraws his Motion to table Amendment #1."

Bower: "Now, we want to move to Amendment #2."

Speaker Daniels: "Any further Amendments?"

Clerk O'Brien: "Amendment #2..."

Speaker Daniels: "Who's the Sponsor of that Amendment, Sir?"

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

66th Legislative Day

June 18, 1981

Bower: "I am."

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

Bower: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment I started to offer last night. Representative Getty raised a question and I didn't get a chance to explain it because it was taken out of the record. The Amendment... Amendment #1 was put on by Representative Robbins to address a serious problem in many of the southern counties of Illinois concerning the disposal of oil field brine, or salt water. The Amendment that I am offering would correct some definitions and make clarifications in the intent of that Amendment that Representative Robbins put on. He is in agreement with it. I've discussed it with Representative Getty. I believe he has no objections. The Senate Sponsors have no objections and the Oil and Gas Association have no objections to it. It corrects the definition of salt water brine to oil field brine and makes clarifications in the method of its transport. If there are any questions, I'd be happy to answer them; otherwise, I would ask for its adoption."

Speaker Daniels: "Gentleman moves for the adoption of Amendment #2. Are there any questions? Question is, 'Shall Amendment #2 be adopted?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #2 is adopted. Any further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Representative Bower."

Bower: "Yes, Mr. Speaker, I would like to have leave to have the Bill considered on Third. I discussed it with Representative Getty and they have no objections."

Speaker Daniels: "Alright. First of all, Third Reading, Senate Bill 591. The Bill has already been read a third time. Is that correct, Mr. Clerk?"

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

66th Legislative Day

June 18, 1981

Clerk O'Brien: "The Bill has been read a third time previously."

Speaker Daniels: "Gentleman asks leave to suspend the appropriate rule and have the Bill heard on Third Reading. It takes 107 votes. All those in favor will signify by voting 'aye', opposed by voting 'no'. Have all those voted who wish? Clerk will take the record. On the Gentleman's Motion there are 131 voting 'aye', none voting 'nay'. The Motion prevails. Senate Bill 591, Third Reading. Representative Bower. It's already been read a third time. Representative Bower."

Bower: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Thank you for letting me consider the Bill on Third Reading at this time. Senate Bill 591 addresses two very important issues facing the oil and gas producing communities of Illinois and, for those of you that do not live in the southern one-half of Illinois, Illinois is a very active oil and gas producer with the production and exploration increasing every day. Senate Bill 591, before the Amendment and the Amendment is really a completely separate portion, provides a statutory procedure to ascertain the ownership of mineral interests where there are unknown owners and sets up a procedure by which those leases can be let. What has happened is sometimes the mineral interest becomes so fracturalized over the course of 40 or 50 or 60 or more years that there is somebody who has a very, very minute interest who cannot be ascertained. It has tied up the leasing of many acres of land in Illinois. This sets up a procedure where the person who wishes to lease it could file a complaint in circuit court, would give proper notice to the unknown owner through publication which is a normal procedure where you have unknown parties in a law suit. Then, if a person who owned that interest came forward, they would immediately be taken

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

66th Legislative Day

June 18, 1981

out of the suit. If they did not come forward, a trustee would be appointed who could make a lease with the would be lessor for no less than what any other lessor made or any other leasee received consideration. The share that that person would get, that unknown party, would then be put into a escrow account where it could be claimed upon proper identification. It is of absolutely no financial benefit to the oil companies. It is merely a way the land that cannot otherwise be leased because an owner is unknown can now be leased, could be leased under this procedure. It protects that unknown party and their interests that they can claim their money when they are identified. The second portion of the Bill which is the Amendment that we just amended addresses a serious problem of illegal disposal of salt water from oil field productions. One of the bi-products of most oil explorat... or most oil production is the production of salt water and, in many of the counties of central and southern Illinois, the salt water, which will kill any vegetation that it touches, has been illegally dumped on the highways and fields and country roads. This would set up a licensing procedure that would control that situation, would make for legitimate hauling and a bonding procedure. I'd be happy to answer any questions and would ask for an 'aye' vote."

Speaker Daniels: "Gentleman has moved for the passage of 591. Being no discussion, question is, 'Shall Senate Bill 591 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Bill there are 156 'aye', 7 'nay', none voting 'present'. Senate Bill 591, having received a Constitutional Majority, is hereby declared passed. I have

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

66th Legislative Day

June 18, 1981

been asked by Representative Huff to return and pick up his Senate Bill 286. Representative Huff, Senate Bill 286. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 286, a Bill for an Act creating the Chicago Community School Study Commission. Third Reading of the Bill."

Speaker Daniels: "Representative Huff."

Huff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill... Senate Bill 286 creates the Chicago School Study Commission to consider the creation of new school districts in Chicago and restructuring present Chicago school systems. This has both bi-racial and bi-partisan support. I know of no known opposition. I beg your... I solicit your 'aye' vote."

Speaker Daniels: "Gentleman's moved for the passage of Senate Bill 286. Being no discussion, question is, 'Shall Senate Bill 286 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Bill there are 151 'aye', 7 'nay', 1 voting 'present', and Senate Bill 286, having received a Constitutional Majority, is hereby declared passed. Senate Bill 642, Representative Kustra. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 642, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Daniels: "Representative Kustra."

Kustra: "Thank you, Mr. Speaker. I'd like to request leave to return this Bill to Second Reading for the purpose of an Amendment which Representative Hoffman has requested."

Speaker Daniels: "Gentleman's request leave to return to Second Reading. Does he have leave? Leave is granted. Second

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

66th Legislative Day

June 18, 1981

Reading, Senate Bill 642. Any Floor Amendments, Mr. Clerk?"

Clerk O'Brien: "Amendment #1, Hoffman, amends Senate Bill 642..."

Speaker Daniels: "Representative Hoffman, Amendment #1. Representative Kustra."

Kustra: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The Veteran's Scholarship Program appropriated 1.7 million dollars last year. It ran out of money and there has been a shortfall. What that means is that some students were not able to get...or they were reimbursed but the institutions which they attended were not able to recover the cost. What this Bill does is say that when, in the future, an appropriation is insufficient to provide for such benefits to all persons entitle thereto, the benefits provided to each person shall be proportionately reduced by the Department to the extent necessary. I'd ask for your favorable consideration."

Speaker Daniels: "Gentleman's moved the adoption of Amendment #1. Are there any questions? Being none, the quesiton... oop. Representative Schneider. Excuse me, Sir. Yes, I'm checking my best, Sir."

Schneider: "Did the supplemental for the Scholarship Commission of this year offered by one of our Members become adopted? That was a 13...How much was it this year, Gene? Three million?"

Speaker Daniels: "Representative Hoffman."

Hoffman: "Under the present situation, it's a million eight from the Veteran's Scholarship Commission. Because of the attitude toward supplemental, I have an Amendment which is going onto Senate Bill 312 to move next years appropriation up and that will cover that with an Amendment that McGrew has."

Schneider: "How soon will they know about the proportionate

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

66th Legislative Day

June 18, 1981

share?"

Hoffman: "Proportionate share will be in the future. We plan to.."

Schneider: "How soon do the kids know about it?"

Hoffman: "It won't be the kid, it will be against the school because the kid has absolute, the student has an absolute right to the total amount. That's been determined. It will be proportionate against the school, not against the veteran who's on the scholarship."

Speaker Daniels: "Representative Wolf."

Wolf(J. J.): "I'm sorry. I didn't quite hear exactly what you were doing with this, Mr. Kustra."

Speaker Daniels: "Representative Kustra."

Kustra: "The institutions, the Veteran Scholarship Program ran out of money this year. They were appropriated 1.7 million and so some of the schools, especially community colleges which are on quarters rather than semesters that wound up without the money to pay back the students. So what we're doing here is providing for a new system of apportioning the Veterans Scholarship Program. It provides for a prorated system so that all institutions get treated equally. Those on semesters and those on quarters."

Wolf: "Thank you."

Speaker Daniels: "Gentleman's moved for the adoption of Amendment #1. All those in favor signify by saying 'aye', opposed 'nay'. The 'ayes' have it and Amendment #1 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments?"

Speaker Daniels: "Third Reading. Gentleman has moved, pursuant to rule 35C, to suspend the appropriate rules to have this Bill heard on Third Reading. It takes... Does the Gentleman have leave to use the Attendance Roll Call? Hearing no objection, leave is granted. Senate Bill 642,

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

66th Legislative Day

June 18, 1981

Third Reading. It's been read a third time.
Representative Kustra."

Kustra: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The original Bill passed the Senate Bill 51 to nothing and was heard in the Higher Education Committee and passed that Committee by 12 to 1. It amends the Higher Education Student Assistance Loan. Presently, the Scholarship Commission awards two kinds of grants, an academic award and a monetary award. The academic award is based solely on scholarship and it's a grant of up to a thousand dollars. The monetary award is based on need. Those students who win the academic awards of a thousand dollars then can also apply for a monetary award based on need. However, at the present time, the Scholarship Commission does not compute the one thousand dollars as part of the parents income when considering the monetary award side of it, and what this does is to require the Scholarship Commission to consider an academic grant of up to a thousand dollars as a form of financial assistance in the formula used to determine a families ability to finance post secondary education. I'd ask for your favorable consideration."

Speaker Daniels: "Gentleman's moved for the passage of Senate Bill 642. On that question, the Gentleman from Cook, Representative Keane."

Keane: "Yes, question of the Sponsor."

Speaker Daniels: "Indicates he'll yield."

Keane: "I'm sorry, I missed your explanation of the Amendment that was just put on this Bill. Could you quickly review that?"

Kustra: "Yes, the Amendment deals with the Veterans Scholarship Program. A 1.7 million dollar appropriation. They ran out of funds this year. This would provide in the future when

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

66th Legislative Day

June 18, 1981

they run out of funds that those funds be prorated so that all students are treated equally. At the present time, the students attending schools that are on semesters get the money first. Schools that are on quarters, the community colleges are treated unequally and this would just equalize that."

Keane: "You said that once they run out of money, they will then proportion it. If they run out of it, there's nothing left. Could you go over it again?"

Kustra: "What it says is that the appropriation for benefits under this Section in any fiscal year, if they are insufficient to provide such benefits in full to all persons entitled thereto, the benefits provided to each person shall be proportionately reduced by the Department to the extent necessary. It's Representative Hoffman's Amendment."

Keane: "Okay, so that, in other words, if there's only enough for first semester schools and two tri-mesters, two quarters, what would the semester basis school get? Would they get a semester in the tenth? Do you understand my question? In other words, if you start in September, you apportion the money out. You have enough money for every student that applies at a school that's on a bi-semester, two semester year. You have enough for schools that are on tri-semester and you have enough for schools on quarter. Now, what happens, if after the second quarter and the second trimester, you run out? That would carry those students beyond what the two semester school, those students in a system that uses two semesters, and you would have an inequity there."

Kustra: "As Representative Hoffman explains it to me, the real problem lies with those community colleges in the second... the community colleges in the third quarter. The students

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

66th Legislative Day

June 18, 1981

that enroll in March. The students who enroll in the second semester in January are covered. It's the students who are in the community colleges enrolling for the third quarter in March that come up with the shortfall."

Keane: "So all schools would then cut back based on a calendar time rather than on semester."

Kustra: "That's correct."

Keane: "Thank you."

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

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

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

Kustra: "Thank you, Mr. Speaker. The idea behind this Bill is simply to take need into account when awarding monetary awards under the Scholarship Commission, and it seems fair that when a student is awarded a one thousand dollar academic grant that that be counted as part of that students' or the family of that students' financial assistance in taking care of financing of a higher education. And that's really all this Bill intends to do. I'd ask for your favorable consideration."

Speaker Daniels: "The question is, 'Shall Senate Bill 642 pass?'. All those in favor signify by voting 'aye', opposed by voting 'nay'. The voting is open. The Gentleman from Cook, Representative Preston, to explain his vote. Timer's on. Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I have to rise in opposition to this Bill because what the General Assembly has seen fit to do is to take into consideration the need of scholarship recipients. We

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

66th Legislative Day

June 18, 1981

give scholarships taking into the consideration the sex of the recipient. We give scholarships taking into consideration the ethnic origin of the recipient. The only thing that we do not seem to see fit to do with our scholarships is to take into consideration scholarship. The Bill.. .the law prior to this Bill gives an award based on excellence, on merit, on scholarship and what this Bill does is it takes away that incentive from the award. It puts you in the same category as if you didn't show that academic excellence, if you didn't show that scholarship ability... (cut off)."

Speaker Daniels: "Representative Preston."

Preston: "... and it's for that reason I think we should look at this and vote this down so that at least there are some additional avenues for scholarship to be approved by the Members of this Body. Therefore, I'm voting 'no'. Thank you."

Speaker Daniels: "Representative McClain. Timer's on, Sir."

McClain: "Thank you, very much, Mr. Speaker. Ladies and Gentlemen of the House, unless I'm misreading this Bill, this Bill seems to me to be anti-private schools because more private schools would give academic awards in a greater amounts than in public schools. That would; therefore, lessen the monetary award that those students would receive at those private schools. If that is true, then this is very much against private higher education throughout the entire State of Illinois. And, if that is true, I would ask you to please hold off your votes unless Mr. Kustra can change that because it seems to me that this is very much pro-public schools, anti-private schools and I would ask you to vote 'no'."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Clerk will take the record. On this Bill

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

66th Legislative Day

June 18, 1981

there are 122 'aye', 37 'nay', 2 voting 'present'. Senate Bill 642, having received a Constitutional Majority, is hereby declared passed. Senate Bill 644, Representative Preston. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 644, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Daniels: "Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. What Senate Bill 644 does is something similar to a Bill we passed out of here earlier this, earlier today. It raises the felony limit of the crime of criminal damage to property to 300 dollars from the present level of 150 dollars. This is consistent with the other legislation that we have passed out that's passed both the Senate and the House, and this makes it consistent with that legislation. In addition what this Bill does, is it creates the Decorative Objects and Used or Scrap Jewelry Dealer's Law which has to do with jewelry dealers buying scrap jewelry from individuals to make sure that fly by night operations cannot come into your community, open up one day, buy items that have, in fact, been stolen and disappear the next day. This protects... this is a law that protects from those shenanigans being carried on and I solicit your 'aye' vote"

Speaker Daniels: "Gentleman from Lake, Representative Deuster."

Deuster: "Just a clarifying question. It is true, is it not, that the Bill, as it was originally introduced relating to cannibus control, that those features have been deleted entirely. It has nothing to do with marijuana."

Preston: "You're right, Representative. That's been completely left out."

Deuster: "Thank you."

Speaker Daniels: "Gentleman's moved for the passage of Senate

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

66th Legislative Day

June 18, 1981

Bill 644. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record. On this Bill there are 133 voting 'aye', 30 'nay', none 'present'. Senate Bill 644, having received a Constitutional Majority, is hereby declared passed. Senate Bill 714, Representative Bullock. Out of the record. Senate Bill 717, out of the record. Senate Bill 740, Representative Terzich. Out of the record. Senate Bill 753, Representative Reilly. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 753, a Bill for an Act authorizing the Department of Mental and Health and Developmental Disabilities to license, regulate and monitor community residential alternatives for developmentally disabled persons. Third Reading of the Bill."

Speaker Daniels: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. I ask leave to bring this Bill back to Second for the purpose of an Amendment."

Speaker Daniels: "Gentleman asks leave to return the Bill to Second Reading. Does he have leave? Leave is granted. Second Reading, Senate Bill 753. Are there any Amendments?"

Clerk Leone: "Amendment #1, Reilly, amends Senate Bill 753 on page two and line four and so forth."

Speaker Daniels: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. This is a largely technical Amendment that puts some definitions and provisions in the Bill. It's been worked out between the staff of the Commission on Mental Health and the Democrat staff. I'd be glad to answer questions; otherwise, I would move for adoption of Amendment #1."

Speaker Daniels: "Representative Reilly moves the adoption of

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

56th Legislative Day

June 18, 1981

Amendment #1. Are there any questions? Hearing none, the question is, 'Shall Amendment #1 be adopted?'. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #1 adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading."

Reilly: "Mr. Speaker, I would ask leave to use the Attendance Roll Call so to suspend the provisions of rule 35C..."

Speaker Daniels: "Gentleman moves to suspend the provisions of rule 35C to hear the Bill immediately on Third Reading. Does he have leave to use the Attendance Roll Call? Leave is granted. Attendance Roll Call is used. Senate Bill 753, Third Reading. Representative Reilly. The Bill's been read a third time. Representative Reilly."

Reilly: "Thank you, Mr. Speaker. This is a proposal of the Commission on Mental Health. It passed the Senate by a vote of 52 to nothing. It simply provides a system within the Department of Mental Health for a licensing community residential alternatives facilities. These have come about in recent years. They exist... don't fit into any present category but should have some supervision. This simply gives that supervision to the Department. I would be glad to answer questions; otherwise, I would ask for a favorable Roll Call on Senate Bill 753."

Speaker Daniels: "Gentleman's moved for the passage of Senate Bill 753. Are there any discussions? Representative Dunn?"

Dunn: "Would the Sponsor yield?"

Reilly: "Yes."

Speaker Daniels: "Indicates he will."

Dunn: "Representative Reilly, is this the Bill that provides that you could buy a home next door to mine or yours or the state could or rent it and move people in?"

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

56th Legislative Day

June 18, 1981

Reilly: "No, if I'm understanding the question correctly. The facilities are already being built and this doesn't change that one way or the other. It simply provides that those facilities that are built, however they fit into local zoning ordinances and so on, are to be licensed by the Department. It doesn't change one way or the other whether they're going to be there or not."

Dunn: "This doesn't preempt local zoning? This does not preempt local zoning?"

Reilly: "It does not at all, no."

Dunn: "They cannot buy a home in a residential neighborhood and move people in?"

Reilly: "Not unless they can now and this doesn't change the local power to prohibit that to the extent that exists."

Dunn: "Thank you."

Speaker Daniels: "Representative Levin."

Levin: "Would the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Levin: "What kind of facility would this cover that's not currently being covered by existing law?"

Reilly: "The kind of facilities that are referred to and defined in the Act as community residential alternative facilities. Those are ones that provide a group home for eight or fewer developmentally disabled adults and it's not a nursing facility or a medical facility."

Levin: "Would there be lower standards applied to the establishment of this type of facility, lower than... less stringent than those applied to existing facilities?"

Reilly: "Only in the sense that it's not a nursing facility so they wouldn't have to have, you know, the provisions for the kinds of things that involve nursing. And again, the question isn't whether they're going to be there or whether they're going to meet nursing home standards because they

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

66th Legislative Day

June 18, 1981

don't. The question is, are they going to have any kind of supervision or not."

Levin: "Now, we have a serious problem in the Edgewater uptown Roger's Park area in Chicago where we have a proliferation of nursing home facilities. Where would these new facilities likely end up?"

Reilly: "There's no way to answer that question, in a general way. This Bill has nothing whatsoever to do with creating the facilities. They will end up wherever they end up, according to local zoning and the wishes of local people and the people who build them and so on and so on. All this says is that, to the extent they exist, the Department is going to provide some supervsion."

Levin: "But would it make it easier to establish facilities than is currently the case?"

Reilly: "No. If anything, it would make it harder becauwe they would now have some standards they'd have to meet."

Levin: "What is the purpose, this is my last question. I don't want to monopolize the dialogue, but what is the need for this legislation? Why can't these kind of services be provided under existing law?"

Reilly: "Well, we've been through a variety, for a variety of reasons and through a variety of means moving people out of institutions and into the community. The need for this is to provide some standards for those facilities in the community that receive them."

Speaker Daniels: "Representative Birkinbine."

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

Speaker Daniels: "He indicates he will."

Reilly: "Yes."

Birkinbine: "What did House Amendment 1 do that we just adopted?"

Reilly: "House Amendment 1, as I said, was mostly technical. It

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

66th Legislative Day

June 18, 1981

defines what we mean by owner, which is a term used in the Bill. It provides that the owners are liable for their damages if their... neglect... they arrest, and provides that to enforce the Act, the Attorney General can seek an injunction. I think that was clear or implicit in the Bill as it came in, but all the Amendment does is make clear that that is the case."

Birkinbine: "Thank you."

Speaker Daniels: "Gentleman from McLean, Representative Bradley."

Bradley: "Mr. Speaker, question of the Sponsor."

Speaker Daniels: "Indicates he'll yield."

Bradley: "On Amendment #1, Senate Amendment #1 we're talking about providing for licensing regulation monitoring of community residential alternatives for developmentally disabled persons and to insure the provisions of needed support services for residents in the establishment of community residential alternatives... and alternatives. Now, who pays for, if somebody decides there has to be an alternative, who pays for that? Who pays to insure the provisions of needed support services for these disabled persons or people who are disabled?"

Reilly: "Okay. Whoever pays for it now and I don't mean that to get away from the question, but these people would either... I mean, they're there now. The Bill doesn't change that. They would either be paid for by Mental Health now or they would be paid for by Public Aid now, and their support would continue to be from whatever source it is. A few of them may actually be self supporting or have money and they're paying for it on their own."

Bradley: "Maybe I'd better back up and ask you, what's the purpose of this Bill now as amended?"

Reilly: "Simply that we've put these people... There's a Bill... The next Bill but one on the list is in a similar vein."

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

66th Legislative Day

June 18, 1981

We've put these people in the community and have put them in facilities, for example, these facilities and we're simply providing some standards for those facilities. We're not..."

Bradley: "Would it be possible, if we pass this Bill, that a home that has seven or eight people in the home now that you're going to either upgrade the standards to the point that there would be a possibility that the homes would not be licensed because of the standards that we are now putting into law? Would that be possible?"

Reilly: "No. At least if I understand the question correctly. The Department would have to develop the standards but the Department itself also is involved in making the payment."

Bradley: "Let me clarify the question. There have been cases where we've had shelter care homes in the State of Illinois who were providing care for various types of people and the...we changed the law and put those...waiting for the explanation..."

Reilly: "I'm trying to listen to two sides at once."

Bradley: "I realize. And then we changed the law and we put some of those people who were providing a good service in shelter care or nursing homes because of the changes in the law and we put them out of business. And then we had no place to put these people. Could this happen with this Bill?"

Reilly: "I don't think so and my good friend here who was talking while you were talking to me says that the difference is that, in this case, the Department of Mental Health which makes the payments would also be setting the standards and the Department, one way or the other in effect, has to care for these people. So, there would no motivation for the Department to set standards it, itself, couldn't pay for."

Bradley: "Okay. Then he's assuring us here tonight that if

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

66th Legislative Day

June 18, 1981

somebody is in this business right now that they, no matter what happens. If somebody comes to me and says they're putting me out of business, I can come to him and say, 'Listen, you said this Bill wouldn't put them out of business' and they will continue to be in business no matter what this Bill does to them. That's all the assurance I want."

Reilly: "Yes, he does so assure."

Bradley: "I want to get a recording of this."

Speaker Daniels: "Representative Conti."

Conti: "Mr. Speaker, will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Conti: "Representative Reilly, if the state decided to build one of these facilities in the local community, would they supercede any of the local ordinances or would they have to comply with the jurisdiction of the local ordinances?"

Reilly: "They would have... As far as I know, the state has never built one of these. They're built by, mostly by not-for-profit organizations in the community. They would have to comply with the local ordinances. The Bill doesn't preempt local ordinances at all."

Conti: "Thank you."

Speaker Daniels: "Representative Chapman. Your light was on, Ma'am."

Chapman: "I move the previous question."

Speaker Daniels: "Lady has moved the previous question. The question is, 'Shall the main question be put? All those in favor will signify by saying 'aye', opposed 'nay'. Motion carries. Main question is put. Representative Reilly, Senate Bill 753, to close."

Reilly: "Mr. Speaker, I'm sorry for the extensive time that we've taken. The Bill is really very simple. We just have this class of facility and one that we'll get to in just a

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

66th Legislative Day

June 18, 1981

minute, the Bill after next, that are coming into existence not because of this Bill, but are already. We're simply providing some standards. The Bill is a product of the Mental Health Commission. It passed the Senate Bill 52 to nothing. It's endorsed by the Illinois Association of Retarded Citizens, by the Commission and by most other mental health groups. I would ask for a favorable Roll Call."

Speaker Daniels: "Gentleman's moved for the passage of Senate Bill 753. The question is, 'Shall Senate 753 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Gentleman, Representative O'Brien, to explain his vote. The timer's on, Sir."

O'Brien: "Yes, Mr. Speaker and Members, before I vote and I know the time has already gone for asking question, but if Representative Reilly could just nod and let me know whether or not there is a requirement here in order to build these facilities if you have to get a certificate of need from the Health Facilities Planning Board"

Speaker Daniels: "No."

O'Brien: "Thank you."

Speaker Daniels: "Representative Stuffle, to explain his vote. Timer's on, Sir."

Stuffle: "Yes, the same purpose. I had a question. If he could also just nod. What's the position of the advocacy group from the developmental disabilities on the Bill. Yes or No?"

Speaker Daniels; "They support it."

Stuffle: "Thank you."

Speaker Daniels: "Further discussion? Representative Telcser. His light is on. Okay. Representative Stanley. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? The Clerk will take the record.

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

66th Legislative Day

June 18, 1981

On this Bill there are 162 'aye', 1 'nay', 1 'present'.
Senate Bill 753, having received a Constitutional Majority,
is hereby declared passed. Senate Bill 755, Representative
Stanley. Call the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 755, a Bill for an Act to amend
Sections of the School Code. Third Reading of the Bill."

Speaker Daniels: "Representative Stanley."

Stanley: "Thank you, very much, Ladies and Gentlemen. This Bill
applies to a particular problem I have in the district
relative to Judging College in Elgin. It passed out of the
Elementary and Secondary Committee 16 to nothing. It was
placed on the Short Debate Calendar. There was no
opposition from any of the components of the educational
community. And, briefly, what it does. It... the Bill
puts into the law a clarification over a previously
existing statute related to graduates of four year
accredited institutions which has been interpreted by the
State Board of Education to cover only those colleges which
have on campus education programs. Judging College is a
small college that works in conjunction with North Park
College in terms of their educational program and this
clarifies that statute, and I'd request a favorable Roll
Call. Thank you."

Speaker Daniels: "Is there any discussion? Being none, the
Gentleman moves for the passage of Senate Bill 755.
Question is, 'Shall Senate 755 pass?'. All those in favor
will signify by voting 'aye', opposed by voting 'no'. The
voting is open. Have all those voted who wish? Have all
those voted who wish? Have all those voted who wish?
Henry? Have all those voted who wish? The Clerk will take
the record. On this Bill there are 157 'aye', 2 'nay', 3
voting 'present'. Senate Bill 755, having received a
Constitutional Majority, is hereby declared passed. Senate

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

66th Legislative Day

June 18, 1981

Bill 756, Representative Stanley... or Reilly. Excuse me.
Clerk will read the Bill."

Clerk Leone: "Senate Bill 756, a Bill for an Act in relationship
to licensing of community living facilities and amending an
Act herein named. Third Reading of the Bill."

Speaker Daniels: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. I ask leave to return this Bill
to the Order of Second Reading."

Speaker Daniels: "Gentleman asks leave to return the Bill to the
Order of Second Reading for purposes of an Amendment. Does
he have leave? Hearing no objections, leave is granted.
Senate Bill 756, Second Reading. Any Amendments from the
floor?"

Clerk Leone: "Amendment #1, Reilly, amends Senate Bill..."

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

Reilly: "Thank you, Mr. Speaker. This is exactly a parallel
Amendment to the one we put on the Bill I dealt with just a
minute ago. Again, it's mostly technical. It defines
owner and provides an enforcement mechanism for the Bill.
I would move adoption of Amendment #1."

Speaker Daniels: "Gentleman moves for the adoption of Amendment
#1. Are there any questions? Hearing none, all those in
favor signify by saying 'aye', opposed 'nay'. 'Ayes' have
it. Amendment #1 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. Gentleman moves to suspend the
provisions of rule 35C to have the Bill heard immediately
on Third Reading. Leave for use of the Attendance Roll
Call. Does the Gentleman have leave? Leave is granted.
Senate Bill 756, Third Reading. It's been read a third
time. Representative Reilly."

Reilly: "Thank you, Mr. Speaker. This Bill deals in an exactly
similar way with what are called community living

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

66th Legislative Day

June 18, 1981

facilities or CLF's, if you want the initials. These are more structured kinds of facilities for people who are relatively speaking more retarded than the alternative living facilities. What this does is provide for supervision of them in this case, by the Department of Public Health. It gets them out of some of the complications of the Nursing Home Act because, in fact, they aren't nursing homes, but nonetheless provides adequate supervision. This Bill, again, is endorsed by the Commission on Mental Health, the advocacy groups, the Illinois Association of Retarded Citizens. I'd be glad to answer questions and; otherwise, I'd ask for a favorable Roll Call."

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

Dunn (Jack): "Sponsor yield?"

Speaker Daniels: "Indicates he will."

Dunn: "Again, Representative Reilly, does this preempt local zoning?"

Reilly: "No. It does not. It's exactly, you know, the provisions are parallel to the other one. It's just for a different kind of facility. Does not preempt home rule at all."

Dunn: "How about a non-home rule unit?"

Reilly: "I mispoke. It does not preempt the rights of whatever kind of unit of government it's in."

Dunn: "Thank you."

Speaker Daniels: "Further discussion? Representative Levin."

Levin: "Would the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Levin: "Representative Reilly, is there any provision in this Bill requiring that these facilities not be concentrated in any one location?"

Reilly: "Yes. I didn't know there was, but I'm happy to be able

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

66th Legislative Day

June 18, 1981

to tell you that there is such a provision in here."

Levin: "By the way, just for my own information, was there a similar provision in the other Bill?"

Reilly: "Yes."

Levin: "That's my major concern. Thank you."

Speaker Daniels: "Further discussion? Representative Schneider. No further discussion. Gentleman moves for the passage of Senate Bill 756. The question is, 'Shall Senate Bill 756 pass?'. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 158 'aye', 1 'nay', none voting 'present'. Senate Bill 756, having received a Constitutional Majority, is hereby declared passed. Senate Bill 794, Representative Terzich. Out of the record. Senate Bill 801, Representative Swanstrom. Out of the record. Senate Bill 802, Representative Swanstrom. Out of the record. Senate Bill 805, Representative Swanstrom. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 805, a Bill for an Act to amend the Park District Code. Third Reading of the Bill."

Speaker Daniels: "Representative Swanstrom."

Swanstrom: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would ask leave to bring this back to Second Reading for purposes of an Amendment."

Speaker Daniels: "Gentleman have leave? Leave is granted. Senate Bill 805, Second Reading of the Bill. Any Amendments from the floor?"

Clerk Leone: "Amendment #1, Swanstrom, amends..."

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

Swanstrom: "Thank you, Mr. Speaker. Amendment #1 is clarifying language for the Bill. It inserts in the language, 'or the

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

66th Legislative Day

June 18, 1981

Chief Clerk of the County Board of election commissioners in a county which has adopted Article VI-A of the Election Code', and this has to do with petitions for organizations of park districts."

Speaker Daniels: "Gentleman's moved for the adoption of Amendment #1. Are there any questions? Hearing none, question is, 'Shall Amendment #1 be adopted?'. All those in favor signify by saying 'aye', opposed by saying 'no'. The 'ayes' have it Amendment #1 is adopted. Any further Amendments, Mr. Clerk?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "No further Amendments. Third Reading. Gentleman, Representative Swanstrom, asks leave to suspend the provisions of rule 35C. Leave to use the Attendance Roll Call. Gentleman have leave? Leave is granted. Senate Bill 805, Third Reading of the Bill. Been read a third time. Representative Swanstrom."

Swanstrom: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 805 requires that a petition for organization of a park district be filed with the county clerk of the county in which the district is located. The Amendment which we just adopted deals specifically with DuPage County that has a Board of Election Commissioners so we have taken care of everybody through the Bill and the Amendment. Currently, the petition must be filed with the circuit clerk and it's felt that this legislation would be very helpful to the county clerks since the clerk must know... must know the boundaries for purposes of elections and extension of property taxes."

Speaker Daniels: "Gentleman from Effingham, Representative Brunner."

Brunner: "Yes, isn't one of the reasons it's filed in the circuit clerk's office the judge... some order of formation of the

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

66th Legislative Day

June 18, 1981

park district if it's a new park district?"

Speaker Daniels: "Gentleman indicates he'll yield.
Representative Swanstrom."

Swanstrom: "Thank you. Representative Brummer, it's still filed
with the circuit clerk also."

Brummer: "This is an addition."

Swanstrom: "That is correct."

Brummer: "And this is at the time of the filing of the
organization petition?"

Swanstrom: "I'm sorry. I couldn't hear you."

Brummer: "Is this at the time of the filing of the organization
petition?"

Swanstrom: "That is correct."

Brummer: "So, if the district was never organized or if the
organization was revised in the court proceeding, it would
be a meaningless filing in the county clerk's office, would
it not?"

Swanstrom: "That is correct."

Speaker Daniels: "Further discussion? Gentleman from Will,
Representative Van Duyne."

Van Duyne: "Thank you, Mr. Speaker. Is this, in any way, going
to add another 3500 dollars to their salary for this extra
work?"

Swanstrom: "I don't believe so."

Speaker Daniels: "Further questions? Gentleman from Lake,
Representative Deuster."

Deuster: "Mr. Speaker, I'd like to ask the Sponsor."

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

Deuster: "We just amended this Bill and now we are passing it and
I thought I heard a reference to the fact that we had added
an Amendment that had something to do with DuPage County.
What was that about?"

Swanstrom: "Representative Deuster, that is because Dupage

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

66th Legislative Day

June 18, 1981

County has a Board of Election Commissioners and it felt in Committee that an Amendment would have to be added on to clarify the filing..."

Deuster: "That was consistent with a Committee recommendation or discussion?"

Swanstrom: "That's right."

Deuster: "Thank you."

Speaker Daniels: "Gentleman, Representative Swanstrom, to close."

Swanstrom: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd just appreciate a favorable Roll Call."

Speaker Daniels: "Gentleman moves for the passage of Senate Bill 805. The question is, 'Shall Senate Bill 805 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 156 voting 'aye', none 'nay', none 'present'. Senate Bill 805, having received a Constitutional Majority, is hereby declared passed. Senate Bill 827, Representative McGrew. Out of the record. Senate Bill 836, Representative Findley. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 836, a Bill for an Act to amend Sections of the Illinois Small Business Purchasing Act. Third Reading of the Bill."

Speaker Daniels: "Representative Findley."

Findley: "Thank you, Mr. Speaker, Members of the House. This Senate Bill amends the Small Business Purchasing Act, an Act established in 1972 to allow small independent, closely held businesses to compete in a special set aside for state contracts. Since enactment of that legislation in '72, inflationary factors have brought about an increase in the size of small business, yet the Purchasing Act has not been increased in dollar volumes to reflect that growth. The

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

66th Legislative Day

June 18, 1981

changes recommended here in this Bill will address that issue. This is identical to House Bill 983 which was passed out of the House earlier on 149 to 11 vote and was assigned to subcommittee in the Senate. I would request a favorable Roll Call."

Speaker Daniels: "Gentleman's moved for the passage of Senate Bill 836. On that question, Gentleman from Sangamon, Representative Kane."

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

Speaker Daniels: "Indicates he will."

Kane: "What are the percentage increases in this Bill?"

Speaker Daniels: "Representative Findley."

Findley: "Will a guess be alright, Doug. For wholesalers it's 300%, for retailers 300%, for construction 1000%. I believe that's exact."

Kane: "How long have the existing maximums been in existence?"

Findley: "Since 1972... No, allow me to correct that, Doug. In '72 the Act was established. In '76 the dollar volumes were halved with the feeling that by reducing the maximum size standards, more small businesses would be allowed to compete. However, when this was cut in half, the number of businesses that chose to participate in the set aside dropped by 66 and two-thirds percent."

Kane: "So what you're doing is putting it back to the original level, allowing for inflation."

Findley: "Increasing... If I might add also, Doug, these are maximum standards. DAS may administratively on certain contracts choose a lower ceiling level. These are just maximums. This does not mean any state contract will reflect these sizes."

Speaker Daniels: "Further discussion? Gentleman moves for the passage of Senate Bill 836. Question is, 'Shall Senate Bill 836 pass?'. All those in favor signify by voting

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

66th Legislative Day

June 18, 1981

'aye', opposed by voting 'no'. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? Representative Hudson, would you hit my switch 'aye'? Have all those voted who wish? The Clerk will take the record. On this question there are 158 voting 'aye', 2 'nay', 1 'present'. Senate Bill 836, having received a Constitutional Majority, is hereby declared passed. Senate Bill 837, Representative Schraeder. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill...Senate Bill 837, a Bill for an Act to exempt alternative energy facilities from property taxes and occupation and use taxes. Third Reading of the Bill."

Speaker Daniels: "Representative Schraeder."

Schraeder: "Thank you, Mr. Speaker. I would like to take it back to Second for a clarifying Amendment. It is very brief."

Speaker Daniels: "The Gentleman asks leave to return the Bill to Second Reading. Does he have leave? Hearing no objections, leave is granted. Second Reading of the Bill. Are there any Amendments filed?"

Clerk Leone: "Amendment #2, Schraeder amends Senate Bill..."

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

Schraeder: "Yes, this just puts in a couple of words in line 25...page 25, line 31 in the word 'such' and then following, 'improvements to' and then 'as a result of' and the 'installation of'. I move the adoption of Amendment #2."

Speaker Daniels: "The Gentlemen's moved the adoption of Amendment #2. Is there any discussion? Hearing none, the question is...Representative Schneider. Got 'cha. Amendment #2."

Schneider: "Fred, does this amend the Amendment that you put on in Committee, if I'm not mistaken?"

Schraeder: "No. This is one that was put on to clarify in the Senate...It was supposed to be done over there and they

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

66th Legislative Day

June 18, 1981

forgot to do it and so they asked me to put it on on Second Reading."

Schneider: "So what is the total upshot, when you read that in total, when you look at 'and such' and whatever those words were?"

Schraeder: "I don't have a copy of the Bill in front of me so I can't do that, Representative Schneider. The words are on page 25, line 31 the following: 'improvements to' and on line 32, 'as a result of', 'the installation of'. And that is it."

Schneider: "Well, that is great. We can talk and have sentences I guess, but 'installation of', we are talking about alternative sources of energy, like solar energy or geothermal and things like that?"

Schraeder: "Yes."

Schneider: "Is it expanding the definition?"

Schraeder: "No. But they tell me it is a clarifying Amendment only."

Schneider: "Well, it doesn't make sense for us to talk this way. So why don't we just put it on Third and we will catch up with each other there? Would you please talk to me as a favor because I would like to see it all in context."

Speaker Daniels: "The Gentlemen's moved for the adoption of Amendment #2. Further discussion? Being none, the question is, 'Shall Amendment #2 be adopted?'. All those in favor will signify by saying 'aye'. Somebody has got to say 'aye'. Opposed, 'nay'. The 'ayes' have it and Amendment #2 is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. Representative Schraeder, I believe that Representative Schneider has asked that this remain on Third Reading so he could see the Bill. Senate Bill 842, Representative Bullock. Read the Bill, Mr.

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

66th Legislative Day

June 18, 1981

Clerk."

Clerk Leone: "Senate Bill 842, a Bill for an Act to amend Sections of the Illinois Pension Code. Third Reading of the Bill."

Speaker Daniels: "Representative Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 842 is an Amendment to the Chicago Teacher's Union Pension Code. This Bill attempts to grant uniform benefits to surviving spouse and eligible minor children effective July 1, 1981. Essentially, the Bill increases the maximum survivor benefit payable under the Section from 300 to 400 dollars for surviving spouse alone with one minor child and increases from 500 to 600 for surviving spouse with a dependent child. I'm sure most of you know that these dollar maximums have been in effect since 1975, and since that time the cost of living, etcetera, has increased in excess of 50% yet the maximum benefits have remained constant. The unfunded accrued liability is approximately 12 million dollars. The increase in annual cost is 1.2 million. I'm sure you know that there's more than enough revenue at the local level to cover this increase which is a .2 percent increase in annual costs compared to payroll. Be glad to answer any questions that you have. I think most of you are familiar with the nature of this legislation, and I'd ask for an affirmative vote."

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

Piel: "Will the Gentleman yield for a question?"

Speaker Daniels: "Indicates he will. Representative Conti in the Chair. Now we'll get things moving."

Speaker Conti: "I want my colleagues on the right to know I have a deficiency in vision and my peripheral deficiency in my right eye."

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

66th Legislative Day

June 18, 1981

Piel: "Representative, could you tell me what's the increase accrued liability to the state with this Bill?"

Bullock: "Representative Piel, I indicated earlier the unfunded accrued liability in unit of local government there is no unfunded accrued liability to the State of Illinois. To the unit of local government it is, in fact, 12 million dollars."

Piel: "12 million dollars?"

Bullock: "The unfunded accrued liability to the system, at the local level.."

Piel: "Okay. What are the annual costs of this then?"

Bullock: "1.2."

Piel: "1.2 million?"

Bullock: "That's correct."

Piel: "Thank you, very much."

Speaker Conti: "Is there any further discussion? Representative Stuffle."

Stuffle: "Just to indicate that the 100 dollar survivor maximum increase is the same that we passed out of here last night for the downstate teacher's, the same that we passed out of here on two other occasions for other systems to the Senate. There is a cost, but the problem is that people have reached the maximum percentage level in these benefits in most cases so that there hasn't been any change in the benefit level for several years in this system and several others."

Speaker Conti: "Is there any further discussion? If not, Representative Bullock, to close, please."

Bullock: "Thank you, Mr. Speaker Conti. The Pension Laws Commission supports the Bill. I think you know the nature of the Bill and I'd respectfully urge an 'aye' vote in passage of Senate Bill 842."

Speaker Conti: "The question is, 'Shall Senate Bill 842 pass?'."

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

66th Legislative Day

June 18, 1981

All those in favor signify by voting 'aye', all opposed by voting 'no'. Have all those voted who wish? Have all those voted who wish? Mr. Clerk. Have all those voted who wish? Will the Clerk take the record? On this question there are 103 'ayes', 48 'nos', 2 voting 'present'. This Bill receiving the Constitutional Majority is hereby declared passed. Representative Jones, for what purpose do you rise?"

Jones: "Just an inquiry. Maybe you can inform the Body, Mr. Speaker, the year that you won the masters. Would you inform the Body the year that you won the masters?"

Speaker Conti: "I won the masters in 1979. Senate Bil 851, Irv Smith."

Clerk Leone: "Senate Bill 851, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Conti: "Irv Smith. Representative Smith."

Smith: "Yes, Sir. Thank you, Mr. Speaker. This Bill allows the following retirement systems to invest in conventional Illinois owner occupied residential mortgages. The Chicago policemen, Chicago firemen, Illinois municipal employees, Chicago municipal employees, Cook County employees, Chicago laborers, Chicago park employees, Chicago sanitary district, downstate teachers, Chicago teachers, state employees, General Assembly and the judges retirement system. This is permissive legislation and the important thing to remember here is that mortgages must be insured and receive an A rating with the loan to value ratio of 95% or less. When we heard objections, the main thing that we had to remind these people is that this is simply another investment procedure that pension systems had to use and that it is permissive legislation. I ask your favorable vote."

Speaker Conti: "Is there any discussion? Representative Kane,

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

66th Legislative Day

June 18, 1981

Sangamon."

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

Speaker Conti: "He indicates he will."

Kane: "If these pension systems are looking to maximize their return on their investments, would they be likely to put much of their reserves into mortgages?"

Smith: "Since... Yes. Since this is permissive legislation, it's purely up to the system. There is no requirement of any kind here, Representative Kane."

Kane: "I realize that there's no requirement, but we're acting as though we're doing something here and I'm wondering what effect it will have on the mortgage market and whether or not the return on mortgages is sufficiently high to attract pension funds for investments. I'm wondering what the differential rate of return is."

Smith: "Let me read from our analysis. Pooled mortgages have been one of the most promising investments in recent years and are already allowed if they are guaranteed by a federal agency. This Bill would authorize investing in mortgages that are insured by private insurers."

Speaker Conti: "Gentleman from Peoria, Mr. Tuerk."

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

Speaker Conti: "Indicates he will."

Tuerk: "What kind of interest rate are we talking about? Any idea what these pension funds would be charging?"

Smith: "Yes, the interest rate is to be set by the Board."

Tuerk: "Would it be competitive to savings and loan and banks? Any idea along the line of what the charge would be?"

Smith: "Yes, the mortgage back securities yield considerably more than the treasury bonds, and they would float like other interest levies do."

Tuerk: "What board would be making these decisions?"

Smith: "I'm sorry. I didn't hear."

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

66th Legislative Day

June 18, 1981

Tuerk: "What Board would be making the decision as to whether or not to put the money into mortgages, and, if so, what rate of interest they'd be charging?"

Smith: "It would be the Board of Trustees for each pension system. It would be a competitive type interest that would be of market value at the time. The interest rates, as you know, in the market fluctuate. But these are higher than the current interest rates that they are allowed to invest."

Tuerk: "In other words, they would attempt to be competitive in the market place. Is that what you're saying?"

Smith: "I'd like to mention that interest for last year's pension systems ran about 5% whereas with these types of investments they ran about 15%. This is a considerable... considerably larger income."

Tuerk: "To the Bill, Mr. Speaker. It would seem to me a laudible objective to get more money into the mortgage market; however, we do have a pretty sick savings and loan market these days. The banks are hurting as far as making mortgage loans. Savings and loans are struggling. It would seem to me to be setting up a competitive system. I have some misgivings about the Bill. I'm not sure, at the moment, whether I'm speaking in opposition but I do have some reservations about it."

Speaker Conti: "Representative Getty."

Smith: "We have received information that most Savings and Loans are in favor of this legislation."

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

Speaker Conti: "He indicates he will."

Getty: "Is there any restriction within the Bill on the amount or percentage of the individual pension funds reserves that may be invested in this manner?"

Smith: "Just a second, Representative Getty. We're checking

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

66th Legislative Day

June 18, 1981

that."

Getty: "Surely."

Smith: "...no investment in these obligations shall not exceed 40% of the aggregate book value of all investments owed by the fund. So, there is a limit."

Getty: "How was the figure 40% arrived at? What was the basis upon which 40% was determined to be the proper amount?"

Smith: "I... My guess is that it was through consultation with fiduciaries and other investment firms and other pension systems. I might add that the pension law system is in favor and has recommended this legislation."

Speaker Conti: "Are you through, Representative Getty?"

Getty: "Yes, I am. Thank you."

Speaker Conti: "Representative Beatty."

Beatty: "Mr. Speaker, Members of the House, I've just heard one of the Members say that this is a bad Bill. Temporarily, I was President of the General Assembly Retirement System and I sat in on the investments here, and I'm familiar with the investments in a couple of the other pension funds. And believe me, if you invest in mortgages you cannot print real estate. When all of this paper that these funds are investing in and all the money that they can't lose and sometimes they do lose, I don't think it's too bad to invest in real estate. Perhaps of your Members to give them an opportunity. The rates are high. There is no better security than American real estate. This is permissive. It gives the trustees the opportunity to invest in it if they so desire. If investments are not good, they will vote 'no' and I would think it's a very fine Bill, probably one of the best ones this Sponsor's had this Session. I would think we should have a favorable vote."

Speaker Conti: "Representative Stuffle."

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

66th Legislative Day

June 18, 1981

Stuffle: "Yes, Mr. Speaker and Members of the House, there's a lot of information, if you can call it that, being put out on the floor about this Bill that is inaccurate both in regard to what the Bill does do and doesn't do. As the hyphenated principal Sponsor, let me indicate to you that this Bill is the product of an effort by a number of people involved in several pension systems who support the Bill, by the realtors who support the Bill, by the Pension Laws Commission that supports the Bill, by developers that support the Bill, by financial institutions that support the Bill. Now, a number of statements have been made that leads me to believe that, as was the case in the Senate Committee and the House Committee, some people think this investment procedure is to allow investment on the front end of a mortgage program. That is not at all the case. This allows investment in what's known as a pass through mortgage program. In effect, what that is is the buying of an interest or a share, if you will, in a pool of mortgages where the loans have already been made, already been secured, already been insured. There is no liability as to possible default to the pension systems involved whatsoever. It is not a front end mortgage as some of the people talked about in the Committee who opposed the Bill. There were three groups that opposed the Bill in Committee. I went and talked to two of those three groups personally and they now understand that they're not talking about a front end mortgage program. They're talking about a pass through situation that's totally secured and insured as I indicated. There is contrary and I must be fair about this. There is not a limit on the book value of the mortgages and not a limit on the assets that could be put in to these, but in reality, the people who are going to allow you to do this, to buy a share in their pool like,

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

66th Legislative Day

June 18, 1981

for instance, Meril Lench that holds a great number of these pools in federal insured mortgages are only going to give you a part of that anyway. The difference in the yield is that treasury notes, one of the best yields, run at least two to five percent lower than these yields. The system has nothing to lose whatsoever on this Bill, and I'd ask for a favorable vote."

Speaker Conti: "Representative Mulcahey."

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

Speaker Conti: "The question is, 'Shall the main question be put?'. All in favor signify by saying 'aye', opposed. In the opinion of the Chair, the 'ayes' have it. Smith, to close."

Smith: "Mr. Stuffle, did you want to ... Representative Stuffle, did you want to close? Alright. Fine. Roll Call. I ask a favorable vote."

Speaker Conti: "Question is... The question is, 'Shall Senate Bill 851 pass?'. All in favor signify by voting 'aye', those opposed 'nay'. Representative O'Brien, what purpose do you rise?"

O'Brien: "Thank you, very much, Representative O'Conti. I like your green coat today. I have had my light on to speak in favor of the Bill. It's not necessary. I appreciate the courtesy of the call."

Speaker Conti: "Have all those voted who wish? Have all those voted who wish? Mr. Clerk, take the record. On this question there are 158 'aye', 1 voting 'present', 3 voting... 1 voting 'no', 3 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 875, Representative Ted Meyers. Representative Ted Meyers. Out of the record. Representative... Senate Bill 877, Representative Telcser. Out of the record. Senate Bill 879, Mr. Terzich."

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

66th Legislative Day

June 18, 1981

Clerk Leone: "Senate Bill 879, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Conti: "Representative Terzich."

Terzich: "Mr. Speaker, Senate Bill 879 provides that a pension funds which fails to file its annual report with the Public Employees Pension Fund Division within six months is to be assessed a penalty of 100 dollars for each day such report is late. It does provide that before this can be done that they would have a notification and a hearing. There has been more than 50 pension funds that have failed to file their annual statements in the allowable six month period after having received several reminders from the Pension Division. It's been approved by the Pension Laws Commission. I would urge your support."

Speaker Conti: "Representative from Cook, Mr. Preston."

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

Speaker Conti: "He indicates he will."

Preston: "Representative Terzich, if there isn't a report timely filed or if distribution is not made timely, what is the penalty?"

Terzich: "One hundred dollars a day."

Preston: "And who's that penalty leveled against?"

Terzich: "To the fund."

Preston: "May I speak to the Bill, Mr. Speaker?"

Speaker Conti: "Proceed."

Preston: "Where a trustee fails to do something that he should do and where the penalty for that is against the fund, that means that the beneficiaries of the fund are the people who suffer, not the trustee. It's the beneficiaries who are having their money taken out of the fund because there's a lousy trustee or a trustee who does not follow the law in administering that trust. The way the Bill should have been written is so that there is a penalty, if any, that is

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

66th Legislative Day

June 18, 1981

against the trustee, not against the trust fund, and it's for that reason I recommend you not vote for this Bill because this jeopardizes the assets of the fund itself where the beneficiaries are losing money. And by doing that it's not the trustee who's being punished but it's the employee who joined this fund who is being punished."

Speaker Conti: "Gentleman from DeKalb, Joe Ebbesen. Gentleman from... Ralph Dunn."

Dunn: "My county's Perry, Mr. Speaker. I would like to ask the Sponsor a question. Representative Terzich, who gets the 100 dollars? I understand that comes out of our pension fund but where does it go?"

Terzich: "It goes to the state into the General Revenue Fund, which, in turn, puts it back into the pension system."

Dunn: "So what you're doing if you have a bad trustee or secretary of the fund that doesn't file a report, you take the money out of our pension fund and give it to the General Revenue Fund of the State of Illinois. Is that correct?"

Terzich: "That's correct."

Dunn: "That sounds to me a little bit ridiculous. I think that I agree with the previous speaker that the penalty ought to be assessed against the person who doesn't file the fund. I'm glad to see that Representative Preston with his 150 dollar shoes is on his toes. I thank you."

Speaker Conti: "Representative from Cook, Mr. Beatty."

Beatty: "Mr. Speaker, can we have a little quiet? It seems a little noisy in here."

Speaker Conti: "Point is well taken. Proceed."

Beatty: "Mr. Speaker, this is really a bad idea to assess a penalty perhaps against our own pension fund because there's some lateness in a reporting. Mr. Speaker, I don't think that this is where we need the penalty for some minor

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

66th Legislative Day

June 18, 1981

in fraction of rule as this, and I think the Sponsor's entirely wrong. I think this Bill should be soundly defeated."

Speaker Conti: "Representative Huskey."

Huskey: "Would the Sponsor yield?"

Speaker Conti: "He indicates he will."

Huskey: "If there's a penalty assessed, will all the trustees know what the penalty that's assessed and who else will know about it?"

Terzich: "I'm sure that all of the members of the system would certainly know about it and would question the trustees on the ineffective operation of the system. I think that you have to appreciate that all of these systems that their assets are generally in excess of 100 million dollars. That there has to be something necessary to persuade that these people comply with the state law in reporting the effects of their pension system, and this is all the Bill does. It provides a six month notice for them to submit the bill. It provides for a hearing and further notice before the penalty is even assessed. There has to be something. This is a minor, you know, cost to a substantial system."

Huskey: "In other words, you're giving sufficient notice if the trustees fail to file the actuary report that he could be dismissed before the fine could be assessed. Is that right?"

Terzich: "That's correct. This has to be after a notice and a hearing by the Director of Insurance."

Huskey: "That's after a notice and a hearing?"

Terzich: "That's correct."

Huskey: "And then the trustees can be dismissed before that if they're guilty?"

Terzich: "No, it doesn't provide for the dismissal of the

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

66th Legislative Day

June 18, 1981

trustees..."

Huskey: "If he fails to file the acutary note, shouldn't he be dismissed?"

Speaker Conti: "Mr. Terzich. Any further discussion? No further discussion, the question shall be, 'Shall Senate Bill 879 pass?'. I'm sorry. I see Representative Ebbesen's light was on."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, you know, here we have a Bill that has really no fiscal impact other than the fact that you're talking about an exchange of 100 dollars here and there which is, as Representative Terzich just said. This Bill probably should pass. I don't know. But I have in front of me a list of all the Bills that have passed this House over to the Senate and Senate Bills in the House on pensions. Somewhere between 89, 90, to 100 Bills and you're talking about 27 million dollars, not counting the Floor Amendments out here on this House out of the General Revenue Funds and you're talking about the increase in the unfunded accrued liability of another 177 to 200 million dollars, not counting the Amendments out here on this floor. We get into this Bill. We go through five minutes of discussion that should fly out of here and the Sponsor's absolutely right. You quivel over 100 dollars here and 100 dollars there and you're talking about millions and those Bills fly out of here 126 to 35 or 34. You people on this floor read these Bills. Look at that fiscal impact because I'm telling you somewhere, sometime out there on the horizon we're going to be in deep financial trouble because you're talking about General Revenue money. Keep that in mind. I'm going to vote 'aye' on this Bill. Why should we debate five minutes over 100 dollars? We have thrown millions out of here without even thinking about it."

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

66th Legislative Day

June 18, 1981

Speaker Conti: "Representative Terzich, to close."

Terzich: "Well, again, Mr. Speaker, I think it's a good Bill that currently all public pensions annuity and retirement funds or systems are required to file an annual report within six months of the close of the fiscal year. They have a notice. They have six months to submit it. They cannot be assessed this penalty without a further notice and a hearing. And it is necessary for the operation of the state, and I would certainly urge your support of this Bill."

Speaker Conti: "Question is, 'Shall Senate Bill 879 pass?'. All those in favor signify by voting 'aye', those opposed voting 'nay'. Have all those voted who wish? Have all those voted who wish? All voted who wish? The Clerk will take the record. This Bill receiving 118 'ayes', 32 'nays', 6 'present' received the Constitutional requirement. Senate Bill 879 is passed. Senate Bill 827, Representative McGrew. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 827, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Conti: "Representative McGrew."

McGrew: "Thank you, very much, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 827 amends the School Code, provides that the Illinois State Scholarship Commission shall upon the filing of petition for liquidation Chapter 7 or Chapter 13 as per the Amendment to ask the Commission to enforce the collection of educational loans even if the individual has filed for bankruptcy. This is a result of the ISSC as well as the State Attorney General asking that they have the authority to go after between seven and eight million dollars in defaulted loans. It passed out of the House Education Committee 4 to nothing, out of the Senate 56 to 1 and out of Higher

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

66th Legislative Day

June 18, 1981

Education by a vote of 12 to 1 and I'd ask for your support."

Speaker Conti: "Is there any discussion? If not, the question is, 'Shall Senate Bill 827 pass?'. All those ... Just a minute. Representative Greiman."

Greiman: "I have just a question or two for the Gentleman."

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

Greiman: "Do I understand that we're saying here that the obligation is not dischargeable in bankruptcy?"

McGrew: "Unless such loan first became due five years prior."

Greiman: "I always thought..."

McGrew: "There's also... Excuse me for interrupting. There's also a provision in the legislation that says that except that the debtor from discharge. The courts can't exempt him from discharge. Pose a quote, 'undue hardship on the debtor and debtor's dependents'."

Greiman: "Well, normally, the only thing that would be non-dischargeable would be taxes that might be due a unit of local government or State of Illinois."

McGrew: "That's before this Bill."

Greiman: "I understand. I'm not sure that we can do this. Is there a specific place in the back of the Act that says that a state can decide which things are dischargeable in bankruptcy and which are not?"

McGrew: "Sir, as you well know, I'm not an attorney. I can tell you that this was requested by the Illinois State Scholarship Commission for legislative intent. The ISSC agrees with it. The Amendment #1 that I adopted was the Amendment of the State Attorney General, Tyrone Fahner, who asked that this be on the Bill."

Greiman: "Well, what does he know? Okay. I have some concern that we have the power to do this. I don't think that people go into bankruptcy to escape some student loan, and

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

66th Legislative Day

June 18, 1981

if they're bankrupt, they're bankrupt. You know, that's ... and they are entitled to all the other obligations that anybody else is. I can't imagine why we would make a separate class for people of this nature. There is lots of people who commit frauds and those people we see. They shouldn't be discharged from bankruptcy. They should have to pay whether they have done ... whether they're bankrupt or not. If you've committed a fraud, you should pay it, but this is a little different. I don't understand that all we're saying is that this is the kind of a debt that ought not to be discharged from bankruptcy. You may quarrel with the notion of bankruptcy, and I suspect that it makes no difference what we do because, generally, those decisions are ones made by federal courts unless there's some specific power that gives us the right to do it. I don't have a sense that there is, but I'm going to vote 'no' myself."

Speaker Conti: "Representative from Marion, Dwight Friedrich."

Friedrich: "Mr. Speaker, Members of the House, I think is a step in the right direction if it's enforceable, but I will tell you this. Up until lately, the Illinois Scholarship Commission wasn't even making an effort to find people on the state payroll who owe them money. But as far as I'm concerned, about any student, when he gets out of school is bankrupt and they did it by the hundreds.... defaulted on these laws because a quick cop out. They could get their education at state expense and never intend to pay it back. If you think that isn't being done, Representative Greiman, you just haven't been around very long."

Speaker Conti: "Representative from Cook, Mr. Preston. Mr. Preston, do you seek recognition?"

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

Speaker Conti: "He indicates he will."

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

66th Legislative Day

June 18, 1981

Preston: "Representative McGrew, is it your intent..."

Speaker Conti: "Hold it just a minute, Mr. Preston. What's your problem, Representative Greiman?"

Greiman: "It's a small problem. It's one of the courtesy and the rules. Generally, our rules provide... Specifically, our rules provide that we ought not to mention other Members name in debate."

Speaker Conti: "Your point is well taken."

Greiman: "However, I have been around long enough to know that people don't go to school, don't go through college just so they can go bankrupt. Nonsense. Nonsense, Sir."

Speaker Conti: "Representative Preston, proceed."

Preston: "Thank you, Mr. Speaker. Is it your intent by this legislation to have this Bill apply to bankruptcies that have already been filed and are now pending?"

McGrew: "They would meet the same criteria that is in Senate Bill 828 and that is unless the loan has been due for at least five years."

Preston: "So, that if a bankruptcy was filed last week and it was pending now before the federal court, this would change the law that will be applied to that bankrupt situation. Is that correct."

McGrew: "Yes, Sir, if the Governor were to sign it in the Interim."

Preston: "Can you tell us how many dollars are now outstanding by way of these loans total. Not the defaulted loans, but in general. How many dollars are now outstanding?"

McGrew: "Approximately 1.2 billion dollars."

Preston: "And can you tell me of that 1.2 billion dollars what.. how many dollars are involved in defaulted loans?"

McGrew: "Somewhere between seven to nine million. The Illinois State Scholarship, contrary to what has been said, I believe, is second in the nation in terms of their ability

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

66th Legislative Day

June 18, 1981

to collect."

Preston: "And seven to nine million is somewhere around point .7 percent?"

McGrew: "You had it right in Committee."

Preston: "Pardon me."

McGrew: "You had it right in Committee."

Preston: ".7%."

McGrew: "I'll buy that."

Preston: "For seven tenths of one percent of the loans that are in default, you are now changing the bankruptcy requirements. Is that my understanding."

McGrew: "Yes, Sir."

Preston: "May I speak to the Bill, Mr. Speaker?"

Speaker Conti: "Proceed."

Preston: "I have to agree with fact cap Greiman on the remarks that he has made concerning this. I don't think that people intentionally go bankrupt to get out of a school loan. There are .7% of the outstanding loans that are now in default. Of that .7% a certain percentage of those defaulted loans are by reason of other than people just trying to get out of loans. Somebody could have gotten out of college, been paying back his loan for two, three, four years and have been hospitalized. He could have gone through other dire straits where it is impossible for him to dig his way out. Now, under the law as it would have been changed by this Bill, he doesn't have to pay his doctor bill. He doesn't have to pay his hospital bill. He doesn't have to pay his grocery bill or his rent, but he does have to pay for the defaulted school loan. That probably applies to no more than .2% of the outstanding loans at most and indeed they don't even have figures on it to start with. I think this is a bad concept and this is not in the ar... The area that we should be concerned with

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

66th Legislative Day

June 18, 1981

is perhaps giving more scrutiny to the awarding of the loans rather than worrying about going after people who are in such dire straits that they're only recourse is bankruptcy. I think it's a bad concept and I'm going to vote 'no' as I did in Committee."

Speaker Conti: "Representative from Champaign, Tim Johnson."

Johnson: "I move the previous question."

Speaker Conti: "The question is, 'Shall the main question be put?'. All in favor signify by saying 'aye', opposed. 'Ayes' have it. I'm sorry. Representative McGrew, to close."

McGrew: "Thank you, Mr. Speaker and Ladies and Gentlemen of the chamber. I would ask the Chair to recognize Representative Hudson as the first explanation of votes. It's usually the courtesy that the Chairman or Spokesman of the Committee is recognized in debate. But I would like to point out that as often times the case, some of the attorneys here are trying to confuse the issue. If they would read the Bill it says that there are judicial discretion involved. That if it is going to be an undue hardship on the debtor, they can get out of it. That's very plain and simple. What that means is that we are not going to let kids get out of paying it just because they say I have no money. If they can't prove that it's a hardship, we want the money back, and I'd ask for an 'aye' vote."

Speaker Conti: "Question is, 'Shall Senate Bill 827 pass?'. All those in favor vote by saying 'aye'.... signify by voting 'aye', opposed signify by voting 'no'. Representative Hudson."

Hudson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative McGrew has an excellent Bill here. All he's trying to do is tighten up this loan process a bit. Benjamin Franklin once said that a penny saved is a

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

66th Legislative Day

June 18, 1981

penny earned and we're trying to save a few pennies here, a few dollars, and this is one way to do it. And these are taxpayers dollars and not matter how few they may be, I do believe they're considerable. They're worth saving. This Bill came out of Committee. It had a good hearing. It came out of Committee with only 1 descending vote. I'm sorry. We've got plenty of votes up there. I'll shut up."

Speaker Conti: "Representative Getty. Have all those voted who wish? All those voted who wish? Will the Clerk take the record? This question having received 139 votes, 19 'nays', 3 'present', received the Constitutional requirement and is hereby declared passed. Senate Bill 837, Representative Schraeder. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 837, a Bill for an Act to exempt alternate energy facilities from property tax and occupational use tax. Third Reading of the Bill."

Speaker Conti: "Representative Schraeder."

Schraeder: "Thank you, Mr. Speaker. This Bill is the Bill that amends the State Occupation and Use Tax to exempt alternate energy facilities or equipment from the sales tax provision and amends the Revenue Act to provide that the assessed valuation of real property for alternate energy facilities or equipment improvements not be increased. And that is subject to an optional with the local units of government under the first Amendment, and the only objection that I knew we had was from the Assessor in Chicago, Mr. Heines and those under the Amendment have been deleted, and I believe that this is an extremely important piece of legislation if you're talking in terms of tax dollars and employment. In the year 1981 there will be a, just from solar alone, will be an increase of 273 jobs for a total increase in revenues for the state of 231,000. By 1985 there will be a total job increase of 558 with a million

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

66th Legislative Day

June 18, 1981

seven, and it seems to me, with this one item, it will be a great economic advantage to the state. And I would ask a favorable Roll Call on Senate Bill 837."

Speaker Conti: "Gentleman from Cook, Mr. Barr."

Barr: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In my opinion, this is very bad legislation. It's a continuation of something which I think is very destructive of sound tax laws. We're trying to encourage, in this case, the purchase or construction of items that some people think are, perhaps, more socially desirable than others by granting exemptions under both the Sales and Use Tax Laws and under the Property Tax Laws. If this trend continues, what we're going to have fairly soon is a tax system where virtually everything is exempt from taxation. This is not the way to do this. It would only result in perhaps the purchase or construction of a very few solar energy facilities which cannot be afforded by the average citizen in any event. This is not the way to go about encouraging socially desirable projects, and I would encourage a 'no' vote."

Speaker Conti: "The Gentleman from Lake, Representative Matijevich."

Matijevich: "Mr. Speaker and Ladies and Gentlemen of the House, if we did vote for the State Mandates Act what we said when we voted for it when there is a Bill that comes up wherein local governments lose revenue they ought to be reimbursed for it by the State of Illinois. As I read the Digest here on Senate Bill 837, what it says is that a tax exemption mandate. It is a tax exemption mandate for which the revenue loss to local governments must be reimbursed by the state under the State Mandates Act. And the Department of Commerce and Community Affairs is unable to estimate the amount of reimbursement; however, the total could be

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

66th Legislative Day

June 18, 1981

substantial. Later on it says, since domestic solar water heaters can typically cost 3500 dollars each and solar space heating systems can cost 10,000 dollars each, the fiscal impact of this Bill could be substantial. I think when we are passing this type of legislation we ought to realize that we are doing something to the revenues of local government and; therefore, I stand in opposition because I did vote for the State Mandates Act. If we voted for it, we ought to stand by it also."

Speaker Conti: "The Lady from St. Clair, Cissy Stiehl."

Stiehl: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, too, am concerned that this clearly comes under the State Mandates Act, and I have another concern about this because I think this is a very unfair law. Illinois presently has an alternative valuation procedure for solar energy improvements and the rationale for that law is that a property owner who converts to solar energy should not pay a higher property tax. At the present time, the assessor computes the two alternative values to the two alternate values. One for the solar system and one for the conventional system. The lower value is then used in the property tax calculation. Under this law, those people who cannot afford solar energy systems who must put in the conventional system will pay the tax, but no tax will be paid by the person who can afford the solar energy system. This is clearly discrimination. It's wrong and I hope you'll vote 'no'."

Speaker Conti: "Gentleman from McLean, Representative Ropp."

Ropp: "Mr. Speaker, I've got a question to the Sponsor."

Speaker Conti: "She indicates she will."

Ropp: "If this particular Bill would pass and rumors that we've been hearing lately about a proposed 1% sales tax increase across the board should also pass, which one of the two

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

66th Legislative Day

June 18, 1981

Bills would take precedence?"

Speaker Conti: "Representative Schraeder."

Schraeder: "There was a little bit of a noise level, Representative Ropp. Would you repeat it please?"

Ropp: "Yes, Sir."

Speaker Conti: "Can the Gentleman have some order, please?"

Ropp: "If Senate Bill 837 would pass and rumors that I have heard about a proposed 1% sales tax increase across the board should also pass, which of the two Bills would have precedence?"

Schraeder: "Mr. Ropp, I'm sure that if the question of the sales tax passing in this Session of the General Assembly would have to be answered by the Republican Party because my understanding that's been the proposal proposed by you and unacceptable to the Democratic Party. I really wouldn't count on a 1% increase in the sales tax unless your party Governor puts it there."

Ropp: "Even if your leadership also is a Cosponsor, huh?"

Schraeder: "Sir, my leadership is not a Cosponsor."

Speaker Conti: "The Gentleman from Stevenson, Harlin Rigney."

Rigney: "Would the speaker yield to a question or two?"

Speaker Conti: "He indicates he will."

Rigney: "Representative Schraeder, how do we define an energy system and let me give you an example. If I put up a new machine shed on my farm and make the south slanting roof of that some type of a solar collector, does that have the effect of making that whole building exempt from taxation?"

Schraeder: "Let me give you a definition of solar system as defined in the Revenue Act of 39 and it includes wind system. Devices for the production of methane from agricultural waste products which are solar powered or devices for the production of hydrogen from electronalysis of water where the energy for electronalysis is derived

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

66th Legislative Day

June 18, 1981

from a solar wind system. I'm quite sure that that wouldn't be covered under this provision."

Rigney: "I'm thinking, for instance, you're talking now about methane production. You put up a slurry store system to store the product to begin with. Maybe that costs you 30, 40, 50 thousand dollars. It's a necessary part of methane production. Would that also be exempt?"

Schraeder: "Well, I would presume if it's in the production of the alcohol, probably so, but only to the extent of that facility itself and not the total buildings that encompass the entire farming area."

Speaker Conti: "Just a minute, Representative Schraeder. The noise level is pretty high up here. I can't hear the question or can't hear the answer. Will you please give the Gentleman some attention. Proceed."

Schraeder: "I would say only if it's used in the actual production."

Speaker Conti: "Any further discussion? If not so, the .. 'Shall Senate Bill 837 pass?'. Representative Schraeder to close."

Schraeder: "Just, Mr. Speaker, I want to point out that the Amendment that was adopted in the Senate removes the Mandates Act from the Bill and Representative Matijevich indicated that it was covered. According to the Amendment that was adopted in the Senate before it came here, it gave that Mandates Act the boot so there's no concern with the Mandates Act. I'd ask for a favorable vote."

Speaker Conti: "The question is, 'Shall Senate Bill 837 pass?'. All those in favor signify by voting 'aye', those vote 'no'. Have all those voted who wish? Have all those voted who wish? Will the Clerk ... Will the Clerk take the record? Representative... I'm sorry, Representative McClain. I don't see your light up here. Were you seeking

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

66th Legislative Day

June 18, 1981

recognition?"

McClain: "Mr. Speaker, the light was on. Mr. Wolf can verify that. Certainly it's on now because you turned the microphone on, but it had been on previously."

Speaker Conti: "I apologize, Representative McClain. I didn't see your light on. The Clerk take the record. On this question there are 69 'ayes', 83 voting 'no', 3 voting 'present'... 84 voting 'no'. This Bill is hereby declared lost. Representative Daniels in the Chair, temporarily."

Speaker Daniels: "Representative Vinson."

Vinson: "Mr. Speaker, I move to table Senate Bill 148."

Speaker Daniels: "Chief Sponsor of Senate Bill 148. Gentleman's moved to table the Bill. Does he have leave? Leave being granted, Senate Bill 148 tabled. Senate Bill 908, Representative Hoxsey."

Clerk Leone: "Senate Bill 908, a Bill for an Act to amend an Act in relationship to state finance. Third Reading of the Bill."

Speaker Daniels: "Representative Hoxsey. Representative Conti in the Chair."

Hoxsey: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 908 amends the State Finance Act. What it does is allow 2% transfer among a line item appropriation for travel and allowance for committed, paroled or discharged prisoners. Now, the Department of Corrections has allocated in its budget for each institution a lump sum line item for the Department for this purpose, and because the release date varies for each prisoner it's not uncommon for the Department's budget to be off in its estimates to each institution. So then the Department must come to the General Assembly to request a transfer. What Senate Bill 908 will enable to the Department to do is to make a transfer among its line item up to 2% of its aggregated

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

66th Legislative Day

June 18, 1981

amount within the same treasury fund for such travel and allowance without having to come to the General Assembly to request that the Department be able to make that transfer. It's a simple Bill and I would ask your favorable support."

Speaker Conti: "Is there any further discussion? Gentleman from Lake, Matijevich."

Matijevich: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I don't find any reason why we should single out one department to give that Department flexibility with regards to the 2% transfer ability. If that is a good concept and good policy, then I would think that it ought to be good for all departments. I just don't see where using this transfer ability, where they can have that flexibility with regards to personal services, etcetera and other line items with regards to transfer ability is going to do any good and is a good appropriations concept. The Sponsor of this Bill serves on the Appropriations Committee and I don't think we ought to give agencies of government more room to play with than they have to have."

Speaker Conti: "Is there any further discussion? If not, 'Shall Senate Bill 908 pass?'. Those in favor signify by voting 'aye', those opposed voting 'nay'. Representative Hoxsey, to explain her vote."

Hoxsey: "Yes, Mr. Speaker, I would respond to the former speaker in the fact that it is not the only institution or department rather that has any flexibility. There are others and we're only asking a 2% flexibility in that and it is needed to make it practical when it comes to discharging these inmates. And I suggest that it's... they are not the only one that has this flexibility."

Speaker Conti: "Any further discussion? Representative Matijevich."

Matijevich: "Could I have leave to ask the Lady one more

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

66th Legislative Day

June 18, 1981

question?"

Speaker Conti: "Gentleman is asking leave to ask another question. Is there leave?"

Matijevich: "I understand that this Bill, by the transfer ability, is the support of the early release program. That's really what it's about and that's one of the problems I've got with it, and you're allowing one Department this transfer ability. Now, if you're for early release of prisoners and I mentioned this the other day that here we have a prisoner who's in prison and it could be a very serious offense and the real reason I've got problems with it is that all of a sudden one day, on this early release program, that prisoner is notified he's getting out. Now, as I said in Committee today, he may jump up and down and say hurray, but the truth of the matter is that he is not ready to be released nor is the community ready to receive him. And that's what this Bill is going to do, and I know the City of Chicago has been furious about dumping of early release of prisoners without proper authority. Now, I think that's a real problem with this Bill in addition to the fact that you're giving this Department authority that you aren't giving other departments."

Speaker Conti: "Representative Hoxsey. I didn't have her close so I'll have you answer that."

Hoxsey: "Alright. Mr. Speaker, thank you. There are other reasons why prisoners are released at various times, meritorious service, good time time. There is all kinds of reasons why they are not all released at one time. They're released individually as that time comes. It isn't just the early release program as the former speaker indicated. There's other reasons why we need this flexibility for discharge."

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

66th Legislative Day

June 18, 1981

Speaker Conti: "Representative Winchester."

Winchester: "Thank you, Mr. Speaker. In explaining my 'yes' vote, I'd like to point out to the Membership that this Bill passed out of the Senate Committee 13 to nothing. It passed out of the Senate on Third Reading 57 to nothing. It passed out of the House Executive Committee which we got into extensive debate on the issue. We passed it out of Executive 16 to nothing, and I think we ought to pass it out of the House floor and go on to other business. I'd ask for an 'aye' vote."

Speaker Conti: "Have all voted who wish? Have all voted who wish? The Clerk, take the record. On this question there are 100 voting 'aye', 55 voting 'nay', 2 voting 'present'. This Bill receiving the Constitutional requirement is passed by... Senate Bill 908 is hereby declared passed. Representative Meyer, I overlooked his Bill, 827. Is that Meyer's? 875. Representative Meyer. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 875, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Conti: "Representative Meyer."

Meyer(Ted): "Thank you, Mr. Speaker. Senate Bill 875 inv... amends the Environmental Protection Act. It deletes certain routine permit functions to local government, allows for the issuance of general NPDES permits for categories of water pollution sources and three, provides the state pick up the... the state adopt ARIKWA which is the federal solid waste rule and regulations to allow for delegation of the federal program for handling hazardous waste. I know of no objection of this Bill and urge its adoption."

Speaker Conti: "Representative McClain."

McClain: "Thank you, very much, Mr. Speaker. Ladies and

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

66th Legislative Day

June 18, 1981

Gentlemen of the House, this is a very, very critical Bill for Illinois and I would like to join with Representative Meyer in asking your support."

Speaker Conti: "Is there any further discussion? If not, the question is, 'Shall Senate Bill 875 pass?'. All those in favor vote... signify by voting 'yea', those opposed voting 'no'. Representative Schneider."

Schneider: "I just want to point out, Mr. Speaker and Members of the House, that Amendment #2 is the one that I have some trouble with in Committee. It does, again, that thing that I mentioned on other Bills. It does not allow the state to allow flexibility to make its own judgements about certain standards. I'm going to vote for this with the hope that perhaps we can catch up with it on a Conference Committee report. Amendment #2 is..."

Speaker Conti: "Have all voted who wish? Have all voted who wish? Will the Clerk take the record? On this question there's 161 voting 'yea', no one voting 'no', 2 voting 'present'. This Bill receiving the Constitutional Majority is hereby declared passed. Senate Bill 911, Representative Hastert. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 911, a Bill for an Act to amend the Uniform Hazardous Substantive Act of Illinois. Third Reading of the Bill."

Speaker Conti: "Representative Hastert."

Hastert: "Mr. Spaker, Ladies and Gentlemen of the House. Senate Bill 911 is a Bill that repeals the paragraph 266B in the Uniform Hazardous Waste Substance Act. Basically what it does is abolish the Hazardous Substances Advisory Council. In 1975 that Hazardous Waste Advisory Council was important in initiating policy and program development. Since 1975, this Council has not been called into session. It has done nothing simply for six years. We are asking that that

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

66th Legislative Day

June 18, 1981

Council be done away with and it's a savings of only 500 dollars, but it's a savings of 500 dollars. I would like you to consider a favorable vote on this Bill. Thank you."

Speaker Conti: "Is there any further discussion? Mr. Hastert, to close."

Hastert: "Ladies and Gentlemen, again, I just ask for a favorable vote."

Speaker Conti: "The question is, 'Shall Senate Bill 911 pass?'. All those in favor signify by voting 'aye', those opposed voting 'nay'. Clerk, take the record. Have all voted who wish? Take the record. I was a little too fast on this. I didn't check the lights up here. Will the Clerk dump the record. I apologize. The question is, 'Shall Senate Bill 911 pass?'. All those in favor signify by voting 'aye', those opposed voting 'nay'. Representative Stewart, to explain her vote. Have all voted who wish? Have all voted who wish? Will the Clerk take the record? This Bill receiving 160 'yes' votes, 2 voting 'no', none voting 'present' receiving the Constitutional Majority is hereby declared passed. Senate Bill 922, Representative Bullock. Clerk, read the Bill."

Clerk Leone: "Senate Bill 922, a Bill for an Act creating a Statewide Nursing Education Commission. Third Reading of the Bill."

Speaker Conti: "Representative Bullock, I overlooked 915, Senate Bill 915. If you'll hold off just for a minute. Will the Clerk read Senate Bill 915?"

Clerk Leone: "Senate Bill 915, a Bill for an Act to add Sections to the Criminal Code. Third Reading of the Bill."

Speaker Conti: "Representative Kelly."

Kelly: "Thank you, Mr. Speaker and Members of the House. Senate Bill 915 amends the Criminal Code by establishing penalties for a person who causes or who kills an unborn child. This

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

66th Legislative Day

June 18, 1981

Bill is different than the other two which passed previously in that the other two Bills related to the murder of a child during the last stage of the pregnancy, the last three months. This Bill relates to the term from the fertilization until birth. I would say that this is one of ...one of five Bills, pro-life Bills, that are being supported by the Illinois Pro-Life Coalition which I believe will be coming up later this evening and it did receive a favorable vote in the Senate of 54 to 3 and I would ask you to support this Senate Bill."

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

Preston: "Thank you, Mr. Speaker. Would the Gentleman yield for a question?"

Speaker Conti: "He indicates he will."

Preston: "Representative Kelly, does this Bill have ...apply at all to felony murder, to the felony murder rule where if somebody commits a murder by accident in the performing of a forcible felony, that he is nonetheless guilty of murder?"

Kelly: "This Bill says if someone intends to kill or do great bodily harm to an unborn child then they're subject to a felony 2."

Preston: "So then, is it my understanding that this Bill would not apply in an instance, a hypothetical, which came up in the Judiciary II Committee of somebody who is burglarizing a household, not knowing that a woman within that household was pregnant and by virtue of her being frightened she did abort her pregnancy. Would that fall within the purview of this Bill and make that individual guilty of murder?"

Kelly: "If he did it with intent or if there was any reason to believe that, then he would be subject to the penalty."

Preston: "Representative, I'm talking about where he had the intent to burglarize the home. He did not have the intent

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

66th Legislative Day

June 18, 1981

to cause an abortion. Indeed, he may not in this hypothetical even know the woman was pregnant. But would he, under this Bill in that situation, be guilty of murder?"

Kelly: "That, according to this Bill, the way I read it, even though I might have some concerns about that, appear not to apply."

Preston: "You're saying, Representative, that would not be murder in that situation then? Is that what you're saying?"

Kelly: "What I'm saying is that if there is an unborn child that's within a woman's womb, that that particular area is not being protected, even with this Bill."

Preston: "What is the penalty under this Bill for..."

Kelly: "What I'm saying is that I agree with what you have said."

Preston: "Okay. What is the penalty in this Bill for the person who would create a homicide of an unborn child?"

Kelly: "It's a class 2 felony."

Preston: "So then the death penalty would not apply, is that correct?"

Kelly: "Once again, it would not apply even though I feel that it's the same as murdering anyone else, yes."

Preston: "Okay. And, in the situation where an individual would shoot a pregnant woman, killing that woman and her unborn child, would that individual be guilty of multiple murder and thus be subject to the death penalty?"

Kelly: "Well, that sounds like that could be very possible if it's multiple, that it might be applied if they're killing more than one. That's multiple and the way I read it and if it is killing a mother and killing a child and especially when a woman's very pregnant, in the later stages of pregnancy and very noticeable, I would personally..would very much say that that's a multiple murder and that person is subject to the stiffest penalty

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

66th Legislative Day

June 18, 1981

that we have in the State of Illinois."

Preston: "Representative, I'm not asking what you would like this to say. I'm asking you what does your Bill say. Does it make the murder of a mother and an unborn child multiple murder, making someone who committed that offense liable for the death penalty?"

Kelly: "I guess...I guess I'm not making myself as clear to you, Representative, as I should be and I suppose you want a very short and definite answer. And my answer is yes. It is a multiple murder if you kill more than one person and this would be two."

Preston: "So then, this Bill prescribes the death penalty. This is a death penalty Bill then. I mean you're creating another situation in which somebody can be subject to the death penalty by virtue of this Bill."

Kelly: "Well, we already have a death penalty Bill as well as you know. And we came up with another one this evening changing the method ofAnd the Supreme Court has already ruled favorable to the death penalty."

Preston: "Is the Pro-Life Coalition in favor of putting another instance into effect where somebody can be subject to the death penalty? I did not know that that was a position that they normally took."

Kelly: "The Pro-Life position is favorable to once again saying if somebody kills an innocent unborn child in an act of a pregnant woman, that that person should definitely be subject to the class 2 felony, which is under this Bill."

Preston: "Thank you, Representative."

Speaker Conti: "Representative Cullerton."

Cullerton: "Representative Kelly? Representative Kelly, what is the penalty for this Bill?"

Kelly: "Class 2 felony."

Cullerton: "That's probationable (sic, probationary), isn't it?"

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

66th Legislative Day

June 18, 1981

Kelly: "I told you I didn't like the penalty, but that's what it is."

Cullerton: "Well, we've had..."

Kelly: "It's better than nothing, Representative.."

Cullerton: "We passed a Bill out of here yesterday that makes a class 1 felony for stealing a bike out of an attached garage and it's not probationable (sic, probationary) and now we've got a Bill here that makes it illegal to kill somebody and it's only a class 2 felony. And it's probationable (sic, probationary)."

Kelly: "Well, I guess I can, you know, play some of your games..."

Cullerton: "It's your Bill. Why don't you make it a class X?"

Kelly: "...And that is by saying that this is better than not having any law at all. Do you think that someone should be able to just walk away like they did last ...during the last year and a half in killing an unborn child and not having to face any type of reprimation (sic, reprimand) from the courts or from the State of Illinois?"

Cullerton: "I'm for your Bill. I don't think the penalty is stiff enough."

Speaker Conti: "Representative..."

Kelly: "I agree, but that's what the penalty is and next time we'll make it a stiffer one.."

Speaker Conti: "Representative Kornowicz."

Kornowicz: "I move the previous question please."

Speaker Conti: "The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye', opposed? 'Ayes' have it. Representative Kelly to close."

Kelly: "I would just ask for your favorable support of Senate Bill 915."

Speaker Conti: "The question is, 'Shall Senate Bill 915 pass?'. All those in favor signify by voting 'yes', all those

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

66th Legislative Day

June 18, 1981

opposed, voting 'no'. Representative Eugenia Chapman to explain her vote."

Chapman: "Mr. Speaker, I'm sorry I didn't have a chance to ask Mr. Kelly a question because he obviously knows a lot more about pregnancy than I do. I was...I was very surprised to learn that a state called 'very pregnant' is possible. I thought that one could be ...one could be pregnant or not pregnant. And this is the first time I learned there were several stages. So, Mr. Kelly's expertise is something that we're all very much aware of here and so I'm voting 'no' on this Bill."

Speaker Conti: "Have all those voted who wish? Any further discussion? Representative Stewart."

Stewart: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is one of a package of absolutely insane, absurd, backwards Bills. I'm sure most of you received letters sometime this week concerning right-to-life for individual sperm and that is exactly where this kind of legislation is headed. As my good friend, Al Ronan, said, when Monica finishes speaking on this topic, it will have 105 votes. Well, I tell you I happen to think that these 105 votes are perhaps some of the most foolish and ill-thought votes that could be up on that Board. Thank you."

Speaker Conti: "All those voted who wish? Representative Kelly to close. I'm sorry. To explain his vote."

Kelly: "No. I just want to make one response. I didn't get this letter concerning a sperm bank or whatever else. But I know that nationwide the Pro-Life has consistently been in opposition to some of these goals of experimentation and I know that we have some other Bills that are coming up. But I tell you what, Ladies and Gentlemen, since 1973 we've had a million unborn children aborted. And if you think that's

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

66th Legislative Day

June 18, 1981

foolish and it's silly, you'd better start adding those figures up because it adds up to more deaths that's ever occurred in this..not only in the United States, but in probably the entire world."

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

Ewell: "Mr. Speaker, in seeing the inane propositions that we have going through, no doubt next year the right-to-life will ask for a Bill that would print...that will punish spermicide. I think we're going in a ridiculous direction. You can either stop and take your senses now or take it about two or three years down the lane because I assure you this won't be the last thing that right-to-life will ask you to go for. One year they'll ask you to introduce a Bill to outlaw even spermicide."

Speaker Conti: "All voted who wish? Mr. Clerk, take the record. On this question there are 114 voting 'yea', 33 voting 'no', 10 voting 'present'. This Bill, receiving the Constitutional Majority, is hereby declared passed. Now, Senate Bill 922. Representative Bullock. Clerk, read the Bill."

Clerk Leone: "Senate Bill 922, a Bill for an Act creating a statewide Nursing Education Commission and defining its powers and duties. Third Reading of the Bill."

Speaker Conti: "Mr. Bullock."

Bullock: "Thank you, Mr. Speaker, Conti and Members, Ladies and Gentlemen of the House. Senate Bill 922 essentially is one of a series of Bills reported by the Commission on critical health. This Bill attempts to create a statewide Nurse Education Commission and it defines the powers and duties thereof. Essentially the Bill will establish a 13 member Commission to report back to this Body in 1982. It has a sunset provision which will allow it to automatically

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

66th Legislative Day

June 18, 1981

expire in 1983. The Bill is based on the premise that we, in the General Assembly, need additional information relative to the subject of nursing shortage and the lack of adequate nursing care in the State of Illinois. The Commission appropriation would follow. I think it's about \$30,000.00. The Department of Public Health supports the Bill. The Department of Registration and Education supports the Bill. The Illinois Hospital Association supports the Bill. The Illinois State Medical Society supports the Bill. The Illinois Department of Public Health supports the Bill. I know of no opposition to the Bill and I would ask for an affirmative vote."

Speaker Conti: "Is there any discussion? If not, the question is,Representative Bullock to close."

Bullock: "I'd like to ask Representative Ronan to close. He's a joint hyphenated Sponsor."

Speaker Conti: "Representative Ronan."

Ronan: "Thank you, Mr. Speaker. In closing for this fine Bill the only thing I can say is that there are two really good reasons to vote for it. Number one, we're all in favor of nurses and this gives us an attempt to kind of help the nurses who are so important in keeping us healthy and number two, any time we can create another Commission we're obviously doing something good for the people of the State of Illinois. Consequently, I'm looking for 177 green votes on this fine Bill."

Speaker Conti: "The question is...All those in favor by voting 'aye', those opposed voting 'no'. All voted who wish? All voting who wish? All those voted who wish? Would the Clerk take the record. On this question there are 104 voting 'yes', 51 voting 'no', 5 voting 'present'. This Bill, receiving the Constitutional Majority, is hereby declared passed. Senate Bill 925. Mr. Bullock. The Clerk

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

66th Legislative Day

June 18, 1981

read the Bill."

Clerk Leone: "Senate Bill 925, a Bill for an Act to amend the Health Services Education Grants. Third Reading of the Bill."

Speaker Conti: "Mr. Bullock."

Bullock: "Thank you, Mr. Speaker Conti and Ladies and Gentlemen of the House. Senate Bill 925 is the last of a series of Bills reported by the Commission on critical health issues. The Bill essentially amends the Health Services Education Grant Act. It allows the Board of Higher Education in awarding grants to private nursing schools and private hospital schools of nursing to consider whether or not those programs are, in fact, located in what is called, quote, 'certified nurse shortage areas', unquote, as determined by the Director of the Department of Public Health. This Bill perhaps is the most significant Bill in the entire package in my estimation because, quite frankly, this Bill allows that Department of Public Health to determine the area is in fact a critically nursing shortage area. The hospital and nursing associations and organizations concur that the shortage exists, but they're not in total agreement on the remedy to the problem. This is one remedy to the problem in allowing the Board of Higher Education after certification has been prepared by the Director of the Department of Public Health to make monetary awards to those private institutions that they deem to be in a nursing shortage area and hopefully this will in some small way enhance our nurses in those areas to not only be trained in the areas, but to remain in those areas. I'd be glad to answer any questions relative to the Bill. I think the Bill is self-explanatory and it is, in fact, addressing the health services education grants program."

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

66th Legislative Day

June 18, 1981

Speaker Conti: "The Gentleman from Cook, Mr. Ronan."

Ronan: "Just going to close..."

Speaker Conti: "Are you going to close?"

Ronan: "Just to close."

Speaker Conti: "Representative Ronan to close."

Ronan: "Since there are no questions I would just reiterate what Representative Bullock had to say. This is part of the package. There is no question but that we do have a nursing shortage in this state. Everyone agrees. This again will give us a method to work with the Department of Public Health to come up with a solution for this dire problem which is probably one of the most critical health care needs we have in the state at the present time. I urge everyone to vote for this fine Bill."

Speaker Conti: "The question is, 'Shall Senate Bill 925 pass?'. All those in favor signify by voting 'yes', those voting 'no'. All those voted who wish? All voted who wish? Will the Clerk take the record? On this question there are 145 voting 'yes', 11 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 926, Representative Terzich. Will the Clerk read the Bill?"

Clerk Leone: "Senate Bill 926, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Conti: "Representative Terzich."

Terzich: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 926 amends the Chicago Teachers' Pension Code. What it does is it includes one pensioner as a member of the Board of Trustees of the retirement system. At the present time there are five of the retirement systems at the present time provide for annuitant to serve on the Board. And the Bill has no fiscal impact and I would urge your support of House...Senate Bill 926."

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

66th Legislative Day

June 18, 1981

Speaker Conti: "Is there any further discussion? Mr. Terzich to close."

Terzich: "I would appreciate your support."

Speaker Conti: "On this question...Those wanting to vote...On this question, those voting...All in favor signify by voting 'aye', those opposed voting 'no'. Have all voted who wish? Have all voted who wish? Will the Clerk take the record? On this question there are 122 voting 'yes', 32 voting 'no', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 928. Representative Stuffle. Read the Bill."

Clerk Leone: "Senate Bill 928, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Conti: "Mr. Stuffle."

Stuffle: "Yes, this is a very simple pension Bill. It doesn't cost any money. It merely amends that Section of the law that our former colleague, Representative and Senator Kent, put into the law with regard to the downstate teachers and the retirees with regard to health insurance coverage. It provides coverage within the definitions of that Statute for nonprofit health care operations. The problem we had when we passed the original Bill was we did not cover Blue Cross as a potential bidder and provider. They've had the best rates and what they've had to do is have one of their subsidiaries bid on the health care. There's no opposition to the Bill. It passed out of both Committees in both Houses and out of the Senate unanimously. I would appreciate a 'yes' vote."

Speaker Conti: "Is there any discussion? If not, the question is, 'Shall Senate Bill 928 pass?'. All those in favor signify by voting 'yes', those opposed voting 'no'. Have all voted who wish? Have all voted who wish? Will the

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

66th Legislative Day

June 18, 1981

Clerk take the record? On this question there are 152 voting 'yes', 5 voting 'no', 2 voting 'present'. This Bill received a Constitutional Majority and is hereby declared passed. Senate Bill 934, Representative Brummer. Will the Clerk read the Bill?"

Clerk Leone: "Senate Bill 934, a Bill for an Act to amend Sections of an Act to revise the law in relationship to husband and wife. Third Reading of the Bill."

Speaker Conti: "Representative Brummer."

Brummer: "Thank you, Mr. Speaker, Members of the House. This is another right-to-life Bill and I think there are two more that are going to follow this immediately. This Bill amends the Family Expense Act to provide that the husband is not liable under that Family Expense Act for expenses incurred by his wife in obtaining an abortion without the husband's consent unless that abortion was certified as necessary to save the life of the pregnant woman. The second thing it does is it amends the same Statute, the Family Expense Statute, to provide that the parents shall not be liable under the Family Expense Doctrine for expenses incurred by a minor child in obtaining an abortion without the consent of the parents unless again the doctor certifies that the abortion was necessary to save the life of the minor child. I would ask for a favorable vote."

Speaker Conti: "Is there any discussion? Representative Ray Ewell."

Ewell: "Mr. Speaker, at some time I grow a little weary. I hear the right-to-life people come before us and constantly try to regulate every facet of life. They tell you that they have eyes that are very keen. They are so keen that they can even see conception. But yet, these are the same people who will say that they cannot see the pregnant and dependent mother without milk or vitamins. These are the

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

66th Legislative Day

June 18, 1981

same people from right-to-life that tell you that their ears are so sensitive and so delicate that they can even hear the unborn cry. Yet, they can't see or hear the cries of children after they are here when they are under..."

Speaker Conti: "Just a minute, Mr. Ewell. Just a minute. For what purpose do you arise, Mr....Representative Brummer?"

Brummer: "A point of order. He's talking about something ephemeral subject but not the Bill and I think he ought to address the Bill."

Speaker Conti: "Your point is well taken. Mr. Ewell, address the Bill..."

Ewell: "Continuing on the Bill, and as we say, because they have related it to the family here, they are people who would now seek to punish every aspect of life. In fact, they would even punish a mother who trips because she might be negligent. But yet, they are the same people who ..."

Speaker Conti: "Mr. Speaker (sic)...Mr. Ewell, please stick to the Bill."

Ewell: "I think I am sticking fairly close to the Bill and I don't think that the right-to-life has ever gotten a little censorship on us so that we can't speak our minds. I think that's the last thing they want to do. And so anyway, as I'm saying, they tell us that yes, they have an understanding that is indeed great. They can understand all the problems of the unborn fetus yet they can understand nothing about the mentally ill and the retarded. I suggest the values are again being diverted and tripped. They tell you that they have compassion. They have such a compassion for the fetus that they would even protect it and cover it to keep it from getting cold with the Constitution. But they can't do anything for our children in school or the unemployed adults. These are the same people that tell you that they have sensitives so delicate

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

66th Legislative Day

June 18, 1981

that they can feel conception but yet they cannot smell the
..."

Speaker Conti: "Just a minute, Representative Ewell. For what
purpose do you arise, Mr. Brummer?"

Brummer: "I've been listening very carefully to the speaker and I
have not heard him utter one word about this Bill yet. I
think if he wants to give some lecture about philosophy and
sociology generally, or medicine or whatever he's talking
about..."

Speaker Conti: "Your point is well taken. Mr. Ewell, will you
please address the Bill?"

Ewell: "I will talk about abortion without securing the written
consent of the husband. But I say again, we have the same
situation where people can't smell the aged dying in urine,
in stench factories. Gentlemen, I'll be through in one
moment and I will get it over (with). I say to you that
once it was said that a man who claims to love God, and he
cannot see and hates his neighbor is a liar. I suggest we
are getting into another area, another area where we are,
indeed, engaging in what will become known in the future
books as the 'McCarthyism of the '80's'. It will not stop
until someone stands up and says that it's wrong; It's
ridiculous and enough is enough."

Speaker Conti: "Is there any further discussion? If not,
Representative Ronan to close."

Ronan: "Yes, I would ask for a favorable vote."

Speaker Conti: "The question is, 'Shall Senate Bill 934 pass?'.
All those in favor vote 'aye', opposed voting 'no'. Have
all those voted who wish? Have all those voted who wish?
Have all those voted who wish? Have all those voted who
wish? Mr. Clerk, take the record. On this question there
are 124 voting 'aye', 33 voting 'no', 1 voting 'present'.
This Bill, receiving the Constitutional Majority, is hereby

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

66th Legislative Day

June 18, 1981

declared passed. Senate Bill 939, Representative Bradley.
Will the Clerk read the Bill?"

Clerk O'Brien: "Senate Bill 939, a Bill for an Act in relation to
the performance of an abortion procedure by any physician
upon a woman who is not pregnant. Third Reading of the
Bill."

Speaker Conti: "Representative Bradley."

Bradley: "Well, Mr. Speaker and Ladies and Gentlemen of the
House, thank you very much. And so that we will not have
to go through another lecture from Representative Ewell,
this does not have anything to do with the fetus. What
this Bill does, it amends the Illinois Public Aid Code, the
Illinois Abortion laws '75 and also the Medical Practice
Act. It does specifically three things. It provides that
where a physician has been found guilty of performing an
abortion procedure upon a woman who is not pregnant at the
time such abortion procedure was performed shall have his
name removed from the Public Aid Code's list of medical
vendors, will automatically have his license to practice
medicine in Illinois revoked and any physician who performs
an abortion procedure upon a woman who is not pregnant at
the time such abortion was performed is guilty of a class 2
felony....a felony. It does specifically those three
things. I don't see how anybody could be opposed to making
sure that the physicians know what they're doing at the
time that they're performing this work. And I ask for a
favorable Roll Call."

Speaker Conti: "Is there further...Any discussion?
Representative, from LaSalle, Representative Breslin."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen.
Representative Bradley, what is the definition of an
abortion procedure under your Bill?"

Bradley: "Under this Bill it would an intent to create a

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

66th Legislative Day

June 18, 1981

miscarriage."

Breslin: "Is that the specific language of the Bill?"

Bradley: "Well...."

Speaker Conti: "Mr. Brummer..."

Bradley: "Specifically it's an abortion procedure."

Breslin: "Does it say, in the Bill, does it define 'abortion procedure' in the Bill? I'll tell you. Our specific inquiry and it's of mine and of many other Members, are D and C's included as 'abortion procedures' and if not, why not?"

Bradley: "Pardon me. Would you repeat the question? I had a couple of..."

Breslin: "Are D and C's an 'abortion procedure' under your Bill and if not, why not?"

Speaker Conti: "Representative Bradley."

Bradley: "Just a...Mr. Brummer has the answer."

Speaker Conti: "Representative Brummer, did you wish to respond to that?"

Brummer: "Yes. The Illinois abortion law provides...defines an abortion as 'an intentional act to create a miscarriage'. A D and C is not intended to create a miscarriage. The Illinois State Medical Society has no problem with this Bill. We have checked it out very carefully and I think this question is good because it clearly indicates the legislative intent that it is not to apply to a D and C. It is only applied to an abortion procedure which is not a D and C."

Breslin: "But you will agree that a D and C is a commonly used method of performing abortions. Isn't that correct?"

Brummer: "No."

Breslin: "And is it the Sponsor's intent that this Bill not include D and C's? I'd like to have this answer from the Sponsor. Is it your intent that this legislation not

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

66th Legislative Day

June 18, 1981

affect D and C procedures?"

Speaker Conti: "Bradley to answer."

Bradley: "Just a minute. I am informed this does not include or address D and C."

Breslin: "And is that your intent, Sir?"

Bradley: "Yes."

Breslin: "Thank you."

Speaker Conti: "Representative Barr."

Barr: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Conti: "Indicates he..He indicates he will."

Barr: "Representative Bradley, certainly not in criticism of your Bill, but I am rather confused. I'm certainly not a doctor. Number one, why would a doctor want to perform an abortion on somebody that wasn't pregnant and number two, can you perform an abortion on somebody that's not pregnant?"

Bradley: "For a number of reasons, number one probably, as you recall in the Sun-Times articles of the scandals in Chicago, they were doing it to earn money."

Barr: "It would be merely...Basically a fraudulent abortion is basically what you're talking about then?"

Bradley: "Under that...Under that particular article that I'm talking about, they were performing an abortion procedure and the Bill says, '..in a willful and wanton manner', and that's what we're addressing in the Bill. And they knowingly, or should have known that there was not a pregnancy at the time."

Barr: "Thank you."

Speaker Conti: "Representative Stearney."

Stearney: "Would the Gentleman yield?"

Speaker Conti: "He indicates he will."

Stearney: "Tell me, Mr. Bradley, you've just touched on the heart of this Bill and that is, '..in the willful and wanton

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

66th Legislative Day

June 18, 1981

manner'. That is, a physician who performs an abortion procedure in a willful and wanton manner is guilty of a class 2 felony. Can you tell us what willful and wanton means and second of all, why we need it in this Bill?"

Bradley: "Well, I think you know better than I, probably, that what you're asking is well established in criminal law under..."

Stearney: "You're the Sponsor, Sir.."

Bradley: "...Well, I'm responding to you that under the law and you well know what that applies to..."

Stearney: "Well, first of all, let me suggest to you and perhaps I'm wrong. But I think when you include the words, 'willful and wanton', you have negated the intent to your Bill because it will be practically an insufferable burden for the prosecutor to prove that. I don't know why you just didn't proceed and say, 'He who performs an abortion on a woman who is not pregnant at the time is guilty of a class 2 felony'. But you've created a hurdle which you cannot overcome. Second of all, I'd like to know this here. Is this class 2 felony, that is, the penalty is three or four years to seven years in the penitentiary. Am I right?"

Bradley: "I understand it's three to seven."

Stearney: "Three to seven. Is this going to be a probationable (sic, probationary) offense?"

Bradley: "I assume that it would be, yes."

Stearney: "Well, Mr. Speaker and Ladies and Gentlemen of the House, I can't vote for a Bill like this that makes it probationable (sic, probationary) for a doctor to perform the heinous offense of performing an abortion on a woman who is not pregnant. Just yesterday we passed a Bill here that says a seventeen year old boy goes into the penitentiary for four to fifteen years for breaking into a

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

66th Legislative Day

June 18, 1981

garage which is attached to a home. If we can do that, certainly a doctor should go to the penitentiary for three to seven years for performing such a heinous crime as committing an abortion on a woman. Until this Bill is amended I will vote 'no'."

Speaker Conti: "The Gentleman from Bond, Representative Slape."

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

Speaker Conti: "He indicates he will."

Slape: "Most of the questions I had, Jerry, I think have already been answered. But I would like to have one thing answered into the record. You said under the provisions of this Bill that a doctor who committed this abortion would immediately lose his license. Are you saying after he was found guilty in court of doing that he would immediately lose his license? Or immediately upon some kind of evidence being presented he would lose his license?"

Bradley: "No. I didn't say that he immediately loses his license. He loses the license after he has a hearing, if he is found....if it is found that he has in fact performed this operation and it was found that the woman was not pregnant."

Speaker Conti: "Representative McPike. Representative Hudson, I'm sorry."

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

Speaker Conti: "The question is, 'Shall the main question be put?'. All those in favor signify by saying 'aye'. Opposed? The 'ayes' have it. Representative Bradley to close."

Bradley: "Well, I think we've had a thorough discussion, Mr. Speaker, Ladies and Gentlemen of the House, on this Bill. I think all the Members know what the Bill is going to do if we adopt it here this evening. And I ask for the support of the House."

260

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they're not pregnant? Is that the answer? The answer is to support this proposal and provide penalties if someone's

261

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

66th Legislative Day

June 18, 1981

abusing the law and especially..."

Speaker Conti: "Representative Chapman, explain her vote.

Timer's on."

Chapman: "Mr. Speaker and Members of the House, much of the content of Senate Bill 939 is presently law. Mr. Kelly will recall that Representative Cullerton, Representative Kelly and I sponsored a series of Bills a year ago in response to the practices, the dangerous, illegal practices of the abortion clinics and have already dealt with this subject matter. We've already been down this road. I truly was planning on voting for this Bill until I heard all these questions raised about the language. I think women are entitled to privacy and we can joke about it and we can see all of us made foolish by these continued series of Bills that come back to us year after year. But what is the most dreadful part about this whole acting out is that women's privacy is being dealt with in this legislative chamber year after year. Women deserve better than this."

Speaker Conti: "On this question there's 119 voting 'yes', 39 voting...40 voting 'no', 9 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Daniels in the Chair."

Speaker Daniels: "Representative Johnson as 'aye' on Senate Bill 939. Senate Bill 940. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 940, a Bill for an Act to add Sections to the Illinois Abortion Law. Third Reading of the Bill."

Speaker Daniels: "Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. 940 is addressed to the question of an abortion procedure. It's important to raise this issue first and foremost. Whether you are pro-choice or pro-life you should be able to support this Bill. This does not address itself to an abortion. It addresses an abortion procedure.

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

66th Legislative Day

June 18, 1981

The Bill provides for treble damages by a victim of a person who commits an abortion procedure on an individual woman who is not pregnant. The question of D and C has been raised by people in discussing this Bill. The Bill does not treat or include a D and C. My understanding of the definition of abortion is...Mr. Speaker? Mr. Speaker?"

Speaker Daniels: "Can the Gentleman have order please? Can the Gentleman have order?"

O'Connell: "Thank you, Mr. Speaker. My understanding of the definition of abortion is the intent to create a miscarriage or the intent to terminate a pregnancy. The language in this Bill to avoid any misunderstanding of what we are trying to do is that the act of committing an abortion procedure must be done in a willful and wanton manner. That is to say, that the person committing the abortion procedure on a woman who is not pregnant has done it knowingly or should have known that the woman was not pregnant. It simply provides that the victim may sue for three times the amount of damages incurred or suffered. I would ask for your favorable vote."

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

Greiman: "Well, thank you, Mr. Speaker. I've read this Bill with some thought. I assume that the people who are sponsoring it wanted to do something to more or less punish the perpetrator of a willful and wanton attempt. But I think they've done the reverse. I think they've cut down the rights of a plaintiff. Can I have some order, Mr. Speaker?"

Speaker Daniels: "May the Gentleman have some order? The request of a fellow Member for some order. May he have some order?"

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

66th Legislative Day

June 18, 1981

Greiman: "Thank you. Under the law today as it exists, a doctor who performs such a procedure would be guilty of an intentional tort and I believe would be entitled ...a plaintiff would be entitled to recover punitive damages. What this does however, is to say three times the amount of proved damages. Well that might be the \$300.00 or \$200.00 that you gave to the doctor. That might be some pain and suffering, probably not a great deal, maybe none at all. It might be a day's work. It might be \$400.00, \$500.00 maybe. And we do that three times that, it's \$1500.00. That's what it could be. But what you're doing with this Bill is you are destroying her action for punitive damages. She can not have a...This would be the exclusive remedy. So that in the great desire to run to this Legislature and put in all kinds of Bills, you are taking away the right of a woman who we all believe is a victim. No one wants anybody to be a fool. And so, you are really cutting down her rights. Now this just follows with all these other Bills I suspect. You have trivialized that which you believe is a great movement. You have just made it all trivia. And this Bill is the ultimate of it because you've taken away the rights of a woman, not added to them."

Speaker Daniels: "The Lady from"

Greiman: "Dumb.."

Speaker Daniels: "...LaSalle, Representative Breslin."

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

Speaker Daniels: "Indicates he will."

Breslin: "Representative O'Connell, is an abortion procedure defined in your Bill?"

Speaker Daniels: "Representative O'Connell."

O'Connell: "Representative Breslin, it is not defined in my Bill. It is, however, an Amendment for the Illinois Abortion Law

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

66th Legislative Day

June 18, 1981

of 1975 where the question of abortion would be defined."

Breslin: "An abortion procedure is defined?"

O'Connell: "Strike that. An abortion is defined in..."

Breslin: "Okay. Abortion procedure of course is different than abortion. Correct?"

O'Connell: "That is correct."

Breslin: "Is it, in spite of the fact that abortion procedure then is not defined in your Bill, is it your intent as the Sponsor of this Bill that a D and C not be included as an abortion procedure under this Act?"

O'Connell: "Yes, that is my intent."

Breslin: "Is it also your intent with regard to the issue of treble damages that that be the exclusive remedy and that punitive damages not be allowed?"

O'Connell: "No. My intent with regard to the treble damages is there are two...As you well know, there are two sets of damages in a civil suit. There are actual damages and there are punitive damages. It is not my intent that I would restrict the damages to three times the actual damages. My intent is that it would be determined...actual damages determined, punitive damages and the plaintiff may then claim treble those damages."

Breslin: "Thank you."

Speaker Daniels: "Representative Cissy Stiehl."

Stiehl: "Thank you, Mr. Speaker. Would the Gentleman yield?"

O'Connell: "Yes."

Speaker Daniels: "Indicates he will."

Stiehl: "Representative O'Connell, there's something here that bothers me and I'd like to ask you to answer this please. As we read in the paper and as we see sometimes happens, a person is abducted, held hostage for several days, beaten and gang raped. They then are either let lose or they get away. Would this in any way prevent a hospital from

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

66th Legislative Day

June 18, 1981

properly treating this rape victim because of the event that she might be pregnant or might have conceived as a result of this gang rape? What effect would that have on the hospitals and the doctors on this victim?"

O'Connell: "Representative Stiehl, that is not the intent of my Bill. The situation that you are presenting is that a hospital would perform a medical procedure. There is no intent or knowledge at that time that the woman is pregnant. Accordingly, my Bill addresses the question of willful and wanton attempts to perform or perform an abortion procedure. The example that you gave, there is no actual knowledge or reasonable knowledge that the woman is pregnant and therefore would not fall under the provisions of my Bill."

Stiehl: "Then, what you are saying, that this Bill in no way, the intent of this legislation in no way prohibits or inhibits a hospital or a doctor from properly treating a rape victim?"

O'Connell: "That is correct."

Speaker Daniels: "Representative Kornowicz."

Kornowicz: "I move the previous question please."

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

O'Connell: "Thank you, Mr. Speaker. Just to ask for a favorable vote. Again, whether you are pro-life or pro-choice, this is a Bill that all can support. Thank you."

Speaker Daniels: "The Gentleman's moved for the passage of Senate Bill 940. The question is, 'Shall Senate Bill 940 pass?'. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all voted who wish? The Gentleman from Cook, Representative Ewell, to explain

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

66th Legislative Day

June 18, 1981

his vote. The timer is on, Sir."

Ewell: "Don't need the time. All we're saying... I believe they're fine. They're doing a great job in protecting all forms of life from conception forward even pre-conception. We've now entered the realm of protecting nonexistent life. It simply shows the absurdities to which we're going to have to go."

Speaker Daniels: "The Lady from Cook, Representative Chapman, to explain her vote. The timer's on."

Chapman: "Mr. Speaker, I think all the pro-choice people in this House should be voting 'yes' and all the pro-life people should be voting 'no'. Because in response to some very careful questions by Representative Stiehl, the Sponsor of this Bill indicated that there is absolutely no problem at all in abortions being performed where a person has been guilty...where there is a possibility of rape or this question was in terms of gang rape. Therefore, the doctor would not have this cloud over his head in treating a rape victim. So I think the right vote's a 'yes' vote."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill there are 121 voting 'aye', 32 'nay', 12 'present'. Senate Bill 940, having received the Constitutional Majority, is hereby declared passed. Representative Telcser in the Chair."

Speaker Telcser: "House Bills, Second Reading, House Bill 1902."

Clerk Leone: "House Bill 1902, a Bill for an Act to apportion the State of Illinois into 22 Congressional Districts. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Telcser: "Any Motions filed?"

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

Speaker Telcser: "Are there Amendments from the floor?"

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

66th Legislative Day

June 18, 1981

Clerk Leone: "Floor Amendment #3, Ryan, amends House Bill 1902..."

Speaker Telcser: "The Gentleman from Kankakee, Speaker Ryan."

Ryan: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #3 makes several technical changes in House Bill 1902. I would be glad to read through all of these if you would insist. If you would like to ask a question about what's changed, I'll be happy to try and answer it for you. And I'm assuming there are no questions, Mr. Speaker. I would move for the adoption of Amendment #3."

Speaker Telcser: "The Gentleman has offered to move the adoption of Amendment #3 to House Bill 1902. Is there any discussion? The Gentleman from Rock Island, Representative Darrow."

Darrow: "Thank you, Mr. Speaker. I know this is broken down in census tracts and things of that nature, but could we have just some general idea of where the Districts affected are..."

Speaker Telcser: "One moment. The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker, I wonder how we suddenly got from one Order of Business to this other Order of Business without any indication that we're going on any kind of Priority of Call or any other reasonable Order of Business."

Speaker Telcser: "Pursuant to the rules, Representative, the Speaker has gone to the Order of House Bills, Second Reading. Representative Darrow. Representative Matijevich, for what purpose do you arise, Sir?"

Matijevich: "We are properly under this Order because we are on the subject matter of abortions. So we are properly on this Order."

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

66th Legislative Day

June 18, 1981

Speaker Telcser: "Representative Satterthwaite, for what purpose do you arise?"

Satterthwaite: "Mr. Speaker, there are a number of other Bills on the Order of Second Reading, some of which, I think, haveExcuse me. Excuse me..."

Speaker Telcser: "You're excused..."

Satterthwaite: "We always find a special category for what the Leadership wants to have done."

Speaker Telcser: "You're excused. Representative Darrow."

Darrow: "Thank you, Mr...Thank you, Mr. Speaker. Would it be possible for the Sponsor of the Amendment to indicate what current Legislative Districts are affected or what Members' Districts are affected so at least we can come to you tomorrow and say, 'What did you do to our District?', because we probably will have no idea who's being affected by what, even though we now have your map in its original form?"

Ryan: "Well, Representative Darrow, first of all, this is the Congressional map, not the Legislative map, so there won't be any Legislators, unless they anticipate running for Congress, affected by this map...by this Amendment."

Darrow: "All right. I'm sorry. I'll withdraw my request then."

Ryan: "Pardon?"

Darrow: "I'll withdraw my request on this. But if it would be possible, on our own maps if you could do that."

Ryan: "Be glad to try and explain anything I can."

Speaker Telcser: "The Gentleman from Cook, Representative Madigan."

Madigan: "Mr. Speaker, Ryan, I think that you ought to at least...Mr. Ryan? I think you ought to at least describe in some manner the changes that would be made by the Amendment."

Ryan: "Well, Representative Madigan, if you've got the Bill and

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

66th Legislative Day

June 18, 1981

the Amendment, I'll be glad to read down with you. In..."

Madigan: "I'm not asking for you to read the census tracts, but..."

Ryan: "Well, that's what the changes are, Representative."

Madigan: "I think that it would be a bit more informative for the Body if you were to indicate which Congressional District by number. And in general if one county is being taken from one District and given to another, you could state that..."

Ryan: "These are all technical changes, Representative Madigan. And then they add a tract that was omitted by error as an example, in the first line. Some of them were blocked. We had to block some of the census tracts. Some were listed...One block was listed twice...er..one census tract was listed twice. There's a grammatical error on lines nine and ten that were changed. Again, we blocked census tract 5202. We replaced a misplaced decimal on lines 14 and 15. I mean, there's just several changes that..that are there if you want to sit down and look at the Bill and go through it. They're all technical changes and I know that you voted on many occasions for technical changes to many Bills. And I would welcome your vote on this one."

Speaker Telcser: "The Lady from LaSalle, Representative Breslin."

Breslin: "Will the Gentleman yield for a question?"

Speaker Telcser: "Indicates that he will."

Breslin: "How is the 15th Congressional District affected by this change?.."

Ryan: "I can't hear you, Representative."

Breslin: "How is the 15th Congressional District affected by this change, if at all?"

Ryan: "..Not affected, Representative."

Breslin: "Thank you."

Ryan: "I would renew my Motion, Mr. Speaker, for the adoption of

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

66th Legislative Day

June 18, 1981

Amendment #3 to House Bill 1902."

Speaker Telcser: "The Gentleman from Champaign, Representative Johnson."

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

Speaker Telcser: "The Gentleman moves the previous question. All in favor signify by saying 'aye'; opposed 'no'. The previous question is moved. The Gentleman offers and moves the adoption of Amendment #3 to House Bill 1902. All in favor signify by saying 'aye'; opposed 'no'. The Amendment is adopted. Third Reading. House Bill 1903. House Bill 1903."

Clerk Leone: "House Bill 1903, a Bill for an Act to amend Sections of Title of an Act to redistrict the State of Illinois into Legislative Districts. Second Reading of the Bill...."

Speaker Telcser: "Any Motions filed to Amendment #1?"

Clerk Leone: "Amendment #1 was adopted in Committee. No Motions filed."

Speaker Telcser: "Are there other..further Amendments filed?"

Clerk Leone: "Floor Amendment #2, Ryan, amends House Bill 1903..."

Speaker Telcser: "The Gentleman from Kankakee, Speaker Ryan."

Ryan: "Withdraw Amendment #2. It's technically incorrect..."

Speaker Telcser: "..The Gentleman moves withdraw Amendment #2. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Ebbesen, amends House Bill 1903..."

Speaker Telcser: "The Gentleman from DeKalb, Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, my Amendment #3 is very simple. It really addresses itself to deleting everything after the enacting clause and you can read it for yourself. It just says that, '..the county

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

66th Legislative Day

June 18, 1981

of DeKalb, State of Illinois, wholly undivided in its
entirety and intact is a single unit..'.."

Speaker Telcser: "Representative.."

Ebbesen: "..May I have a little order, Mr. Speaker?..."

Speaker Telcser: "Representative Currie, for what purpose do you
arise?"

Currie: "Point of Order, Mr. Speaker. I filed an Amendment to
House Bill 1902..."

Speaker Telcser: "..You filed Amendment #4...."

Currie: "..And I..."

Speaker Telcser: "...It wasn't distributed, therefore it's not in
order. We're on House Bill 1903. Representative Ebbesen."

Ebbesen: "Mr. Speaker? Mr. Speaker, thank you. I'll try to
start again. It merely strikes everything after the
enacting clause and says that the county of DeKalb, State
of Illinois, wholly undivided in its entirety and intact,
is a single unit, shall serve as the statewide nucleus and
the, quote, '..point of departure in all directions; North,
South, East and West', to the end that Constitutional,
equally apportioned Legislative Districts are created and
they shall number 59 in total. Now, if this Amendment is
adopted, I invite everybody to the county of DeKalb and
we'll draw the map. Mr. Speaker, I move for the
adoption...I'll be glad to respond..."

Speaker Telcser: "The Gentleman has offered..."

Ebbesen: "...To any questions. And, Mr. Speaker? Yes, Mr.
Speaker? If there are any questions, I would appreciate it
if you would turn on all of the microphones all at once and
I'd be glad to respond."

Speaker Telcser: "The Gentleman has offered to move the adoption
of Amendment #3. All in favor signify by saying 'aye';
opposed 'no'. The Amendment is lost. Further Amendments?"

Clerk Leone: "Floor Amendment #4, Kane, amends House Bill 1903 as

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

66th Legislative Day

June 18, 1981

amended."

Speaker Telcser: "One moment. The Gentleman from Cook, Representative Collins? The Gentleman from Cook, Representative Collins, inquires as to the proper drafting of Amendment #4. Would the Clerk show me Amendment #4? Amendment #4, Representative Kane, Amendment #4 is not properly numbered. The lines aren't numbered. Therefore, it's out of order. Further Amendments?"

Clerk Leone: "Floor Amendment #5, Ryan, amends House Bill 1903 as amended."

Speaker Telcser: "The Gentleman from Kankakee, Speaker Ryan."

Ryan: "Withdraw Amendment #5, Mr. Speaker."

Speaker Telcser: "The Gentleman has withdrawn Amendment #5. Further Amendments?"

Clerk Leone: "Floor Amendment #6, Younge, amends House Bill 1903 as amended."

Speaker Telcser: "....."

Speaker Ryan: "All right. The Members will be in their seats. I don't know who removed the television cameras. They'll be returned. Cameras back on that...Bring that cameraman back in here. Whoever that was, put him back up there where they were. I don't know who removed them. I didn't. Members will be in their seats. In your seats and be quiet and we'll take you one at a time. Just calm down and sit down. When you get to order, I'll talk to you. Now, sit down. When you bring yourselves under control, we'll talk. Mr. Doorkeeper, remove all, all, everybody off the floor but Members. Everybody off the floor but Members. Remove everybody. All right. Let's have a little order. Order in the chamber. Representative Madigan."

Madigan: "Mr. Speaker, I request a Democratic caucus immediately."

Speaker Ryan: "How much time do you need, Representative?"

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

66th Legislative Day

June 18, 1981

Madigan: "Half an hour to forty-five minutes and I'd ask all Democrats to take their keys with them."

Speaker Ryan: "But...That's nice, Representative. Take your keys and you can have an hour, forty-five minutes, whatever's your pleasure. Just tell me how much time you want. I'll get you a room. Get a room."

Madigan: "I'd say half an hour to forty-five minutes."

Speaker Ryan: "All right. Hang on and I'll find out where you can meet. Representative Madigan, room 118 is available. The House will stand in recess till the hour of 12:15, for purposes of a Democrat cau..conference..."

Speaker Telcser: "House will be in Order. The Members will be in their seats. When we recessed for the conference we were on House Bill 1903, Amendment #6. The Lady from...St. Clair, Representative Younge."

Clerk Leone: "Floor Amendment #6, amends House Bill 1903 as amended."

Speaker Telcser: "The Lady from St. Clair, Representative Younge. Representative Madigan, for what purpose do you arise, Sir?"

Madigan: "Mr. Speaker, would you recognize Representative Currie for a point of order?"

Speaker Telcser: "The Lady from Cook, Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. I think before the recent conflagration, we were dealing with my point of order with respect to Amendment #4 to House Bill 1902. That Amendment was filed. You didn't regard the Amendment at all, but moved that Bill to Third Reading. The practice of this House all Session, in fact, as recently as this afternoon when Representative Vinson offered an Amendment to a Bill of mine, has been that if the Bill ..if an Amendment is filed but not yet printed, the only thing that can be done before the Bill is moved to

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

66th Legislative Day

June 18, 1981

Third Reading is either to hold the Bill on Second and give the Amendment an opportunity to be printed, distributed, read, discussed, debated and voted upon by the Membership, or a Motion to table the Amendment has been considered to be in Order. I think that that should have been the approach with respect to my Amendment #4 to House Bill 1902 and I would ask the Chair please to return to that Order of Business with House Bill 1902 on Second Reading so that we can deal with Amendment #4. In the meantime, of course, that Amendment has been printed. And I would hope that we could deal with the Amendment, itself, at that time."

Speaker Telcser: "Well, Representative, regarding House Bill 1902, your Amendment, indeed, was offered. The Amendment, however, was not printed nor distributed and therefore the Chair ruled it out of order based upon the Chair's interpretation of the rules. Secondly, your inquiry really is not relevant to House Bill 1903. Representative...Representative Currie. Representative..Representative Greiman, for what purpose do you arise?"

Greiman: "Mr. Speaker, during the..this Bill and the earlier consideration of this Bill as well as the prior Bill, I and other Members on this side asked for a record vote. We asked for that clearly. No one could possibly have mistaken that. That is not a right, Sir, given to us by the rules. It is a right given to us by the Illinois Constitution of 1970. When they passed that they recognized that Members who were elected would want possibly to have the rules. I point out in the Legislative Article, Section 8 of the Constitution of Illinois, it says, '...Subsection C..that final passage of Bill shall be by record vote...'. In the Senate, however, at the request of two Members and in the House, at the request of five

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

66th Legislative Day

June 18, 1981

Members, a record vote may be taken on any other occasion. That is a Constitutional right. If you want to fudge the Rules, Mr. Speaker, fudge them. Fool around with them, but this is a Constitutional right and I resent deeply that my Constitutional right, my Constitutional right has been abridged, has been abridged by the Chair today. And I'm going to ask for a record vote on every Amendment here and I expect to get it, Mr. Speaker. I expect you to recognize my Constitutional right, Sir."

Speaker Telcser: "Representative Currie, for what purpose do you arise?"

Currie: "Thank you, Mr. Speaker. I don't think that you dealt with my point of order adequately. The practice has been that if Amendments are filed, they must be dealt with. You did not deal with Amendment #4, although it was filed. Every other experience of that kind in this House, this Session, an Amendment has either been withdrawn or has..there has been a requirement for a Motion to table. This very afternoon, I remind the Chair, with Representative Vinson's Amendment on my own Bill, the procedure the Chair insisted upon following was that the Bill could not be moved to Third until there had been some dealing with the Amendment. And I don't understand why you are not responding to that point of order that I am right now making."

Speaker Telcser: "Representative Bowman, for what purpose do you arise?"

Bowman: "Yes, to follow Representative Currie's point...I am, despite what it may say here, I am the Joint Sponsor with her on the Amendment. It amazes me, Mr. Speaker, that you can stand there on the rostrum and act as if nothing has happened, that here we are on House Bill 1903, Amendment #6 and of course, we happened to have interrupted the

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

66th Legislative Day

June 18, 1981

proceedings for a party caucus to take care of some housekeeping matters. But in fact, the party caucus was held because the House was in shambles, Mr. Speaker. It was a shambles because House Bill 1902 was ramrodded through on a series of voice votes, despite numerous protests from this side for Roll Calls, Representative Currie seeking recognition to raise the very point at that time that you now...that you are letting her have the floor, that you now say is untimely. Mr. Speaker, I would suggest to you, if you can hear me while you're talking to someone else on the telephone, I would suggest to you, Sir, that you are abusing the Chair and that the proper thing to do, the decent thing to do, and indeed, I suspect, the only legal thing to do at this point, is to go back to House Bill 1902 and to take up the Amendments. If you've got the votes, you've got the votes. I would think that if you're in the position of having the gavel you ought to be able to, you know, sustain probably any position you want to sustain if you've got the votes. But give it a fair shot. I encourage you, Sir, to go back and to take up House ..Amendment #4 to House Bill 1902 as it is properly before the House."

Speaker Telcser: "Okay. The Gentleman from Cook, Representative Levin."

Levin: "On a point of personal privilege. This Gentleman in green is not an elected Representative. Before we broke, the person that was presiding order, which I believe was Speaker Ryan, ordered off the floor all nonmembers. This Gentleman has no right to be here. He's here, I think, because he's big and he's blocking the entrance to the Speaker's podium and I would ask that he'd leave..."

Speaker Telcser: "Well, if the Gentleman would leave the floor if it makes Representative Levin more comfortable..I think the

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

66th Legislative Day

June 18, 1981

Gentleman should. Representative Kane, do you seek recognition, Sir? Representative Kane, I think you're on, aren't you?"

Kane: "Yes. Mr. Speaker, Ladies and Gentlemen of the House, what the altercation was all about was the cutting off by the Chair of the.."

Speaker Telcser: "I'm sorry, Representative. Could you start again?"

Kane: "Yes. What the altercation was about was the cutting off by the Chair of the Constitutional right of Members to have their votes recorded on the request of five Members. That was obviously done. And I think that the only recourse that the Chair has at this time, if it wants to avoid chaos for the rest of the Session, is to go back to the time at which that first request was made for a Roll Call and to start from there. I think that to take up the Order of the House on Amendment #6 to 1903 and to say that any other request is untimely is again an arrogant abuse of power. And I would ask you, as the Speaker and the temporary possessor of the gavel, that you go back to that point of order when we first asked for the Roll Call."

Speaker Telcser: "I'd like to get back to...again reaffirm what I told Representative Currie. Rule 34-C clearly states no Amendment may be adopted unless it has been reproduced and is on the Members' desks. Period. That is the basis upon which I made my ruling regarding Amendment #4 to House Bill 1903. We're now on 1902. We're now..Representative Matijevich, for what purpose do you arise?"

Matijevich: "I make a point of order, Mr. Speaker. Under Rule 34-B, Representative Currie, as a Member of the General Assembly of this House, did the only thing that she could do. She filed an Amendment. That's all she could do. Then, in 34-B, it states..and I don't want to be in the

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

66th Legislative Day

June 18, 1981

habit of running down the Clerk of the House. I think I've sort of made up. But damn it, you used the Clerk of the House again. Because the next line said, '..The Clerk shall have the Amendment printed and place a copy of it on the desk of each Member..'. Tony, as soon as practical. Now we all know that the printing presses were stopped. We all know that. That's an abuse of your power. She did everything that she could possibly do. She filed the Amendment. The rest is up to you. Then, in your 34-C, '..No Amendment may be adopted..'..It wasn't adopted. But that doesn't mean you can go to Third Reading. And that happened today. And I tried. That's what I did at the podium. I asked the Parliamentarian, 'You answer the question'. Why was it on Bob Flinn-Currie's Bill earlier that the only thing that could be done to bring it to Third Reading was to table the Amendment? Do it right. And ask for the Roll Call when everybody wants one. Do it right. You've got the votes, damn it. You've got all the votes you need. But do it right. That's all we were asking for and Doug Kane didn't want to react to chaos. But what else can you do when you were acting chaotically up there? That was chaos that was meeting chaos. That's the only thing we could do. And the really thing we should have done was adjourn at nine o'clock like I said."

Speaker Telcser: "Representative Getty, for what purpose do you arise, Sir?"

Getty: "Mr. Speaker, I assume that you are going to persist in your ruling that you deny the request of Representative Greiman and many others for the Roll Call as to Amendment #3 to House Bill 1902. If you do persist in that, I wish to have my dissent to that harmful ruling in derogation of the Constitution of the State of Illinois recorded and journalized. And I am sure that I have more than another

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

66th Legislative Day

June 18, 1981

Member joining me in that."

Speaker Telcser: "Would the Clerk please show the Gentleman's dissent upon the Journal? And if the Clerk could prepare some sort of form so whatever Members wish to come to the Clerk's well tomorrow or later tonight, you may add your names to be placed upon the Journal in order to state your dissent. Representative Getty?"

Getty: "I further ask that the Chair indicate that my formal written and typed dissent will be filed and recorded with the Journal of this day's proceedings."

Speaker Telcser: "That will be so noted..Your formal..."

Getty: "And I would then proceed to my next point and that is, I assume the Chair persists in his ruling on Representative Currie's point of order, in your failure to go back to her Amendment #4 and the inconsistent ruling of the Chair this evening in moving the Bill 1902 when Amendment #4 had been filed, was in the process of being reproduced and was not yet on the Members' desks. However, the Chair was well aware that it had been filed and was in the process of being reproduced and indeed, has appeared on our desks in the interim. It was inconsistent with the rulings that the Chair has made throughout the entire Session, which has been to require that if an Amendment had not been distributed, the only recourse was to withdraw that Amendment or to move to table it. I dissent, respectfully, from that ruling of the Chair as being harmful to the people of the State of Illinois and I am quite sure that more than one other Member will join me in that dissent. And I would further ask that I be given the right to have my written formal dissent journalized with this day's proceedings."

Speaker Telcser: "You will be given that right, Sir. Just file it with the Clerk. The Gentleman from Champaign,

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

66th Legislative Day

June 18, 1981

Representative Johnson."

Johnson: "I don't want to cut off this discussion on the other side. I'm ready to go on to the next Order of Business."

Speaker Telcser: "We're on Amendment #6 to House Bill 1903."

Johnson: "Are we on that Order of Business then?"

Speaker Telcser: "Yes. Do you rise to..."

Johnson: "Yes. Mr. Speaker..."

Speaker Telcser: "Representative Pierce, for what purpose do you arise?"

Pierce: "Mr. Speaker, point of personal privileges I don't raise very often. Be my ninth term in the House. I think this House of Representatives owes an apology to the people from the Champaign television station who were covering this Session prior to our recess. Now, we're elected Representatives and we have certain rights to this floor. But those rights do not give us the right to go to the balcony to attack members of the press who are doing their job. If they're in violation of the rules of this House, there are ways for the Speaker to take care of that. We have Doormen. We have Sergeant-at-Arms. The mere fact that we're elected Representatives does not give us the right to push and shove and knock down members of the press, members of the T.V. and their equipment. And I apologize to that television station for what was done in this House and I know those who did it say I'm not a Member of the Club. I should defend our right to go up and shove and push and hit people. But I don't intend to do that. I don't intend to defend your right to do it. You can defend your right to do it. And I apologize. And I think this House should apologize."

Speaker Telcser: "Representative Ebbesen, for what purpose do you arise, Sir?"

Ebbesen: "I'd like an opportunity to respond to exactly what took

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

66th Legislative Day

June 18, 1981

place. When there was a change in the attitude of the House and the atmosphere up there, that T.V. light was not on. I sat right here, looked up there. That man, who's an experienced cameraman, certainly was not rehearsing at eleven fifteen at night to improve his skills. And of course, I waved and pointed at the light, said he shouldn't be doing that. He couldn't hear me so I took it upon myself to go up there and say to him that if you can't abide by the rules of the House, you ought to take your camera and remove it from the pedestal and go outside. Now let me tell you, what it looked like from down here and what took place up there were two different things. There were some words that were exchanged. There was another Representative there with me. He bent over in...with an irate attitude, I'll admit. He picked that camera off the pedestal, put it on his shoulder, picked up something else and walked towards the door. When he fell back it was still plugged in. Now that is a fact. That is a fact. There were witnesses up there. It was unplugged. I picked up this portion of the microphone, handed it to his assistant, walked out and came back down here. I will not apologize for my part in that and this House should not apologize for anything."

Speaker Telcser: "The Gentleman...The Gentleman from Cook, Representative Madigan."

Madigan: "Excuse me, Mr. Speaker. I would defer to Representative Currie."

Speaker Telcser: "Proceed, Representative."

Currie: "Thank you, Mr. Speaker. You've ruled against my point of order although the clear practice and procedure of this House has been that Amendments when filed must be dealt with. I do not feel in good conscience I can stand here, as a Representative of the people of my district, as a

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

66th Legislative Day

June 18, 1981

Representative of the people of the entire state, and permit that kind of ruling which is to create chaos in the House of Representatives to give us not the opportunity that our people sent us here to do, to represent them to the best of our abilities. Because, Mr. Speaker, the clear practice, the clear procedures of this House, because the rulings of the Parliamentarian of this House, even as recently as this afternoon, stand in direct contradiction to your ruling. I would move to appeal the ruling of the Chair."

Speaker Telcser: "Representative Johnson, for what purpose do you arise?"

Johnson: "Mr. Speaker, that Motion is out of order. There's certainly...There's nothing before the House for the Speaker to have ruled on. The Speaker didn't rule on anything in particular. That Motion and that Bill are long behind us. The Speaker didn't rule on anything and therefore that Motion to overrule the Chair is out of order."

Speaker Telcser: "Representative...Representative Bowman, I see you've got the Rule Book in your hand. For what purpose do you arise?"

Bowman: "Yes. I was about to rise on...Yes, this is a temporary Rule Book, I'm reminded.."

Speaker Telcser: "It's the temporary permanent Rule Book..."

Bowman: "..If the Chair persists and if the Chair should happen to agree with the Representative from Champaign, let me then, under Rule 10-B, move that we change the Order of Business to go to House Bill 1902. Rule 10-B states that any Order of Business may be changed at any time upon the Motion of any Member supported by five additional Members, which I assume I have. Thank you..."

Speaker Telcser: "Well, now, Representative...."

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

66th Legislative Day

June 18, 1981

Bowman: "...And if it's adopted by an affirmative vote of 89..."

Speaker Telcser: "Representative, we have a Motion pending from Representative Currie, which I have not ruled upon. Therefore, your Motion is out of order. Now, in reference to Representative Currie's Motion, I would like to say that the Lady's Motion is not timely. We're not on House Bill 1902. We're on House Bill 1903. And now, the Gentleman from Champaign, Representative Johnson, in connection with Amendment #6 to House Bill 1903, which is the matter before the chamber now."

Johnson: "Mr. Speaker, with respect to Amendment #6, I would make the point of order that Amendment #6 is out of order because the Amendment, if adopted, would leave census tracts unallocated and therefore, the Amendment is out of order and I would make that point of order."

Speaker Telcser: "Now, let's just..Let's listen to the Gentleman's point. In connection with Amendment #6, census tracts 4001.01, 4001.02, 4002, 3, 4, 4008.01, 4008.2, 4009.4 are not allocated to the proper census tracts. Therefore the Amendment is out of order. Are there further Amendments?"

Clerk Leone: "Floor Amendment #7, Ryan, amends House Bill 1903 as amended."

Speaker Telcser: "The Gentleman from Kankakee, Speaker Ryan. Let's have some order.."

Ryan: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #7 corrects many...some technical errors that we had in the Bill..."

Speaker Telcser: "...The Chair can't hear above the noise..."

Ryan: "...And, I would move for the adoption of Amendment #7, Mr. Speaker..."

Speaker Telcser: "...If the Members want to shout, the Chair can't hear. The Gentleman has offered to move the adoption

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

66th Legislative Day

June 18, 1981

of.."

Ryan: "I move the adoption of Amendment #7..."

Speaker Telcser: "...Amendment #7. All in favor will signify by saying 'aye'; opposed 'no'. The Amendment is adopted. Are there further Amendments?"

Clerk Leone: "Floor Amendment #...."

Ryan: "I move we adjourn until..."

Speaker Telcser: "Third Readings. Are there further Amendments after 7? Mr. Clerk? Amendment #8 has been filed. Is it distributed, Mr. Clerk?"

Clerk Leone: "It is not printed and distributed. It was filed at 1:05 a.m."

Speaker Telcser: "Is it the...Mr. Clerk? Is that distributed?"

Clerk Leone: "It is not printed and distributed."

Speaker Telcser: "The Amendment is not distributed. It is not in order. You've got it now? All right. In reference to Amendment #8, Representative...the Gentleman from DeWitt, Representative Vinson."

Vinson: "I move to table Amendment #8."

Speaker Telcser: "The Gentleman moves to table Amendment #8. All in favor signify by saying 'aye'; opposed 'no'. The Amendment is tabled. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Telcser: "Third Reading. The Gentleman from Cook, Representative Collins, moves the House stand adjourned until 12:00 noon tomorrow. All in favor, 'aye'. Opposed 'no'. The House is adjourned."

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

PAGE 1

JUNE 18, 1981

HB-1902	2ND READING	PAGE	267
HB-1903	2ND READING	PAGE	271
SB-0147	3RD READING	PAGE	147
SB-0148	MOTIONS	PAGE	183
SB-0190	3RD READING	PAGE	151
SB-0192	3RD READING	PAGE	156
SB-0243	3RD READING	PAGE	162
SB-0254	3RD READING	PAGE	81
SB-0286	3RD READING	PAGE	173
SB-0430	3RD READING	PAGE	87
SB-0457	3RD READING	PAGE	87
SB-0468	3RD READING	PAGE	80
SB-0512	2ND READING	PAGE	15
SB-0513	2ND READING	PAGE	16
SB-0534	3RD READING	PAGE	17
SB-0556	3RD READING	PAGE	21
SB-0558	2ND READING	PAGE	30
SB-0578	3RD READING	PAGE	34
SB-0580	3RD READING	PAGE	52
SB-0589	3RD READING	PAGE	177
SB-0591	3RD READING	PAGE	185
SB-0614	3RD READING	PAGE	93
SB-0623	2ND READING	PAGE	57
SB-0642	3RD READING	PAGE	188
SB-0644	3RD READING	PAGE	195
SB-0650	2ND READING	PAGE	61
SB-0753	3RD READING	PAGE	196
SB-0755	3RD READING	PAGE	204
SB-0756	3RD READING	PAGE	205
SB-0805	2ND READING	PAGE	207
SB-0827	3RD READING	PAGE	226
SB-0836	3RD READING	PAGE	210
SB-0837	3RD READING	PAGE	212
	3RD READING	PAGE	232
SB-0842	3RD READING	PAGE	214
SB-0851	3RD READING	PAGE	216
SB-0861	3RD READING	PAGE	94
SB-0875	3RD READING	PAGE	240
SB-0879	3RD READING	PAGE	222
SB-0901	3RD READING	PAGE	80
SB-0908	3RD READING	PAGE	237
SB-0911	3RD READING	PAGE	241
SB-0913	3RD READING	PAGE	98
SB-0915	3RD READING	PAGE	242
SB-0922	3RD READING	PAGE	248
SB-0925	3RD READING	PAGE	250
SB-0926	3RD READING	PAGE	251
SB-0928	3RD READING	PAGE	252
SB-0934	3RD READING	PAGE	253
SB-0939	3RD READING	PAGE	256
SB-0940	3RD READING	PAGE	262
SB-0966	3RD READING	PAGE	102
SB-0992	3RD READING	PAGE	103
SB-1006	2ND READING	PAGE	62
SB-1007	2ND READING	PAGE	104
	3RD READING	PAGE	106
SB-1048	2ND READING	PAGE	122
SB-1109	3RD READING	PAGE	6
SB-1124	3RD READING	PAGE	123
SB-1147	3RD READING	PAGE	128
SB-1173	2ND READING	PAGE	6
SB-1198	3RD READING	PAGE	143

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

PAGE 2

JUNE 18, 1981

SUBJECT MATTER

HOUSE TO ORDER - SPEAKER RYAN	PAGE	1
PRAYER - DOCTOR NICHOLS	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	2
ROLL CALL FOR ATTENDANCE	PAGE	2
COMMITTEE REPORTS	PAGE	4
MESSAGES FROM SENATE	PAGE	5
REPRESENTATIVE DANIELS IN CHAIR	PAGE	42
RECESS	PAGE	78
HOUSE RECONVENES	PAGE	78
COMMITTEE REPORTS	PAGE	78
MESSAGE FROM SENATE	PAGE	79
REPRESENTATIVE STIEHL IN CHAIR	PAGE	94
REPRESENTATIVE DANIELS IN CHAIR	PAGE	156
REPRESENTATIVE CONTI IN CHAIR	PAGE	214
REPRESENTATIVE DANIELS IN CHAIR	PAGE	237
REPRESENTATIVE CONTI IN CHAIR	PAGE	237
REPRESENTATIVE DANIELS IN CHAIR	PAGE	262
REPRESENTATIVE TELCSER IN CHAIR	PAGE	267
ADJOURNMENT	PAGE	285