

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

70th Legislative Day

June 24, 1981

Speaker Ryan: "The House will come to order and the Members will be in their seats. The Chaplain for today is Reverend John Worton, from the Winnetka Bible Church located in Winnetka, Illinois. Reverend Worton."

Reverend Worton: "Thank you. This morning I'm going to be praying for you as you complete the work of this Session in these next few days. You may again indicate your affirmation of the prayer by your Amen. Let us pray. O Mighty God in whom is all authority in heaven and in earth, it is our privilege and joy to resort to Thee this morning in recognition of our 'finiteness' the limitations of our abilities and knowledge. And we pray to Thee, King of Kings and Lord of Lords that to this Body, to whom you have given much power there might also be a faithfulness which is required of stewards. And I pray this morning that in the final days of their deliberations you would give these Legislators special stamina. A quick apprehension of the issues which they are debating and voting on, that in this final Session they might enact such legislation as which will provide a good transportation system, both intra state and urban. That the taxation principles which are enacted might be fair for all. That the Legislators might have in their hearts and in their minds a vision for the kind of state Illinois must be in the future, that you would cause them to enact Bills which will bring that to pass. We pray, O God, that as every heart is open to your scrutiny and all things are naked and open before Thee with whom we have to do, that their actions in these final days would be commended. And that as they stand before Thee, the final judge, they might earn your approval and commendation. And we pray this in the name of the one who has all authority and who has the right of judgment, even the King of Kings.

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

70th Legislative Day

June 24, 1981

Amen."

Speaker Ryan: "Thank you, Reverend. Representative Frederick will lead the Pledge this morning."

Frederick, V.: "I pledge allegiance to the flag of the United State 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. Take the record, Mr. Clerk. With 169 Members answering the Roll, a quorum of the House present. Representative Terzich, do you seek recognition?"

Terzich: "Yes, Mr. Speaker, I would like leave to bring back House Bill 356...I'm sorry, Senate Bill 356. Yesterday we amended it and I forgot to table some Amendments which, Amendment #9 replaced and...I would make a move that we return it back to Second Reading."

Speaker Ryan: "Representative, do any of you have any objection to taking this....as it falls...alright. The Gentleman asks leave to return Senate Bill 356 to the Order of Second Reading. Are there any objections? Hearing none, leave is granted. Are there any Amendments?"

Terzich: "Yes, now, Mr. Speaker, I would move to table Amendments 1, 2, 3, 4, and 5, which were adopted in Committee yesterday. We adopted Amendment #9 which incorporated all of those changes and also some recommendations by the Committee. So I would move that we table Amendments 1, 2, 3, 4, and 5, which is contained in Amendment #9."

Speaker Ryan: "Representative, these were Committee Amendments 1, 2, 3, 4, and 5?"

Terzich: "That's correct."

Speaker Ryan: "What Committee did this go through, Representative?"

Terzich: "That was....Executive Committee. Those were

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

70th Legislative Day

June 24, 1981

Representative Dunn's Amendments. Jack Dunn's Amendments."

Speaker Ryan: "Representative Dunn, the Gentleman has moved to table Committee 1, 2....Committee Amendments 1, 2, 3, 4, and 5. He says that they are all incorporated in Amendment #9."

Dunn, Jack: "That's correct, #9 took care of the other Amendments. It embodied them in one as the Committee recommended."

Speaker Ryan: "Representative Pullen."

Pullen: "Mr. Speaker, I have no objection to his tabling the Amendments, I would rather he just table the Bill."

Speaker Ryan: "Maybe he will do that after he tables the Amendments. The Gentleman asks leave to table Amendments 1, 2, 3, 4, and 5, to Senate Bill 356. Are there objections? Hearing none, those Amendments will be tabled. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Mr. Terzich."

Terzich: "Yes, Mr. Speaker, now I would appreciate we'd leave it on Third Reading, the Bill on Third Reading."

Speaker Ryan: "Third Reading. On the Calendar, on page 8, under the Order of Senate Bills Second Reading appears Senate Bill 446, Representative Friedrich. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 446, a Bill for an Act in relationship to state finance. Second Reading of the Bill, no Committee Amendments."

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

Friedrich, D.: "Well, I believe there's an Amendment from the floor, sponsored by you and Representative McBroom, Mr. Speaker."

Speaker Ryan: "Are there any Amendments from the floor?"

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

70th Legislative Day

June 24, 1981

Clerk Leone: "Floor Amendment #1, McBroom-Ryan, amends Senate Bill 446 on page 1, line 3, and so forth."

Friedrich, D.: "I've talked to the Speaker about this and, I don't know if he's still willing to withdraw this Amendment or not."

Speaker Ryan: "Withdraw Amendment #1. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. Senate Bill 469, Representative Stuffle. Read the Bill."

Clerk Leone: "Senate Bill 469, a Bill for an Act to amend the Illinois Banking Act. Second Reading of the Bill, no Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Hoffman. Amends Senate Bill 469 on page 1, in line 1, and so forth."

Speaker Ryan: "Representative Hoffman on Amendment #1. What's your pleasure, Representative Stuffle, the Gentleman is not on the floor?"

Stuffle: "Take the Bill out of the record."

Speaker Ryan: "Out of the record. Senate Bill 490, Representative Katz. Do you want to hear the Bill? Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 490, a Bill for an Act in relationship to fitness of criminal defendants to stand trial. Second Reading of the Bill, Amendment #1 was adopted in Committee."

Speaker Ryan: "Are there any Motions filed in respect to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, Katz. Amends Senate Bill 490 on page 1, and so forth."

Speaker Ryan: "Representative Katz on Amendment #2 to Senate Bill

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

70th Legislative Day

June 24, 1981

490."

Katz: "Amendment #2 makes clear that the provisions of the Speedy Trial Bill, the running of the 120 days, begins at the point when the defendant has been found fit for trial. I would move the adoption of Amendment #2."

Speaker Ryan: "Is there any discussion? The Gentleman moves for the adoption of Amendment #2 to Senate Bill 490. 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."

Speaker Ryan: "Third Reading. Senate Bill 499, Representative Pullen. Out of the record. Senate Bill 501, Representative Yourell. Representative Yourell in the chamber? Out of the record. Senate Bill 507, Representative Pullen. Representative Pullen, 507 out of the record? Out of the record. Senate Bill 517, Representative McAuliffe. Is Representative McAuliffe on the floor? Out of the record. Senate Bill 547, Representative White. Want the Bill read, Representative? Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 547, a Bill for an Act to limit liability of persons and organizations in connection with the donation of food for free distribution to needy persons. Second Reading of the Bill, no Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Johnson. Amends Senate Bill 547...."

Speaker Ryan: "Representative Johnson on Amendment #1 to Senate Bill 547."

Johnson: "Yes, Mr. Speaker and Members, this is an agreed Amendment. It's really a technical Amendment, just

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

70th Legislative Day

June 24, 1981

clarifies that the purpose of the Bill is to provide immunity for people who provide food to ultimate recipients and that the same immunity wouldn't apply in situations beyond that. I think the Sponsor agrees with it, everybody agreed in Committee and I move for its adoption."

Speaker Ryan: "Is there any discussion? The Gentleman moves for the adoption of Amendment #1 to Senate Bill 547. 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 #2, Stanley-McAuliffe. Amends Senate Bill 547...."

Speaker Ryan: "Representative Stanley on Amendment #2. Representative Stanley on the floor? What's your pleasure, Representative? Representative White."

White: "Well, I would rather...I've talked with Representative Stanley about the Amendment, I will accept it but I would hope that maybe we can get back to that order so that we can move on to Third Reading."

Speaker Ryan: "Do you want to handle the Amendment?"

White: "I don't have a copy of the Amendment before me."

Speaker Ryan: "There's two....he has Amendment #2 and Amendment #3, Representative White."

White: "Amendment #2 is an Act to limit liability damages incurred as result of someone getting hurt on a ski slope."

Speaker Ryan: "Representative Bowman."

White: "No, that is incorrect."

Speaker Ryan: "Representative Bowman."

Bowman: "Has the Gentleman completed his explanation. I would like to ask a question."

Speaker Ryan: "Representative White, why don't you take this out of the record and we'll try and get back to it today."

White: "Mr. Speaker, I would agree with that. I was reading

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

70th Legislative Day

June 24, 1981

Amendment #3, this is Amendment #2 and I would like to take it out of the record so, Representative Stanley, who is offering Amendments #2 and 3, can properly address this issue."

Speaker Ryan: "Alright, thank you, Representative. Out of the record. Senate Bill 597, Representative Tate. Read the Bill."

Clerk Leone: "Senate Bill 597, a Bill for an Act providing for the submission to the electors of the State for certain questions of public policy. Second Reading of the Bill, no Committee Amendments."

Speaker Ryan: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Steczo. Amends Senate Bill...."

Speaker Ryan: "Representative Steczo on Amendment #1 to Senate Bill 597."

Steczko: "Thank you, Mr. Speaker, Members of the House. Amendment #1 to Senate Bill 597 is agreed upon by the Senate and the House Sponsor, it just offers language to clarify the question that would be on the advisory referendum."

Speaker Ryan: "Is there any discussion? The Gentleman moves for the adoption of Amendment #1 to Senate Bill 597. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. Senate Bill 606, Representative Davis. Read the Bill."

Clerk Leone: "Senate Bill 606, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill, no Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Levin-Davis. Amends Senate

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

70th Legislative Day

June 24, 1981

Bill 606 on page 1, line 17, and so forth."

Speaker Ryan: "Representative Levin on Amendment #1 to Senate Bill 606."

Levin: "We would like to withdraw both Amendments #1 and #2."

Speaker Ryan: "Withdraw 1 and 2. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Levin-Davis. Amends Senate Bill..."

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

Levin: "Mr. Speaker, Ladies and Gentlemen of the House. This Amendment has been agreed to by both the Senate and the House Sponsor....would ask for the adoption."

Speaker Ryan: "Is there any further discussion? The Gentleman moves for the adoption of Amendment #3 to Senate Bill 606. 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."

Speaker Ryan: "Third Reading. Senate Bill 618, Representative Leverenz. Read the Bill."

Clerk Leone: "Senate Bill 618, a Bill for an Act to amend the Criminal Code. Second Reading of the Bill, no Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Leverenz. Amends Senate Bill 618 on page 1...."

Speaker Ryan: "Representative Leverenz on Amendment #1 to Senate Bill 618."

Leverenz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Amendment #1 to Senate Bill 618 would change an age from seventeen down to twelve, which is an Amendment I agreed to in Committee. Ask for the adoption of the Amendment."

Speaker Ryan: "Any discussion? The Gentleman from Effingham,

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

70th Legislative Day

June 24, 1981

Representative Brummer."

Brummer: "Excuse me, would the Sponsor yield?"

Speaker Ryan: "He indicates he will."

Brummer: "I didn't understand the explanation."

Leverenz: "It changes an age on a victim from seventeen year old down to twelve years of age."

Brummer: "What is the subject matter of the Bill, itself?"

Leverenz: "Aggravated indecent liberties with a child."

Brummer: "So, it would...further restrict the crime of aggravated indecency...indecent liberties with a child?"

Leverenz: "It would lower the age that sets this in motion as aggravated indecent liberties of a child from seventeen, we're lowering the age to twelve and under."

Brummer: "Is this a new crime?"

Leverenz: "That's correct."

Brummer: "Thank you."

Speaker Ryan: "Any further discussion? The Gentleman from Cook...the Lady from Cook, Representative Barnes."

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

Speaker Ryan: "He indicates he will."

Barnes: "Ted, does that mean then someone thirteen years old, you consider an adult, you no longer consider them a child?"

Leverenz: "No, the debate or questions and things that we discussed in Committee was extremely lengthy. It has nothing to do with what I think an adult is, it just provides that, under this crime a person would be twelve or under."

Barnes: "What would be the penalty for that type of assault on a thirteen year old?"

Leverenz: "I'm sorry, I couldn't hear you."

Barnes: "What would be the penalty imposed on someone if the...they assault a child thirteen?"

Leverenz: "That would be covered under other parts of the law

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

70th Legislative Day

June 24, 1981

that currently exist, it's a felony, I think."

Barnes: "But I would like to know what the penalty....I think John Beatty, is going to tell you. Are you John?"

Leverenz: "He's looking at his Calendar for the day."

Barnes: "Well, Mr. Speaker, I don't think that my question has been really answered and if you're going to change the penalty on an assault, lower the age from seventeen to twelve, I would like to know what the penalty is for someone that is assaulted that is thirteen, whom I still consider a child."

Leverenz: "I believe it's a Class 2 felony but it is not affected by this Bill, that is covered under existing law. This sets into effect a new penalty and it would deal with twelve and under only. This comes from the Legislative Investigating Commissions recent lengthy study of child abuse of which you are the secretary of the Legislative Investigating Commission and we reviewed..."

Barnes: "Well, Representative, that doesn't mean, that I can't disagree with what you're doing even if I am the secretary."

Leverenz: "No question about it. I was just trying to remind you of the lengthy discussions that the Executive Director explained to us in a meeting about a month ago."

Barnes: "I don't recall where he said we were going to lessen the penalty and change the age from seventeen to twelve and I was there."

Leverenz: "Well, you're not lessening the penalty. The penalty is still a Class X, the age has been reduced from seventeen or under...from twelve or under or you will lose the entire Bill."

Speaker Ryan: "The Gentleman from Peoria, Representative Schraeder."

Schraeder: "Thank you, Mr. Speaker, I wonder if the Sponsor would

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

70th Legislative Day

June 24, 1981

yield?"

Speaker Ryan: "He indicates he will."

Schraeder: "Representative Leverenz, what would be the penalty then for an assault on those that are under twelve or under thirteen wherever the break point is?"

Leverenz: "As I just explained, it would be Class X."

Schraeder: "Alright then, and those over thirteen would it still be..."

Leverenz: "It's Class 1."

Schraeder: "Alright, thank you. Well, Mr. Speaker, it's quite obvious that this piece of legislation, or the Amendment rather, would lessen a...the penalty for someone that assaulted someone over thirteen on up to the other minor category and it would seem to me that, twelve year old, thirteen, fourteen, fifteen, are still children in our eyes and in the eyes of the law and the penalty for assault should be the same. And I think the Bill is a good Bill but, I'm not agreeing with the Amendment and I would urge its defeat."

Speaker Ryan: "Any further discussion? The Gentleman from...the Lady from DuPage, Representative Fawell. The Gentleman from Cook, Representative Barr."

Barr: "Mr. Speaker, Ladies and Gentlemen of the House. I would just like to confirm what Representative Leverenz has said this morning. This Amendment is really a Committee Amendment, the Bill was approved by the Judiciary II Committee only on the condition that this Amendment which was not ready at the time of Committee action, would be presented on the floor. It doesn't lessen the penalty for anything, this is a new statute which provides new and increased penalties for a new crime and I would urge the House to adopt this Amendment and then when the Bill comes up for Third Reading, we can have a full explanation of

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

70th Legislative Day

June 24, 1981

what this new statute is all about."

Speaker Ryan: "The Gentleman from Champaign, Representative Johnson."

Johnson: "Well, I wasn't on the Committee but I think a lot of the debate, in good faith really misunderstands what this Amendment does. The existing law provides for penalties for indecent liberties with a child. That law isn't changed at all by this Bill or by this Amendment. What the Bill does, is to create a new crime of aggravated indecent liberties with a child that provides that in the event of certain kind of contact plus, great bodily harm or committing a felony on the child or certain other aggravated circumstances, there's enhanced penalty. All Representative Leverenz is trying to do with this Amendment is to clarify the age, apparently has agreed on Committee for this new crime. So anybody who says we're lowering the penalties is absolutely wrong, we're creating a new crime with increased enhanced penalties with certain circumstances around that and leaving the old law totally intact. And the old age totally intact and nothing changed from the previous law with respect to indecent liberties with a child at all. So I would urge, along with Representative Barr, that this Amendment be adopted and that some of the good faith misunderstanding, I hope is clarified."

Speaker Ryan: "The Gentleman from Cook, Representative Getty."

Getty: "Mr. Speaker, Members of the House. I hope Representative Barnes is listening and Representative Schraeder. I want to confirm what has already been alluded to and to in concrete examples show you what this is trying to avoid. First of all this is no lessening of any penalty and I say that very emphatically, it does not lessen any penalty at all. It creates a whole new crime. It would be

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

70th Legislative Day

June 24, 1981

inappropriate to, however, have that crime which the Commission sought to address which involved violent acts upon very young children. Also meet another situation such as a problem between a boyfriend, girlfriend. You would subject that situation where a boyfriend, girlfriend had a falling out and had got into some, either physical argument or a boyfriend, for example, took something that was the property of his girlfriend after some disagreement, into this Act, if you don't lower the age and that was the reason that the Judiciary Committee recommended that the age be lowered to meet the specific problems that had been articulated by the Commission. And that is why this Amendment is necessary. We do not lessen the existing penalty for indecent liberties. We don't address that at all, this Amendment, this Bill creates a new crime, that crime ought to protect especially young children those in the twelve or below category. And I support this Amendment."

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

Zito: "Thank you, Mr. Speaker. Just to move the previous question."

Speaker Ryan: "Representative Leverenz to close on Amendment #1."

Leverenz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. And certainly as a certified non attorney, I appreciate the remarks of Representative Getty and the work that we did in Committee and Representative Barr and Representative Johnson, clarifying exactly what we're trying to do. And I would move for the adoption of the Amendment."

Speaker Ryan: "The Gentleman moves for the adoption of Amendment #1 to Senate Bill 618. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

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

70th Legislative Day

June 24, 1981

Clerk Leone: "Floor Amendment #2, Leverenz. Amends Senate Bill 618 on page 1, line 21, and so forth."

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

Leverenz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To further clarify and eliminate a reference in the Bill, Amendment #2 would strike the reference that outlines or refers to any other felony upon the child clarifying the Bill, I would ask for the adoption of Amendment #2."

Speaker Ryan: "Any discussion? The Gentleman moves for the adoption of Amendment #2 to Senate Bill 618. 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."

Speaker Ryan: "Third Reading. Senate Bill 629, Representative Matijevich. Representative Matijevich on the floor? Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 629, a Bill for an Act in relationship to state finance. Second Reading of the Bill, no Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Davis. Amends Senate Bill 629..."

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

Davis: "Well, thank you, Mr. Speaker. Amendment #1 to Senate Bill 629, Representative Matijevich was kind enough to allow me to offer it. Is the authorization and substantive language for the feasibility...or the revolving fund for feasibility studies for hydro electric power plants. This Amendment is also on another Bill but it was felt that...if we put it on this particular vehicle...John, you've got your mushroom shirt on, I just noticed it. If we put it on this particular vehicle as well, we have two...two available. I think it is a very good plan and

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

70th Legislative Day

June 24, 1981

the House has endorsed it several times in the past. The appropriation got lost in the shuffle here in the appropriations process in the House, it's going to be put back on in the Senate. I certainly solicit your 'aye' vote."

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

Matijevich: "As Sponsor of the Bill, Mr. Davis and I have always gotten along, I have no problem with the Amendment. I do have an explanation to make to the House. I'm wearing this T-shirt, the Order of Mushrooms. The Committee staff and the Appropriations staff provided the House with these T-shirts and Jake Wolf, Chairman, was chicken today, he didn't wear his. But Jake and I also thank the Republican and Democratic staff. They gave us a nice plaque with a picture of both staffs and we appreciate that too. On the Amendment I have no problem with that."

Speaker Ryan: "Representative Kulas, I believe that your territory has been infringed upon. Do you have any comment?"

Kulas: "Well, I just wanted to explain to you, Mr. Speaker and to the other Members of the House that I was a little astounded yesterday when I saw Representative Matijevich with the Order of Mushroom T-shirt. But then I realized that the Appropriations Committee did work hard and they did work like mushrooms...in the dark most of the time. So I have no objections to him wearing that shirt but I want to all to understand, that I'm still the Chairman of the Royal Order of Mushrooms."

Speaker Ryan: "The record will so indicate."

Kulas: "Now, I understand, Mr. Speaker, some of the Members from your side of the aisle have been coming over to me and they've got their own mushroom club so we're going to get

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

70th Legislative Day

June 24, 1981

all together, we're going to have a United Mushrooms Incorporated. Now, could you tell us what the schedule for the rest of the day is?"

Speaker Ryan: "Work. Work. Representative Davis, do you want to close on your Amendment?"

Davis: "No, Sir."

Speaker Ryan: "The Gentleman moves for the adoption of Amendment #1 to Senate Bill 629. 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."

Speaker Ryan: "Third Reading. Senate Bill 647, Representative Stuffle."

Clerk Leone: "Senate Bill 647, a Bill for an Act to amend the School Code. Second Reading of the Bill, no Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Nelson-Stuffle. Amends Senate Bill 647..."

Speaker Ryan: "Representative Nelson on Amendment #1 to Senate Bill 647."

Nelson: "Thank you, Mr. Speaker, Members of the House. Amendment #1 puts the Bill in the shape that we expected it to be in, in Committee. It deletes a phrase that says, 'all teachers employed by that board and', what the Bill intends to do is add two hundred downstate nurses to the teachers salary schedule. And with this deletion that is exactly what it does. The Bill then reads, 'if a school board establishes a schedule for teachers salaries based on education and experience, not inconsistent with this Section. All certified nurses shall be paid in accordance with the provisions of such schedule.' The reason for the Amendment is that the board might employ some teachers in a capacity

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

70th Legislative Day

June 24, 1981

other than in the classroom, for instance, as bus drivers. I would ask for your favorable support of Amendment #1 to Senate Bill 647."

Speaker Ryan: "Is there any discussion? The Lady moves for the adoption of Amendment #1 to Senate Bill 647. All in favor will signify by saying 'aye'....Representative Wolf."

Wolf, J.J.: "Yes, just a question of the Sponsor. Did you say, you wanted to establish the nurses salaries the same as teachers? Did I understand correctly?"

Nelson: "Representative Wolf, that is what the Bill does. I am not speaking to the Bill at this point. What my Amendment does is delete teachers who might be working in some other capacity because what we understood in Committee was, that what the Bill did was only add two hundred downstate nurses to the salary schedule. But when we looked at the Bill, the Bill actually had a broader scope than that and in fact said, 'all teachers employed by that board and nurses.' So, I'm deleting that Section that says, 'all teachers employed by that board' because it might include teachers employed as bus drivers or janitors or whatever. Then when the Bill comes up you can vote 'yes' or 'no', whatever way you want."

Speaker Ryan: "Representative Stuffle."

Stuffle: "The Amendment simply puts the Bill in the form that we have passed out of this House in prior occasions and I would support the Amendment to this Bill."

Speaker Ryan: "The Lady moves for the adoption of Amendment #1 to Senate Bill 647. 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 #2, Stuffle-Nelson. Amends Senate Bill...."

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

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

70th Legislative Day

June 24, 1981

Stuffle: "Withdraw the Amendment, please."

Speaker Ryan: "Withdraw #2. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. Senate Bill 653, Representative Keane. Read the Bill."

Clerk Leone: "Senate Bill 653, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill, no Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Keane. Amends Senate Bill...."

Speaker Ryan: "Representative Keane on Amendment #1 to Senate Bill 653."

Keane: "Thank you, Mr. Speaker. Amendment #1 does nothing more than set a pecking order. What we've done is added about another fifty people for those who can receive the CIAO stipend and the Amendment says that they, up until 1983, if there is a cut back in those funds, that they....the new people would receive it after those presently entitled to it, receive their stipend first. And I would ask for a favorable Roll Call."

Speaker Ryan: "Is there any discussion? The Gentleman moves for the adoption of Amendment #1 to....Representative Piel."

Piel: "Would the Gentleman yield?"

Speaker Ryan: "He indicates he will."

Piel: "Okay, I'm just looking at the Amendment, Jim, and we're talking about an additional five hundred dollars compensation. First of all, how many people does this affect?"

Keane: "If they all...first of all the Bill already does that. It adds new people to the certification for the CIAO certification. All the Amendment does is that it says, that the new people added will not get....will not be entitled to their stipend until such time as all those

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

70th Legislative Day

June 24, 1981

presently entitled to the stipend are covered. This is because there may be a cut back in the funds for that."

Piel: "What are we talking about as far as the potential total cost of this?"

Keane: "For this year?"

Piel: "Yes."

Keane: "For the next year, nothing. Because it takes sixty hours before you get the designation. You have to take sixty hours of courses, so we're talking about fifty people maximum in the state and we're talking basically, four years away before the first of those will be coming out with sixty hours. So it has impact."

Piel: "Thank you."

Speaker Ryan: "Representative Keane do you care to close?"

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

Speaker Ryan: "The Gentleman....Representative Yourell. The Gentleman moves for the adoption of Amendment #1 to Senate Bill 653. 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 #2, Keane. Amends Senate Bill 653 on page 2, and so forth."

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

Keane: "Thank you, Mr. Speaker, this Amendment does nothing more than put in an effective date. An immediate effective date. I would ask for a favorable vote."

Speaker Ryan: "The Gentleman moves for the adoption of Amendment #2 to Senate Bill 653. All in favor will signify by saying 'aye', all opposed by saying 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. Representative Yourell for what purpose do you seek recognition."

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

70th Legislative Day

June 24, 1981

Yourell: "Yes, thank you, Mr. Speaker. I wanted to clear up something for the benefit of Mr. Toby McDaniels, who writes for the State Journal Register. Appearing in his column today is an article entitled, 'wrong way Reps'. Now I think we have to confess to any wrong doing that we might be engaged in and although, Toby McDaniels didn't have my name in his column, nor my license plate. I'm the fellow that did what was alleged by the Gentleman who made the complaint. There were other individuals with me, it happened to be our golf foursome. Representative Kelly, who sits in front of me was one of the others. And Representative Mautino, Representative Flinn and myself and I was the one in the RV vehicle, that's my Suburban, license plate 20. Are you listening Toby. So you can get all of this right. I don't want to convey...."

Speaker Ryan: "Give the Gentleman some order, please."

Yourell: "...the wrong message to the readers of your newspaper. I did not engage in whatever kind of single digit salute that the gentleman alleges I did. I just told him to stick it where the sun wouldn't shine. And I would rather use the vocal expressions rather than the sign that is used by somebody that is not as articulate as myself. So to suggest that we went wrong way on a...on a street is absolutely wrong. We did cross the median because there was construction going on at the intersection. And in order to get to what he calls, North Star Cafe, and Toby, it's not the North Star. it's Kelly's Cafe, no relation to my colleague and friend, Dick Kelly. But it is Kelly's Cafe, they have great breakfast for a dollar ninety-eight. You can get four strips of bacon and a couple of eggs, toast and coffee and two eggs. And Kelly's favorite, of course, is the biscuits and gravy, that comes from his 'Wasaki' heritage, I guess. At any rate I want you all to

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

70th Legislative Day

June 24, 1981

know and I want Toby McDaniels to know, I'm sorry that the Gentleman who made these charges didn't identify himself as I'm identifying myself and my colleagues who engaged in this terrible wrong doing. Again we did cross the median but we didn't go the wrong way. We were coming from the south and went east, and that's not the wrong way. We never proceeded south again, we were going south to begin with. So, I suggest to Toby McDaniels, now that he knows the truth, now that he knows the names of the culprit that he should print the real truth. I'm not afraid of that and I hope my colleagues aren't either. Thank you, Mr. Speaker."

Speaker Ryan: "I see that we have with us a former House colleague who moved over to the lower chamber, Representative....Senator Marovitz is with us today. Senate Bill 654, Representative Keane. Read the Bill."

Clerk Leone: "Senate Bill 654, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill, no Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1 Keane, amends Senate Bill 654 on page 2, and so forth."

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

Keane: "Thank you, Mr. Speaker. This is the same problem I had on the previous Bill, all I'm doing in Amendment #1 is adding an effective date."

Speaker Ryan: "Is there any discussion? The Gentleman moves for the adoption of Amendment #1 to Senate Bill 654. 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#2, Keane. Amends Senate Bill 654 on page 1, and so forth."

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

70th Legislative Day

June 24, 1981

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

Keane: "Yes, I would ask to withdraw that Amendment."

Speaker Ryan: "Withdraw #2. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. Senate Bill 657, Representative
Telcser. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 657, a Bill for an Act to amend an Act
relating to the composition and election of county boards
in certain counties. Second Reading of the Bill, no
Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Telcser. Amends Senate Bill
657..."

Speaker Ryan: "Representative Telcser on Amendment #1 to Senate
Bill 657."

Telcser: "Amendment #1, Mr. Speaker, to Senate Bill 657 sets up a
schedule to elect members of the council in Chicago
pursuant to the consolidated election schedule. I offer
move its adoption."

Speaker Ryan: "Is there any discussion? Representative McClain
on Amendment#1."

McClain: "Thank you very much, Mr. Speaker. Would the Gentleman
explain the Amendment again, I couldn't hear him."

Telcser: "The Amendment sets forth a schedule for the
election...for the filling of vacancies at elections
pursuant to the consolidated election schedule. That is,
that if a vacancy occurs with more than 88 days remaining
in the term of that office, that term is then filled at the
following consolidated election. If there are less than 88
days remaining it is then filled at the consolidated
election after the next one."

Speaker Ryan: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker. I rise in support of this

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

70th Legislative Day

June 24, 1981

Amendment, I've supported similar legislation in the past and enjoyed widespread support on the floor of this House. I trust the Senate will be more gentle with this Amendment when it goes over here, but this House has passed similar legislation in the past and I urge it to do so once again. Thank you."

Speaker Ryan: "Representative Telcser to close."

Telcser: "I would appreciate a favorable Roll Call."

Speaker Ryan: "The Gentleman moves for the adoption of Amendment #1 to Senate Bill 657. 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 #2, Miller. Amends Senate Bill 657 on page 1."

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

Miller: "Mr. Speaker, I would withdraw Amendment #2."

Speaker Ryan: "Withdraw Amendment #2. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Miller. Amends Senate Bill 657..."

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

Miller: "Thank You, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #3 provides that those offices...township offices other than Highway Commissioner and Assessor, are not incompatible with offices of county board member. And this simply continues the philosophy earlier adopted in 1977, by this Body. The township supervisors and county board member are not incompatible offices. The Trustees and the Clerk positions which would be included in this, are certainly far....inferior as far as authority than the township supervisors and rightfully should be included."

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

Pierce: "Will the Gentleman yield to a question?"

Speaker Ryan: "He indicates he will."

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

70th Legislative Day

June 24, 1981

Pierce: "Is this what you call the double dipper Amendment, is that it? It will allow elected township clerks to also be elected to the county board and take two different salaries."

Miller: "I don't call it that, you might."

Pierce: "In other words, you're dipping into two public salaries, that's what you're advocating? The township salary and the county board salary."

Miller: "It's very possible that they would be taking two salaries, I do not think that the salaries in most cases amount to very much money. And that the people who should really decide whether or not the people should so serve are the electorate. Now certainly we allow the county board member and the township supervisor, if they're the same person to collect the same salary."

Pierce: "Well, we allow that because historically the county boards before you were twenty-one, were called the county board of supervisors and they are made up by the supervisors and the assistant supervisors of the various townships and they also comprise the county board. That was the tradition that existed, back in the olden times when I was growing up in politics. Then we made the county board, one man, one vote different based it separate but many of them held both jobs and we let them continue and we passed that Bill, which may not have been a good Bill. But now you're adding to the double dip theory, you're adding township clerks and township trustees and who else?"

Miller: "That's all."

Pierce: "And they can be Legislators in the township as township trustees or clerks and then they can be elected county board members. Now, is the next step they can also be in the Legislature, is that your next step?"

Miller: "No, they can already do that."

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

70th Legislative Day

June 24, 1981

Pierce: "There's a great case once in history, Conti vs. Somebody, I don't know that must have been Elmer's, father or grandfather, the decision was back in 1950's, and...no, it was in the 50's, wasn't it, Elmer? 59, 1959. 1959, that allowed Legislators to serve in minor offices like Village President, Mayor and other offices, they said weren't policy making, right Elmer, it said merely ministerial. Like Mayor of various towns and deputy coroner, deputy circuit court clerk or municipal court clerk and all that. But now you're taking that even further, the Supreme Court did by passing legislation allowing double dipping by those village board members to serve on...by township board members to serve on the county board. And I think that's against the trend of the times when people should concentrate on the one job they have. And because of that I would oppose this double dipping Amendment."

Speaker Ryan: "Representative Laurino."

Laurino: "Well, Mr. Speaker, Ladies and Gentlemen of the House. I question the germaneness of Amendment #2 to Senate Bill 657."

Speaker Ryan: "Well, Amendment #2 been withdrawn, Representative, we're on Amendment #3."

Laurino: "Amendment #1 then."

Speaker Ryan: "Are you sure now?"

Laurino: "Well, I...."

Speaker Ryan: "We're on #3. #1 has already been adopted, you're question is certainly..."

Laurino: "Okay, the germaneness of Amendment #1 to Senate Bill 657."

Speaker Ryan: "We're on Amendment #3, Representative. Let me finish Amendment #3. Representative Telcser."

Telcser: "Mr. Speaker and Members of the House, I rise to support

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

70th Legislative Day

June 24, 1981

Amendment #3 to Senate Bill 657 to which I'm the House Sponsor. I don't think the Gentleman is doing anything else in essence with his Amendment than we do here in the General Assembly. We have a number of Mayor's who served with us, who are here today serving. We have many Members who work for other units of government when they are not serving in the Assembly. And so I really don't think the Gentleman is treading necessarily on new ground. So whether you favor that concept or not, I think...begs the question. The point is he is not doing, really in my view, what already isn't being done and I simply wanted the Members to know as Sponsor of Senate Bill 657 in the House, I support the Gentleman's Amendment."

Speaker Ryan: "Representative Conti."

Conti: "Well, Mr. Speaker, Ladies and Gentlemen of the House, my name was mentioned in debate. I just wanted to set the records straight, that back in 1959 I brought that friendly suit against myself with the State's Attorney of Cook County. We won in the lower courts, I wasn't satisfied with that, we brought it to the Supreme Court. The fact that the word, double dipping is being used quite frequently by our fellow, Pat Quinn from Oak Park, is really a misnomer and it really kills an awful lot of good Bills here because everybody becomes frightened with the word, double dipping. The people of the various communities that send their Mayor's down here and elected officials have that opportunity every election to throw out these people if they're considered double dippers. Double dipping was decided that it's a one or, two or three or four payrolls that are by appointment. But for nine consecutive four year terms, the people in my district knew I held two jobs and they keep electing me with an overwhelming majority time and time again. I think that

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

70th Legislative Day

June 24, 1981

there's no more double dipping in this than the attorneys that serve in this Legislature who vote on various pieces of legislation and then go ahead and represent clients that affect the legislation as passed in this House. So I think the name, double dipping, don't let that frighten you and kill a good Amendment to this Bill."

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

Brummer: "Yes, I would like to briefly speak in support of this legislation. In many of the downstate counties this is a particular problem, it seems to me obviously the township supervisor has much more authority in discretion and he is not barred from serving on the county board. In many areas, we quite frankly, have some difficulty getting good qualified people to run in these various positions. I do not think there's a conflict and I think this Amendment should be adopted."

Speaker Ryan: "Representative Yourell."

Yourell: "Yes, thank you, Mr. Speaker. I rise in support of Amendment #3 to House Bill 657. This does nothing that we haven't done before with other officers such as township supervisors. It has nothing to do with double dipping, these are responsible individuals and should not be preempted from filing their candidacy for other offices. I think their expertise and talents that they have acquired through their service to the townships would serve the citizens well in another elected capacity. I think it's a good Amendment, I think we ought to adopt it."

Speaker Ryan: "Representative Terzich."

Terzich: "I move the previous question."

Speaker Ryan: "Representative Miller to close."

Miller: "I believe the issue has been very fully debated here, I would only ask for a favorable Roll Call to give people a chance to participate in local government. Thank you."

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

70th Legislative Day

June 24, 1981

Speaker Ryan: "The Gentleman has moved for the adoption of Amendment #3 to Senate Bill 657. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it and the Amendment is adopted. I'll be with you in just a minute, but I haven't forgotten you. I will call you before I move the Bill. Representative Laurino."

Laurino: "Well, Mr. Speaker and Ladies and Gentlemen of the House. I rise on a parliamentary inquiry. Amendment #1 to Senate Bill 657 was, in my opinion, non germane because it changed the title of the original Act of Senate Bill 657. It gutted the entire title of the Bill. Therefore, I request...according to the provisions of Rule 34 (d), that we move this Bill back to Second Reading, First Legislative Day. That's my request."

Speaker Ryan: "Representative Telcser. That's fine, Representative. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Second Reading, First Legislative Day. Senate Bill 670...out of the record. Senate Bill 671...out of the record. Senate Bill 703, Representative Birkinbine. Out of the record. Senate Bill 707, Representative Mulcahey. Read the Bill? Read the Bill."

Clerk Leone: "Senate Bill 707, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill, no Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Mulcahey. Amends Senate Bill 707 on..."

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

Mulcahey: "Thank you, Mr. Speaker, Members of the House. Senate Amendment #1 simply provides that all multi township assessment districts formed prior to the effective date of this Bill, should it pass, be null and void and that multi

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

70th Legislative Day

June 24, 1981

township assessors elected by law prior to the effective date which would be, if this Bill should pass, immediate. Shall be the township assessor for only the township in which they reside. This is an Amendment that was recommended to the Bill by the Illinois County and Township Officials. And I would move for the adoption."

Speaker Ryan: "Is there any discussion, any questions? The Gentleman moves for the adoption of Amendment #1 to Senate Bill 707. 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 #2, Currie-Hallock. Amends Senate Bill 707..."

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

Currie: "Thank you, Mr. Speaker and members of the House. Amendment #2 to Senate Bill 707 it contains the provisions of a Bill which passed out unanimously from the Conservation and Natural Resources House Committee earlier this year. The Bill containing that provision is on Spring Calendar and I'm offering it now as an Amendment to this Bill. It would provide for incentives to historic preservation, providing tax credits to owners of historic landmark properties whether they are in landmark districts or whether they are separately designated on historic registers. Who, if they make substantial investments in restoration, historic restoration and preservation of those properties would be entitled to property tax free benefits."

Speaker Ryan: "Any discussion? Representative Keane."

Keane: "Thank you, Mr. Speaker. I believe this Amendment is out of order based on....because we just passed #1. I would ask for a ruling from the Chair."

Speaker Ryan: "Point is well taken, Representative Keane."

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

70th Legislative Day

June 24, 1981

Representative Currie your Amendment is out of order.
Representative Mulcahey."

Mulcahey: "Mr. Speaker, until we get this straightened around
would you take the Bill out of the record for the time
being."

Speaker Ryan: "Out of the record. Senate Bill 723,
Representative Stuffle."

Clerk Leone: "Senate Bill 723, a Bill for an Act to amend the
School Code. Second Reading of the Bill, no Committee
Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Kustra. Amends Senate Bill 723
on page 1, and so forth."

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

Kustra: "Mr. Speaker, I move to table Amendment #1."

Speaker Ryan: "How about withdrawing it. The Gentleman withdraws
Amendment #1. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Stuffle. Amends Senate Bill
723 as amended."

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

Stuffle: "Amendment #2 complies with the request made in the
Committee by one of the Committee Members from Chicago, to
include the Chicago School District within the purview of
the Bill. It cleans up language in one of the Sections of
the Bill with regard to the permissive nature of allowing
the school board to pick up certain of the insurance costs
and protections of its employees on leaves of absence. And
I would move adoption of Amendment #2."

Speaker Ryan: "Representative Pullen."

Pullen: "Mr. Speaker, I can't find the Amendment and I wonder
whether it's been printed and distributed?"

Speaker Ryan: "Yes, it has. Printed and distributed."

Pullen: "Here we go again."

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

70th Legislative Day

June 24, 1981

Speaker Ryan: "Is there any discussion? The Gentleman moves for the adoption of Amendment #2 to Senate Bill 723. All in favor will signify by saying 'aye', all opposed by saying 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Terzich. Amends Senate Bill 723..."

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

Terzich: "Yes, Mr. Speaker, Amendment #3 provides that an Americanization Program shall be eligible for reimbursement for the cost of the programs upon making application to the State Board of Education. At the present time, Illinois has the sixth largest concentration of immigrants in the United States. The City of Chicago is the third largest port of entry in the United State for immigrants from Latin America and second only to Warsaw, Poland. As having the largest concentration of Polish speaking population in the world. I received a copy of a letter from the State Superintendent of Education, Donald Gill, which stated that there is approximately two hundred new citizens a week who take the oath of citizenship in the Chicago community. This is a good piece of legislation and I would urge your support in adopting this here great Amendment."

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

Macdonald: "Just a point of order. Has this Amendment been distributed?"

Speaker Ryan: "Has the Amendment been distributed? Yes, it has."

Macdonald: "I don't have it."

Speaker Ryan: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. As Chairman of the Elementary and Secondary Education Committee, despite my friendship with the Sponsor, I have to rise to oppose the Bill. We

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

70th Legislative Day

June 24, 1981

defeated this Bill fairly decisively in Committee....the sentiment of the Members of the Committee was that the programs that are involved here can be done under existing law. Under the existing adult education law, there is no problem about doing them now other than the fact that all kinds of educational programs are short of money. What this Amendment would propose to do is to create a whole new category. We go through this fight every year when we get to the funding Bills, are we going to fund the categorical or are we going to fund general aid and generally the trend has been to some extent away from the funding of the categoricals. What is being proposed here is a creation of a whole new category. Nobody objects to the programs particularly. What we're saying is that there is absolutely no reason to create a new category within the School Code, we can do this under the Adult Ed Programs. To create a new category simply confuses things, simply makes the code more complicated than it needs to be and leads to yet another division of the pie which is not big enough to begin with and which has too many divisions to begin with. The Committee heard this Bill, defeated it, the Committee process worked. We ought to defeat this Amendment, support the Committee process and go on with the Bill as introduced. I would ask for a 'no' vote on the Amendment."

Speaker Ryan: "Representative Hoffman. Could we have your order...a little order please."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Just to rise to concur with the comments made by the Chairman of the House Education Committee. To also point out to you that this Amendment has been considered on previous Bills on this floor and rejected. This is one phase of a three pronged program already in

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

70th Legislative Day

June 24, 1981

effect in Adult Education and there is no need to separate it out and I would ask for a 'no' vote on this Amendment."

Speaker Ryan: "Any further discussion? The Gentleman from Cole, Representative Stuffle to close."

Stuffle: "No, not to close, to speak to the Amendment."

Speaker Ryan: "Representative Terzich to close. Oh, did you want to ask a question, Representative Stuffle."

Stuffle: "Just to point out, I know how important this is to Mr. Terzich, it must be, he's offered it on four or five different Bills. This was defeated in Committee, there are provisions in the School Code and in the Community College Act for expressly this purpose. There is absolutely no need whatsoever for this particular Amendment. I think the Sponsor knows that, I know how much he feels about this. We suggested to him that if he feels that greatly about it he ought to break out the appropriation Bill and specify what he wants the money to go for. This Amendment should be defeated."

Speaker Ryan: "Representative Schneider."

Schneider: "Thank you, Mr. Speaker and good morning. As soon as I catch my breath, I'll tell you in a minute what I want to say. The Americanization idea that's being expressed in Amendment #3 as again as Representative Stuffle suggested. Part of the School Code and two identified places with the exact use of the word Americanization. What the Sponsor has in mind is hard for me to imagine because he has not yet been able to define what it means. Americanization ought to be a comprehensive concept as it appears in the Code. The point that is going to...one of the points that ought to be stressed of course is again what Representative Stuffle outlined and that is, you're going to have to have a separate line item, that line item will draw away from the program that is already in existence. So, I think this

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

70th Legislative Day

June 24, 1981

Amendment like the others that have found their way on three or four other Bills is a waste of our time because we already do it. And it would drain funds away from that program. So in the areas of Americanization we do it, we do it with General Revenue Funds, not with Federal dollars as we do in other Adult Ed Programs. It's a totally unnecessary concept, it adds a new Section to the School Code, I think it's a losy idea. I would encourage you to vote against the Amendment."

Speaker Ryan: "Representative Terzich to close."

Terzich: "Yes, Mr. Speaker, it is difficult to explain this Amendment with all these educators speaking on it but, I don't know if the Committee Chairman said that. If the Bill was soundly defeated in Committee since the vote was 10 to 10. I wouldn't call that soundly defeated, I would think that was evenly divided. Those of you who do have relations or parents or someone coming from a foreign country, are well aware of the fact that we have a need for an Americanization Program. It is my understanding that their consideration of Americanization Program is that you prepare someone for a GED test. There's a great need for this, it's a need to teach the people the American way, the Constitution, they're not there to go and get a GED test or anything of this nature. That they are to be prepared for entry into the United States in the American way. The Superintendent of Education, I received, like I said, I received a letter, he says there is a great need...our work with the citizenship council of greater Chicago is evident. There is a great need, almost two hundred new citizens a week take the oath of citizenship in the Chicago community. He also states that there is two million, six hundred and seventy-five thousand in state and five hundred...five million in federal resources available statewide for Adult

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

70th Legislative Day

June 24, 1981

Education Programs in the fiscal year 1981. And also states, Americanization Programs are eligible for these funds and the state board will continue to support these programs that serve adults within its physical limitations. There is money available, the Amendment simply provides that the Superintendent will establish an Americanization program and let these people become eligible to get this education and become good American citizens and I would urge your support for Amendment #3."

Speaker Ryan: "The Gentleman moves for the adoption of Amendment #3 to Senate Bill 723. All in favor will signify by saying 'aye', all opposed by saying 'no'. All in favor will signify by voting 'aye', all opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 39 voting 'aye', 94 voting 'no', 3 voting 'present' and the Gentleman's Motion fails. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Ryan: "Third Reading. Senate Bill 733, Representative Hallock."

Clerk Leone: "Senate Bill 733, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Mr. Doorkeeper, clear the chamber would you, please? Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Preston, amends Senate Bill 733..."

Speaker Ryan: "Representative Hudson on Amendment #1 to Senate Bill ... Preston. Representative Preston."

Preston: "Mr. Speaker, I'd like to withdraw Amendment #1."

Speaker Ryan: "Withdraw Amendment #1. Further Amendments?"

Clerk Leone: "Floor Amendment #2, Bullock-Stanley-McAuliffe..."

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

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

70th Legislative Day

June 24, 1981

Bullock: "Mr. Speaker, I'd like to withdraw Amendment #2."

Speaker Ryan: "Withdraw Amendment #2. Further Amendments?"

Clerk Leone: "Floor Amendment #3, Bullock, amends..."

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

Bullock: "Mr. Speaker, I'd like to withdraw Amendment #3."

Speaker Ryan: "Withdraw Amendment #3. Further Amendments?"

Clerk Leone: "Floor Amendment #4, McPike-Stuffle, amends Senate Bill 733.."

Speaker Ryan: "Representative McPike, on Amendment #4. Representative Hudson, do you seek recognition? Representative Hudson."

Hudson: "Yes, thank you, Mr. Chairman(sic). Ladies and Gentlemen of the House, an inquiry, a parliamentary inquiry of the Chair. I would like to... I would like to challenge the germaneness of Amendment #4."

Speaker Ryan: "Representative McPike."

McPike: "Yes, while you're trying to decide on the germaneness I'd like to speak to that question."

Speaker Ryan: "Which question, Representative?"

McPike: "The question of germaneness was raised, and while you're trying to decide that, I would like to address the question of germaneness."

Speaker Ryan: "Proceed."

McPike: "Thank you. The question of germaneness on this and any Bill directly relates to the question of similarities and subject matter, so that you can't tack on a totally unrelated subject to a given Bill. You'll note Senate Bill 733 amends the School Code Article dealing with employment and protections afforded to teachers and to teacher personnel. Amendment #4 deals directly with the subject of employment, protection and duties of educational personnel - clearly the identical subject matter. I might note that yesterday or the day before, the Chair ruled on Senate Bill

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

70th Legislative Day

June 24, 1981

160 that a Bill that originally amended the Municipal Code in relation to the filing of written protests on proposed Amendments, the Chair ruled germane an Amendment by Representative Tate which revised the Bill's title to read, 'An Act in relation to municipal and county zoning Amendments and the regulation of firearms'. The Amendment then prohibited units of local government from enacting any ordinance or rule in any way restricting firearms. The Chair then ruled that it was the same subject matter. I would request that the Chair today follow the same procedure and rule that this is the same subject matter and therefore, like that Amendment, is indeed germane."

Speaker Ryan: "Representative McPike, first off, the Chair generally handles or tries to handle all questions of germaneness on a case by case basis and that's the way we will proceed. Representative Hudson, I'd like to tell you that your point is not well taken and that the Amendment is germane. Representative Hudson."

Hudson: "Mr. Speaker, I, of course, accept the ruling of the Chair in this case, regretfully. I would have another Parliamentary Inquiry. That is to whether or not the Amendment is in order. It seems to... the Amendment amends Senate Bill 333 on page one, but it doesn't say where on page one that it amends it. I thought it was customary to cite the lines that were being amended. This does refer to the title but includes no lines."

Speaker Ryan: "Representative Stuffle."

Stuffle: "Well, I don't think the Gentleman's point is well taken. He is...he refers to the title being amended. It clearly refers specifically to changing the title. It refers specifically to lines four and lines five on page one with regard to the Amendment, with regard to the language that cites Article I. There's only one title in

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

70th Legislative Day

June 24, 1981

the Bill obviously. It only appears in one place with regard to that title and specifically thereafter on that page cites lines four and five as being amended."

Speaker Ryan: "Representative Hudson, your point again is not well taken. The Parliamentarian informs me the Amendment is in order. Representative McPike on Amendment #4 to Senate Bill 733. Representative Wolf in the Chair."

McPike: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #4 is an attempt to give to the employee, to educational employees in Illinois the same rights that was...that were given to all non-public employee in 1935 by the Wagner Act, the National Labor Relations Act. Amendment #4 establishes a collective bargaining procedure for educational employees. It permits employers to select the representation of the employees, provides for the election of employee representation. It sets up a mechanism for decertification in the event that the employees in a given unit are not satisfied. The Representatives of that unit can be decertified. It defines a scope of collective bargaining. It removes matters from the scope of collective bargaining that are the managerial nature. It allows for mediation. It allows for fact finding and it allows binding arbitration if chosen by both sides. It requires that any collective bargaining agreement be reduced to writing. It says that any arbitration of disputes arising out of the interpretation of the agreement is mandatory. It does allow employees the right to strike. After following the procedures in this and that is a thirty day notice of fact finding and mediation. If the settlement is not reached by both sides it allows the teachers under this the right to strike. It's a very comprehensive Bill that addresses itself to the problem of giving protections to both

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

70th Legislative Day

June 24, 1981

employees and employers in the educational community. The same protections that are given people in the private sector today. Would stand ready to answer any questions to the Amendment."

Speaker Wolf: "The Gentleman from DuPage, Representative Hudson."

Hudson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Would the Sponsor yield to a question or two?"

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

Hudson: "Representative McPike, would you elucidate just a little more on what this Bill provides in the way of... does this Bill prevent strikes? Does it prohibit strikes? Does it..."

McPike: "No, it does not prohibit strikes."

Hudson: "Under what criteria or provisions could strikes occur?"

McPike: "It prohibits strikes during the collective bargaining. What they have to do.. they have to provide a thirty day notice. That is the employer organization and upon a thirty day notice they inform the... they inform the Illinois Labor Relations... Education Labor Relations Board that a settlement is not immediately forthcoming. The Labor Relations Board supplies a fact finding and mediation. At that point they can go to binding arbitration if they so choose. At the end of thirty days, at the end of the fact finding and mediation period, if no settlement is reached and if binding arbitration is not agreed upon by both sides then the employees have a right to strike."

Hudson: "Representative McPike, under the situation as it now is at the local level, school employers and prospective employees can get together through a process similar to this. But they do it locally they do it voluntarily. What is the compelling reason for making this process mandatory and statewide?"

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

70th Legislative Day

June 24, 1981

McPike: "This is not mandatory. It allows for a election, a free election. The employees in a given unit may, by secret ballot, choose to be elected by a given unit, by a given union, if you so choose. Once that selection is made, then the law says that the School Board must bargain with that unit. Under the process today, public employees have no such rights. If they choose to form a union at the local level, if they choose...100% of the employees in a given school district choose to belong to a union, there is nothing under law that requires the School Board to bargain with that unit. They can if they so desire or they can choose not to if they so desire. What we are saying is that employees in this...in this area of the public should have the same rights as employees do in the private sector. If they join a union they should have the right to bargain with their employer over wages, salaries, etc. And this is what this does."

Hudson: "If an agreement is entered into and that agreement... is it possible that that agreement could include what we refer to as the union shop or the closed shop? Is it possible that that agreement could include such a provision? Or is that prohibited?"

McPike: "No, this is not a right-to-work Bill. It allows the same provisions to public employees as we allow to private employees in Illinois."

Hudson: "I'm asking you, Representative, if ..."

McPike: "And I'm asking...answering directly this is not a right-to-work Bill."

Hudson: "Well, I assume that you wouldn't introduce a right-to-work Bill, Representative MCPike. What I'm asking is, that under the provisions, is it possible that an agreement could be entered into that would say, in effect, that the school teacher had to belong to the union as a

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

70th Legislative Day

June 24, 1981

condition of employment?"

McPike: "Yes, that can be a negotiated part of the collective bargaining agreement that a school teacher who is represented by the union must, therefore, pay dues to the union."

Hudson: "Alright, thank you. May I speak to the Bill, Mr. Speaker?"

Speaker Wolf: "Proceed, Mr. Hudson."

Hudson: "Ladies and Gentlemen, this concept, of course, is being advanced once again originally. It took the form of Senate Bill 646. Senate Bill 646 for some reason or other was allowed to die. It was never called in the House Labor and Commerce Committee. Then, yesterday it surfaced again.."

Speaker Wolf: "One moment, please, Mr. Hudson. For what purpose does Mr. McPike rise?"

McPike: "Well, for a correction. This is not Senate Bill 646. This is House Bill 1345 that was heard in Representative Reilly's Education Committee, passed, and was put on the Spring Calendar because we never reached there. This is not the Senate Bill that the Representative refers to, and if he wants to talk against House Bill 1345 then he should correctly refer to it as such."

Speaker Wolf: "Proceed, Mr. Hudson."

Hudson: "The concept appeared again yesterday as an Amendment to Senate Bill 236, was ruled not to be germane. It appears again today really in the forms of two Amendments, 4 & 5. But I will speak to Amendment 4 to Senate Bill 735..33. I beg your pardon. And this does extend, indeed.. I believe that it mandates the collective bargaining process and the privileges attendant thereto to unions representing public school employees in Illinois. And what it does, Ladies and Gentlemen, is to set up an Illinois Educational Labor Relations Board through which these questions would be

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

70th Legislative Day

June 24, 1981

acted upon. It does this by Amendment today in this Bill and until now, Ladies and Gentlemen, Illinois has flirted with full scale collective bargaining only at the local level, as I tried to bring out in my questioning. We do this at the local level, but we still can avoid the tragedies which have affected other states in this area. Now, what is so wrong with this concept? It seems to me that we as Representatives of the people are betraying a trust assumed when elected if we vote for this Amendment. And I say that for the following reasons: Our trust here, among other things, is to protect the public purse, to insure the orderly flow of government services and to represent all the people. And it does seem to me that none of these conditions can be met under the provisions of this Amendment. Public sector wage levels and working conditions are properly legislative matters. These are entrusted to us. And as such, should not be turned over to any group not directly responsible to the people. And my point is, that when we enter into agreements such as under the provisions of this Amendment, we are turning over our responsibilities to IEA collective bargaining agent, whatever the union may be, and we're saying, in effect, that those rights and privileges that we, as public officials, once assumed, we are now turning over to one other chosen group of people. And when we do this, we are excluding others that might want to have a voice and to play a part in this process. We are saying it's none of your business, tax payers at the local level and at the county level and at the state level. This is none of your business. This is the business exclusively to be handled by a given union, whatever it may be and representatives of the school employers. I'm going to contend that in so doing we are releasing our control from the purse strings.

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

70th Legislative Day

June 24, 1981

We are taking away from local governments a power that they once had and that they should retain. We are going to witness more strikes. And any of you that have taken the trouble to look into this booklet that we all receive, Public Sector, Bargaining and Strikes, published by the Public Service Research Council, will have to come to the conclusion on the evidence therein that in those states where this kind of idea has been formulated and promulgated, strikes do increase. The orderly flow of government is impaired which is one of our jobs. The evidence, Ladies and Gentlemen, is irrefutable. No matter how it's argued to the contrary, strikes are on the increase. We will see escalating wage levels. We will see, in addition to the strikes and finally fiscal insolvency. Now, let's consider some figures. Public Sector Union Membership was one million in 1958 and six million in 1978. Strikes - there were 15 in 1958 and 413 in the public sector in 1977. Now, when government accepts the collective bargaining concept it gives union employees increased power to disrupt the services that should be provided in an orderly way. And I will say to you again, that it seems to me that we have no legitimate right as Representatives, elected Representatives of the people to surrender the power of state government, of township government, of municipal government, of county government to union officials with all due respects to those, in most cases, very sincere individuals. It simply places too much power in the hands of these officials and is contrary to the public interest. And I'm going to close, Ladies and Gentlemen, by suggesting to you that there have been no cost figures brought before us. This is going to be, if we enact it, immensely expensive and costly. We can't begin to what it will cost the tax payers in the State of

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

70th Legislative Day

June 24, 1981

Illinois. But I want to close by reading to you a short paragraph, appeared in the Chicago Tribune Sunday, June 14, and it had to say this, now, granted this did refer to Senate Bill 646, but the concept is similar. The principle here would be contrary to public interest, and I'm now reading. 'The mushroom like growth of trade unionism among public employees in recent years has resulted in a deplorable transfer of control from legally constituted authorities, at least nominally acting in behalf of the total public to union agents frankly acting in behalf of employees only as union agents interpret and misinterpret those limited interests. Trade unionism in the public sector means strikes against government, extravagant salary settlements and declining professionalism among public employees.' Ladies and Gentlemen, you all know that the school associations, everyone connected that I can think of outside of the unions that represent the school employees are opposed to this concept and I would urge you, I would urge you to think long and hard and carefully before you adopt Amendment #4 to Senate Bill 733. And I urge you to vote 'no' against this pernicious, and costly, and dangerous, I believe, to the public welfare concept."

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

Tuerk: "Well, Mr. Speaker, Members of the House, the proposer of this Amendment talks about whether it's House Bill whatever number and Senate Bill whatever number, but the mere fact remains that there was a Senate Bill 646 that was alive and well at the Committee level. The Sponsor of that Bill didn't even have the courtesy of coming to Committee and I understand why he didn't because he figured he couldn't get it through Committee. The concept is the same regard..."

Speaker Wolf: "One moment please. One moment please. Mr. Tuerk, one moment please. For what purpose does the Gentleman

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

70th Legislative Day

June 24, 1981

from Madison arise?"

McPike: "On a point of order, Mr. Speaker."

Speaker Wolf: "State your point."

McPike: "I was not Sponsor of Senate Bill 646. This Amendment is not the same as Senate Bill 646, so I would ask that he address himself to the Amendment and if he's interested in Senate Bill 646 or the Sponsor of that he should contact him privately."

Speaker Wolf: "Mr. Tuerk, would you confine your remarks to Senate Bill 733?"

Tuerk: "Well, I appreciate the admonition of the Gentleman from the other side. He well knows that I know who's on first and who's on second. I know that Representative Stuffle was the Sponsor. I know what Bills are being presented to the House. I know what the game plan is by the Gentleman from the other side of the aisle. He doesn't have to remind me. If he would open his ears and listen for a change rather than talk so much he would understand that I said that the concept, regardless of what Bill it comes under, or what Amendment it comes under, or what Bill number, the concept is the same. The concept is bad. I would like for us in the House to get rid of this Amendment once and for all. Get on with the business of the House. It's a bad idea regardless of what Bill it comes back on, and what Amendment, and who sponsors the Amendment. The Amendment is bad. We ought to defeat it. Put it to death once and for all. Get on with the business. I support the opposition side and I would ask for all Members of the House to vote 'no'."

Speaker Wolf: "The Lady from DuPage, Representative Karpel."

Karpel: "Thank you. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

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

70th Legislative Day

June 24, 1981

Speaker Wolf: "He indicates he will."

Karpiel: "Representative, even though on page ten there are some.. there's a broad statement that...that this Bill would not require discussion of school district policy matters. In lines 23 through 27 it states that, 'Educational employers, however, shall be required to meet and discuss policy matters affecting wages, hours and terms and conditions of employment as well as the impact thereon, upon request of educational employee representatives'. I would like for you to give me an explanation of that as the impact, thereon, and perhaps give me an example of that."

McPike: "Wages, hours, and terms, and condition of employment are those things that employees would normally bargain over across the table. Those are part of a collective bargaining agreement which is specifically trying to point out that the educational employer is not required to bargain over matters of inherent managerial policy. And we've enumerated that in line 20 which include areas of discretion or policy as a function of the educational employer. We go on to reiterate once more that the employer has the duty to discuss and negotiate those things that affect wages, hours, terms of employment, etc. Those have always been the subject of collective bargaining negotiations. That is the essence of collective bargaining is to negotiate over those conditions, conditions of employment. Wages, working conditions, safety in the work place, hours of employment, etc."

Karpiel: "Representative, my question is to define the impact thereon."

McPike: "Well, I'm not clear what you mean there."

Karpiel: "The scope of the bargaining. When you're talking about not just what wages will be and conditions of employment but the impact thereon. What does that.. you know, what's

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

70th Legislative Day

June 24, 1981

the definition of impact thereon?"

McPike: "To begin with, in this Section 2 we begin by saying that the educational employer has certain rights and he does not have to bargain over certain areas of managerial policy. Then we go on to point out that however he has to discuss his policy as it would affect wages, hours, terms, conditions of employment and the impact thereon. The impact of his policy on all of these - on wages, hours, etc. How his policy, managerial policy is going to affect all of this."

Karpiel: "Well, then the impact of these particular items would then affect policy. Or could it affect policy?"

McPike: "No, it would be a discussion of how policy is going to affect wages, hours, etc."

Karpiel: "Thank you."

Speaker Wolf: "The Gentleman from Morgan, Representative Reilly."

Reilly: "Thank you, Mr. Speaker. I rise in support of the Amendment. Now, that's not a popular position on this side of the aisle but let me explain briefly why. In the debate over collective bargaining we often, usually in fact, spend all our time on phantom issues. The issue is not 'are public employee's going to strike?' They are. They have been for a long time. They will continue to. It is beyond the power of law to prevent that, as much as it is beyond the power of blue laws to make people observe the Sabbath as they should and beyond the power of the 'Balstead' Act to make people stop drinking. There are simply some things that are going to happen that do happen historically and will continue to. So there's a phantom issue to say that we're debating whether public employees ought to strike. It is also a phantom issue to say that we are debating the question of whether, in fact, there are going to be bargaining agents and whether, in fact, there's going to be

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

70th Legislative Day

June 24, 1981

collective bargaining. That is a fact. It has been. It is a growing practice. It will continue to grow whether we pass this Bill or defeat this Bill. The issue, plain and simple, is is Illinois finally going to recognize what it, in fact, has been doing for twenty years or better and what it is going to continue to do, whether we take this action or not today and provide some guidelines, some rules, for behavior of how that bargaining process ought to take place. It has been said here that local boards are deciding to do this on their own and indeed they are. But clearly in violation of present law. Present law pretends that people don't collectively bargain and present law pretends that people don't strike. In fact, they do both and the law can't prevent them from doing that. What we need, and all in the world this Bill does, is set up a frame work so that both sides know where they stand. Both sides know what the rules are so that if there's going to be a strike there has to be certain steps before that, so that the union can't just decide all of a sudden one day that this looks like a good day to go on strike so we're going to do that. Instead, it sets up a procedure for that. Now, there are some questions about this Bill as it would stand with this Amendment. There are questions about the scope of bargaining which the previous speaker was mentioning. There are questions about some definitions in here and Representative Birkinbine has filed subsequent Amendments many of which... some of which I intend to support which would clarify some of those areas and make this perhaps a more palatable Bill to those who are worried about it. But again, I say, please, let's not spend our time on phantom issues. The question here is, 'Is Illinois law finally going to recognize what is happening, what will happen, what is a growing practice, what will be chosen

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

70th Legislative Day

June 24, 1981

whether we do anything or not and provide some legal framework.' If not, it is simply a recipe for the chaos that we currently have in this area. If so, it provides us with some control, some reasonable standards of behavior to see how this works. I would support the Amendment. I think it's time for Illinois to recognize what is, in fact, going on."

Speaker Wolf: "Alright, there's a number of Members who have indicated they wish to speak. We will get to you all. I ask you to be patient. The Gentleman from Kendall, Mr. Hastert."

Hastert: "Mr. Speaker, Ladies and Gentlemen of this Assembly, it's with some reluctance that I stand and have a difference of opinion with my distinguished colleague from Morgan County. I've been a public school teacher for 16 years. I've been dedicated to the cause of public education. I've also been a member of a Teacher's Association for 16 years. I've been on a negotiating team. I've been on a recruiting team to get members to join our local association. I've always believed very strongly in the individual's right to choose. I believe very strongly in local control. And I believe this Bill starts to undermine that belief, and that right, and that philosophy. Public education in the State of Illinois and in this country is at a crossroads. It's at a crossroads where it's either going to get better or it's going to continue to go down. The more control, the more statewide control, the more national control that we put on public education is going to push it down, and down, and down until all the public education is going to serve is the very lowest people, or the very lowest levels of our society. That's not what public education was meant to be in this country. Public education was meant to serve all people. But the

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

70th Legislative Day

June 24, 1981

more shackles that we put upon education, public education, the more that we take it out of the hands of local control, the more options that we take away from public school teachers and people who work and serve in the public interest, we're continuing to push that very, very important institution in our society right down the drain. And I not only stand and oppose this Amendment, but I plead with you people in this Body to let people make decisions on a local level, to make local control. People's decisions on the local level in School Boards and local school associations to let them make decisions on what they want to do, and what they want to be, and how they want education to serve their community. Ladies and Gentlemen, I ask you to oppose this Amendment. I appreciate your time and your attention. Thank you."

Speaker Wolf: "The Gentleman from Lake, Mr. Barkhausen. Would you clear the way for Mr. Barkhausen, please."

Barkhausen: "Mr. Speaker, there's nothing I can add to the eloquent remarks of my distinguished colleague from Kendall County. I move the previous question."

Speaker Wolf: "The previous question has been moved. Representative Bullock."

Bullock: "Well, Mr. Speaker, I am the Sponsor of the Bill and I'd like to address the Amendment."

Speaker Wolf: "That's in order. Proceed, Mr. Bullock."

Bullock: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I stand in support of Amendment #4 to Senate Bill 733. It is, in fact, a truism that many districts across our state, school districts that is, have found it to be acceptable, professional, to collectively bargain with school teachers. Representative McPike has indicated to this Body that this Amendment, in effect, will go an awful long way to restoring some order to the negotiating process

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

70th Legislative Day

June 24, 1981

in the State of Illinois. I believe in that, and for that reason I would request an affirmative vote on Amendment #4 to 733."

Speaker Wolf: "The previous question has been moved. All those in favor say 'aye', opposed. The 'ayes' have it. Representative Stuffle to close."

Stuffle: "Well, Ladies and Gentlemen of the House, let me begin.. I didn't rise on a point of personal privilege despite all the remarks about the Sponsor not showing up to Committee on 646. What the Gentleman failed to point out to you on the other side is that we have rules that say that you assign a Bill in three days. That Bill wasn't assigned. That Bill was finally assigned to Education and then purposely moved to Labor to kill it. It doesn't say anywhere in the rules that you have to go to that Committee to have your Bill killed. That's exactly what was going to happen. Each of the people here knows that. They know the Bill was wired to go down to a 9 to 7 defeat. They also know this isn't Senate Bill 646. They know this is Senate...is House Bill 1345's original form. A Bill that Jim McPike and I passed out of Committee, put on the floor and were unable to get called because we reached the deadline on House Bills in this chamber. That's a fact. There's no question about those situations at all. I'd be glad to talk as Jim suggested privately with my learned colleague from Peoria in the hallway about 646 at his time and pleasure. As to this particular Amendment, this Amendment, I think, has been clouded by arguments and issues that have nothing to do with it. One of the Gentlemen on the other side talked about the cities and the counties and the townships. I'm surprised he didn't talk about the RTA. It hasn't got anything to do at all with this particular Amendment. This Amendment does seek, as

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

70th Legislative Day

June 24, 1981

Representative Reilly said, to bring order out of chaos. We have strikes now. This is an attempt to provide in-pass proceedings and limitations that would prevent strikes. They talk about tragedies on the other side and strikes. They never cite a single tragedy, a single situation that's occurred in the school district anywhere in this country. They send these little cards to us. They've got another Bill they can add to the list. A 646 and 701 and 1345, now the right-to-work people can add their little fill in the blank cards, put this Bill on the list and send it out, suggest they've read the Bill when they haven't, suggest the Bill suggests unfair labor practices that don't exist in the Bill, suggest there's close shop which isn't in the Bill, suggest all sorts of things about a statewide union in a unit. That's a bunch of garbage. They know it and we know it. Let's get on with the issue. Vote it up or down. Either you're for this or you're against it. I'd ask for an 'aye' vote."

Speaker Wolf: "The question is, 'Shall Amendment #4 be adopted?' All those in favor will signify by voting 'aye', the opposed by voting 'nay'. The camera light is out. The Gentleman from DuPage, one minute to explain your vote. Mr. Hoffman, the camera, the timer is on. Proceed."

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Amendment. I'd hoped to have an opportunity to speak during the course of the discussion. That opportunity was not presented. I would suggest to you that this will not bring order out of chaos. It will merely provide that the chaos may be somewhat ordered by a very, very expensive procedure. This, the procedures provided in here are very complex and very complicated, and when you get into fact finding you do nothing but waste taxpayer's money and taxpayer's time.

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

70th Legislative Day

June 24, 1981

This also exempts this from the Mandate's Act and for these reasons, Mr. Speaker, I rise in opposition to this Amendment."

Speaker Wolf: "The Gentleman from Macoupin, Representative Bartulis, for explanation of vote. The timer is on. Beg your pardon. The Gentleman from Whiteside, Mr. Schuneman. The timer is on, Sir."

Schuneman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We should reject this Amendment. This House has been flirting with the idea of allowing unions to take over control of our schools for some years. It's been sort of fashionable in this House to let this Bill fly out of here sending it to the Senate in full confidence that the Senate is going to kill it. Well this year they turned the tables on us. And we have to make the tough decision. Now, if we decide to put this Amendment on and pass this Bill out, Ladies and Gentlemen of the House, I think that you are bringing about on your local school districts, perhaps the toughest problem that you could offer to them. I think another thing that you're doing is setting up a procedure which will ultimately lead to a situation in this state whereby the president of the teacher's union and the Governor of this state will sit down and negotiate in his office as to what your local school is going to have pay teachers. This is a bad concept. It's a concept that takes away from the public..(cut off)."

Speaker Wolf: "Bring your remarks to a close, Mr. Schuneman."

Schuneman: "This Bill takes away the rights of the public to control their own destiny. It's a wrong move. It's a move that will lead ultimately to the unionization of all public employees and we can't afford that. Please reject the Amendment."

Speaker Wolf: "The Gentleman from Champaign, Representative

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

70th Legislative Day

June 24, 1981

Wikoff, for an explanation of vote."

Wikoff: "Thank you, Mr. Speaker. It's very interesting that this issue keeps resurfacing again and again. And I must ask why is it necessary? I have to feel that the only reason that we keep finding this repeatedly resurfacing like some pugnacious weed is that the IEA and similar organizations feel that they do not have the ability to sell their organization on its merit. Therefore, they must resort to the state requiring what they cannot accomplish themselves. This is a bad Amendment. It should be defeated."

Speaker Wolf: "The Lady from Cook, Representative Hallstrom."

Hallstrom: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise to explain my 'no' vote. I think it's very interesting listening to each and every person who explained how they felt about this Amendment. Nobody mentions children. And really that's what schools are all about. Also the fact that approximately 80% of our school districts in this state already have collective bargaining. Most every school district in my Legislative District does have collective bargaining, but they decided that on the local level. My suggestion, and I have talked with some of the people who are pushing for this Amendment, is that the other 20% does not, since they own have it, does not mean we need a state law. Why don't the people who honestly believe that collective bargaining is the way to go, why don't they go to the School Boards in that other 20% and have it done on a local level? I believe.. (cut off)."

Speaker Wolf: "Bring your remarks to a close please."

Hallstrom: "I believe in a good, strong public education system and I think this is a divisive method and I would appreciate a 'no' vote on the Amendment."

Speaker Wolf: "The Gentleman from Winnebago, Mr. Mulcahey. Alright, the Gentleman from Cook, Representative Kustra,

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

70th Legislative Day

June 24, 1981

for explanation of vote."

Kustra: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I just want to make clear to everyone here, and I know it's been said before, that Amendment #4 applies not simply to elementary and secondary school teachers, but community college teachers and also university professors. The American Association of University Professors, the AAUP, which supports collective bargaining, is against this Amendment. And they're against it for a very simple reason. That it arbitrarily lumps together teachers from elementary level all the way through the university level. The role of governance and higher education in this state and in all states across the nation is a very different matter at the university level than it is at the elementary and secondary level. It's for that reason that this Bill doesn't deal realistically with the problem of collective bargaining. For that reason you should vote this Amendment down. And then when we get to Amendment #5 which deals with local school districts, you can debate the subject of collective bargaining."

Speaker Wolf: "Have all those voted who wish? Have all voted who wish? Mr. Clerk, take the record. For what purpose does the Gentleman from DuPage arise, Mr. Hudson?"

Hudson: "Thank you, Mr. Speaker. I would like to request that under rule 34D that this Bill, at the proper time, be moved back to Second Reading First Legislative Day."

Speaker Wolf: "The request is in order. What's the count, Mr. Clerk? On this question there are 100 'yeas', 58 'nays' and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #5, McPike-Stuffle, amends Senate Bill 733 on page one and so forth."

Speaker Wolf: "Gentleman from Madison, Representative McPike on Amendment #5."

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

70th Legislative Day

June 24, 1981

McPike: "I'll withdraw Amendment #5, Mr. Speaker."

Speaker Wolf: "Amendment #5 is withdrawn. Are there further Amendments?"

Clerk Leone: "Floor Amendment #6, Birkinbine, amends Senate Bill 733 as amended."

Speaker Wolf: "Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #6 to Senate Bill 733 makes the Bill apply to full-time employed workers. The reason behind this is to exclude those people who might be part-time to the extent of occasionally teaching a course here or there or the kind of substitute teachers who sit at home and, perhaps, once a month are called in when needed. I, Mr. Speaker, I think the Sponsor of House Amendment 4 has a question regarding legislative intent."

Speaker Wolf: "The Gentleman from Cook, Representative Bullock."

Bullock: "Thank you, Mr. Speaker. I would request the ruling by the Parliamentarian on the germaneness of Amendment #6."

Speaker Wolf: "Mr. Clerk, let's see the Amendment. Parliamentarian informs me that the Amendment is germane. Mr. Bullock."

Bullock: "Mr. Speaker."

Speaker Wolf: "Proceed, Sir."

Bullock: "I have no comment. I'd like to address the Amendment at the appropriate time. I just wanted to question the germaneness."

Speaker Wolf: "Do you wish to address the Amendment at this time, Mr. Bullock?"

Bullock: "Mr. Speaker, Ladies and Gentlemen of the House, I'd like the record to show that this Amendment relative to community college district hiring part-time people is, in fact, an attempt to get around the de-tenured law. This Amendment, in my estimation, would allow those districts to

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

70th Legislative Day

June 24, 1981

escape from bargaining by not hiring full-time teachers, and I would be interested in the Sponsor's response to my statement as if whether or not this is his intention to allow those districts to circumvent the collective bargaining process to the hiring of part-time employees. I'd like for him to answer that question and perhaps, if he answers sufficiently, I may not have any objections to the Amendment."

Speaker Wolf: "The Gentleman from DuPage...Representative... Gentleman from Cook, Mr. Birkinbine."

Birkinbine: "Thank you, Mr. Speaker. In response to the Sponsor of the Bill, that is not the intent of this Bill. If, indeed, we wanted to do that, school districts would have to have a full cadre of so-called part-time teachers. Indeed, in discussing this Amendment with the Sponsor of Amendment #4, he asked a question about what about the part-time workers who were employed, realistically, on a full-time basis as substitute teachers. In essence, full-time substitute teachers, and I said we are not attempting to exclude them. Were we to try and circumvent the law, as you mentioned as a possibility, you would have to have virtually a full-time group of substitutes. The intent with this Amendment is not to exclude full-time substitutes."

Speaker Wolf: "Mr. Bullock."

Bullock: "Mr. Speaker, with that explanation, I have no opposition to the Amendment."

Speaker Wolf: "Representative Schneider."

Schneider: "The Sponsor might not have opposition, but I have some concerns. There are a lot of problems in my own mind as this applies to the definition of employee. It therefore, applies across the board from elementary through, apparently, university level, and when we talk

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

70th Legislative Day

June 24, 1981

about full-time versus half-time or part-time, one of the things that I believe is clearly obvious is that we impair education, at least the community college and higher ed level, by reaching out to take community people to come in and teach one course at a lot lower salary level than we would, let's say, for a full-time person who's qualified also to teach those courses. So what the impact is to hire one, two, or three people, let's say, to teach Politics 101 at the College of DuPage and by combining those three people who are part-time and depriving a full-time person of that position. I think you undermine the educational system in terms of quality deliverance, and that's one of my concerns. Another is that if you begin to deal with part-time teachers realistically, you have to recognize that one of the ways that you attract part-time teachers in the K through 12 segment is to make that an attractive wage. We have found, even in DuPage County when you offer a teacher 32 dollars a day to come in and teach, whether it's for a period of one day, two days or thirty days; at least in our district it has to take thirty days before they can become what we might term a full-time substitute teacher before they jump up to the first step on the salary schedule. So the districts have not been responding to that and we have found, in our school district, that we've had a shortage of part-time teachers. So there are two things, I think, that you have to evaluate. One is, the undercut the programs in the higher education level by combining part-time employees to teach to the detriment of a full-time person who's part of the college, who involves themselves in the students activities. And then are you also jeopardizing what appears to me to be a shortage in the substitute teaching ranks. With the decline of enrollment of the schools, the university level schools

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

70th Legislative Day

June 24, 1981

have been losing candidates, for education degrees for the purposes of going into the profession because of that declining enrollment. That further has diminished the substitute ranks in the educational community. I think this Amendment, in my own mind, is a bad Amendment. I'm going to vote against it if there's a Roll Call vote on it, despite the fact that the Sponsor's for it."

Speaker Wolf: "The Gentleman from Coles, Mr. Stuffle."

Stuffle: "Representative McPike and I, in sponsoring #4, realize the limitations of the Amendment with regard to this particular issue. I have some of the concerns that others do like Representative Schneider, but I think the Amendment properly addresses the issue. There is a concern in some of the institutions, particularly community college, about the full and part-time issue. I think the law addresses that subject matter with regard to what Representative Birkinbine suggested in the absence of or with our particular Amendment on the Bill. And, for those reasons and because I believe there is a need to put this Bill in a form that is acceptable to enough people to pass it, to be brutally honest, we have agreed to accept the Amendment from Representative Birkinbine, as Sponsors of the prior Amendment which is the collective bargaining Bill right now."

Speaker Wolf: "The Gentleman from Madison, Mr. McPike."

McPike: "Will the Sponsor yield?"

Speaker Wolf: "He indicates he will."

McPike: "John, I indicated to you privately that it was not my intent to cover a realtor who comes in and teaches one course at a junior college nor an attorney who may come in and teach one course at a university. My concern is that there are 2000 employees in the City of Chicago who do not have an assigned classroom. They are substitute teachers

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

70th Legislative Day

June 24, 1981

and I would not want them to be classified as part-time teachers. They are hired and guaranteed to teach a certain number of days every year, some as many as 176 days. These 2000 employees, I feel, should be under the protection of this Bill and this Amendment. Is it your intent to exclude these 2000 employees or others like them in the state?"

Birkinbine: "No, that is not my intent."

McPike: "With that on the record, I would accept this Amendment."

Speaker Wolf: "Do you wish to close, Mr. Birkinbine?"

Birkinbine: "I just seek a favorable vote on this Amendment."

Speaker Wolf: "Alright, the question is, 'Shall Amendment #6 be adopted?'. All those in favor say 'aye', opposed. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #7, Schneider, amends Senate Bill 733 on page one by deleting the title and so forth."

Speaker Wolf: "Amendment #7 is withdrawn. Further Amendments, Mr. Clerk?"

Clerk O'Brien: "Floor Amendment #8, Birkinbine, amends Senate Bill 733 as amended with reference herein and so forth."

Speaker Wolf: "The Gentleman from Cook, Mr. Birkinbine."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As Representative Reilly mentioned earlier, this is an Amendment that addresses the idea of scope of bargaining. Specifically, it would limit the scope of bargaining to actually a wide range of things such as wages, hours, insurance, leaves of absence, holidays, vacation, shift differentials, overtime compensation, supplemental pay, seniority, transfers procedure, etcetera...etcetera. Quite a wide range but the idea is that you need to have some limitations, some scope of bargaining so the people know what they're dealing with when they sit down. I feel that this is reasonable and

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

70th Legislative Day

June 24, 1981

hope that the Sponsors of the Bill would agree."

Speaker Wolf: "Gentleman from Madison, Mr. McPike."

McPike: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to this. The problem with trying to put together any list is that, inevitably, you leave out provisions that should be subject to collective bargaining negotiations. Just some of the ones that I can think of that have been left out would be class size, curriculum development, text book selection, a tenure policy and higher education. This Bill does indeed include all employees engaged in teaching at the kindergarten through high school and those in the university system. Today, in the university system, it is the custom, for example, for the professors in the economic department to decide on tenure policy for the economic department and the same way with the mathematics department. That should not be deprived of those individuals, nor should they be deprived in any collective bargaining agreement reached. And, similarly, I think that college professors should have something to say with, say, about textbook selection as should a teacher at the elementary level have some say in textbook selection. I don't think that you should arbitrarily exclude those from the area of collective bargaining agreements, and, for that reason, I oppose this Amendment."

Speaker Wolf: "Gentleman from DuPage, Representative Hoffman."

Hoffman: "The choice of textbook selection should not be part of any bargaining agreement. Those kinds of decisions should be made through the educational channels which exist in the college or the university or the elementary and secondary school. That... The choice of instructional material should never ever become part of a bargaining agreement. Those decisions should be made through the educational

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

70th Legislative Day

June 24, 1981

channels, not through the employee-employer relation channels. When that happens, we are really in more serious trouble than any of us realize. That is a gross infringement upon the right of local communities to make those kinds of policy decisions through their local board of education, through their administration and their management and the teachers as educators in that community. And, for that reason alone, this Amendment should be supported."

Speaker Wolf: "The Gentleman from Coles, Mr. Stuffle."

Stuffle: "I think that the argument just made really doesn't touch the subject. The question's whether you have input into that selection, not whether you bargain with regard to that selection of textbooks. I think pulling that minute issue out of here clogs the whole question of the Amendment. We already have two Bills on the Calendar that are there because school districts, in bargaining in the absence of a law, have had to come and ask us to put in a Bill to legitimate something that's being done by a bargaining process now. One, with regard to an agreed to arbitration procedure in an agreement situation; the other with regard to negotiations of health benefits and protection for those people in leaves of absence. If you start defining all this stuff out, you'll end up in the same situation they're in now in the absence of a law and that is, they'll be coming back here saying, 'Well, why didn't you include this in the agreement? The board would have liked to have been able to negotiate this, but you said, no we can't.' If they're going to have bargaining, put it in place and let the parties decide what's going to be talked about at the bargaining table. Don't put it in the law and try and limit it because you'll be right back here trying to write a new law to cover new issues that

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

70th Legislative Day

June 24, 1981

don't need to be limited by this Amendment. So the Amendment should be defeated, I think, for those reasons."

Speaker Wolf: "The Gentleman from Morgan, Mr. Reilly."

Reilly: "Thank you, Mr. Speaker. I stood a few moments ago and supported Representative McPike in adopting the collective bargaining Amendment. I now stand and support Representative Birkinbine in his attempt to modify that. I think that all John is trying to do is clarify the language and make clear what is and what is not proper subjects of collective bargaining. If we could once get people off the question, the non-existent question of whether we're going to bargain or not bargain, whether we're going to strike or not strike, these are exactly the kinds of issues that are real issues and I commend Representative Birkinbine for trying to deal with this. The language here in Representative Birkinbine's Amendment is clearer. It is stronger. It makes clear that you can bargain about those things for which there is, in fact, bargaining and will continue to be bargaining; that you cannot about policy issues which ought properly to remain within the purview of the board. The Amendment, and again, a lot of you know that, as I say, I supported collective bargaining. You know that I have worked with teacher groups as well as school board groups over the years so I would not be standing to support the Amendment if I thought it, in any way, were harmful to that effort. I think it's a good Amendment by Representative Birkinbine. It strengthens rather than weakens the Bill, and I would urge an 'aye' vote on Amendment #8 to House Bill 733."

Speaker Wolf: "The Gentleman from Winnebago, Mr. Mulcahey. Gentleman from Cook, Mr. Bullock. Have you spoken on this issue, Mr. Bullock? Proceed, Sir."

Bullock: "No, Mr. Speaker, and I happen to be the Sponsor of the

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

70th Legislative Day

June 24, 1981

Bill. I'd like to be recognized to address each of the Amendments as they're proposed. I happen to oppose this Amendment. This Amendment, which attempts to limit the scope might, perhaps, be usual and customary in other collective bargaining agreements. In the educational field, as I'm sure the Sponsor and those who supported the Sponsor in this endeavor fully understand that it is a unique, it is a unique field of endeavor. Members who serve on school boards are not necessarily educational professionals, nor are they experts in the field of education. And while those policy makers will make decisions effecting the lives of our children, and shaping the minds of those children, I think to limit the scope at this point would be a severe injustice. For that reason, I would urge a 'no' vote on Amendment #8 to 733."

Speaker Wolf: "Gentleman from Cook, Representative Birkinbine, to close."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As the previous speaker mentioned, having established some sort of scope of bargaining in collective bargaining agreements is a standard operating procedure. Now, as I mentioned before, there is a long list here. Everything from holidays, vacation, shifts, evaluation procedures, procedures for staff reduction and other types of dismissals, transfer procedures, shift differentials, overtime compensation; you name it. It's listed in this with the exception, as the Sponsor of Amendment 4 noted, of textbooks. But that is a very questionable issue as to whether or not it should be listed at all. I suggest to you that this makes the Bill very reasonable by establishing a scope of bargaining. Indeed, the Sponsor of the Bill itself quoted the Sponsor of Amendment 4 by saying this Bill is designed to restore quote, 'Some order to the

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

70th Legislative Day

June 24, 1981

negotiating process here in Illinois'. Or I would suggest to you that this Amendment goes a long way to doing just exactly what the Bill's Sponsor said it was intended to do, and I seek an 'aye' vote. Thank you."

Speaker Wolf: "Alright, the Gentleman from Cook, Mr. Birkinbine, has offered and moves the adoption of Amendment #8. The question is, 'Shall Amendment #8 be adopted?'. All those in favor will signify by saying 'aye', opposed. Roll Call. All those in favor will vote 'aye' and those opposed will vote 'no'. The camera light is off. Beg your pardon, unless nobody wants to explain their vote, fortunately. Have all those voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative Bullock, for what purpose do you rise, Sir?"

Bullock: "Mr. Speaker, I'm sure the Sponsor would poll the absentees and I would request a verification of the negative votes... I mean, of the affirmative votes if they were to prevail, and it appears from the board that they are prevailing; and I would request a verification."

Speaker Wolf: "The Gentleman from Morgan, Mr. Reilly."

Reilly: "Thank you, Mr. Speaker. I pushed the wrong button. Record me as 'yes', please."

Speaker Wolf: "Record Representative Reilly as 'yes'. Record Mr. Leverenz as 'no'. Record Mr. Van Duyne as 'no'. Record Mr. McAuliffe as 'aye'. Anyone else? Record Mr. Greiman as 'no'. Record Mr. Pechous... after Van Duyne... Greiman 'no'. McAuliffe 'aye'. Did you get Reilly? And Mr. Pechous as 'no'. Mr. Clerk, let's dump the Roll Call and let's try it again. Can we do that? Dump the Roll Call. Let's try one more time. The question is, 'Shall Amendment #8 be adopted?'. All those in favor will vote 'aye', those opposed vote 'nay'. The board is open. Have all those voted who wish? Have all voted who wish? Mr. Clerk, take

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

70th Legislative Day

June 24, 1981

the record. Record Mr Grossi as 'aye'. On this question there are 76 voting 'yea', 82 voting 'nay' and the Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #9, Hoffman, amends Senate Bill 733 as amended with reference herein and so forth."

Speaker Wolf: "The Gentleman from DuPage, Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #9 adds to the list of definitions the term 'school year' and defines it as that portion of the school fiscal year from July 1 through June 30 in which the school is in actual session. There are a list of nine definitions in the Bill. This adds the definition of 'school year' so when the term is used, it will be clear that to which it is being referred. I move for the adoption of Amendment #9."

Speaker Wolf: "Alright, is there any discussion on the Amendment? Gentleman from Coles, Mr. Stuffle."

Stuffle: "Yes, a question, if the Sponsor will yield. Gene,..."

Speaker Wolf: "He indicates he will."

Stuffle: "What is the rationale for putting any school year provision in to this?"

Hoffman: "When you are discussing terminology, you need to have some definition of those terms in the Bill. We merely define or the Amendment merely indicates that when we're talking about the school year, we're talking inclusively of whatever that length of time is in that particular setting inside that fiscal year. That's all."

Stuffle: "What... Does this Amendment have any bearing on, as you read your Amendment and as you read our Amendment now on the Bill, do you read this to have any implication with regard to the definition having any implications in term of the impasse proceedings in the Bill or any of the other provisions that attempt to prevent impasses?"

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

70th Legislative Day

June 24, 1981

Hoffman: "No."

Stuffle: "Thank you."

Speaker Wolf: "Is there further discussion? The Gentleman from Cook, Mr. Bullock."

Bullock: "I was wondering if the Sponsor would yield?"

Speaker Wolf: "He indicates he will."

Bullock: "Representative Hoffman, I'd like you to clarify for me your intentions here by defining school year. Most of the schools are in session, at least in the state, between the months of August and the months of June. In this particular Bill, are you attempting to delineate the actual session of the school year and does that differ?"

Hoffman: "The individual school districts set their calendar inside the general perimeters established by statute. We talk about condition of employment many times now. One of the conditions of employment is the number of days in the school year. So when we talk about school year, if this Amendment is adopted, it will be very clear that we're talking about that portion of the ... any fiscal year in which that particular school is in session. They could start the 28th of August and run till June the 13th or they could start September the 6th and run till May 31st. That would fit the definition of school year in any particular setting."

Bullock: "Well, I guess my concern here, Representative Hoffman, is when we attempt to include in the definition actual session which is subject to change due to inclement weather, other types of interruptions of activity that normally take place in a school year, and I was wondering if your intentions... You're shaking your head no so I guess we are agreeing. I have no further questions, Mr. Chairman(sic, Speaker)."

Speaker Wolf: "Further discussion? Gentleman from Cook, Mr.

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

70th Legislative Day

June 24, 1981

Levin."

Levin: "Would the Sponsor yield?"

Speaker Wolf: "He indicates he will."

Levin: "Representative Hoffman, I noticed your definition states that portion of the school fiscal year from July 1 through June 30 and you go on from there. It's my understanding that most school systems are on a fiscal year that's from July 1 to June 30?"

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

Levin: "It's my understanding that most, but not all, school districts are on a fiscal year that runs from July 1 to June 30. Is that right?"

Speaker Wolf: "One moment. Could we clear the aisle in front of Mr. Hoffman? Mr... Ain't too shabby."

Hoffman: "Most, but not all?"

Levin: "There are school districts that are not on a fiscal year that goes from July 1 to June 30. Is that correct?"

Hoffman: "I'm trying to think if the fiscal year that we have established for Chicago...They have tried to move that up, I think. They now moved from..."

Levin: "September 1."

Hoffman: "September 1 through August 31. I think they're trying to move that up so they take a little better advantage of the situation. Yes, that's correct."

Levin: "So my concern is that the language suggests that fiscal years are July 1 to June 30. That, for school districts that have fiscal years that are different from that, this definition may create more confusion than it helps. I'm sympathetic with your idea of wanting to have a definition. I'm just concerned about the effect on school districts that have a fiscal year that's different from July 1 to June 30. Would you think that that would cause a problem?"

Hoffman: "Your point, I think, is well taken. Mr. Speaker, I

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

70th Legislative Day

June 24, 1981

think the point taken by the previous speaker is well founded and I withdraw Amendment #9.'

Speaker Wolf: "The Gentleman withdraws Amendment #9. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #10, Hoffman, amends Senate Bill 733 as amended and so forth."

Speaker Wolf: "Ladies and Gentlemen of the House, let me just advise you that there are a large number of Amendments filed to this Bill, so guide yourselves accordingly in debate. The Gentleman from DuPage, Mr. Hoffman.'

Hoffman: "Thank you, very much, Mr. Speaker. Ladies and Gentlemen of the House, Amendment #4 deletes the entire Section in the Bill..."

Speaker Wolf: "Number 10."

Hoffman: "I'm sorry. Amendment #10 deletes the entire portion of Amendment #4 which refers to fact finding. Now, Ladies and Gentlemen, my experience and I am a school teacher by profession. I have negotiated contracts on the local level. I've been involved working with other school districts as they attempted to do the same thing, and I would suggest and I am suggesting with this Amendment that fact finding doesn't really resolve or settle labor disputes. What fact finding does, and particularly the fact finding in this Bill, is encourage people not to accept their responsibility, and I mean this on both sides of the table, to come to a decision. By using fact finding, they put off the decision and hope somebody else will make it for them. Now, that problem is even further amplified by this legislation because it says the cost of fact finding will be borne at the state level. This does nothing but encourage local school districts and local teachers organizations or unions representing other employees from ... this only encourages them to use this

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

70th Legislative Day

June 24, 1981

and not come to the table and make the kinds of decisions that are going to be made. In my judgement, if we're going to have legislation on the books in this state, it ought to be very, very simple legislation without a lot of expensive boards and programs. You say you've got to sit down and you've got to negotiate. You can't negotiate. You can do some mediation if you can't resolve it. Go out on the bricks. That makes more sense than to go through this expensive procedure of providing fact finding. So, it's a way that both sides can stall the issue, and then, on top of it, this Bill says that if you don't do this, if you don't comply with the request for this, you're involved in an unfair labor practice. And you know who's going to be involved in the unfair labor practice. It's the school board. And for that reason or the reasons stated, Mr. Speaker and Ladies and Gentlemen of the House, I move for the adoption of Amendment #10 to eliminate this expensive and useless and unnecessary procedure in the bargaining process."

Speaker Wolf: "Is there any discussion? The Gentleman from Madison, Mr. McPike."

McPike: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in opposition to this. The Amendment not only strikes fact finding, it also strikes mediation and it further strikes a final and binding impartial arbitration if both sides agree to it. And, fourthly, it prohibits, by striking all of Section 9 and leaving Section 11 intact, it prohibits a strike, and that's the intent of the whole collective bargaining process. So what we are left with then is a collective bargaining process void of fact finding, void of mediation, void of binding arbitration if both sides so choose, and finally, if an impasse is reached over a collective bargaining table and neither side can

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

70th Legislative Day

June 24, 1981

come to an agreement, then this prohibits strikes. So what we have then is a right for employees to organize and bargain collectively and we have a collective bargaining process that doesn't make a lot of sense. For that reason, I oppose Amendment #10."

Speaker Wolf: "The Gentleman from DuPage, Mr. Hoffman, to close."

Hoffman: "Mr. Speaker, Ladies and Gentlemen of the House, I just rise to reiterate the fact that this particular Section on fact finding is an expensive process. It's a wasteful process. It's going to cost all the taxpayers resources which would better be spent providing teachers and providing materials and providing supplies for the boys and the girls of the State of Illinois..."

Speaker Wolf: "One moment, Mr. Hoffman. For what purpose does the Gentleman from Cook, Mr. Katz, rise?"

Katz: "I wish... It's a little late, but I would like Mr. Hoffman to respond to Mr. McPike's statement that under your Amendment there would not be a right to strike. That the union would be deprived of that right. I would like you to respond to that part, if you would, of Mr. McPike's observation. I would be interested in the answer to that."

Speaker Wolf: "Gentleman is in the process of closing. Proceed, Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In regard to the comment made by the previous speaker, there's a Section on Section 11 which provides for strikes and says that strikes are prohibited during the process indicated in Section 9. So, from that point of view, the previous speaker is correct. By eliminating Section 9, we eliminate the fact finding. When you eliminate the fact finding, it provides in Section A.. or part A of Section 9 that you can't strike during fact finding and then refers it to Section 11. I think the

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

70th Legislative Day

June 24, 1981

Gentleman's observation is probably correct that this Amendment would, in effect, eliminate fact finding. It would affect the right to strike, as I believe it should and would put this particular Bill in a posture which, I think, is much more reasonable. And, for that reason, I ask your support of Amendment #10."

Speaker Wolf: "The Gentleman has moved the adoption of Amendment #10. The question is, 'Shall Amendment #10 be adopted?'. All those in favor will signify by saying 'aye', opposed. Wish a Roll Call? Roll Call, Mr. Clerk. The question is, 'Shall Amendment #10 be adopted?'. All those in favor will vote 'aye', and those opposed will vote 'no'. McAuliffe, vote me 'aye', please. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 60 'ayes' and 94 'nays' and the Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #11, Hoffman, amends Senate Bill 733 as amended with reference herein and so forth."

Speaker Wolf: "Gentleman from DuPage, Mr. Hoffman."

Hoffman: "Thank you, very much, Mr. Speaker. Ladies and Gentlemen of the House, Section 16 of Amendment #4 exempts this legislation from the State Mandates Act. What this Amendment does is eliminates Section #16 and says that it would take out the exemption for the State Mandates Act. Anyone, any reasonable person looking at this knows exactly what this kind of legislation is going to do to the units of local government that are involved, the school districts, the joint agreement districts, the community colleges. And, for that reason, I am proposing that, with this Amendment, that we take this Section out. It's unfair and it's unreasonable and if the State Mandates Act means anything, this Amendment should be supported."

Speaker Wolf: "Is there any discussion on the Amendment. The

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

70th Legislative Day

June 24, 1981

Gentleman from Cook, Mr. Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stand in opposition to Amendment #11. The note filed by the State Board of Education states that this proposal is a non-reimbursable local government structure, an organizational mandate. Therefore, it would be more advantageous to retain this disclaimer. It's removal, in my estimation; in fact the Bill does not necessarily generate any cost to local school districts. I'm sure that the Sponsor knows this, and, while there might be some question in his mind, there is no question in my mind and other supporters of this provision, and I would urge a 'no' vote on Amendment #11."

Speaker Wolf: "Mr. Hoffman, to close."

Hoffman: "Thank you, very much, Mr. Speaker and Ladies and Gentlemen of the House. I respectfully disagree with the Sponsor of this particular Bill who is opposing this Amendment. I don't think anyone, if they think about it, can come to the conclusion that this isn't going to put additional cost on local districts. And, for that reason, I would ask for your support."

Speaker Wolf: "The Gentleman has moved the adoption of Amendment #11. All those in favor of the adoption of the Amendment #11 will signify by saying 'aye', opposed? The 'nos' have it and, in the opinion of the Chair, the Amendment fails. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #12, Birkinbine, amends Senate Bill 733 as amended with reference herein of the pages and so forth."

Speaker Wolf: "The Gentleman from Cook, Mr. Birkinbine."

Birkinbine: "Thank you, Mr. Speaker. I move to table Amendment #12."

Speaker Wolf: "Amendment #12 is withdrawn. Are there further

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

70th Legislative Day

June 24, 1981

Amendments?"

Clerk O'Brien: "Floor Amendment #13, Birkinbine, amends Senate Bill 733 as amended and so forth."

Speaker Wolf: "Gentleman from Cook, Mr. Birkinbine."

Birkinbine: "Thank you, Mr. Speaker. I move to table Amendment #13."

Speaker Wolf: "Amendment #13 withdrawn? Amendment #13 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #14, Hoffman, amends Senate Bill 733 as amended and so forth."

Speaker Wolf: "Amendment #14 is withdrawn. Further Amendments?"

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

Speaker Wolf: "Amendment #15 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #16, Deuster, amends Senate Bill 733 as amended with reference herein and so forth."

Speaker Wolf: "Gentleman from Lake, Mr. Deuster."

Deuster: "Amendment #16 clarifies that the Illinois Administrative Procedures Act would apply to this new law. We have the Illinois Administrative Procedures Act which provides for administrative procedures. There's no reason we ought to have differing and conflicting procedures in the law. I think this will clarify that that does apply and remove any doubt. And there's a long tradition and body with which most people are familiar as to what is involved with our administrative procedures. I would urge the adoption of Amendment #16."

Speaker Wolf: "Is there any discussion? Gentleman from Madison, Mr. McPike."

McPike: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #16 doesn't clarify anything. What it does is delete the requirement that the Illinois Educational Labor Relations Board must hold public

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

70th Legislative Day

June 24, 1981

hearings. The Illinois Open Meetings Act requires public hearings for all governmental boards, committees, and commissions and that's why we put it in there. This deletes that provision and would remove this Board from requirements of the Illinois Open Meetings Act. I think it's a bad idea. I would oppose the Amendment."

Speaker Wolf: "Is there further discussion? Representative Deuster, to close."

Deuster: "Everything is a matter of perspective. I think this is a good idea and I urge your support."

Speaker Wolf: "The Gentleman has moved the adoption of Amendment #16. All those in favor will signify by saying 'aye', opposed? The 'nos' have it and the Amendment fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #17, Karpel, amends Senate Bill 733 as amended and so forth."

Speaker Wolf: "The Lady from DuPage, Representative Karpel. Is the Lady in the chamber? Representative Karpel? Representative Karpel, you have an Amendment #17."

Karpel: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #17 merely specifies that the Illinois Educational Labor Relations Board, which would be created by Amendment 4 to this Bill, would consist of no more than two members of the Board shall be of the same political affiliation and no member of the Board shall engage in any political activity while holding office. In selecting members of the Board, consideration shall be given to their knowledge, ability and experience in the field of labor management relations. It adds that paragraph on page three, line 35, right after the word 'Chairman'."

Speaker Wolf: "There any discussion? The Gentleman from Cook, Mr. Bullock."

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

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

70th Legislative Day

June 24, 1981

House. We have no opposition to Amendment #17 and would urge its adoption."

Speaker Wolf: "Alright. The Lady has offered the... moved the adoption of Amendment #17. All those in favor will signify by saying 'aye', opposed? The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #18, Birkinbine, amends Senate Bill 733 as amended and so forth."

Speaker Wolf: "Gentleman from Cook, Mr. Birkinbine."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment 18 to Senate Bill 733 says that the cost of all fact finding proceedings and mediation services herein provided shall be borne equally by the respective employer and the employee organization. The reason for this is that fact finding is a very expensive procedure and that, if the expense of it is to be automatically borne by the Educational Labor Relations Board that this Act would set up, the contesting factions might easily jump into this with no consideration of the expense involved. This Amendment would have both the employer, in other words the school board, and the employer organization... in other words, the teachers unions that are contesting this share the cost of this fact finding. I think it's reasonable. It's an effort to try and put some responsibility into the decision to go into fact finding. I recommend it to you for your acceptance."

Speaker Wolf: "Is there any discussion on the Amendment? Gentleman from Coles, Mr. Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, on its face it sounds good. The problem that you have with the Amendment, I think, is simply this. If you have fact finding and, in some cases it may not be expensive and in others it may be. The reason the Board is put in place is for a statewide

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

70th Legislative Day

June 24, 1981

program of dealing with individual problems in local districts. If, indeed, there is a high cost situation, the way the Bill is written the risk, if you will, of going to fact finding is shared throughout the state, paid for by the Board out of state funds. I don't think we want the situation that this Amendment would provide of putting a single district or a single bargaining representative in the position of paying, if what the Sponsor says is true, a great amount of money for fact finding. It's a risk that ought to be spread around the state. We're trying to minimize strikes, trying to minimize impasses. That's why the Board's in place, and, for those reasons, I'd recommend a 'no' vote."

Speaker Wolf: "The Gentleman from DuPage, Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Amendment. If we have... If we have to have fact finding in the Bill, the only way to reduce the capricious use of fact finding is to put a dollar figure on it for the parties involved. That's what this does. Why should you and I, in our own communities, pay for this kind of a cost where someone in some other district is using it for a no-good reason or using it to avoid the reality of negotiating and coming to an agreement? This Amendment makes a great deal of sense. If we're going to have fact finding, then the people who use it ought to pay for it. There should be a users cost. This isn't something that should be spread around. It should be supported."

Speaker Wolf: "The Lady from DuPage, Representative Karpel. Representative Karpel. Do you have your light on? There further discussion? The Gentleman has ... Mr. Birkinbine, to close. I beg your pardon, Sir."

Birkinbine: "Thank you, Mr. Speaker. Let me reiterate that this

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

70th Legislative Day

June 24, 1981

is designed to bring some responsibility toward jumping into the expensive procedure of fact finding. What's more reasonable than saying that both parties should share the cost? The argument put up against it is really fantasizing. Earlier this year, I even heard one of my colleagues on the other side of the aisle who's a Member of the Labor and Commerce Committee actually say the words that there's no such thing as a free lunch. Now, remarkable as that may be, I would think that we should all carry over that kind of thinking into this Bill. Fact finding is an expensive procedure in many cases. More often than not, it's also a waste of time. But being an expensive procedure, let's not simply say, 'Oh well, state funds will pick it up'. That's like talking about federal funds picking it up as though it's somebody else's money and not ours. I think we're going to see a lot more responsibility in this regard if both the school board and the union have to share this cost. Now, I'd like to ask an 'aye' vote from all of you people who like to call yourselves fiscally responsible. Thank you."

Speaker Wolf: "The Gentleman has moved the adoption of Amendment #18. All those in favor of the adoption of the Amendment will signify by saying 'aye', opposed? Roll Call has been requested. All those in favor of the adoption of Amendment #18 will signify by voting 'aye' and the opposed 'nay'. Mr. Stanley, vote me 'aye', please. Have all voted who wish? Have all voted who wish? Get on board now. Mr. Clerk, take the record. On this question there are 67 voting 'yea', 81 voting 'nay' and the Amendment fails. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #19, Hoffman, amends Senate Bill 733 as amended and so forth."

Speaker Wolf: "Amendment #19 is withdrawn. Further Amendments?"

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

70th Legislative Day

June 24, 1981

Clerk O'Brien: "Floor Amendment #20, Birkinbine, amends Senate Bill 733 as amended and so forth."

Speaker Wolf: "Gentleman from Cook, Mr. Birkinbine."

Birkinbine: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #20 to House Bill 733 is designed to give people an opportunity to stand up and shout. It includes three lines. It says, 'Nothing in this Act shall be construed to restrict the right of an educational employer to permanently replace any educational employee engaged in a strike.' Those of you who may have been listening to what this Bill does might remember that it includes the ability to strike. Well, presently, the employer has the ability to replace a striking employee if they deem that to be appropriate. This would simply clarify that right."

Speaker Wolf: "... discussion on the Amendment? The Gentleman from Madison, Mr. McPike."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Of course, many of us believe that this is the basic element of collective bargaining is when someone reaches an impasse that they have the right to withhold their services, and to say that once those services are withheld they can be fired will bring us back to the scab labor days that we had in the early '20's in this country. I think it's interesting to note that in 1980 there were 139 teacher strikes nationwide. Thirty-three of these strikes were in Illinois. Thirty-three of the strikes were in a state where there are no collective bargaining rights of employees and this Bill simply sets in motion the rights of those employees to engage in collective bargaining and probably not go on strike. To say that the employer now has a right to fire those employees when he or she, as an employer, refuses to bargain in good faith or refuses to come to an agreement, and, after they're fired, can hire

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

70th Legislative Day

June 24, 1981

scabs; is a direct violation of all the principles of unionism that those of us who speak for working men and women in this state stand for. For that reason, I oppose this Amendment."

Speaker Wolf: "Do you wish to close, Mr. Birkinbine?"

Birkinbine: "I just seek an 'aye' vote on this excellent Amendment."

Speaker Wolf: "Gentleman has moved the adoption of Amendment #20. All those in favor of the adoption of the Amendment will signify by saying 'aye', opposed? The 'nos' have it. The Amendment fails. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #21, Birkinbine, amends Senate Bill 733 as amended and so forth."

Speaker Wolf: "Gentleman from Cook, Mr. Birkinbine."

Birkinbine: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Earlier we adopted an Amendment that says this Bill applies to full-time employees and not part-time. This Amendment is designed to clarify specifically what a full-time employee is. It says, 'educational employer or employee means any individual employed full-time by an educational employer defined by the rules and regulations of the education employer or a collective bargaining agreement, if any, as a full-time employee but shall not include supervisors, employees of universities and colleges which are under the Civil Service System and appointees of the Governor'. It's that simple and I think it's a good Amendment, and I recommend you vote for it."

Speaker Wolf: "Any discussion on the Amendment? The Gentleman from Coles, Mr. Stuffle."

Stuffle: "As I read the Amendment, it not only goes back and does what we did with an Amendment we agreed to on making this apply to full-time people, but it cuts out of coverage from the Bill as amended the little people, if you will, and a

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

70th Legislative Day

June 24, 1981

number of people with regard to the university and college systems who are employees thereunder. For those reasons, because it does restrict coverage, because we've already agreed to the Amendment with regard to full time people, I would ask for a 'no' vote on the Amendment."

Speaker Wolf: "Further discussion? If not, the Gentleman from Cook, Mr. Birkinbine, to close."

Birkinbine: "Well, thank you, Mr. Speaker. Representative Stuffle has said that this Amendment excludes the little people somehow. That's one of the catch phrases that's thrown around to try and elicit votes one way or the other on various Bills. What this excludes are supervisors, Civil Service workers and appointees by the Governor. Now, maybe the Governor has appointed some little people. I really don't know about that, but perhaps, in explanation of his vote, he'd be ... short people. He could be a bit more specific. I recommend an 'aye' vote."

Speaker Wolf: "The Gentleman has moved the adoption of Amendment #21 for the little people. All those in favor will signify by .. the little people, Barb. All those in favor will signify by saying 'aye', opposed? The 'nos' have it and the Amendment fails. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #22, Kustra, amends Senate Bill 733 as amended and so forth."

Speaker Wolf: "Gentleman from Cook, Mr. Kustra."

Kustra: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. In the Bill, Section 3, there is enumerated some employee rights. What Amendment #22 does is list nine employer rights that would be inserted in the Bill right after those. They don't appear to me to be controversial and I would assume that the opposite side of the aisle would agree that many of these things are things that are already done. It's just a matter of clarifying language."

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

70th Legislative Day

June 24, 1981

Speaker Wolf: "Gentleman from Cook, Mr. Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stand in opposition to Amendment 22. The Sponsor was correct on one account. It does throw back to an earlier Amendment which this House overwhelmingly rejected which attempts, once again, to restrict the nature of collective bargaining. This one merely attempts to restrict the exclusive employer rights, and for that reason, I would urge a 'no' vote on Amendment 22."

Speaker Wolf: "Further discussion? The Gentleman from DuPage, Mr. Hudson."

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

Speaker Wolf: "He indicates he will."

Hudson: "Representative, what rights, specifically, are you referring to that the employer might have under your Amendment?"

Kustra: "Rights of the employer to direct the work of their educational employees, the right to hire, promote, demote, transfer, to suspend or discharge educational employees, the right to maintain the efficiency of governmental operations. Hardly controversial rights."

Hudson: "Thank you. May I speak to the Amendment?"

Speaker Wolf: "Proceed, Mr. Hudson."

Hudson: "Seems to me, Ladies and Gentlemen, that here we have a clear cut and classic example of the proponents, or I should say the opponents of this Amendment, an example of their seeming desire to have it all one way. Now, this Bill and most of the Amendments attached to it so far clearly set out and define the rights of the employees and employees organization. Yet, at the same time, we have people going to the polls in good faith, choosing members of their school boards who I will say, again, are entrusted with a public responsibility and that responsibility

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

70th Legislative Day

June 24, 1981

includes the wages, the salaries, and talking about our local school boards and all the other things connected with our school teachers. And here we have, it seems to me, the opponents of this Amendment standing up and saying, no. The employer, which, in a sense, is the people paying the tax bills do not have any rights to say anything about these conditions. These should be stripped away from them through this process. Now, I would urge you, my colleagues, to think seriously about what you're doing and what you're setting in motion with these considerations. And I would urge the support of Representative Kustra's very logical, I think, responsible and good Amendment."

Speaker Wolf: "Gentleman from Morgan, Representative Reilly."

Reilly: "First, for the benefit of the House, the Sponsor of the Amendments name is Kustra. We've been having some problems about that lately, ever since a humorous incident that occurred in the Education Committee. It's Representative Kustra, though he went under the pseudo name of Kustra for one day and has been trying to get his name back every since. I rise in support of the Gentleman's Amendment. Again, I make the same points I made with Representative Birkinbine's Amendment. The real questions of the day with regard to collective bargaining are the kind that Representative Kustra and earlier Representative Birkinbine were trying to deal with. What should be the scope of the bargaining? That's the only real, honest to goodness real world question. This Amendment makes a very simple statement, very much parallel to the rights of employees and, indeed, I believe the employee should have those rights which sets out that the school boards can do those things they're elected to do, just as the employees can do the things that they have the rights to do and that their collective bargaining shall take place in those areas that

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

70th Legislative Day

June 24, 1981

most people think collective bargaining will take place in; wages, duties, that kind of thing that are normally subject to collective bargaining. The Amendment does not, in any way, gut the Bill. It does not, in any way, take away the purpose of the Bill. It simply provides a parallel set of rights as is proper for the employer to balance off the rights that we are giving to employees. It's a good Amendment and you should vote 'yes'."

Speaker Wolf: "Gentleman from Cook, Mr. Griffin."

Griffin: "Mr. Speaker, Ladies and Gentlemen, I'd like to ask the Sponsor of the Amendment a question."

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

Griffin: "What would be the impact if these rights of the employer, if this were not to pass today, as you see it? What would be the impact of these rights of employers as you're suggesting they be included in the Amendment, to this Bill if were not passed?"

Birkinbine: "I think what the Amendment does is clarify some of this language to protect employer rights and to make sure that these rights are not bargained away."

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

Speaker Wolf: "Proceed, Sir."

Griffin: "This seems to be the only opportunity, after all we've heard in the... many of the preceding Amendments, for the public to have some greater control over the budgeting of their public institutions in the area of education. And if this kind of responsible approach cannot be passed by the House, then I think we're all in trouble on both sides of this aisle because the economy of these institutions and the economy of the state is going to be further devastated so we're going to have less and less choice of where we want to spend our tax dollars. So I think it's in the interest of everybody in the House, not just Republicans,

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

70th Legislative Day

June 24, 1981

not just management, but even the people who support labor to give some careful thought to the kind of balance that I think Representative Hudson has so eloquently expressed. So I would, enthusiastically, support Mr. Kustra's Amendment."

Speaker Wolf: "Gentleman from Madison, Mr. McPike."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this because it truly does gut the Bill. In setting out employer rights it says that the employer has the exclusive power, duty and right to do the following things and giving the employer that exclusive power, duty and right removes then... removes the following enumerated rights, therefore, from the collective bargaining process. It says that the employer has the right, the exclusive power to relieve educational employees from duty because of lack of work or for other legitimate reasons which means that there could be no say-so by the collective bargaining process. The employee unit could have no say-so in this, could have no grievance procedure, could have no redress of grievances. It says that the educational employer has the direct right to determine to direct the work of educational employees. That's fine on its face but what it really says is that we can't bargain over working hours or class size or anything else that we would like to bargain over because the employer, now, has the exclusive power to determine the work, the hiring and discharge without hearings, without grievance procedures, et cetera. Is really takes away all the, all the rights that we are trying to give to employees under this and destroys the process of collective bargaining. I think it's a bad Amendment and would ask for a 'no' vote."

Speaker Wolf: "Gentleman from DeKalb, Mr. Ebbesen."

Ebbesen: "I move the previous question."

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

70th Legislative Day

June 24, 1981

Speaker Wolf: "Previous question has been moved. All those in favor signify by saying 'aye', opposed? The 'ayes' have it. Representative Kustra, to close."

Kustra: "Thank you, Mr. Speaker. First of all, I would certainly like to thank the Gentleman from Morgan for standing up for the Kustra name. I suppose that if I'm called nothing worse than Kustra by the end of this Session it will be declared as a successful Session however. But I appreciate that. To the Amendment, all I can point out is that the word 'employer', in this case, takes on a slightly different meaning than it does in the private sector. What we're talking about, in the case of an employer with this particular piece of legislation, is a locally elected school board. We're talking about people that are elected by taxpayers and voters, and they're not paid, but they're charged with the responsibility of looking over and administering a local school system. And so it only stands to reason, as far as I'm concerned, that we would want to put into this piece of legislation some protections for employer rights and those employer rights, therefore, become taxpayer rights. It's for that reason that you should support this Amendment."

Speaker Wolf: "Gentleman has moved the adoption of Amendment #22. Did you wish a Roll Call on this, Mr. Kustra? He has requested a Roll Call. All those in favor of the adoption of Amendment #22 will signify by voting 'aye' and the opposed by voting 'no'. Board is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 68 'ayes', 80 'nays' and the Amendment fails. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #23, Kustra, amends Senate Bill 733 as amended and so forth."

Speaker Wolf: "Gentleman from Cook, Mr. Kustra."

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

70th Legislative Day

June 24, 1981

Kustra: "Thank you, Mr. Speaker. Well, if you liked Amendment 22, you're going to love Amendment 23. Amendment 23 is a simple Amendment that says if you're going to bargain collectively with teachers, then one of the issues which should be bargained is tenure. And why not? Seems to me that if we're going to bargain collectively on issues such as salary and promotions and things like that, we also should deal with the subject of tenure in those negotiations. I seek your favorable vote."

Speaker Wolf: "Any discussion on the Amendment? The Gentleman from Coles, Mr. Stuffle."

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

Speaker Wolf: "He indicates he will."

Stuffle: "...a couple. Representative Kustra or Kustra, as the case may be, do you intend to have an even-handed policy in your Amendment to cover all teachers in the state to take away their tenure?"

Kustra: "No, I think we should break it out, but I tried that on Amendment #4 and it didn't work so..."

Stuffle: "I mean, do you think everybody ought to be covered by your Amendment?"

Kustra: "Excuse me, I'm sorry. Ask the question."

Stuffle: "You think all the teachers should be covered by your Amendment or just part of them?"

Kustra: "All of them."

Stuffle: "You wouldn't have an Amendment that only took out downstate tenure would you and not Chicago?"

Kustra: "Gee, I'm sorry. I don't have one available right now."

Stuffle: "You do. This Amendment only takes out downstate tenure. It doesn't amend Article 34. You're giving the Chicago teachers a break we're not going to get. So, for that reason, I'd urge a 'no' vote."

Speaker Wolf: "Is there further discussion?"

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

70th Legislative Day

June 24, 1981

Kustra: "Thank you, Representative Stuffle."

Speaker Wolf: "Stuffle?...There... Mr. Kustra, do you wish to close?"

Kustra: "I just don't see how anyone could vote against this Amendment."

Speaker Wolf: "All those... The Gentleman has moved the adoption of Amendment #23. All those in favor will signify by saying 'aye', opposed 'nay'. The 'ayes' have it....A Roll Call has been requested. All those in favor of the adoption of the Amendment signify by voting 'aye' and the opposed by voting 'nay'. The board is open. Have all voted who wish? Had a lot of loud 'yeas' there. Have all voted who wish? Mr. Clerk, take the record. On this question there are 54 'yeas', 102 voting 'nay' and the Amendment fails. Further Amendments."

Clerk O'Brien: "Floor Amendment #24, Bullock, amends Senate Bill 733 as amended and so forth."

Speaker Wolf: "Gentleman from Cook, Mr. Bullock."

Bullock: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #24 provides that a tenured teacher may resign his or her teaching position at any time with the approval or concurrence of the employer board or; otherwise, by providing no less than a 30 day written notice. The Bill allows a sole penalty for violating the above provision. It may be the suspension for one year of the professional certificate for that individual employee. I would be delighted to answer any questions that you might have. Quite simply, that's what the Bill(sic, Amendment) does, no more or no less."

Speaker Wolf: "Gentleman from DuPage, Mr. Hoffman."

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

Speaker Wolf: "He says no. I believe he indicates that he will yield for a question."

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

70th Legislative Day

June 24, 1981

Hoffman: "What is the... What's the purpose behind this? I don't understand what you're trying to do or trying to change."

Bullock: "Essentially, Representative Hoffman, we want to develop what's called flexibility in the provision. That, quite simply, is what it does. More specifically, the present statute probably, in my estimation, is sort of an indentured servitude and we want to ameliorate that."

Hoffman: "Is it true that a school board must give 60 day notice if it doesn't intend to re-hire somebody?"

Bullock: "You are correct, Sir."

Hoffman: "Then why does the teacher only require 30 day notice since they've both entered into the contract?"

Bullock: "Well, first of all, Representative Hoffman, I think it's reasonable to give the employer sufficient notice. In the private sector, where some of us work, we have a two weeks notice and this Bill, in fact, says 30 days."

Hoffman: "I might also point out that the board can only give that notice 60 days prior to the end of the school year, and am I correct in assuming that your Amendment allows the teacher to give 30 day notice anytime during the contract year?"

Bullock: "Yes, Sir."

Hoffman: "Mr. Speaker, Ladies and Gentlemen of the House, I happen to be in the teaching business and I happen to spend most of my time in the classroom, and I think this is an absolutely unreasonable position to place one side of a contract, the school board in, where they have to... where they cannot give that kind of notice themselves. They can only give notice at the end of the school year and now you're saying, in this Amendment, anytime during the year that, with 30 day notice, the teacher can opt out. I don't think this provides for even handedness and fairness at all. And, for that reason, I oppose this Amendment. I'm

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

70th Legislative Day

June 24, 1981

surprised that this Gentleman would even Sponsor this."

Speaker Wolf: "The record will indicate that you are surprised, Mr. Hoffman."

Hoffman: "Actually, I'm shocked."

Speaker Wolf: "Gentleman... And chagrined. The Gentleman from Kendall, Representative Hastert."

Hastert: "Would the Sponsor yield? Just to reiterate a couple of questions I have in my mind. This means that a teacher could be employed sometime during the summer, say August or July, enter into a contract, teach for a month and a half and then give a 30 day contract, and by the middle of October or the middle of November, be released from that contract. Is that correct?"

Bullock: "Well, first of all, Representative Hastert, that is a hypothetical question and I'm somewhat reluctant to respond to hypothetical questions, if they're not realistic. This Bill, essentially, deals with tenured teachers. So it's not a new employee that comes in willy nilly and seeks a job. Secondly, we know that if a teacher voluntarily quits employment, that there will be no difficulty in finding teachers who want to work. I know of a lot of young college grads looking for jobs and I don't think that this would jeopardize the system. Certainly, it would not jeopardize the children with those individuals voluntarily terminating employment."

Hastert: "Well, Mr. Sponsor, the question would continue that, you know, even if you're a tenure teacher, you enter into a contract June 30 the way things stand now and you're under contract, and that means that any teacher can give notice anytime during the school year and, within 30 days, leave that contract and leave that responsibility that he gave in the classroom. I would like to speak to the Amendment, if I may."

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

70th Legislative Day

June 24, 1981

Speaker Wolf: "Proceed, Mr. Hastert."

Hastert: "Ladies and Gentlemen of the House and Mr. Speaker, again, you know, we can talk about teachers' rights and we can talk about school boards, but one of the things that somebody mentioned a little while ago is the whole process of education is children. People who will be, will inherit what we have in this country and in this state. Now, when a teacher enters into a classroom agreement, when he enters into a pact to be a teacher, he takes on a responsibility. His responsibility is to give his talents, to give his knowledge, to give his patience, everything that he has for a years time, a period of time. And when he leaves that course of study, whether it be a semester course of study or a year course of study and he just pulls out of that anytime that he feels he might want to, he fractures that responsibility. He fractures that pact and most of all, he endangers and imperils the education of the children that he has underneath him. I think it's a very bad Amendment. I think it's a very bad concept and I would ask for your 'no' vote."

Speaker Wolf: "Gentleman from DuPage, Mr. Schneider."

Schneider: "Mr. Speaker, Members of the House, I'm always... I'm not participating very heavily in the debate today but: on #24 I think... Birkinbine, what a... Well, alright. But on this one I think Mr. Hastert ought to be very attentive because of a couple of things. One is in districts like ours, where we adjoin one another, there is frequently the transference problem of middle executive, high executive people whose wives or husbands happen to be working in the school district. Thirty days notice then, it seems to me, is a reasonable time for a district to be able to employ an individual, especially in an area like ours where we have relatively solid salaries and benefits, students who are

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

70th Legislative Day

June 24, 1981

willing and eager to learn from an outstanding teacher. Things of that sort make it an attractive place to teach. Therefore, we have a back log of those persons willing to take on a position and there's no hardship work in that case for certain. A second element ought to be that if Representative Hastert continues to teach and to be a Legislator, he should also be aware of the flexibility of the legislative Calendar by now to know that if he intends to take a leave of absence different than the one he took this year, he may want to have less leave time than the 60 day provision that is the law currently. So, again, I think it's a reasonable time. It does not work a hardship. It allows the teacher, the new teacher to fold in at a program without any difficulty. I can testify to that after eleven years in the House. So I think it's a good Amendment and it ought to be adopted."

Speaker Wolf: "Gentleman from Cook, Mr. Kustra."

Kustra: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We're getting worn down with Amendments but I hope that doesn't mean that we won't look at these carefully. This is, without a doubt, one of the worst Amendments that's been offered to this Bill. One of the previous speakers said something about the fact that it wouldn't disrupt the classroom. I can't think of an Amendment that would do more to disrupt the classroom. You talk about yanking a teacher out of a third or a fourth or a fifth grade. That can have disasterous consequences on schools and I've seen that happen in my own school. I'd ask you to take a careful look at it. The example that Representative Schneider uses of a wife who has to leave to follow her husband to another job, that's a matter for the board to negotiate. It says, 'with the concurrence of the board', but the problem with this Amendment is that it also says,

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

70th Legislative Day

June 24, 1981

'or by serving at least 30 days written notice', and what we're saying is that you can't give something to the teachers that you don't already provide to the school board. It seems to me a matter of justice here, a matter of equality and we're just not being fair to the school boards and, again, to the taxpayers on this Amendment. I urge you to vote 'no'."

Speaker Wolf: "Mr. Bullock, to close."

Bullock: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In my opening remarks I attempted to identify, in two instances, where this Bill was necessary. I'd like to reiterate those for the benefit of the Body. Essentially, the Bill applies only to tenure teachers and I think these teachers have demonstrated their ability by having been found competent for state certification and employment by their individual local school districts for at least two years. So we're not talking about individuals that would pop in and pop out of the employment market. They're not likely to terminate their employment willy nilly. We also specify that the possible suspension of a certificate is the sole penalty for any violation of this statute and that is to say that it will be suspended for one year. I believe it also will prohibit the over 1000 school districts from establishing their own local penalty in contravention of the law. This Amendment is a good Amendment. This Amendment is necessary. It, in essence, does no more or no less than what's done in the private sector as I indicated earlier, and I would respectfully urge an 'aye' vote and the adoption of Amendment 24 to Senate Bill 733."

Speaker Wolf: "The Gentleman has offered and moved the adoption of Amendment #24. All those in favor of the adoption of the Amendment will signify by saying 'aye', opposed 'no'."

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

70th Legislative Day

June 24, 1981

In the opinion of the Chair, the 'nos' have it and the Amendment... Roll Call has been requested. All those in favor of the adoption of Amendment #24 will signify by voting 'aye' and the opposed by voting 'no'. Board is open. The Gentleman from Cook, Mr. Epton."

Epton: "Thank you, Mr. Speaker. Ladies and Gentlemen, despite the conflict of interest between Representative Schneider and Representative Hoffman and myself, I still am going to vote my conscience... which way is it? Maybe? Thank you, very much."

Speaker Wolf: "Peters. Mr. Peters, vote me 'no', please. Have all voted who wish? The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, while those who have spoken on behalf of this measure indicate that in the metropolitan areas this would work no hardship because teachers would be available to take over in these positions, I think that a different situation exists in many of our downstate districts where, in fact, for some of the specialized teaching ability we would not find it easy to find a new employee to come in and take over a particular course. We might be able to find someone who would teach English or History or the more common subjects, but to find someone in the middle of a contract year and that's what we'd be talking about, to come in and fill in for the particular specialty that a teacher might leave, I think, would work a hardship on some of our downstate schools. And I would urge a 'no' vote."

Speaker Wolf: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 83 'ayes', 71 'nays, and the Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #25, Bullock, amends Senate Bill

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

70th Legislative Day

June 24, 1981

733 on page one on line one and five and so forth."

Speaker Wolf: "Amendment #25 is withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #26, Preston, amends Senate Bill

733 on page one on line one and five and so forth."

Speaker Wolf: "Gentleman from Cook, Mr. Preston."

Preston: "Mr. Speaker, I'd like to withdraw Amendment #26."

Speaker Wolf: "Amendment #26 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #27, Preston, amends Senate Bill

733 as amended on page one..."

Speaker Wolf: "Gentleman from Cook, Mr. Preston."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen.

Amendment 27 amends the Higher Education Assistance Law by requiring the Illinois State Scholarship Commission to hold back 8% of the monetary scholarship awards for later applicants. Right now, the situation with ISSC is that the awards have been historically given out earlier and earlier meaning that applicants who apply not late but even later than the early applicants are left without any available funding. What this Bill will do is require that 8% of the funds are held back for these later applicants. It provides further that no less than 20% of the awards are to be made on the basis of academic excellence and need. The law today provides, in fact, that all the awards are to be made on the basis of merit and need. The history of the Scholarship Commission; however, has been recently, in recent years, to take need into consideration only notwithstanding the provisions of the law and this will give them the mandate for at least no less than 20% to require some demonstration of scholarship as well as need to be taken into consideration. This was essentially a Senate Bill that was sponsored by Senator Newhouse and, in the Higher Education Committee, we worked out an Amendment.

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

70th Legislative Day

June 24, 1981

But after the Amendment was worked out that was agreeable, it was too late to have it called in Committee and that's why it's here in the form of an Amendment."

Speaker Wolf: "Gentleman from McLean, Mr. Bradley."

Bradley: "I just have a question of the Sponsor. I'm wondering..."

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

Bradley: "I understand there's a shortfall right now in the State Scholarship Commission. Could you tell me what that amount is and how that affects the students who receive awards, and I understand now they are not going to get the awards. Does this Amendment affect them? Are you... I understand you're saying 8% of the money is held back."

Preston: "Yes. Yes, Representative. This does not affect the total dollars that are available. It affects the students who are among those who are going to be participants in getting those dollars. Eight percent of the available funding will be held to a later date, December 15th. Right now, before the start of school at an early date, all the dollars have been awarded so that anybody applying after that date is out of luck. This is saying that anybody applying after that date will still have a chance to be considered with other later applicants to the extent of 8% of the monetary awards."

Bradley: "In speaking to the Amendment then, very briefly. I will support the Gentleman's Amendment because there is that kind of a problem, but there's another problem that's compounded with this Amendment, I think, is the fact that we have not given the State Scholarship enough money to make those awards and keep their word with the student and, consequently, now are saying to the universities, 'You collect the money from the student or they don't go to school this Fall'; that they were not able to pay the

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

70th Legislative Day

June 24, 1981

Scholarship Commission to the university for the student. I'm going to try to do something with that problem with an Amendment, but I will support this Amendment. I think it's a good one."

Preston: "Thank you, Representative."

Speaker Wolf: "Gentleman from DeWitt, Mr. Vinson."

Vinson: "Mr. Speaker, I would question the germaneness of the Amendment. It may be a desirable Amendment, but I would question its germaneness. The original Bill dealt with the employment relationship between schools and teachers. It was... the title of the original Bill was 'An Act to amend Section 2412 of the School Code.' It's been amended to deal with collective bargaining. I certainly don't see how either the Amendment or the underlying Bill have anything to do with the Illinois State Scholarship Commission with its processes for awarding grants or its methods for making reserves for grants to scholarship recipients in higher education, and; therefore, I would question the germaneness of the Amendment."

Speaker Wolf: "The question of germaneness has been raised. The Parliamentarian will examine the Amendment. Mr. Preston, did you wish to be recognized?"

Preston: "Yes, Mr. Speaker. I would urge that this Amendment is, in fact, germane to the original Bill. They both amend the School Code. The other Amendments that have been discussed are certainly in keeping with the original Bill as is this one, and I would urge the Speaker to so rule."

Speaker Wolf: "Representative Preston."

Preston: "Thank you, Mr. Speaker. I might also add that this Amendment affects the same chapter of the School Code as does the original Bill. So it's germane, obviously."

Speaker Wolf: "Just bear with us, Ladies and Gentlemen, while we have the Parliamentarian examine the Amendment. On the

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

70th Legislative Day

June 24, 1981

advise of the Parliamentarian whom my friends tell me is the best in the business says that according to Amendment #4, with the adoption of Amendment #4 we have changed the title of the Act, an Act relating to tenure teachers and other educational employees and that has limited the scope, and Amendment #27 is; therefore, ruled not germane. Are there further Amendments, Mr. Clerk?"

Clerk O'Brien: "No further Amendments."

Speaker Wolf: "Gentleman from Cook, Mr. Bullock."

Bullock: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, at this point, I move to suspend the provision of rule 34D and to advance Senate Bill 733 as amended to the Order of Third Reading."

Speaker Wolf: "Gentleman from DuPage, Mr. Hudson."

Hudson: "Mr. Speaker, I rise to oppose that Motion and would urge that sufficient number of my colleagues here do likewise."

Speaker Wolf: "Alright. Pursuant to the earlier request by the Gentleman from DuPage, Mr. Hudson..."

Hudson: "Mr. Speaker..."

Speaker Wolf: "Mr. Hudson."

Hudson: "Does that.. Does that have to be in writing?"

Speaker Wolf: "It is... We have one in writing here, Sir. There's a Motion to..."

Hudson: "How many votes does it take... Excuse me, Mr. Speaker. How many votes?"

Speaker Wolf: "Okay. Let's get this in perspective. First of all, pursuant to Mr. Hudson's earlier request, the Bill is moved back to the Order of Second Reading, First Legislative Day and now we have a Motion to suspend rule 34D with regard to Senate Bill 733 and have the Bill advanced to the Order of Third Reading. That Motion is by Mr. Stuffle, in writing. The Gentleman from Coles, Mr. Stuffle, on the Motion."

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

70th Legislative Day

June 24, 1981

Stuffle: "Well, I understand what Representative Hudson's trying to do. My Motion calls for the Bill to be moved to Third Reading. Very obviously, with a deadline of Friday night, if this Bill goes to First Day, Second Reading, the Bill cannot be read, advanced and voted on by the deadline. The attempt is to send the Bill back so that that will happen. One hundred Members of this House put their votes on Amendment #4 which is the guts of the Bill. If you don't move the Bill to Third Reading, it can't be voted on. A hundred people that supported the Bill. I hope 89 of them will support my Motion to move this Bill to Third, because if it's not moved and moved today from its current posture, it can't be voted on and your vote to support that Amendment and the Bill will be for naught. So I would urge an 'aye' vote. I believe it takes 89 affirmative votes to move this Bill to Third Reading. Pursuant to the suspension of rule 34D, I so move."

Speaker Wolf: "Alright, the Gentleman from Coles, Mr. Stuffle has moved to suspend rule 34D with regard to Senate Bill 733 and is there a discussion on that Motion? The Gentleman from Whiteside, Representative Schuneman."

Schuneman: "Thank you, Mr. Speaker. On the Gentleman's Motion to suspend the rule, the rule was adopted by this House for a very good reason. That reason being that late Amendments in the Session changing the title of Bills making substantive changes in Bills here on the House floor without adequate hearings by House Committees is a bad practice. The rule was adopted by the House for a very good reason. Now, the Gentleman is moving to suspend that rule. We should not suspend the rule. We should vote against his Motion and I urge a 'no' vote on the Gentleman's Motion."

Speaker Wolf: "Gentleman from Cook, Mr. Bullock."

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

70th Legislative Day

June 24, 1981

Bullock: "Mr. Speaker and Ladies and Gentlemen of the House, just to echo the remarks of Representative Stuffle. We have spent in excess of an hour and a half on this Bill. I think that hour and a half was well spent. We've had numerous Roll Calls and the Members have voted their conscience. I think it would be a tremendous injustice to those people who believe strongly in this issue, equally as strong as perhaps Representative Schuneman has believed in cause that he's attempted to advance. For that reason, Mr. Speaker, I would urge an 'aye' vote so that we can have full and open debate on this measure on Third Reading."

Speaker Wolf: "The Lady from Cook, Representative Pullen, on the Motion."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House. I recall this rule having been used about moving Bills back to Second Reading, First Legislative Day when the title's been amended. Having been used many times by people on the other side of the aisle in this Session and I recall great protestations of their rights and indicating that that is their right and that no one can abridge that right and that they have the right under the rules to demand it. They don't have to be joined by anybody and they don't have to make a Motion or anything; that all they have to do is demand it and it shall then be done. I think that Members who have been using and using and using that so-called right ought to keep in mind what they would be doing if they now vote to abridge Representative Hudson's right to do the same thing that they have been doing repeatedly through this Session. And I would like to suggest that if this Motion should prevail that anybody who wants to use rule 34D to send Bills back to Second Reading, First Legislative Day should have to submit that to a Motion just as Representative Hudson is having his right taken away

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

70th Legislative Day

June 24, 1981

from him by Motion. I urge a 'no' vote."

Speaker Wolf: "For the purpose of an introduction, we have a former colleague with us over here in the aisle on the Republican side, Representative Carl Hunsicker, who served with us for many years. Carl, nice to see you here. Is there further discussion on the Motion? Gentleman from Cook, Mr. Kustra."

Kustra: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. We've considered 27 Amendments to this Bill. We've, essentially, this morning tried to do the work of a legislative Committee. I don't think a group of 177 people can do the efficient job of a small legislative Committee and right now I'm not even so sure which Amendments were adopted, which were lost, which were withdrawn. I'd like the time to look over the effect of our work here this morning. I don't think that we can, as Members, vote on this issue at this moment. I would like a chance, at least 24 hours, to do that and it's for that reason that I can't support the Motion."

Speaker Wolf: "Gentleman from Lake, Representative Matijevich."

Matijevich: "Only to, Mr. Speaker, only to correct Representative Pullen. Whenever any Member, I thought, spoke about rights, those were rights given under the rules. The rules provide every Member with rights and the rules provide this Gentleman, Representative Stuffle and Representative Bullock, to suspend that rule. I think somebody is wrong though when they said it takes 89. It takes 107 to suspend this rule. I support the Motion, but I believe whoever said it takes 89... It does take 107."

Speaker Wolf: "Representative Stuffle, do you wish to close, Sir? Wait a minute. We have somebody else seeking recognition. Gentleman from Macon, Representative Dunn."

Dunn (John): "Mr. Speaker, we may be hung up on some

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

70th Legislative Day

June 24, 1981

technicalities here but it is generally acknowledged to be the right of a Member in this Body, once his Bill has been debated on Second Reading and once all Amendments have been heard and discussed and debated and voted upon, to move his Bill to final passage stage, Third Reading. And I would urge the Membership to give that right to the Sponsor of this legislation and support the Motion to move this Bill to Third Reading right now."

Speaker Wolf: "Gentleman from Whiteside, Mr. Schuneman."

Schuneman: "Wait..."

Speaker Wolf: "One moment, please. Point of order from the Gentleman, Mr. Matijevich."

Matijevich: "I stand corrected. I thought this was on Third and brought back to Second. It was on Second. It only takes 89. I'm sorry."

Speaker Wolf: "Mr. Schuneman."

Schuneman: "Yes, point of order, Mr. Speaker."

Speaker Wolf: "State your point, Sir."

Schuneman: "Has the Chair ruled on the number of votes required on this Motion, and if so, what is the ruling?"

Speaker Wolf: "178...It takes 89 votes, Mr. Schuneman."

Schuneman: "Thank you."

Speaker Wolf: "Affirmative. 89 affirmative votes. There further discussion? The Gentleman from Cook, Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have voted against my Democratic colleagues on each one of these Amendments and I will probably vote against my esteemed colleagues on the Bill on Third Reading. However, I think the issue is of such magnitude and importance that it deserves a right to be heard up or down on Third Reading, and, for that reason, I would support the Motion."

Speaker Wolf: "Representative Stuffle, to close."

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

70th Legislative Day

June 24, 1981

Stuffle: "I'd just ask for consideration of the Membership that spent an hour and a half on this particular Bill. Representative Kustra, Kustra, I still don't know which, you'll get your 24 hours to look at this. In fact, you'll probably get about 70 hours between now and when the Bill's called as you well know. I suggest to Representative Pullen that I only know of one absolute right in the rules. That's to divide a question. I don't think this one's divisible. We suspend rules all the time. Sometimes we don't even use this book. In fact, too often. So if you want to vote on a Bill that 100 people put their vote on on the Amendment that's the guts of the Bill, if you want that vote to count, then vote 'aye'. If you don't want the vote to count, if you want to kill the Bill, then vote 'no'. I would urge an 'aye' vote. That's the only way this Bill will be voted on by the deadline Friday night. I'd appreciate your 'aye' vote."

Speaker Wolf: "The Gentleman has moved to suspend rule 34D and advance the Bill to the Order of Third Reading. This requires 89 votes. All those in favor of the Gentleman's Motion will signify by voting 'aye', and the opposed by voting 'no'. Mr. Clerk. The board is open. Gentleman from Cook, ... from DuPage, Mr. Hudson."

Hudson: "Thank you, Mr. Speaker. At the appropriate time, I will request a verification."

Speaker Wolf: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Mr. Stuffle has requested a poll of the absentees. Representative Hudson has then made a request for a verification of the Roll Call. For what purpose do you rise, Mr. Johnson?"

Johnson: "Just leave to be verified."

Speaker Wolf: "We're not on that order yet. We're not on that verification yet. We're only on the poll of the absentees."

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

70th Legislative Day

June 24, 1981

Mr. Clerk. Mr. Clerk, will you poll the absentees?"

Clerk O'Brien: "Bradley. Breslin. Darrow. DiPrima."

Speaker Wolf: "The House will be at ease just momentarily while the Clerk has a little technical problem here."

Clerk O'Brien: "Poll of the absentees. Bowman. Braun. Daniels. Deuster."

Speaker Wolf: "Representative Daniels 'aye'."

Clerk O'Brien: "Ralph Dunn. Fawell. Dwight Friedrich. Garnisa. Getty. Madigan. Margalus. McBroom. McMaster. Polk. Redmond. Robbins. C. M. Stiehl. Telcser. J. J. Wolf and Mr. Speaker."

Speaker Wolf: "Is there anybody who wishes to be added to the Roll Call? Gentleman from Peoria. Did you wish to be recognized, Mr. Schraeder?"

Schraeder: "Yes, I'd like to be verified. Leave to be verified."

Speaker Wolf: "We are now on the Gentleman's request for a verification. Mr. Schraeder has asked leave to be verified. Does he have leave, Mr. Hudson? Representative Stearney, for what purpose do you rise, Sir?"

Stearney: "Is it too late to change your vote?"

Speaker Wolf: "No."

Stearney: "Change me to 'no', please."

Speaker Wolf: "Change Mr. Stearney to 'no'. Mr. White has requested leave to be verified. Mr. Hudson, does Mr. White have leave? Okay? Leave has been granted, Representative White. And Mr. Vinson has requested leave for verification. Does he have leave, Mr. Hudson? Vinson. What's the count, Mr. Clerk? We're starting with 97 'ayes' and 60 'nos'. Proceed with the verification."

Clerk O'Brien: "Alexander. Balanoff. Barnes. Bartulis. Beatty."

Speaker Wolf: "One moment, Mr. Clerk. Representative Stanley has asked leave to be verified. Mr. Hudson, is that okay? And

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

70th Legislative Day

June 24, 1981

Mr. Sandquist? Stanley and Sandquist and Barnes, same request. Barnes. Is that okay? Okay. He indicates alright. Proceed, Mr. Clerk."

Clerk O'Brien: "Bower."

Speaker Wolf: "Representative Collins in the Chair."

Clerk O'Brien: "Bradley. Breslin."

Speaker Collins: "Just a minute, Mr. Clerk. For what purpose does the Lady from Cook, Representative Stewart rise?"

Stewart: "Yes, Mr. Speaker. Would you verify me?"

Speaker Collins: "The Lady asks leave to be verified. Representative Stewart, Representative Hudson. Is that alright? She has leave. Please continue."

Clerk O'Brien: "Brummer. Bullock. Capparelli. Carey. Chapman. Christensen. Cullerton. Currie. Daniels. Darrow. DiPrima. Domico. Donovan. Doyle. John Dunn. Ewell. Farley. Flinn. Giglio. Giorgi. Greiman. Hallock. Hanahan. Hannig. Henry. Jackson. Jaffe. Johnson. Jones. Katz. Keane. Dick Kelly. Kornowicz. Kosinski. Krska. Kucharski. Kulas. Laurino. Lechowicz. Leon. Leverenz. Levin. Martire. Matijevich. Mautino. McAuliffe. McClain. McGrew. McPike. Mulcahey."

Speaker Collins: "Representative Wolf in the Chair."

Clerk O'Brien: "Murphy. O'Brien. O'Connell. Ozella. Pechous. Peters. Pierce. Pouncey. Preston. Rea. Reilly. Rhen. Richmond. Rigney. Ronan. Saltsman. Sandquist. Satterthwaite. Schneider. Schraeder. Slape. Irv Smith. Margaret Smith. Stanley. Steczo. Stewart. Stuffle. Terzich. Topinka. Turner. Van Duyne. Vinson. Vitek. Watson. White. Sam Wolf. Younge. Yourell and Zito."

Speaker Wolf: "What purpose do you rise, Representative Zito. Is Mr. Zito. Want to verify him now and Mr. Preston. Mr. Bullock, what purpose do you rise, Sir?"

Bullock: "Mr. Speaker, could you announce the number in which

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

70th Legislative Day

June 24, 1981

we're starting here?"

Speaker Wolf: "Beg your pardon?"

Bullock: "Could you announce the affirmative votes before we start the..."

Speaker Wolf: "We started with 97. Mr. Hudson, we've got two more requests. Let's be the last. Representative Braun and Mautino have asked leave to be verified. Oh, you have not voted, Representative Braun. How do you wish to be recorded?"

Braun: "Please record me as 'aye', Mr. Speaker and I'd like leave to be verified at the same time."

Speaker Wolf: "Record... Record Representative Braun as voting 'aye' and leave to be verified. Record J. J. Wolf as 'no'. Proceed with the verification, Mr. Hudson."

Hudson: "What's the starting count now? We're starting with 98 affirmative votes. For what purpose does the Gentleman from Cook, Representative Farley, rise?"

Farley: "Yes, could I have leave to be verified?"

Speaker Wolf: "Same request, Ronan? Do Mr. Farley and Mr. Ronan have leave to be verified?"

Hudson: "I'm going to say yes and no to any further requests. This makes about 25."

Speaker Wolf: "These are the last two. Farley and Ronan have..."

Hudson: "I'm really a patient fellow, basically."

Speaker Wolf: "Proceed with the Roll Call ... or with the verification."

Hudson: "Representative Alexander."

Speaker Wolf: "Representative Alexander is in her seat."

Hudson: "Representative Capparelli."

Speaker Wolf: "Is Mr. Capparelli in the chamber? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove him from the record."

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

70th Legislative Day

June 24, 1981

Hudson: "Representative Christensen."

Speaker Wolf: "Representative Christensen is in his seat."

Hudson: "Representative Currie."

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

Hudson: "Representative Dani..."

Speaker Wolf: "What was that?"

Hudson: "Daniels."

Speaker Wolf: "Would you repeat that, Mr. Hudson?"

Hudson: "Representative Daniels?"

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

Hudson: "Representative Darrow."

Speaker Wolf: "Is Mr. Darrow in the chamber? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll Call."

Hudson: "Representative Brummer."

Speaker Wolf: "Is Mr. Brummer in the chamber? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll. Wait. Mr. Brummer has returned. He's in the center aisle. Restore him to the Roll Call."

Hudson: "Representative Domico."

Speaker Wolf: "Is Mr. Domico in the chamber? How is he recorded, Mr. Clerk?"

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

Speaker Wolf: "Remove him from the Roll Call."

Hudson: "Representative Ewell."

Speaker Wolf: "Mr. Ewell in the chamber? How is he recorded?"

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

Speaker Wolf: "Remove him from the Roll Call."

Hudson: "Representative Flinn."

Speaker Wolf: "Monroe Flinn in the chamber? He's in his seat."

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

70th Legislative Day

June 24, 1981

Hudson: "Representative Hanahan."

Speaker Wolf: "Mr. Hanahan. How is he recorded?"

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

Speaker Wolf: "Remove him from the Roll Call and restore Representative Capparelli to the Roll. He has returned."

Hudson: "Representative Jackson."

Speaker Wolf: "Is Representative Jackson in the chamber? He's in his seat."

Hudson: "Representative Jaffe."

Speaker Wolf: "Mr. Jaffe in the chamber? How is he recorded, Mr. Clerk?"

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

Speaker Wolf: "Remove him from the Roll Call."

Hudson: "Representative Jones."

Speaker Wolf: "In the center aisle."

Hudson: "Representative Krska."

Speaker Wolf: "Mr. Krska in the chamber? He's in his seat on the telephone."

Hudson: "Representative Kulas."

Speaker Wolf: "Chief of the Mushrooms is in his seat."

Hudson: "Representative Katz."

Speaker Wolf: "Is Mr. Katz in the chamber? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll Call."

Hudson: "Representative Laurino."

Speaker Wolf: "Mr. Katz has returned to the chamber. Mr. Clerk, restore him to the Roll Call. Mr. Laurino in the chamber? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll Call."

Hudson: "Representative Lechowicz."

Speaker Wolf: "Mr. Lechowicz in the chamber? How is he

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

70th Legislative Day

June 24, 1981

recorded?"

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

Speaker Wolf: "Remove him from the Roll."

Hudson: "Representative Leon."

Speaker Wolf: "Representative Leon in the chamber? How is he recorded?"

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

Speaker Wolf: "Remove him, Mr. Clerk."

Hudson: "Representative Matijevich."

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

Hudson: "Representative McClain."

Speaker Wolf: "Mr. McClain in the chamber? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll Call, Mr. Clerk."

Hudson: "Representative O'Brien."

Speaker Wolf: "Representative O'Brien in the chamber? How is he recorded, Mr. Clerk?"

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

Speaker Wolf: "Remove him from the Roll Call."

Hudson: "Representative Peters."

Speaker Wolf: "Is Mr. Peters in the chamber? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll Call and restore Representative Leon. He has returned."

Hudson: "Representative Pierce."

Speaker Wolf: "Representative Pierce in the chamber? How is he recorded?"

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

Speaker Wolf: "Remove him, Mr. Clerk and Mr.... Was Mr. Darrow removed from the Roll Call? He's in the chamber. Restore him to the Roll Call and Mr. Ewell likewise. Mr. Ray

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

70th Legislative Day

June 24, 1981

Ewell."

Hudson: "Representative Rea."

Speaker Wolf: "He's in his chair."

Hudson: "Representative Ronan."

Speaker Wolf: "He has leave to be verified."

Hudson: "Representative Stuffle."

Speaker Wolf: "Representative Stuffle is right in front of the well."

Hudson: "Representative Yourell."

Speaker Wolf: "How is Mr. Yourell recorded?"

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

Speaker Wolf: "Is he in the chamber. If not, remove him, Mr. Clerk."

Hudson: "Representative Martire."

Speaker Wolf: "Is the Gentleman in the chamber? How is he recorded, Mr. Clerk?"

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

Speaker Wolf: "Remove him from the Roll Call."

Hudson: "Representative Steczo."

Speaker Wolf: "He's in his seat. Add Mr. Yourell back to the Roll Call. He has returned to the chamber."

Hudson: "Is Representative Richmond here?"

Speaker Wolf: "He's in his seat. Mr. McBroom wishes to be recorded as 'aye', Mr. Clerk. Any further questions of the affirmative, Mr. Hudson?"

Hudson: "No further questions, Mr. Chairman (sic)."

Speaker Wolf: "Alright, no further questions. What's the count, Mr. Clerk? Okay. On this question there are 90 'ayes' and 61... What purpose do you rise, Representative Watson."

Watson: "How am I voted?"

Speaker Wolf: "How is the Gentleman recorded?"

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

Watson: "I'd like to change that to 'no'."

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

70th Legislative Day

June 24, 1981

Speaker Wolf: "Change the Gentleman to 'no'. What's the count now, Mr. Clerk? Alright, there are now 89 voting 'aye' and 62 voting 'no'. Anybody wish to change at this point? Alright. The Motion prevails. There has been a request for a fiscal note pursuant to House rule 32, requesting a fiscal note as amended. Gentleman from Coles, Representative Stuffle."

Stuffle: "Two things. Number one, the Motion having prevailed. I don't know that that apply. It doesn't apply because we moved the Bill to Third Reading. That has to be done on Second and, in any case, the fiscal not was filed as amended."

Speaker Wolf: "The Bill has not been moved to Third Reading yet, Mr. Stuffle."

Stuffle: "That was the Motion put on this floor. That was what passed. The Motion in writing was to suspend the rule and advance to Third Reading. You have that Motion in writing and that's the Motion that prevailed, and the fiscal note, as amended, was filed."

Speaker Wolf: "Alright. Has there been a fiscal note filed, Mr. Clerk?"

Clerk O'Brien: "Fiscal note is filed as amended."

Speaker Wolf: "I'm advised by the Clerk that a fiscal note has been filed as the Bill is amended. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Wolf: "Third Reading. With leave of the House, we're going to revert now to Senate Bill 223, Representative Stiehl. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 223, a Bill for an Act to amend the Illinois Industrial Development Authority Act. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

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

70th Legislative Day

June 24, 1981

Speaker Wolf: "Are there any Motions filed with respect to the Committee Amendments, Mr. Clerk?"

Clerk O'Brien: "No Motions filed."

Speaker Wolf: "Are there any Amendments from the floor?"

Clerk O'Brien: "Amendment #3 failed previously. Floor Amendment #4, Madigan, amends Senate Bill 223 on page one in line six and so forth."

Speaker Wolf: "Gentleman from Cook, Representative Madigan, on Amendment #4."

Madigan: "Mr. Speaker, withdraw Amendment #4."

Speaker Wolf: "Amendment #4 is withdrawn. Are there further Amendments, Mr. Clerk?"

Clerk O'Brien: "Floor Amendment #5, Van Duyne-Leinenweber, amends Senate Bill 223 as amended in Section 1 and so forth."

Speaker Wolf: "The Gentleman from Will, Mr. Van Duyne."

Van Duyne: "Thank you, Mr. Speaker. Amendment #5 merely expands a title of an Act relating to industrial building to read 'industrial projects'. The reason for this is because it doesn't cover anything except the building. If a person wants to sell industrial revenue bonds to build or remodel a factory and related necessities such as driveways, sewers and so on, they can't acquire a favorable rating through Chapman... or the bonding companies unless the title is changed, and I move for adoption."

Speaker Wolf: "Alright, the Gentleman has moved the adoption of Amendment #5. Is there any discussion on the Amendment? The Lady from St. Claire, Representative Celeste Stiehl."

Stiehl: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment was a Bill that did not, because of time constraints, did not get out of the Senate. It is important to Will County, and I have advised the Sponsors of this Bill that I would have no objection to it."

Speaker Wolf: "The question is, 'Shall Amendment #5 be adopted?'."

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

70th Legislative Day

June 24, 1981

All those in favor of the Amendment say 'aye', opposed? The 'ayes' have it and the Amendment is adopted. Further Amendments, Mr. Clerk."

Clerk O'Brien: "Floor Amendment #6, Madigan, amends Senate Bill 223 as amended in Section 1 and so forth."

Speaker Wolf: "Distinguished Minority Leader, Mr. Madigan, Amendment #6."

Madigan: "Mr. Speaker, withdraw Amendment #6."

Speaker Wolf: "Amendment #6 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #7, Madigan, amends Senate Bill 223 as amended in Section 1 and so forth."

Speaker Wolf: "Representative Madigan."

Madigan: "Mr. Speaker, Amendment #7 would provide for an increase in the number of Board members at the Illinois Industrial Development Authority and it would also permit the Authority to issue a single bond issue with the proceeds to be used to finance multiple projects for corporations, business entities and any combination thereof. The current practice of the Authority is to place a single bond issue to finance only one project. The main thrust of this Amendment would be to add additional members to this Board. Today, the membership of the Board resides either in downstate Illinois or in the Chicago, Cook County area. There is no geographical representation for the area outside of Chicago, Cook County and in between down to the, as far southern part of Illinois. In addition, generally speaking, the current Board members are representatives of large corporations who probably don't need the help of the Industrial Development Authority. In the event that there were additional appointments, this would provide the Governor with the opportunity to appoint representatives of small business whom studies have shown are primarily

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

70th Legislative Day

June 24, 1981

responsible for the increase in jobs that occur throughout our nation. I would move for the adoption of this Amendment."

Speaker Wolf: "Is there further discussion on the Amendment? The Lady from St. Clair, Representative Stiehl."

Stiehl: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose this Amendment, and I oppose it for several reasons. First of all, as we all know, the Illinois Industrial Development Authority was created to provide the funding mechanism for new jobs in areas of high unemployment and of a depressed economy. The advantage of this Authority is to be able to operate efficiently, effectively and quickly. By adding additional members to this Board, all we're going to do is add confusion. We're going to increase the expense of the administration and we're also going to provide extreme difficulty when they hold their meetings in providing a quorum. A quorum, presently, I believe now consists of five members. Under this proposed Amendment, a quorum would consist of nine members. It is difficult now to get five members together. It would be almost impossible to get a quorum to consider any of these loans that are so vital to the economy of our state. Now, as far as the prohibition allowing umbrella bonds, the Authority already has this right, and in consultation with their bond attorney's, Chapman and Cutler, they said that the Authority can issue umbrella bonds at anytime they feel it is feasible and it is in the best interest of this state in their transactions and that the bonds will be salable. The provision in this Amendment will do nothing but clutter our statutes. It will also provide additional expense, additional bureaucracy. The Illinois Industrial Authority operates very effectively and very equitably throughout this state, and I would ask for a

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

70th Legislative Day

June 24, 1981

'no' vote. When the Sponsor of this Amendment talks about the fact that every area of this state could be represented. Every area of this state could be represented right now, under its present structure. And, in fact, in the loaning procedures of this Authority, they are represented. This year 87 projects have been funded. Sixty-three direct loans to small businesses and 24 bond issues. These businesses and these issues were located... went direc... these issues went directly to businesses located throughout this state. In fact, 10,000,000 to the City of Chicago, 32.1 million to the suburban and collar county areas and 29.4 million to the downstate areas. I think that this has been even. It's been equitable and it is important to the proper functioning of the Illinois Industrial Authority. If you are interested in the economic development of this state and of maintaining and providing new jobs for this state, you will vote 'no' on this Amendment. Thank you."

Speaker Wolf: "Is there further discussion on the Amendment? If not, Representative Madigan, to close."

Madigan: "Mr. Speaker, in closing and in response to Representative Stiehl. Representative Stiehl, you paint a picture of this Board that appears very good but is not true. This Board was created several years ago. I'm not sure how many years it's been in existence but I suspect that the Illinois Industrial Development Authority has been in existence for at least 10 to 15 years. The work of the Board has been inadequate at best and it was only my action about three years ago that created some impetus for the Board to actually become an aggressive Board which would aggressively attempt to help the Illinois economy. You allude to a quorum problem. The fact of the matter is that the last time the Board attempted to meet, it could not

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

70th Legislative Day

June 24, 1981

meet because they could not get a quorum of the members present in order to conduct business. The reason they could not get a quorum is because of the people who are appointed to the Board. They're very important people. They have responsibilities away from the Board and they probably find it very difficult because of their outside business activities to attend meetings of this Board. What the Board needs are new members who would be willing to attend to their duties as Board members and they need people who would be representative of small business because it is small business in our nation which has provided the new jobs in the last several years. New jobs have not been created by large business. They have been created by small business. This is a good Amendment. It does no harm. I respectfully submit to you that your arguments in opposition to the Amendment were drafted by the bureaucracy which is like all bureaucracies that don't want any change. They know what they have. They want nothing new. This is a good Amendment. It should be adopted. I recommend an 'aye' vote."

Speaker Wolf: "The Gentleman has moved the adoption of Amendment #7. The question is, 'Shall Amendment #7 be adopted?'. All in favor will signify by voting 'aye' and the opposed by voting 'no'. Mr. Clerk, the board is open. Have all voted who wish? Have all voted who wish? The Lady from St. Clair, Representative Stiehl."

Stiehl: "Thank you, Mr. Chairman... Mr. Speaker. To explain my vote. I hope that you put some more 'no' votes up there on that board. This is very important that we defeat this Amendment. There's no reason to increase the number of members on this Authority. All you're doing is increasing the administrative costs of this. You're making it more difficult to provide a quorum and making the Board

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

70th Legislative Day

June 24, 1981

completely unwieldy. Now, we have always said in here, every single Legislator, that what we're trying to do is eliminate the bureaucracy, eliminate positions that we don't need. We don't need these extra positions. Now, this Board is appointed by the Governor with the advice and consent of the Senate. There is no reason for this Amendment. It... This Board includes small businessmen. It includes large businessmen. It includes the best people that the Governor can find and that the Senate will approve. I ask for a 'no' vote."

Speaker Wolf: "Have all voted who wish? Have all...What purpose do you rise, Representative Stiehl?"

Stiehl: "Mr. Speaker, I hate to take up the time of the House, but I would ask for a verification of the Affirmative vote if this Amendment happens to pass."

Speaker Wolf: "Have all voted who wish?"

Stiehl: "And a poll of the absentees."

Speaker Wolf: "Mr. Clerk. The Clerk will take the record. On this question there are 88 'ayes', 83 'nos' and the request of the poll of the absentees has been requested. Mr. Clerk. Mr. Clerk, will you poll the absentees?"

Clerk Leone: "Flinn. Garmisa. Jackson. Margalus. Peters and Redmond."

Speaker Wolf: "A verification has been requested. Mr. Clerk, would you verification of the affirmative vote. Proceed, Mr. Clerk."

Clerk Leone: "Poll of the affirmative. Abramson. Alexander. Balanoff. Barnes. Beatty. Bowman. Bradley. Braun. Breslin. Brummer. Bullock. Capparelli. Carey. Chapman. Christensen. Cullerton. Currie. Darrow. DiPrima. Domico. Donovan. Doyle. John Dunn. Ewell. Farley. Getty. Giglio. Giorgi. Greiman. Hanahan. Hannig. Henry. Huff. Jaffe. Jones. Kane. Katz. Keane. Dick

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

70th Legislative Day

June 24, 1981

Kelly. Kornowicz. Kosinski. Krska. Kucharski. Kulas.
Laurino. Lechowicz. Leon. Leverenz. Levin. Madigan.
Martire. Matijevich. Mautino. McAuliffe. McClain.
McGrew. McPike. Mulcahey. Murphy. O'Brien. O'Connell.
Ozella. Pechous. Pierce. Pouncey. Preston. Rea. Rhem.
Richmond. Ronan. Saltsman. Satterthwaite. Schneider.
Schraeder. Slape. Margaret Smith. Steczko. Stewart.
Stuffle. Terzich. Turner. Van Duyne. Vitek. White.
Sam Wolf. Younge. Yourell and Zito."

Speaker Wolf: "Are there questions of the affirmative?
Representative Stiehl."

Stiehl: "Thank you, Mr. Speaker. Representative Beatty."

Speaker Wolf: "Mr. Beatty, he's in his seat."

Stiehl: "Representative Parley."

Speaker Wolf: "Is Representative Parley in the Chamber? How is
the Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll Call."

Stiehl: "Representative Darrow?"

Speaker Wolf: "Is Mr. Darrow in the Chamber? How is the
Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll Call."

Stiehl: "Representative....oh no, there he is."

Speaker Wolf: "Wait, restore Mr. Parley, he is down by the well."

Stiehl: "Representative Giorgi?"

Speaker Wolf: "Is Mr. Giorgi in the Chamber? How is the
Gentleman recorded?"

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

Speaker Wolf: "Remove him, Mr. Clerk. Wait, he's here, he just
dropped in the back door. Put him back on."

Stiehl: "Representative Hanahan?"

Speaker Wolf: "Is Mr. Hanahan in the Chamber? How is the

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

70th Legislative Day

June 24, 1981

Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll Call."

Stiehl: "Representative Jaffe?"

Speaker Wolf: "Is Mr. Jaffe in the Chamber? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll Call."

Stiehl: "Representative Kane?"

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

Stiehl: "Representative Laurino?"

Speaker Wolf: "Is Mr. Laurino in the Chamber? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll Call."

Stiehl: "Representative Lechowicz?"

Speaker Wolf: "Mr. Lechowicz in the Chamber? He's in the aisle."

Stiehl: "Representative Leon?"

Speaker Wolf: "Mr. Leon in the Chamber? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll Call. Mr. Flinn, for what purpose do you arise, Sir?"

Flinn: "Mr. Speaker, would you record me as 'aye'?"

Speaker Wolf: "Would you record Mr. Flinn as voting 'aye'? Representative Braun?"

Braun: "Thank you, Mr. Speaker, may I have leave to be verified?"

Speaker Wolf: "Representative Braun has asked leave to be verified. Does she have leave? Leave has been granted. Continue with the Affirmative Poll, Mr. Clerk."

Stiehl: "Representative Martire?"

Speaker Wolf: "Mr. Martire in the Chamber? How's the Gentleman recorded?"

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

70th Legislative Day

June 24, 1981

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

Speaker Wolf: "Remove him from the Roll Call."

Stiehl: "Representative McAuliffe?"

Speaker Wolf: "Is Mr. McAuliffe in the Chamber? How is he recorded?"

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

Speaker Wolf: "Remove him from the Roll Call. For what purpose does the Gentleman from Cook, Representative Jackson, arise?"

Jackson: "How am I recorded?"

Speaker Wolf: "How's the Gentleman recorded?"

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

Jackson: "Record me as 'aye'."

Speaker Wolf: "Record Mr. Jackson as 'aye'. Any further questions of the affirmative? Representative Stiehl?"

Stiehl: "Representative McGrew?"

Speaker Wolf: "McGrew?"

Stiehl: "McGrew."

Speaker Wolf: "He's in the aisle."

Stiehl: "Representative O'Brien?"

Speaker Wolf: "Is Mr. O'Brien in the Chamber? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll Call."

Stiehl: "Representative Rea?"

Speaker Wolf: "Representative Rea? How is the Gentleman....here...he's here. He's here."

Stiehl: "Representative Schneider?"

Speaker Wolf: "Mr. Schneider in the Chamber? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll Call, Mr. Clerk."

Stiehl: "Representative Abramson?"

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

70th Legislative Day

June 24, 1981

Speaker Wolf: "Is Mr. Abramson in the Chamber? How is the Gentleman recorded? Is he here? Oh, he's in someone else's chair. He's hiding there, we see him."

Stiehl: "Representative Stewart?"

Speaker Wolf: "Representative Stewart? Is Representative Stewart in the Chamber? How is the Lady recorded?"

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

Speaker Wolf: "Remove her from the Roll Call."

Stiehl: "Representative Brummer?"

Speaker Wolf: "Is Mr. Brummer in the Chamber? Mr. Brummer? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove him from the Roll Call and return Mr. Darrow to the Roll Call."

Stiehl: "Representative Terzich?"

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

Stiehl: "Representative Stuffle?"

Speaker Wolf: "He's in the Chamber. He's up in front."

Stiehl: "Those are all the challenges I have, Mr. Speaker."

Speaker Wolf: "Alright, what's the count, Mr. Clerk? Alright, there are...on the adoption of Amendment #7, there are 80 'ayes', 83 'nos' and the Amendment....Mr. Madigan, for what purpose do you arise, Sir?"

Madigan: "Request a verification of the negative vote."

Speaker Wolf: "Alright, a request has been made of the negative vote. Read the negative, Mr. Clerk."

Clerk Leone: "Poll of the negative. Ackerman. Alstat. Barkhausen. Barr. Bartulis. Bell. Bianco. Birkinbine."

Speaker Wolf: "One moment, Mr. Clerk. Restore Mr. Leon to the Roll Call, he has returned to the Chamber. Continue with the negative, Mr. Clerk."

Clerk Leone: "Continuing with the Poll of the Negative. Bluthardt. Boucek. Bower. Catania. Collins. Conti.

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

70th Legislative Day

June 24, 1981

Daniels. Davis. Deuchler. Deuster. Jack Dunn. Ralph
Dunn. Ebbesen. Epton. Ewing. Fawell. Findley.
Virginia Frederick. Dwight Friedrich. Griffin."

Speaker Wolf: "One moment, Mr. Clerk. Restore Representative
Bradley to the Affirmative Roll Call, he has returned to
the Chamber and Representative Piel, did you ask
recognition? Mr. Piel would like leave to be verified,
Mr. Madigan? Representative Piel have leave? Alright,
continue with the Poll of the Negative, Mr. Clerk and Mr.
Hoffman makes the same request. Does he have leave to be
verified? He has leave. Continue with the Poll of the
Negative."

Clerk Leone: "Continuing with the Poll of the Negative. Griffin.
Grossi. Hallock. Hallstrom. Hastert. Hoffman. Hoxsey.
Hudson. Huskey. Johnson. Karpiel. Jim Kelley. Klemm.
Kociolko. Koehler. Kustra. Leinenweber. MacDonald.
Mays. McBroom. McCornick. McMaster. Ted Meyer. Roland
Meyer. Miller. Neff. Nelson. Oblinger. Piel. Polk.
Pullen. Reed. Reilly. Rigney. Robbins. Ropp.
Sandquist. Schuneman. Irv Smith. Stanley. Stearney. E.
G. Steele. C. M. Stiehl. Swanstrom. Tate. Telcser.
Topinka. Tuerk. Vinson. Watson. Wikoff. Winchester.
J. J. Wolf. Woodyard. Zwick. And Mr. Speaker."

Speaker Wolf: "Any questions of the negative, Mr. Madigan."

Madigan: "Mr. Speaker, could you tell me the count?"

Speaker Wolf: "What's the count, Mr. Clerk? 81 'aye', 83 'no'.

For what purpose do you arise, Mr. Brummer?"

Brummer: "How am I recorded?"

Speaker Wolf: "How is the Gentleman recorded?"

Clerk Leone: "The Gentleman has been removed."

Brummer: "Please record me 'aye'."

Speaker Wolf: "Restore Mr. Brummer to the Roll Call. That is now
82 'aye', 83 'no'. Is that correct, Mr. Clerk? What

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

70th Legislative Day

June 24, 1981

purpose does the Gentleman from Cook, Representative
Martire, arise?"

Martire: "Mr. Speaker, am I recorded?"

Speaker Wolf: "How is the Gentleman recorded?"

Clerk Leone: "The Gentleman has been removed from voting 'aye'."

Martire: "Please vote me 'aye'."

Speaker Wolf: "Record the Gentleman as 'aye'."

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

Speaker Wolf: "It's 83-83 now."

Madigan: "Roland Meyer?"

Speaker Wolf: "Representative Roland Meyer is down in front."

Madigan: "Ted Meyer?"

Speaker Wolf: "Representative Ted Meyer is in his seat."

Madigan: "McBroom?"

Speaker Wolf: "Mr. McBroom? Is Representative McBroom in the
Chamber? Mr. McBroom? Mr. Bower...I can't see. Is
Mr....no, Mr. McBroom, is he here? How is the Gentleman
recorded?"

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

Speaker Wolf: "Remove Mr. McBroom from the Roll Call, Mr. Clerk."

Madigan: "Mr. Huskey?"

Speaker Wolf: "Is Representative Huskey in the Chamber?
Representative Huskey? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove Mr. Huskey from the Roll Call."

Madigan: "Bianco."

Speaker Wolf: "Representative Bianco? Is Representative Bianco
in the Chamber? How is he recorded, Mr. Clerk?"

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

Speaker Wolf: "Remove him from the Roll Call."

Madigan: "Swanstrom?"

Speaker Wolf: "He's in Deuster's seat."

Madigan: "Polk?"

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

70th Legislative Day

June 24, 1981

Speaker Wolf: "Representative Polk? He was just here a moment ago. There he is, right in the aisle."

Madigan: "Tim Johnson?"

Speaker Wolf: "Representative Johnson? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove Mr. Johnson from the Roll Call."

Madigan: "Fawell?"

Speaker Wolf: "Representative Fawell? Is the Lady in the Chamber? How is Representative Fawell recorded?"

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

Speaker Wolf: "Remove...oh, wait, here she is, she's right back in the front."

Madigan: "Deuster?"

Speaker Wolf: "Representative Deuster? Is Representative Deuster in the Chamber? How is the Gentleman recorded, Mr. Clerk?"

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

Speaker Wolf: "Remove him from the Roll Call."

Madigan: "Schuneman?"

Speaker Wolf: "Representative Schuneman? Is the Gentleman in the Chamber? How is the Gentleman recorded?"

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

Speaker Wolf: "Remove Mr. Schuneman from the Roll Call."

Madigan: "No further questions."

Speaker Wolf: "Alright, are there any additions or changes? What's the count, Mr. Clerk? Alright, the count is now, 83 'aye', and 77 'nos' and the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #8, McPike, amends Senate Bill 223 by deleting the title and inserting in lieu thereof the following."

Speaker Wolf: "Representative McPike. Is the Gentleman in the Chamber? Representative Stiehl, do you seek recognition?"

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

70th Legislative Day

June 24, 1981

Here he is now. You have Amendment #8 on this Bill? Is the Amendment printed, Mr. Clerk? Representative Stiehl, do you wish to table the Amendment? It's not printed."

Stiehl: "Yes, Mr. Speaker. The Amendment is not distributed or printed so I'd like to table."

Speaker Wolf: "The Lady has....going to withdraw? Representative McPike withdraws Amendment #8. Are there further Amendments?"

Clerk Leone: "Floor Amendment #9, McPike, amends Senate Bill 223 as amended."

Speaker Wolf: "Withdraw...Amendment #9 is withdrawn. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Wolf: "Third Reading. And now, Mr. Polk for the purpose of an introduction, the House will just stand at ease for a moment. For purpose of an introduction, Representative Polk."

Polk: "Jaffe, Representative Schneider not sitting next to you today? Ladies and Gentleman of the Chamber, it's my honor and privilege to introduce to you the Lady who has been the reigning Miss Illinois since last July, Miss 'Blythe Elizabeth Sawyer' of Naperville. Blythe is 22, a graduate of Wheaton. She is currently performing vocally and modeling and speaking professionally. She will be the...she will be going out on the eleventh of July and she has had a fantastic year representing all of us as Miss Illinois through the Miss America Pageant. May I introduce you, Miss Illinois."

Blythe Sawyer: "Thank you very much. Yes, it has been a pleasure for me to represent Illinois and I've had a little bit of a taste of what you all do this year by meeting a lot of you and then representing the young women of Illinois in the Miss America Pageant and all over. I made a trip to

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

70th Legislative Day

June 24, 1981

Washington to represent Illinois, meeting our Senators and our Representatives there, and have traveled the State extensively. It's been quite an experience. I am from the Chicago area, but I've come to love the whole State and I just hope that you all can get out of here by June 30th, if you can get everything done by then. And get that RTA problem solved, I do not envy your position, in trying to solve that mess, but I wish you the best of luck. Thank you."

Polk: "Blythe is ably represented by Representative Fawell and George Ray Hudson and Glenn Schneider. Thank you very much."

Speaker Wolf: "Representative Daniels in the Chair."

Speaker Daniels: "Senate Bill 230, Representative Peters. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 230, a Bill for an Act making appropriations to the Board of Higher Education, Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "No floor Amendments."

Speaker Daniels: "Third Reading. Senate Bill 231, Representative Wikoff. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 231, a Bill for an Act making certain appropriations to the Board of Trustees at the University of Illinois, Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any motions filed?"

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

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, Satterthwaite, amends Senate Bill 231 on page one, line ten and so forth."

Speaker Daniels: "Representative Getty, for what purpose do you arise?"

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

70th Legislative Day

June 24, 1981

Getty: "On either a point of order or parliamentary inquiry. I just want to be clear...."

Speaker Daniels: "Excuse me, excuse me. Gentlemen, Ladies and Gentlemen, can we please have your attention?"

Getty: "I just want to be clear and have it in the record as to how we are on this order and if it's the Chair's intention to be on the Order of Appropriation matters, only? Is that correct?"

Speaker Daniels: "That is correct, Sir, at this time."

Getty: "And then it's the intention of the Chair to go back to where we left off?"

Speaker Daniels: "For the time being we are on appropriation matters only, Sir."

Getty: "Only, and you are not in numerical sequence at this time?"

Speaker Daniels: "No, Sir. We are on Appropriations."

Getty: "Very good, thank you, Sir."

Speaker Daniels: "Representative Satterthwaite, Amendment #2. Representative Satterthwaite? Amendment #2 to Senate Bill 231."

Satterthwaite: "Mr. Speaker and Members of the House, in Committee this Bill was amended downward to take out some money that otherwise would have gone to the Illinois Building Authority to pay off those debts. It was determined that that money was not necessary and so all that my Amendment does is restore the same amount of money in the personnel line item. It has been a big issue in our area that we are in danger of losing the reputation that the University of Illinois has had as being an excellent educational institution. As we've fallen farther and farther behind in terms of providing adequate salary increases..."

Speaker Daniels: "Excuse me, Representative Satterthwaite."

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

70th Legislative Day

June 24, 1981

Representative Wikoff, for what purpose do you arise, Sir?"

Wikoff: "Thank you, Mr. Speaker. She's speaking on Amendment #2.

I believe that's technically incorrect and she should withdraw it and work with Amendment #3."

Speaker Daniels: "Representative Satterthwaite."

Satterthwaite: "Yes, Mr. Speaker, that is right. Withdraw Amendment #2, please."

Speaker Daniels: "Withdraw Amendment #2. Any further Amendments?"

Clerk Leone: "Floor Amendment #3, Satterthwaite."

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

Satterthwaite: "Well, Mr. Speaker and Members of the House, the same arguments. The other Amendment was technically incorrect, this is technically correct. But the issue still is that because the University of Illinois has not been able to keep competitive in the job market with salary increases, we are finding that more and more of the top educators are leaving academic life, going into industrial positions or going into other academic positions in other states. I feel that this is ending in a long process of deterioration of the staff that can stay and can help to maintain the ability of our premier institution of education in the state and for that reason, it seems to me that when we've been able to find some money within the budget that will not need to be expended for that purpose, the logical thing for us to do is to move that money into the area of greatest concern which is the personnel line item, so that the University can distribute those funds for additional salary increases for the employees. This would go not only to the academic employees, but it would go also to the non-academic employees. One of the big problems there has been that with the step plan under which the non-academic employees operate, the longer term employees

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

70th Legislative Day

June 24, 1981

who've been faithful to the University and have stayed even through difficult times when they were not getting very large salary increases, get into a position where they are at the top of their salary level and can not have adequate kinds of increases. As the newer, younger people come on board, in order to encourage them to come into those positions, the lower grades have been upgraded more proportionately and so, again, there is a problem of inequity, a problem of disincentive for the good long term employees to stay in the employment of the University of Illinois and so by adding this amount of money which as I indicate is now clearly not needed for the other purpose, adding it to the personnel line item, we would allow the University Administration some flexibility in adjusting these salary scales in the hope of keeping some of their best people on staff. I encourage your support of this Amendment."

Speaker Daniels: "Representative Ebbesen."

Ebbesen: "Yes, will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Ebbesen: "How much money are we talking about?"

Satterthwaite: "Representative Ebbesen, this is 1.9 million dollars. It is the exact amount that was deleted in Committee that had been in there to meet the building authority payments because that money is not needed for that purpose. I'm simply transferring it into the personnel line item."

Ebbesen: "Does it come out of General Revenue?"

Satterthwaite: "Yes, Sir."

Ebbesen: "Well, in another words, that 1.9 million was removed by the Committee and now you want to restore it to give it....and I'm in complete sympathy with what you're saying. Not only for the University of Illinois but all the other

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

70th Legislative Day

June 24, 1981

systems in Higher Education and the employees whether they are academic or non-academic but about the other systems, even though this was removed from your budget, how about the other systems? Were they proportionately reduced or are there other dollars involved of this type where there's been reductions?"

Satterthwaite: "Yes, there were reductions in those other budgets as well. But those are in other Bills. Under the Bill under discussion, it applies only to the University of Illinois."

Ebbesen: "Well, it would appear to me, if we're going to do this in Higher Education not just the University of Illinois, what I think if all of Higher Education had varying degrees of reductions in their appropriations, all that money if it all comes out of General Revenue ought to be lumped together and proportionately divided amongst all the systems, in all the institutions, not the just the U of I taking 1.9 and maybe Southern taking 500,000 and somebody else getting 400,000. I'm in complete sympathy with the Amendment but I would think we ought to talk about it all came out of the same pot. We ought to take it and lump it together and then divide it proportionately and then put back in for personnel. I would support that but I will not support this, based on the way it's being done."

Speaker Daniels: "Representative Leverenz."

Leverenz: "Thank you. Would the Sponsor yield to a couple of questions?"

Speaker Daniels: "She indicates she will."

Leverenz: "Now, Representative, you propose to take the money that was removed from the budget on an Amendment I introduced in Committee with the Co-Sponsorship of Representative Davis after a two year working relationship and going into the Illinois Building Authorities financial

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

70th Legislative Day

June 24, 1981

operations. You have proposed to put a million nine hundred fifty-six thousand dollars of General Revenue money into the personal services line items in the budget for the University of Illinois. Have you discussed that with anyone at the University of Illinois?"

Satterthwaite: "If you're talking about the University Administration, no I have not. But I have certainly talked with many of the employees there about the plight that they are in, in regard to the need for additional salary increases."

Leverenz: "The...that topic was taken up by the Audit Commission, also, and the money though that you're putting in here then would be disproportionate to the monies that have been set in the budgets for all the other universities. Isn't that correct?"

Satterthwaite: "Well, Representative, I am only addressing the problem of the University of Illinois which is in my Legislative District. If other Representatives care to address the problem with the universities in their districts, I have no objection to that and would, in fact, very happily support similar kinds of Amendments because I'm sure the problem exists all over the State. Certainly, we know that the problem is there. The Governor has indicated he would like to help to address that problem and I'm just saying that rather than reducing the budget for the university when we find money that is not needed for the purpose for which it was originally designated then we should make every effort to move that into the line item that is most in need, which is the personnel line item."

Leverenz: "Mr. Speaker, to the Amendment?"

Speaker Daniels: "Proceed, Sir."

Leverenz: "The agreed Amendments that were put on Bills to reduce the amount of the expenditures from the General Revenue

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

70th Legislative Day

June 24, 1981

Fund and to protect the General Revenue Fund and to eliminate the over appropriations of in excess of 8 million dollars for rental payments to the Illinois Building Authority has received almost two years worth of work and attention by the Appropriations Committee and the subcommittee. This Amendment would propose to frivolously take that money now from General Revenue Funds and put it into a line item for no specific purpose, no purpose that was worked out in the appropriations process at all and just transfer that money. Should the Amendment be adopted, I'd ask Representative Davis to join me to remove the Amendment that made this million, nine hundred, fifty-six thousand dollars available in the first place and I think it would cause great harm to the work that we have done and I would ask for your 'no' on this Amendment."

Speaker Daniels: "Representative Matijeovich."

Matijeovich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, Representative Satterthwaite's motives are good, she's well intentioned. I agree with Representative Leverenz. This over budgeting of the Illinois Building Authority rental payments does not belong to the University of Illinois. If I follow Representative Satterthwaite's reasoning, it somehow belongs in the U of I budget. The truth of the matter is that if the Senate in their wisdom felt that their should be more monies appropriated for salaries, et cetera, they surely would not have, by Senate Amendment #1 reduced the appropriation Bill to come within the Governor's recommendation of budget cutting by 13 million some dollars. They could've allowed a certain amount of funds for increased salaries. And I don't think it makes good budgetary sense for us to single out the University of Illinois to provide for higher salaries than our other State universities within the other systems. So, although

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

70th Legislative Day

June 24, 1981

I think she is well intentioned and I really believe that the monies that we are saving by the work that Jack Davis and Ted Leverenz and their subcommittee did, that this ought to be monies that we ought to look at, priority wise and, in fact, I think on the floor of the House I thought a good priority was for us not to reduce benefits for the Group Insurance Fund, that seemed to me, ought to be an obligation of this House of Representatives and if there are other certain obligations that we have to meet. If we have to meet certain human needs but I think that the President of the University, President 'Ikenburry' was in Committee, said that within the fiscal constraints they are satisfied with the budget as it left the House Committee. Since they are satisfied, I think we ought to be, and therefore, I reluctantly oppose this Amendment."

Speaker Daniels: "Representative Wikoff."

Wikoff: "Thank you, Mr. Speaker. I, too, like the following speakers, do oppose this Amendment, even though I think that Representative Satterthwaite's efforts were laudable. This budget has been worked on by both the...both staffs of the Senate, both staffs of the House, both Appropriations Committees. There has been an agreement reached on it. I would urge a 'no' vote on this Amendment. I think it should be defeated. I think this Bill, pertaining to Higher Education should go back to the Senate for concurrence in the same manner that it came out of the Appropriations Committee, and for that matter, I think that all of the Bills pertaining to Higher Education, agreement has been reached, should go back to the Senate for concurrence in the exact same manner that they came out of the Senate. Agreement has been reached, all of them. And I would urge a 'no' vote on this."

Speaker Daniels: "Representative Bullock."

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

70th Legislative Day

June 24, 1981

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

Speaker Daniels: "Representative Satterthwaite, to close."

Satterthwaite: "Mr. Speaker and Members of the House, not one person who has spoken on this issue has indicated that the money is not needed or deserved for salary increases at the University of Illinois. We are finding time and time again that even though the university administration finally comes to some agreement with the Governor's Office and the Bureau of the Budget and the various Appropriations Committee, et cetera, et cetera, et cetera, on the amounts of cuts and reductions that they have to tolerate. That when we reach this point in the process of appropriations, the people who are really left out are the employees, back on the campus in Chicago or in Champaign-Urbana who really feel at this point that they are not being represented because they are not parties to these agreements. They are the ones who end up with their paycheck, not nearly meeting the cost of living increase. They are the ones who are finding that new employees coming on board with no seniority and no experience are making nearly as much as they who have been loyal employees for a long period of time and they are the ones who are feeling very short changed by this process. It is my feeling that in a situation like this, where we have in fact found some money in the budget which is not needed for the purpose for which it was originally designated that in all fairness to those employees, we should in fact, be transferring that money to their benefit. We are finding that programs that the University of Illinois are being abandoned for lack of small sums of money, as much as 150, or \$200,000 loss, means the abandonment of a program and so, it's not only the staff but it's also the students who are losing as well. When they cannot have that program made available to

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

70th Legislative Day

June 24, 1981

them any longer. Some of these programs are in medically related fields where the employees will find ready employment once they've been able to get through their student status but without a program being provided for them, they are instead going out of state to find that education elsewhere and frequently are staying out of state, rather than returning to Illinois for that much needed service to the State of Illinois. With that kind of situation existing, where we're finding that nursing programs are being abandoned, medical positions are being abandoned, medically related programs are being abandoned. I think we can ill afford to continue on the path that we've been treading for several years now, in making it impossible for the University to keep its status as it has had in the past. I urgently ask for your support on this Amendment. It does not increase the amount of money that will be available to the University. It simply transfers it from an unneeded function to a much needed function."

Speaker Daniels: "Representative Satterthwaite moves for the adoption of Amendment #3. All those in favor signify by saying 'aye', opposed 'no'. The 'nos' have it, the Amendment is lost. Is she joined by four Members? Alright, the question is, 'Shall Amendment #3 be adopted?' All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all those voted who wish? Have all those voted who wish? Take the record. On Amendment #3, there are 27 'aye', 81 'no' and none voting 'present', the Amendment is lost. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. Appropriation Bill, Second Reading, without Amendments. Senate Bill 235, Representative Woodyard. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 235, a Bill for an Act making

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

70th Legislative Day

June 24, 1981

appropriations to the Illinois Community College Board, the Board of Trustees of the State Community College of East St. Louis for fiscal year 1982, Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any motions filed?"

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

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "No floor Amendments."

Speaker Daniels: "Third Reading. Senate Bill 310. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 310, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Prisoner Review Board, Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any motions filed?"

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

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "No floor Amendments."

Speaker Daniels: "Third Reading. Senate Bill 320, read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 320, a Bill for an making appropriations for the ordinary and contingent expenses of the State University Civil Service Merit Board, Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "None."

Speaker Daniels: "Third Reading. House Bills, Second Reading...Senate Bills, Second Reading. Senate Bill 764. Read the Bill, Mr. Clerk. Representative Stuffle. Read the Bill."

Clerk Leone: "Senate Bill 764, a Bill for an Act to amend the Revenue Act, Second Reading of the Bill, Amendment #1 was adopted in Committee."

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

70th Legislative Day

June 24, 1981

Speaker Daniels: "Any motions filed?"

Clerk Leone: "No motions filed."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #2, Preston, amends Senate Bill 764 as amended."

Speaker Daniels: "Representative Preston, Amendment #2 to Senate Bill 764. Representative Stearney, for what purpose do you arise, Sir?"

Stearney: "Point of order. Parliamentary inquiry, perhaps."

Speaker Daniels: "Proceed."

Stearney: "That is, the last Bill, appropriation Bill was 260-something?"

Speaker Daniels: "Yes, Sir."

Stearney: "What happened to ...how did you get then to Senate Bill 764?"

Speaker Daniels: "That's the next order of business, Senate Bill, Second Reading. We were on special order of appropriation matters. We are now back to the Second Reading."

Stearney: "One question then?"

Speaker Daniels: "Yes, Sir."

Stearney: "As to Senate Bill 271, which is an appropriation Bill, you are not going back to that?"

Speaker Daniels: "At this time, no, Sir. We have extra time on appropriation matters. We are trying to accommodate all the Members of the House to give them an opportunity to have their Bill called on Second Reading before the midnight, Friday night deadline. That's why we've done this."

Stearney: "Thank you, Mr. Speaker."

Speaker Daniels: "You're welcome, Sir. Representative Woodyard, you had a motion filed? Amendment #2?"

Woodyard: "Take that motion out of the record."

Speaker Daniels: "You had that motion filed as to all Amendments

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

70th Legislative Day

June 24, 1981

you wanted removed? Representative Stuffle, as a joint Sponsor of that, do you agree with....? Motion to table is hereby withdrawn by Representative Woodyard and Stuffle. Representative Preston, Amendment #2."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, what Amendment #2 does to Senate Bill 764, first of all, it applies to Cook County only. And it concerns the assessment of farmland within the...within Cook County. It makes technical corrections in the existing law and I'd ask for an 'aye' vote."

Speaker Daniels: "Representative Stuffle."

Stuffle: "Yes, Mr. Speaker and Members, this Bill in its current form is agreed to all by all the farm organizations in the State. This particular Amendment had some consideration in part of its form during our many, many meetings around the State and here in Springfield. This Amendment, I talked to the Assessor's Office from Cook County on, the Amendment would place Cook County in a different posture than the rest of the State. It would put them effectively in the 79 law, if it were to be implemented. That's what we're trying to amend by this Bill. This Amendment does not have, according to my conversations with the Cook County Assessor's Office. Their support is necessary, they have not lent their support to this Amendment and I do not believe that at this time, this Amendment ought to be put on this Bill. This Bill has been very carefully worked out over a period of time with a number of interested parties and this Amendment is not one of the things that was agreed to. And for those reasons, I would urge a 'no' vote."

Speaker Daniels: "Representative Rigney."

Rigney: "Well, Mr. Speaker and Ladies and Gentlemen of the House, this is just the first Amendment of about seven, I believe, that are attempting to gut this legislation on Second

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

70th Legislative Day

June 24, 1981

Reading and to put it in such a posture that no one would be willing to support it when we reach the final passage stage. Let me point out, that this particular Amendment, the danger of it is. I think we create for ourselves a constitutional problem when we attempt to have two different classification systems for farmland. Now, the Chicago delegation is saying, okay let's put Cook County in a different class. Let them operate with the present Bill. I might point out to you, they're not operating with that Bill at the current time. They are operating under the dual assessment provisions that is found elsewhere in the Statute. So, this Amendment perhaps has more chance for mischief than really any of the other Amendments that are pending. I call this to your attention because, you know, on the surface it may look somewhat innocent. But believe me, we are creating a rather serious constitutional problem if we're to make an exception of this kind that isn't either needed nor wanted by the Assessment Officials of Cook County."

Speaker Daniels: "Representative Neff."

Neff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill (sic) 764 has been brought out here on the floor. It's agreed to by all the farm organizations in the State of Illinois. There has been a lot of work done on this. A lot of meetings, they've had a lot of meetings and held meetings, discussions with the people it pertains to. The present Bill that we have now does need an Amendment on it to make it more workable and more fair to everybody and I would hope that we would discard this Amendment or any other Amendments that's offered."

Speaker Daniels: "Representative Keane."

Keane: "Thank you, Mr. Speaker. I rise in support of this Amendment. I think that anyone who has read the farm

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

70th Legislative Day

June 24, 1981

assessment Bill as it has been proposed in House Bill(sic) 764 will also attempt to opt out, have his county opt out if he lives in an urban area within that county. What we are attempting to do in this Amendment, is to maintain the level of assessment as it was to be assessed in the 1977 law. What's happening in 764 and the reason that this Amendment was put on, was, is that we have another break. There's another reduction in...or freeze...some of these things are reductions, there will be something like 19 counties that will actually have reduced assessed evaluations by acre under 764 without Amendments. I think that Cook County is attempting to protect its assessment base and keep a fair and equitable assessment base by sponsoring this Amendment and I would ask for your support of it. Thank you."

Speaker Daniels: "Further discussion? Representative Preston, to close."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I fear that this Amendment is being completely misunderstood by some of the remarks that I've heard on the other side of the aisle. Senate Bill 764 without including this Amendment would create chaos in Cook County. This Amendment keeps Cook County assessment procedures for farmland as they were in 1970. I haven't heard any opposition from any of the farm organizations in my entire district and I urge your 'aye' vote. Thank you."

Speaker Daniels: "The Gentleman's moved for the adoption of Amendment #2. All those in favor signify by saying 'aye', opposed 'no'. The 'nos' have it, the Amendment is lost. Further Amendments?"

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

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

Keane: "Thank you, Mr. Speaker. Amendment #3 to Senate Bill 764

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

70th Legislative Day

June 24, 1981

returns the farm assessment practices to that which existed prior to the 1977 law. In fact, we go back to putting farm assessments for equalization at a 33 1/3rd% of market value. The reason that this Amendment has been offered is that the farm assessment package and the break that we gave the farmers in 1977 was not implemented. In many cases it turned out to be nothing more than a tax freeze since then. What's happening now is that because of that tax freeze and because of the very, very low level of assessment in many counties in Illinois and the refusal of counties to implement the 1977 law, it would be a great jump in assessment levels. It's only fair. What House..Senate Bill 764 does is that it again because of this jump it freezes or lowers and in some cases reduces below present levels equalized farm assessments. The home owners and the real property owners in the State have had a constant increase in assessed valuation. The farmers in many cases have not, the growth has been nothing or very, very slow. The practice has put a tremendous burden on the urban areas within counties. It has caused inequities in the school aid formula by making the farmers look like they have a great local effort when in fact they have not. It has taken money in the school aid formula from the urban areas and given it to the rural areas. Within a county itself it has taken funds from the urban areas and increased their property tax base to make up for the beneficial treatment that the farmers are getting and I would ask support for Amendment #3."

Speaker Daniels: "Representative Kustra. Representative Rigney."

Rigney: "Well, Mr. Speaker, I think probably this Amendment is devastating in its effect. I'm somewhat amused by it, in that it would assess all farmland in the state at 33 1/3rd% of fair cash value. I note that the Sponsor's home

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

70th Legislative Day

June 24, 1981

and similar homes in his city are assessed at 16% of fair cash value. I simply don't understand why he wants to double the assessment on farmland."

Speaker Daniels: "Representative Stuffle."

Stuffle: "I think that we all know that this is another one of a series of Amendments designed not to reform but to gut the Bill and to kill the program and to kill the farmers. This would result statewide in an increase in farm assessments of about 400% in one year. Face facts, we never enforced that 33 1/3rd% law against farmers. We know that. Everybody here knows that. We do assess at less than 33 1/3rd on houses in Cook County. We do understand that houses in urban areas are assessed the same as houses on farms. Those people aren't expected to make their income off their houses. I don't know of many people that do. None legally that do. But this is an issue that needs to be dealt with in a realistic manner. This Amendment doesn't do it. It's an attempt to gut the Bill. It deserves an overwhelming 'no' vote."

Speaker Daniels: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. Many of you, if not all of you, on many occasions have talked about legislation to preserve the family farm. We have an opportunity to, in part, do that by opposing this Amendment. Family farms have been in the operation of trying to exist in an economy where inflation has run rampant and their incomes have been very stable, if anything, declining. We need to oppose this Amendment so that your concern for the family farm will be preserved."

Speaker Daniels: "Representative Schraeder."

Schraeder: "Thank you, Mr. Speaker and Members of the House. I think what's been said is absolutely true. This Amendment would certainly gut the Bill. But looking at the present

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

70th Legislative Day

June 24, 1981

legislation that is now on the Statute books, that legislation was developed after a hard effort on the part of many legislators throughout the State of Illinois, with input from everyone in all segments of society. And the farm assessment plan that is now in effect was an attempt to really help the farmers and only assess him for the residence in which he lived in and now to change it with this, would really...would really tear apart the whole assessing situation in Illinois....and this defeat...the Amendment should be defeated without any question."

Speaker Daniels: "Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. I think there's some confusion as to what exactly agricultural and farmland is. Some of the people who are opposing this Amendment seem to suggest that it's very much like a little cabbage garden that's grown in the back of one's home residence. My understanding is that people who own farms, own them very much the way people in my neighborhood might own apartment buildings or might own businesses or other kinds of commercial properties. I don't understand why we would look at the question whether our homes are assessed the way your farmland is or isn't. Farmers who are operating productive farms are, in fact, in business. And I don't see any reason to think that they therefore need some special kind of break from the State of Illinois. The statistics from the last several years as between farm and nonfarmland property show that the farmland has been increasing in assessment at a much lower rate than either my house or any of the businesses in my part of the world. Ten percent, on the average, for nonfarmland across the State of Illinois, two percent for farmland. I don't understand why we need to give some very special break to farmers who are after all engaged in

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

70th Legislative Day

June 24, 1981

productive activity, who are in fact producing income when we're not giving it to home owners in other parts of the world or to businesses that may be suffering much harder economic times that farmers, themselves, are. I think Representative Keane is offering us a very good Amendment. One that will make it easier for us to know whether this legislation and our treatment of farmers actually respects the language of the Constitution, the 1970 Illinois Constitution with respect to taxes on real property. Under the proposal in Senate Bill 764, unamended, it will be very difficult to know whether we've met the constitutional requirements, a variation between assessments from one kind of property to another. I think the 33 1/3rd% formula that Representative Keane is offering us means that we'll not have any constitutional questions about the way we are operating our assessments. The fact that the farmland assessments have increased so very slowly, suggests to me that there is no special need to treat farmland in this complicated, complex fashion that 764 would do for us and I would strongly urge that we all vote for Representative Keane's good Amendment."

Speaker Daniels: "Representative Brummer."

Brummer: "Yes, I move the previous question."

Speaker Daniels: "The Gentleman's moved the previous question. The question is 'Shall the main question be put?' All those in favor signify by saying 'aye', opposed 'no'. The main question is....Representative Oblinger I didn't see your light on, Ma'am. Alright, I'll call on you first to explain your vote. The Gentleman, Representative Keane, to close."

Keane: "Thank you, Mr. Speaker. There have been comments made that the Amendment will gut the Bill. The Bill that we passed in 1977 was gutted the day it was written, the day

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

70th Legislative Day

June 24, 1981

it was passed by many of the farm counties in Illinois. It was never implemented. What that meant was, is for those farmers, they had a freeze, a tax freeze. Last year I was part of an agreement, I worked on a compromise to keep the farm assessment growth to 8%. If we could get a similar program for all other kinds of real estate within the State, it would be a major improvement, but last year, in order to give the farmers and others time to work out this problem and to come up with some kind of equitable solution, I worked for and voted for an 8% cap on the growth of farm assessments. What we have been delivered of, under House (sic) Bill 764, is a reduction. A reduction for all except one county under the 1977 tax Bill. For those people of you who say it's devastating, it would be devastating to implement or to continue to implement 1977 taxes, that's only because you haven't been devastated, like urban dwellers have, by ongoing tax increases. In terms of, there was talk about income, that the farmers ought to pay on the basis of incomes. It is a very unique situation. If we had industry, commerce, multiple buildings, if they were based on...if their assessments were based on their income, it would be a dramatic shift as dramatic as shift as we find in this Bill. In terms of family farms, I would be glad, I would be happy to support an Amendment which would treat family farms in a special way. However, I think that the Gentleman who discussed family farms realizes that we are talking not about the 'Ma and Pa' farms but we are talking about large business, the agribusiness and I think that the 33 1/3rd puts them back the same...in the same position, in fact, in terms of Cook County, in terms of business organizations, below that paid by commerce and manufacturing and I would ask for your support."

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

70th Legislative Day

June 24, 1981

Speaker Daniels: "The Gentleman moves for the adoption of Amendment #3. All those in favor signify by voting 'aye', opposed by voting 'no'. The Lady, Representative...from Sangamon, Representative Oblinger to explain her vote."

Oblinger: "Thank you, Mr. Speaker and Members of the House. Number one, you talked about this being a business like having apartments to rent. This isn't true. Apartment owners only have to take the risk of inflation and this one, you have to take the risk of a lot of other things, flood, drought, you name it, we have it. Number two, as assessor here in Sangamon County, and I'll tell you I have had experience with it, we thought that the people from Chicago and Cook knew what was best for them and so we said, alright, four apartment buildings can be assessed at one time and one kind of percentage, eight apartments, sixteen. We gave you that privilege because we thought you understood urban affairs better than we did. We'd like to have the same reciprocal attention from you. We understand farmland better than you. And finally, I don't know where the Gentleman got the idea our taxes only went up two percent. Ours would have gone up 22% last year if we didn't have the 8% on. I think the information is very faulty and I would like you to consider a 'no' vote on this."

Speaker Daniels: "Have all those voted who wish? Take the record. There are 43 'aye', 105 'no', none voting 'present'. Amendment #3 lost. Further Amendments?"

Clerk Leone: "Floor Amendment #4, Currie, amends Senate Bill 764..."

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

Currie: "Leave to withdraw Amendment #4, please?"

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk Leone: "Amendment #5, Keane, amends Senate Bill 764..."

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

70th Legislative Day

June 24, 1981

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

Keane: "Yes, thank you, Mr. Speaker. Amendment #5 deletes the language in the Senate Bill 764 which limits the increase or decrease to \$30.00 per acre per year plus the growth that's put in the formula. The reasons that I have...that I bring this forth are obvious from my previous comments. There has been no limitation on growth in real property in terms of housing, manufacturing, commercial. I feel that it is time, especially under the second break that we are giving farm assessments that there should be no reason that the Bill should not be implemented immediately. In some cases, in fact, I think in 19 counties we are actually going to have a reduction under this Bill from the 1977 Bill. It would be inequitable for us not to ask those who have failed to implement the '77 and who are the ones who are most behind in...to start catching up and paying the same level of taxes as anyone else in the State. I would ask for your approval of this Amendment."

Speaker Daniels: "Representative Rigney."

Rigney: "Well, Mr. Speaker, the \$30.00 limitation was one that was not just casually tossed into this Bill. In fact, there was in the original provisions of it, in the drafting stage, a \$30.00 provision that would have continued on indefinitely. However, after consultation with the Department of Revenue and others knowledgeable on the subject, it became obvious to us that perhaps a four year phase in time would be adequate. I point out to you that this is similar to what was done under House Bill 990 a few years back when we gave a three year phase in. I just point out to some of my friends, just use one county as an example, my good friend, C.L. McCormick's county, Johnson County, if you don't adopt this you're going to give them about a 120% tax increase this next year. So, there are

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

70th Legislative Day

June 24, 1981

some of these counties that are going to need a little phase in period and believe me if we don't provide some type of a phase in period, a lot of these counties are going to suffer rather substantially."

Speaker Daniels: "Representative Stuffle."

Stuffle: "Once again, I rise in opposition to this particular Amendment. I think it needs to be said on the record. Those people who continue to rise and talk about the urban property taxpayer not getting a fair or equal deal, I don't think one person who stood up here to do that today has voted for any of the Bills that would limit urban property taxes that have been before this House this year. That is, I believe, without exception to any of those speakers, whatsoever. It's interesting that those of us who promote this Bill have. It's also interesting to hear that we haven't had any growth in farm taxes and that's why we should knock out the section of the Bill that has a grandfather clause in it. That seems to me rather absurd. If you look at the facts, the figures from the USDA, you look at the totals, the increases from county to county in this State. The USDA figures are clear. Farm taxes have gone up about 25% on the average acres taxes in the last three years. We're talking about apples and oranges as well. I think when we fail to consider the need of the farmer to have recognition of his income. He is producing his income off the land, that person in the urban house is not. As well, I repeat again, that person in the urban house also pays taxes on his house in the same manner that the farmer does. That doesn't change. There needs to be a phase in period. You're talking about increases of the kind Harlan Rigney talked about if you don't have that phase in period. You're talking about 100% increases with this Amendment. You're talking about if they pass their

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

70th Legislative Day

June 24, 1981

other Amendments to gut the Bill, situations like in Brown County, it would have gone up 247% in one year. This Amendment is no good. Vote 'no'."

Speaker Daniels: "Representative Bradley."

Bradley: "Mr. Speaker...."

Speaker Daniels: "Excuse me, Representative Mulcahey, for what purpose do you arise?"

Mulcahey: "Mr. Speaker, on a point of order. I would suggest that this Amendment is out of order. In as much as, it refers to...lines 32 and 34 in House Amendment #1 which was defeated."

Speaker Daniels: "Representative Mulcahey, Amendment #1 is a Committee Amendment. That's on the Bill right now. Okay. The Gentleman's point of order is out of order. Representative Bradley."

Bradley: "Well, Mr. Speaker and Ladies and Gentlemen of the House, as the chief House Sponsor of the original 1977 Bill with Representative Rigney, I certainly supported that and I support the concept of some kind of a method of taxing farmland that would seem to be equitable in the amount or based on productivity. Response to Mr. Stuffle, I was one of those who supported Senate Bill...Amendments to Senate Bill 17, I believe, that would give some kind of tax relief to the urban people. This Amendment...this Amendment I have some question about. I would...I'm in sympathy with the Amendment #4, but I think it was overkill. I think Amendment #4 should be drafted and so that it affects those counties only who do not implement the farm assessment Bill. Those who implement it and that is the problem and that's the problem with C.L. McCormick's county also. If they don't implement the farm assessment Bill where the rip-off comes in. The rip-off comes in on the distribution of funds for the school formula because those people will

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

70th Legislative Day

June 24, 1981

be...have a low assessed valuation rate, a high tax rate and it will look like they have a very good local endeavor in producing funds for their schools, when the truth of the matter is they're not producing very much money because of the low assessed valuation. I wish the counties would get their acts together so we that we wouldn't have to be here every year trying to determine what a fair way is to assess farmland. I'm in sympathy with this Amendment as I was with #4 but I think what we should be doing, we should just be assigning it and giving relief to those counties that have implemented the farm Bill, the farm assessment Bill and those who haven't, we should have an Amendment that says only those counties shall be paying 33 1/3rd and then I think you would see assessors in those counties doing the job they're supposed to do. But I'm going to support ...or going to oppose this Amendment but I'm very close to changing my mind that we're going to have to do something with those counties that are not implementing this Bill."

Speaker Daniels: "Representative Keane to close."

Keane: "Thank you, Mr. Speaker. The \$30.00 a year maximum per acre that is in the Bill is fine. It's good. What it does is it's a definite limit, so also would a percentage. The Gentleman who arose and said that he had four years in over a four year period, it should be paid up or they should come up to where they belong. It would have been better had we had a \$30.00 minimum and a 25% raise, either...which ever was greater, to bring these...this farm acreage into parity with the rest of the State. I would ask for favorable consideration of Amendment #5."

Speaker Daniels: "The Gentleman moves for adoption of Amendment #5. All those in favor signify by saying 'aye', opposed 'no'. The 'nos' have it. The Amendment is lost. Further Amendments?"

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

70th Legislative Day

June 24, 1981

Clerk Leone: "Floor Amendment #6, Currie, amends..."

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

Currie: "Thank you, Mr. Speaker and Members of the House. I was accused with...we've been accused with earlier Amendments of trying to gut the Bill. Amendment #6 is in no way an attempt to do that but it is intended to clean up some problems that I think the Bill right now has. The proposal leaves out the Department of Revenue's multiplier from any kind of farmland assessment valuations. Amendment #6 would propose to return the Department of Revenue's authority to impose a multiplier on farmland assessments. Anybody who comes from any part of this State, from any county knows that the Department of Revenue's justification for imposing the multiplier is just to make sure county assessors are in fact doing their job. And that property in one part of the State that's comparable in value to property some place else, should in fact, be at least at the same assessed level. Whether the Department of Revenue does its job well or badly is not at all the issue in Amendment #6 but to take the Department of Revenue out of the calculation altogether, only with respect to farmland values does not make any kind of good governmental sense. The provisions of the Bill right now not only take the Department of Revenue out, they put in its place a five member board composed primarily of the foxes to guard the chicken coop. The Board of Review and someone from the County Board and three farmers would be in a position to determine whether the county assessor and whether the practice was, in fact, being done accurately and fairly. It seems to me, that anyone, whether you come from farm areas or whether you come from urban...even if you're in a farm area, there are bound to be urban areas near by. There are bound to be houses on those farms that are assessed by the county

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

70th Legislative Day

June 24, 1981

assessor. You have a stake in seeing to it that the assessments are done fairly across counties. And to take the Department of Revenue out of this picture altogether would be a serious mistake, not only for the school aid formula but also for people that own any other kind of property within one county. Our Constitution requires uniform assessment. It's the Department of Revenue that has been able to assure us that uniformity and again, whether you like the way they do it or not, if they don't do it so well, find another way to stop them or to change their practices but don't take them out of the picture altogether with respect to only one kind of farmland. This is not an Amendment to gut the Bill, it's only an Amendment to improve it, to ensure that it's constitutional and to ensure that there is parity in assessments of land values from one county to another."

Speaker Daniels: "Representative Oblinger... Representative Collins in the Chair."

Oblinger: "Will the Sponsor yield, please?"

Speaker Daniels: "The Lady indicates she'll yield."

Oblinger: "Representative Currie, you are aware that the supervisor of assessments can equalize within the county by puttingthe multiplier on townships?"

Currie: "But, Representative Oblinger, I believe that does not apply to farmland under the provisions of Senate Bill 764."

Oblinger: "Right, that was what I was hoping you would answer because now, my next question is the important one. Have you provided for two kinds of multipliers at this time? If you haven't, when the Department of Revenue...I mean the Department of Local Government puts on a multiplier it goes on the whole county unless you provided for a special multiplier for farmland, which means your businesses and your residences within urban areas are going to get hit

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

70th Legislative Day

June 24, 1981

twice."

Speaker Collins: "The Gentleman from Coles...."

Currie: "Wait, I just want to answer this question. This Bill is separate for farmland only and I don't think that would present a problem for the Department when applying the multiplier. If that is the problem, if there is a problem with it, this Bill, which I think was amended in House Committee will have to go back to the Senate, in any case. And if there is the problem that you're identifying in this proposal, I'm sure it could be worked out."

Oblinger: "There is a problem here. May I speak to the Bill?"

Speaker Collins: "Proceed."

Oblinger: "It is provided for the first time that farmland can have a multiplier applied by the township assessor in order to equalize the assessments and see that people do a good job. By adding the Department of Revenue...Local Government, also having the authority to put on a multiplier without providing that this is a special multiplier and does not apply to residences and does not apply to businesses, some of them are going to get hit twice even though they are assessed correctly and I would urge a 'no' vote on this Amendment."

Speaker Collins: "The Gentleman from Coles, Representative Stuffle."

Stuffle: "Once again I rise to oppose this Amendment to my Bill and Representative Rigneys. Representative Currie on three occasions in a remark said that we took the Department of Revenue out of the Bill. That is totally untrue. If she read the Bill, she would know that's not the case. They are in the process at the beginning in coming up with the regulations. They are in the process in putting back to the counties the factors involved in assessment locally. They're involved when that local review Committee acts. If

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

70th Legislative Day

June 24, 1981

that local review Committee disagrees with their figures, they're involved with the right to an appeal to the Property Tax Appeal Board. They are involved with the right in the end to go back to the county and tell the appropriate assessment board and officials that we think you ought to put a local factor on here, not the State. Everything that was said about them being taken out is totally not true with regard to the Bill. I hope she just misread the Bill but I want you to know that that is not the case. We met with the Department of Revenue three or four times in two days on this particular issue. We hammered it out even though many of us disagreed that there ought to be a local factor. We totally disagreed that there ought to be a State factor. They are not involved in this situation now on farmland, on the urban property and you know what kind of problems have been caused there. This Amendment should be soundly defeated."

Speaker Collins: "The Gentleman from Stevenson, Representative Rigney."

Rigney: "Well, Mr. Speaker, I would like to point out to the Sponsor of this Amendment that this legislation does call for an equalization factor, one that can be applied at the local level. Now, I want to point out to you that an equalization factor is only good and is only workable when you are within basic compliance of the farm law the way that it is written. That is the provision that we are calling for under Senate Bill 764. It would be a mistake to attempt to apply some type of an equalization factor, either at the local level or at the State level if you do not have the land in proper relationship, the various farms in proper relationship to each other and that's what's called for under Senate Bill 764. So, to attempt to just merely apply in a willy-nilly fashion an equalization

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

70th Legislative Day

June 24, 1981

factor without any assurance that there is going to be any relationship, any proper relationship of one class to the other, really is going to do violence to the whole concept of an equalization factor."

Speaker Collins: "The Gentleman from Madison, Representative McPike."

McPike: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, for four straight years I have voted with the farm community as they came up here to the General Assembly and asked us to freeze their property taxes. In '77 we passed a law, in '79 we passed a law, in 1980 we passed a law. Never have the laws that we have passed been implemented and that is the problem with this law here before us today. It requires the same type of soil survey maps, it requires the county to implement along those lines and if they don't there is nothing we can do about it. Everyone here knows that next year there is going to be 50 counties that are not going to implement. So, the point of Amendment #6 is to try to force counties to implement because the State has the right to impose a multiplier on the farmland. Amendment #6 simply assures that two farms located across the highway from each other in different counties will be assessed under the same methods. It assures that those two farms will be valued based on the same factors. It assures that one county can't give a break to a farmer on one side of the road and the other county will....refuses to give the break to the farmer on the other side of the road. It's the same problem we had with the 1977 Bill. It's the same problem we had then. Supposedly we corrected it in 1979 but 1979 Bill has never been implemented. Therefore, Amendment #6 again addresses itself to the same old problem, how are we going to force farmers to implement the Bill, how are we going to force the 50 counties in Illinois

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

70th Legislative Day

June 24, 1981

that everyone knows is not going to implement this Bill. There is only one way to do it, and that is to give the Department of Revenue the opportunity to apply a statewide equalization factor to make sure that those counties that do not implement have a factor that is going to multiply the assessed value of those farms in those counties, so that county by county we have equity and taxation. The only other thing we could do would be to add a penalty to say that those counties that refuse to implement this law, and there will be 50 or 60 of them, those that refuse to implement should at least return to 33 1/3rd% market value. The way that the Bill reads today, there's absolutely nothing in here that's going to force counties to implement this Bill. We're going to be faced with the same situation next year when the farmers come back and ask for another 5% or 8% freeze. This is not an unreasonable Amendment. It's not an attempt to gut the Bill. It is an Amendment that will give the Department of Revenue authority to make sure that every county in this State lives up to this law."

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

Tuerk: "I move the previous question."

Speaker Collins: "The Gentleman has moved the previous question. The question is 'Shall the main question be put?' All those in favor indicate 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. Representative Stuffle suggested that I suggested the Department of Revenue would play no role at all under Senate Bill 764 in farmland assessments. Of course they do, and I didn't mean to suggest otherwise. The problem is they play a role that is only advisory. They have no power

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

70th Legislative Day

June 24, 1981

to ensure that county assessors are in fact doing their jobs. Representative McPike is quite right, they haven't been doing their jobs, which is why the farmers need to come back year after year to the General Assembly and ask for help. Without the power in the Department of Revenue to force the county assessors to do their job, we will be in precisely the same situation next year that we are in this year and have been in each prior year. Under the provisions of 764 without this Amendment the only group that can force the assessors to do their job is the final group, that Committee comprised with a majority of farmers. I think it's unlikely and anyone who tells me otherwise, I think must be thinking of some other world all together. Unlikely, that if the county assessors are not pushing values to the level that they ought to be that the farmers will ask them please to do it. Can you imagine that those three farmers who form the majority of the Review Board are going to say to the assessor, 'Wait a minute. You've assessed us at far too low a value. We want our assessments raised?' The whole reason the Department of Revenue is involved in the assessment process and imposes multipliers is so that there can be equity across counties, and that's the only fair way to do business. Representative Oblinger raised a question about whether this provision, the provision in Amendment #6 recognizes the difference in multipliers for farm land. Senate Bill 764 is only about farm land and let me just read the Amendment to you. It is brief and it clearly solves her problem. 'Equalization of farm land assessments between counties shall be accomplished by the Department. The Department shall annually certify to each county clerk an equalization factor to be multiplied times the assessed valuation per acre for each parcel of farm land in the

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

70th Legislative Day

June 24, 1981

county'. Farm land is the only issue here in this Amendment, but the real issue that is before you with Amendment #6, not an attempt to gut the Bill; the real issue is equity in farm land assess...in land assessments from one county to another. I strongly urge an 'aye' vote."

Speaker Collins: "The Lady moves the adoption of Amendment #6. All those in favor will indicate by saying 'aye', opposed 'no'. The Lady requests a Roll Call. All those in favor will indicate by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 31 'aye'... Record Representative Mays as voting 'no'. There are 31 voting 'aye', 99 voting 'no', 2 voting 'present' and Amendment #6 is declared lost. Are there further Amendments?"

Clerk Leone: "Floor Amendment #7, McPike, amends Senate Bill 764 as amended."

Speaker Collins: "Gentleman from Madison, Representative McPike."

McPike: "Withdraw Amendment #7."

Speaker Collins: "Gentleman withdraws Amendment #7. Are there further Amendments?"

Clerk Leone: "Floor Amendment #8, McPike, amends Senate Bill 764 as amended."

Speaker Collins: "Gentleman from Madison, Representative McPike."

McPike: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As I indicated a minute ago, the real frustration that we've had in dealing with farmers is that in county after county they simply have refused to implement every law that we have passed and the farmers have taken advantage of this to make sure that the assessed values of their land has not gone up at near the rate that the assessed value for small businesses or the assessed value

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

70th Legislative Day

June 24, 1981

for homeowners have seen their property increase. In fact, it's probably at about a ten or twenty to one factor difference. The Bill before you today is another extremely complex Bill. A professor from the University of Illinois came up with a formula that's a mathematical regression analysis that gives us a formula that's about three lines long, and there's probably no one on the House floor that could explain how this formula was arrived at. So there's really no logical way to ever explain this to a taxpayer. Amendment #8 is a very simple Amendment. It says that we will assess farms at 16% fair market value. As was noted earlier, this is exactly what we do to homes in the City of Chicago. It's not what we do to homes downstate. We assess them at 33 and 1/3 percent. We assess small businesses in towns at 33 and 1/3 percent. Every small businessman and every small business woman in downstate Illinois have seen the assessed values of their small businesses increase at a factor of about 10 to 1 as compared to the farm land. So the small businessman has a problem and the small businessman is no different than the farmer. The farmer's been isolated. He's been isolated because he won't implement. This is a very easy Amendment to implement. It says that we will assess you at 16% fair market value. We will give you three years to come into compliance. You've already had five years to come into compliance under the present law and you haven't done it, so we might as well go back to a market approach and say that this is a simple way to do it. We determine the sale value. We determine the market value. We simply assess you at 16% of that. I think it's a lot better way to do that because we can assure that it will probably, as a reasonable approach, it will be implemented and it's a lot more logical than any Amendment than the Bill itself is.

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

70th Legislative Day

June 24, 1981

So for these reasons, I'd ask for a favorable Roll Call."

Speaker Collins: "The Gentleman from Stevenson, Representative Rigney."

Rigney: "Mr. Speaker, what we are doing under the terms of Senate Bill 764 is actually implementing a provision of our Illinois Constitution that gives the Illinois General Assembly the authority to determine valuation. If the only intention of the Constitutional Convention was that valuation shall relate to selling price, we could have said that under the terms of that Constitution, but we did not. So what Representative McPike is suggesting here that somehow this one percent of farm land that's sold each year, and that's about all we sell is about one percent of the total farm land, that somehow that is a good and reliable yard stick to use as we try to determine what is really the fair value of farm land. I suggest to you, Mr. Speaker, that what we're calling for under Senate Bill 764 where we actually look at the earning capacity of every single acre in the State of Illinois and then relate that and determine from that what constitutes fair cash value is just head and shoulders above anything that he is proposing to go back to. Virtually, every state in the union within the last decade has had to go to some type of a use value concept on their agricultural land and Illinois is finally joining that parade of states that is adopting that particular method of assessment."

Speaker Collins: "The Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, I move the previous question."

Speaker Collins: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?'. All those in favor will indicate by saying 'aye', opposed 'nay'. The 'ayes' have it. The Gentleman from Madison, Representative

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

70th Legislative Day

June 24, 1981

McPike, to close."

McPike: "I think assessing farm land at 16% fair market value is a more equitable, more logical way to do it than this complex formula that the Sponsors of this Bill have come up with. We give people three years to implement. It treats them a lot better than it does any small businessman in the community. I would ask for an 'aye' vote."

Speaker Collins: "The Gentleman moves the adoption of Amendment #8. All those in favor will indicate by saying 'aye'...The Gentleman's requesting a Roll Call. All those in favor will indicate by voting 'aye', those opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 39 voting 'aye', 107 voting 'no', 1 voting 'present' and Amendment #8 is declared lost. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Collins: "Third Reading. Senate Bill 806, Representative Swanstrom. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 806, a Bill for an Act to amend an Act in regard to judgements. Second Reading of the Bill. No Committee Amendments."

Speaker Collins: "Are there Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Swanstrom, amends Senate Bill 806 on page two, line 27 and so forth."

Speaker Collins: "Gentleman from Winnebago, Representative Swanstrom."

Swanstrom: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As Senate Bill 806 was originally drafted there were two things that were inadvertently left out. Amendment #1 inserts some language which designates who is to file the release. It changes the language to also be filed by the person receiving the release. I move for its

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

70th Legislative Day

June 24, 1981

adoption."

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

Brummer: "Yes, will the Sponsor yield?"

Speaker Collins: "Indicates he will."

Brummer: "It's quite noisy. I didn't hear the explanation. Who did you say would have the obligation of recording the release?"

Swanstrom: "The person receiving the release."

Brummer: "In other words, the debtor? The defendant?"

Swanstrom: "I'm sorry, Representative Brummer. The person receiving the release against whom the judgement had been filed would be required to file that release."

Brummer: "And is that the current law?"

Swanstrom: "I can't hear you."

Brummer: "Is that the current law?"

Swanstrom: "It is not."

Brummer: "So this changes the burden of filing the release or satisfaction of judgement from that of the person who obtained the judgement to the defendant."

Swanstrom: "It is my understanding, Representative Brummer, that it is discretionary now whether it's filed with the recorder or not. This would... is a protection for the person receiving the release. He would be requested or required to file that with the recorder so that there would be no question as to whether or not the judgement had been satisfied."

Brummer: "I'm not sure if you've answered my question. Who currently, if anyone, is required to file that release under existing law, absent this Bill and this Amendment?"

Swanstrom: "I would say either the plaintiff or the creditor is now required."

Brummer: "What is the rationale for the change then?"

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

70th Legislative Day

June 24, 1981

Swanstrom: "Mr. Speaker, do you want me to go into the provisions of the Bill?"

Brummer: "You had indicated that the Amendment changed the burden of filing. As I understood your explanation of the Amendment, the Amendment changes itself the burden of filing."

Speaker Collins: "I think we're all having difficulty hearing either one of you. Could we have a little order please?"

Swanstrom: "Representative Brummer, if you have a copy of the Bill in front of you, on page two, line 27 that states recorded... or starting on page 25. 'The release of any transcript, certified copy or memorandum of judgement or order of revival which has been recorded shall also be filed.' We are changing the 'also be filed' to this language; 'be filed by the person receiving the release.' Amendment #2, which we'll get to in a minute, indicates or clarifies the language as to the protection of the person receiving the release."

Brummer: "Yes, that's all new language that you read. That still does not answer the question of what the existing law..."

Swanstrom: "Representative Brummer, I don't know how else I can explain it to you. I'm not a lawyer and if you..."

Brummer: "What is the existing law?"

Swanstrom: "... can't figure out three words..."

Speaker Collins: "Let's not get into a dialogue. If you have a question to ask, ask it and please answer it."

Brummer: "My question is, what is the existing law? Who has the obligation to file the release?"

Swanstrom: "It is my understanding that no one, I guess, has that current obligation. The recorder has asked for this Bill. That is the reason for the Bill in the first place. We're just trying to define and clarify the language in it."

Speaker Collins: "Is there further discussion? The Gentleman

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

70th Legislative Day

June 24, 1981

from Winnebago to close."

Swanstrom: "I just move for the adoption of the..."

Speaker Collins: "The Gentleman moves for the adoption of Amendment #1. All in favor will indicate by saying 'aye', opposed 'no'. The 'ayes' hve it and Amendment #1 is adopted. Are there further Amendments?"

Clerk Leone: "Floor Amendment #2, Swanstrom, amends Senate Bill 806 on page 2 and so forth."

Speaker Collins: "Gentleman from Winnebago, Representative Swanstrom."

Swanstrom: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. Amendment #2 adds the language to the Bill that says 'such release shall contain in legible letters a statement as follows. For the protection of the owner, this release shall be filed with the Recorder of Deeds or the registrar of titles in who's office the lien was filed.' I move for its adoption."

Speaker Collins: "Is there any discussion? The Gentleman moves the adoption of Amendment #2. All those in favor will indicate by saying 'aye', opposed 'nay'. The 'ayes' have it and Amendment #2 is adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Collins: "Third Reading. Senate Bill 808, Representative Ronan. Is the Gentleman on the floor? Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 808, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Collins: "Are there any Motions relative to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Collins: "Are there any Amendments from the floor?"

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

70th Legislative Day

June 24, 1981

Clerk Leone: "Floor Amendment #2, Zwick, amends Senate Bill 808 as amended."

Speaker Collins: "The Lady from Kane, Representative Zwick."

Zwick: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment 2 to House (sic, Senate) Bill 808 is an agreed Amendment between the House Sponsor and myself. It actually amends Amendment 1 which was put on in Health and Family Services Committee and what it does is remove the 100 dollar per diem for the members of the Review Board that is created by the Amendment, and I would appreciate your favorable vote."

Speaker Collins: "Is there any discussion? The Lady moves the adoption of Amendment #2. All those in favor will indicate by saying 'aye', opposed 'nay'. The 'ayes' have it and Amendment #2 is adopted. Are there further Amendments?"

Clerk Leone: "Floor Amendment #3, Ronan, amends Senate Bill 808 as amended."

Speaker Collins: "Gentleman from Cook, Representative Ronan."

Ronan: "Thank you, Mr. Speaker, Members of the House. Amendment #3 just goes in conjunction with Amendment #2 and it says that the members of the Commission shall be compensated for necessary expenses only. I move for its adoption."

Speaker Collins: "Is there any discussion? Gentleman moves the adoption of Amendment #3. All those in favor will indicate by saying 'aye', opposed 'nay'. The 'ayes' have it and the Amendment's adopted. Further Amendments."

Clerk Leone: "No further Amendments."

Speaker Collins: "Third Reading. Senate Bill 817, Representative Preston. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 817, a Bill for an Act in relationship to threatening of public officials. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Collins: "Are there any Motions relative to Amendment

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

70th Legislative Day

June 24, 1981

#1?"

Clerk Leone: "No Motions filed."

Speaker Collins: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #2, Katz, amends Senate Bill 817 on page one and so forth."

Speaker Collins: "The Gentleman from Cook, Representative Katz. Is the Gentleman on the floor? Representative Preston."

Preston: "Move to table that Amendment, Mr. Speaker."

Speaker Collins: "The Gentleman moves to table Amendment #2. All those in favor indicate by saying 'aye', opposed 'no'. 'Ayes' have it and Amendment #2 is tabled. Are there further Amendments?"

Clerk Leone: "Floor Amendment #3, Levin--Preston, amends Senate Bill 817."

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

Levin: "Mr. Speaker, I'd like to withdraw Amendment #3."

Speaker Collins: "Gentleman withdraws Amendment #3. Are there further Amendments?"

Clerk Leone: "Amendment #4, Levin--Preston, amends Senate Bill 817 by deleting the title and inserting in lieu thereof the following."

Speaker Collins: "Gentleman from Cook, Representative Levin."

Levin: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Amendment deals with the problem of pari-military training and terrorist organizations. It provides, in part, that whoever teaches or demonstrates to any other person the use application or making of any firearm, explosive or incendiary device or techniques capable of causing injury or death to persons knowing and intending that same will be unlawfully employed for use in or in furtherance of a civil disorder. And it makes that a crime. This Amendment is drafted based on existing federal law that has been found to be unconstitutional and this was

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

70th Legislative Day

June 24, 1981

developed..."

Speaker Collins: "Just a minute, Representative Levin. The Gentleman from Will, Representative Leinenweber, for what purpose do you rise?"

Leinenweber: "Is this Amendment printed and distributed?"

Speaker Collins: "Mr. Clerk, has the Amendment been printed and distributed? I'm informed that it has been."

Leinenweber: "Our staff hasn't gotten one yet."

Speaker Collins: "Proceed, Representative."

Levin: "This was initially drafted as a uniform statute by the Anti-Defamation League of the Bnai 'Brith' based on the federal law and it has been introduced and passed in several states. I have attempted to clear this Amendment with everybody that I thought had an interest in this matter which includes the Attorney General's Office, the Department of Law Enforcement, the States Attorneys Association, and both sides of the aisle. I've, you know, gotten good support for it. I believe it's very much constitutional. We have a problem in Illinois right now of the existence of such a group and I know the Attorney General's Office has a rather extensive file with respect to that group which is located in Louisville, Illinois. They are investigating this and I think this Amendment would help them. I know.. tried to talk to everybody because this Amendment did not go through Committee. It's gone through several revisions and I believe that there's no opposition to it."

Speaker Collins: "Is there any discussion? The Gentleman from Champaign, Representative Johnson."

Johnson: "Representative Leinenweber made the inquiry. I don't have a copy of the Amendment."

Speaker Collins: "The Clerk informed me that it has been printed and distributed. I know that some of our Members do have

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

70th Legislative Day

June 24, 1981

it."

Johnson: "Representative Levin, can you read the operative language of the statute that creates this new crime to me. Wait a minute. I've got it. Mr. Speaker? Phil? Representative Collins?"

Speaker Collins: "I beg your pardon."

Johnson: "Could I ask the Speaker or the Sponsor to take this out of the record for a minute until I've had a chance to look at this Amendment."

Speaker Collins: "You can ask him. I don't know what he wants to do. Representative Levin. Turn him on. I can't hear him."

Levin: "Just as long as I know we'll come back to it in a few minutes, I have no objection to taking it out so that he has the opportunity to read it. The Amendment was passed out several days ago, but I certainly want everybody to be familiar with it."

Speaker Collins: "Representative Preston, is that alright with you?"

Preston: "That's fine, Mr. Speaker, as long as we come back to it in a few moments."

Speaker Collins: "Take it out of the record, temporarily. House (sic, Senate) Bill 819, Representative Peters. Read the Bill, Mr. Clerk. Senate Bill 819."

Clerk Leone: "Senate Bill 819, a Bill for an Act to designate the depressed areas, relax governmental controls and provide tax incentives to allow for economic development therein. Second Reading of the Bill. No Committee Amendments."

Speaker Collins: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Balanoff, amends Senate Bill 819 on page four and so forth."

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

Balanoff: "Thank you, Mr. Speaker and Members of the House. Amendment #1 to Senate Bill 819 was introduced for the

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

70th Legislative Day

June 24, 1981

purpose of avoiding disruption in our highly planned enterprise zones. The provisions of this Amendment state that any industrial concern which plans on moving out of the free enterprise zone or plans on terminating its business facility within the zone shall give notice of this intention to the Department of Commerce and Economic Affairs at least one year before they plan on moving. In addition to that, they would file a statement of economic impact on this highly planned enterprise zone."

Speaker Collins: "Has the Lady concluded her remarks? You've concluded your explanation?"

Balanoff: "I beg your pardon."

Speaker Collins: "I asked if you have concluded your explanation."

Balanoff: "Yes, I have. I'll be glad to answer any questions."

Speaker Collins: "Is there discussion? The Gentleman from Cook, Representative Peters."

Peters: "Mr. Speaker and Ladies and Gentlemen of the House. The concept that the Lady brings forth is one that the House has considered and rejected in the past. I will not go so far as to say that the concept has no merit. In fact, there may well be a need for some kind of situation and some kind of control whereby various communities can end up knowing the future plans of, especially, large industry which is located in their area. In that, I have sympathy for the concept which the Lady is presenting to us. In terms of this Bill and in terms of what this Bill intends to do in terms of the enterprise zone concept, I feel very strongly that it is one which would inhibit the implementation of the enterprise zone concept which, in my estimation, is one which is very much needed for our large urban areas to bring in capital, to bring in the small entrepreneurs, to rehabilitate our communities, to give

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

70th Legislative Day

June 24, 1981

them the kind of tax break and incentives that are needed. I oppose the Lady's Amendment. I think it works a further hardship on getting the concept of the enterprise zone off, and I also remind the Members of the House that this concept was before us as a Bill and was soundly defeated by the Members of the House. I would ask the...I would ask the Members to reject Amendment #1 to Senate Bill 819."

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

Epton: "Thank you, Mr. Speaker. Representative Peters, would you respond to a question?"

Speaker Collins: "Indicates he will."

Epton: "Thank you. I've been very depressed lately and I'm wondering, would I be considered a depressed area?"

Peters: "Yes, Representative Epton. We've probably got a place for you on the Commission that determines this. No. Take that out. There is no Commission. I don't want to throw anybody off. There is no Commission involved in this at all."

Epton: "But we agree I'm depressed."

Peters: "We agree on the fact that you are depressed, Sir."

Epton: "Thank you."

Peters: "And I join you in that depression."

Speaker Collins: "That's obvious even from up here. The Gentleman from Peoria, Representative Tuerk."

Tuerk: "Mr. Speaker, Members of the House, I don't want to be repetitive of what Representative Peters pointed out to you, but he was right on target. This Lady has presented the industrial hostage Bill on a number of occasions. It has been defeated soundly. I don't have any quarrel with her in trying to amend this Bill. However, the idea in itself is bad. The idea on this Bill is doubly bad and; therefore, I would ask you to oppose this Amendment and defeat it soundly."

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

70th Legislative Day

June 24, 1981

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

Vinson: "Thank you, Mr. Speaker. First of all, I would question the germaneness of the Amendment. We're dealing with a new Act. The title of the new Act is 'An Act to designate depressed areas, relax governmental controls and provide tax incentives.' The entire purpose of the Amendment is to increase governmental control and to depress further depressed areas, and I would ask for a ruling on that, first of all."

Speaker Collins: "The Gentleman questions the germaneness. Representative Balanoff."

Balanoff: "On the germaneness issue if I might argue that. We're talking here about a highly planned enterprise zone where everything is planned from A to Z, where lives are planned from birth to death. This merely attempts not to disrupt all of this planned community. It lends some direction so people will know where they're going. Therefore, I think it's very germane so people can plan their lives, if this planned enterprise zone is disrupted in any way."

Speaker Collins: "The ruling of the Chair is that the Amendment is germane. The Gentleman may proceed on the Amendment."

Vinson: "Mr. Speaker, I'm appalled at that ruling, but given the fact that we have that ruling I would point out to the Members of the House that what the Amendment does is to require one year notification to the state prior to the closure of any plant by manufacture in the state. Now, what that clearly says to anybody be it the Japanese, the Germans or Americans who may be planning to develop an economic plant in Illinois, what that clearly says to them is they ought not come here. It clearly says to them, go to Texas, go to Mississippi, go to Indiana or go to California. We're not going to attract a single job with

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

70th Legislative Day

June 24, 1981

this thing. As a matter of fact, I would suggest that prior to the effective date of any Bill which included Representative Balanoff's Amendment, prior to that effective date everybody would flee the state. Caterpillar would quickly move out of the state, International Harvester certainly too. Any plant that had ever given any thought to fleeing the state, would flee the state before this Amendment. This would be the clearest, most unequivocal signal to business in this state that we prefer to run on welfare rather than jobs. I would certainly urge a 'nay' vote. As a matter of fact, I would urge 177 'nay' votes. I would urge the Lady to repent, to say that she doesn't wish to sin further and to repent from that sin now."

Speaker Collins: "Is there further discussion? The Lady from Cook, Representative Balanoff, to close."

Balanoff: "I just wanted to say, I will not vote against my proposed Amendment. In closing, I'd like to say that since this is a very highly planned zone, a highly planned area of the state where people will be investing their lives; for those of you who are not familiar, the Bill gives about seven years of tax relief to those who buy real estate in the area. It gives the businesses several years of tax exemptions. People are investing their lives in their businesses here. If one of the industrial enterprises is going to move away, those people who have made an investment here based on all of these tax advantages should have a right to know whether their lives are going to be disrupted or not. They have to make plans since they have invested in a house to see whether they want to sell their house, to find out where their children are going to school in the next year and other things when a person loses his job because of a plant closing. In this highly planned

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

70th Legislative Day

June 24, 1981

area, it is not too much to ask an industrial enterprise to let the people know, to let the Department of Commerce, the Department of Commerce and Economic Affairs know when they do plan to leave. We certainly would not want them to be staying there for seven years and taking all of these tax exemptions and then to move away from the community after they've gotten all these benefits. All we're asking them is to give us some notice that they plan on leaving. They don't have to pay anything back. They don't have to leave any money in the community. They just have to let us know when they plan on leaving and if they plan on leaving, and I ask for your favorable Roll Call."

Speaker Collins: "The Lady moves the adoption of Amendment #1. All those in favor will indicate by voting 'aye', 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 29 voting 'aye', 115 voting 'no' and Amendment #1 is declared lost. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #2, McPike, amends Senate Bill 819 on page one by deleting line three and four and so forth."

Speaker Collins: "The Gentleman from Madison, Representative McPike."

McPike: "Mr. Speaker, I withdraw Amendment #2 and Amendment #3."

Speaker Collins: "The Gentleman withdraws Amendment #2 and Amendment #3. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #4, Bowman, amends Senate Bill 819 on page one by deleting line 27 through 31 and so forth."

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

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I begin my discussion of this Amendment with a

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

70th Legislative Day

June 24, 1981

confession that I don't like the Bill. However, this Amendment is not an attempt to damage the Bill. In fact, it is a very sincere effort to improve it. I would call the House's attention to the language in the original Bill which I am amending. In the original Bill, a depressed area to which these enterprise zones apply means an area within the jurisdiction of the county or municipality designated by ordinance on the basis of high levels of unemployment, sub-standard buildings or housing, depressed economic activity, decreasing property tax yield or a combination of all these factors. Now, I would submit to this Body that all of these descriptive phrases are very loose indeed and that we leave it to the Department of Commerce and Community Affairs to define precisely what one means when one speaks of high levels of unemployment, for example. After all, the State of Illinois is experiencing unemployment levels above the national average and does that mean that high levels of unemployment would allow all areas of the state to qualify. In considering what we might do to make it a little more specific and give some legislative guidance to the Department, I came upon the idea of taking language from another Bill which we have passed and which was very popular. Mr. Speaker. Mr. Speaker. I would appreciate a little order."

Speaker Collins: "Could we give the Gentleman order? This is..."

Bowman: "Thank you, very much. This is a sincere effort to make a Bill better, and I just wanted to point out to the Membership that the language that I am recommending to be amended by this Amendment #4 is language defining the area to which a tax break applies that we've already given. You may remember that House... Senate Bill 614 provided a tax break to people who provided the building materials to

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

70th Legislative Day

June 24, 1981

community organizations to revitalize their neighborhoods, and so I used exactly the language embodied in that Bill. That Bill, I would remind you, was passed in this chamber with 120 votes. It seems to me that it is an appropriate definition and it simply requires that a depressed area meet at least two of the four standards, one of which is very precise, very precise. It says the median income of the area shall be no more than 75% of the states median income and that language was written into Senate Bill 614 in order to target the tax breaks provided in that Bill. I think we should likewise target the advantages of the enterprise zones to comparable areas. So I would recommend that we amend into Senate Bill 819 the language from Senate Bill 614 which has already received the overwhelming approval of this chamber. I urge its adoption."

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

Braun: "Thank you, Mr. Speaker. I have a question of the Sponsor of this Amendment."

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

Braun: "Representative Bowman, have you had an opportunity to examine Amendment #36?"

Bowman: "No, I have my staff working on that right now."

Braun: "Representative Bowman, I would submit to you that upon close examination, it may well be that your Amendment #4 is duplicative and goes beyond the mark because I think the whole issue of which communities are defined as eligible for consideration, which areas rather are defined as eligible for consideration for designation has been handled in that Amendment and that this... the language from the other Bills to which you refer, which by the way I was the Sponsor in the House of, in... under this legislation creates something of a duck bill platypus in my opinion. Something that really doesn't make an awful lot of cogent

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

70th Legislative Day

June 24, 1981

sense and I... if you would take a look, I think the objective that you're trying to achieve by virtue of Amendment #4 has already or could already be achieved in another way."

Bowman: "Mr. Speaker, I realize this is an unusual request of the Chair, but since the Lady has raised the issue without explaining it I would appreciate it if perhaps she could tell us how Amendment 36 addresses the definition of a depressed area. She said that it will ... it will make a change that would render this Amendment superfluous, but she didn't tell us in what way. I would appreciate it if she would explain it."

Speaker Collins: "Is she the Sponsor of that Amendment?"

Bowman: "I believe so."

Speaker Collins: "Representative Braun, either you or someone else. If you could explain that, we could save a lot of time."

Braun: "Thank you. Representative Bullock... Bullock, sorry."

Bowman: "Bowman. Thank you."

Braun: "Sorry. Sorry."

Bowman: "I know we look alike, but..."

Speaker Collins: "They all look alike."

Braun: "Representative Bowman, if you'll take a look at lines 27 through 31 of the Bill."

Bowman: "Twenty... Okay. That's the definition of a depressed area."

Braun: "Right, and at the point at which it says 'decreasing property tax' we added the conjunctive verb 'and,' and that sets up then five criterion for... It makes clear that the five criterion... what the five criteria are for designation. And I think that's what you're trying to do by virtue of this Amendment. Of course, there is a difference in that we don't talk about persistent under

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

70th Legislative Day

June 24, 1981

employment but I don't see that that adds anything since no one has defined what persistent under employment is anyway."

Bowman: "I see. Okay. In response... Mr. Speaker, then, if I may respond to the question. I would say a couple of things. First of all, changing the conjunctive from 'or' to 'and' is, I would grant, an improvement. However, I'm still concerned about the lack of specificity of any one of the descriptive phrases. I still prefer Amendment #4 because it does a couple of things. First of all, it specifies that the median income of the area is not more than 75% of the states median income. That's very specific and it gives the Department of Commerce and Community Affairs some legislative guidance. Everyone in this chamber talks about the evils of bureaucracy and the... especially the Republi..."

Speaker Collins: "Excuse me, Representative Bowman. I thought we were trying to explain why another Amendment would make yours superfluous. Apparently, we're back on discussion of yours. One of you tell me where we are?"

Bowman: "Mr. Speaker, the Lady asked a question of me and then I asked through you for a clarification of the question and now I'm responding."

Speaker Collins: "As I understand her request, it was that you withdraw your Amendment because hers would make yours superfluous. Apparently, she has not satisfied you so we better proceed to your Amendment."

Bowman: "That's precisely what I was saying. I prefer Amendment #4 and I would persist with the Amendment. May I speak to the Amendment? That's where we are."

Speaker Collins: "I thought you had been."

Bowman: "Okay, I thought you were interrupting me. Anyway, all I'm saying is that Amendment #4, I believe, is superior to

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

70th Legislative Day

June 24, 1981

Amendment #36 because it sets up some very specific criteria and does make reference to the percentage of people on public assistance and so forth which is a population which we can measure very precisely. So, I think Amendment #4 does have some greater precision than Amendment 36, and; therefore, I persist."

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

Peters: "Mr. Speaker and Ladies and Gentlemen of the House, I join Representative Braun in opposition to Amendment #4. It is our contention that the language that we have prepared for the Amendment in order to give the municipalities and the counties and the state the proper guidance in determining an enterprise area is sufficient to make the kinds of judgements that they have to make. We do talk about high levels of unemployment without specifying 15, 16% or 20%. Now, that makes it very difficult for people to get involved in this situation when unemployment figures might end up fluctuating from the time the enterprise zone is, in fact, started till the time it's implemented to the time all the approvals come back. You make the whole thing susceptible to all kinds of court challenges and impact challenges. You... We talk about having sub-standard buildings or housing. I think it's proper to leave that basically to each of the communities to determine what sub-standard housing or building is, for that particular area. We talk about depressed economic activity. Certain areas might suffer from long term depressed economic activity, other areas because maybe a moving out of a particular plant. I think it's important that the language here is flexible enough that the cities and the local municipal officials who we should have some trust in, together with the state officials who will have

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

70th Legislative Day

June 24, 1981

to end up getting together and making agreement on this can end up making the proper kinds of judgements so that we can end up, in fact, implementing this Act, putting in the incentives that we need to bring business into this area without specifying to such a great degree that it makes it impossible for the system to work. And, in fact, that the argument then becomes are we 75% unemployed or 20% unemployed. Is it 13% of the median income or 33% of the median income and the whole argument shifts to those kinds of things rather than to where it ought to be and that's that we want to develop areas. We want business to come in, we want industry to come in. We want people to work, people to have jobs. We want people off the assistance rolls of one type or another. I join Representative Braun in asking the Members of the House to reject Amendment #4."

Speaker Collins: "Representative Bowman, to close."

Bowman: "Thank you, Mr. Speaker. I just want the Members of the House to be aware of what we're doing here. We are giving the Department of Commerce and Community Affairs enormous discretionary power without any legislative guidance. Now, this is a very innovative concept and that's fine. I believe that the Legislature should be passing more innovative legislation, but it seems to me that the legislative function is to provide guidance to bureaucracy. A lot of people on this floor complain about the evils of bureaucracy and what they're complaining about is the abuse of discretion of bureaucracy. The abuse of discretion. Bureaucracy is not responsive to the Legislature and all I'm suggesting here is that the Legislature give guidance to the Department for implementing this innovative concept. That's all I'm suggesting with this Amendment. It is the same language that was in a Bill that was sponsored by Representative Braun that passed here with 120 votes. If

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

70th Legislative Day

June 24, 1981

she liked it then, I don't understand why she doesn't like it now. I urge its adoption."

Speaker Collins: "The Gentleman moves the adoption of Amendment #4. All those in favor will indicate by saying 'aye', opposed 'nay'. The Gentleman asks for a Roll Call. All those in favor will indicate by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 42 voting 'aye', 94 voting 'nay' and Amendment #4 is lost. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #5, Bowman, amends Senate Bill 819 on page two by deleting lines..."

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

Bowman: "Thank you, Mr. Speaker. Amendment #5. Amendment #5 deletes a couple of the powers of the Department of Commerce and Community Affairs. These are powers that I think are especially subject to abuse in the absence of any further legislative guidance. For example, it makes reference to defining minimum pollution standards and so forth. Well, the Bill itself doesn't amend the Environmental Protection Act and so I'm afraid that any reference to setting minimum pollution standards would be a conflict with our other statutes and I recommend taking that out. Also, the language in the Bill that authorizes the Department of Commerce and Community Affairs to go to Washington to lobby for legislation. Now, if we give it this authority to the Commerce and Community Affairs to lobby in Washington for federal legislation, it seems to me that we ought to give it to other departments of state government. But, if this Bill were to pass without my Amendment, frankly, we would be permitting the Commerce and Community Affairs using Illinois taxpayers money to lobby

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

70th Legislative Day

June 24, 1981

for changes in federal legislation, and I believe that that would be inappropriate, especially for a very innovative concept like this. I think we ought to at least restrict their use of discretion in that way so they will not abuse it, and I urge adoption of Amendment #5."

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

Peters: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to Amendment #5. A number of people have been involved in attending the work, some 30 some odd Amendments that have been placed on this Bill. There are, as you have already witnessed, several Legislators who have risen and have withdrawn their Amendments and that's part of the agreement we had basically reached. There are Amendments which will end up preserving the question of historic sites which might be in areas. There is an Amendment which will, at the end, be offered by Representative Braun which takes care of the pollution questions. Those questions I think, at least to our minds, have been properly resolved. The standards are to be set by joint cooperation between the city officials and the state officials. The pollution standard still will be implemented by EPA. We think there's adequate protections in this. A lot of work has gone in in a very bipartisan measure, both sides of the aisle. All kinds of attitudes and ideas have been expressed. We feel that we have resolved most of those problems, if not all of those problems, and they'll all be wrapped up in the last Amendment which will be offered by Representative Braun. I stand and ask you to oppose Amendment #5."

Speaker Collins: "The Lady from St. Clair, Representative Younge."

Younge: "I'd like to ask the Sponsor of the Bill a question about

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

70th Legislative Day

June 24, 1981

what he just said."

Speaker Collins: "The Sponsor of the Bill or the Amendment? The Sponsor of the Bill. He indicates he'll yield."

Younger: "You said in your argument that the EPA would still have the responsibility for the enforcement of EPA or pollution standards?"

Peters: "That is in the last Amendment which will be offered by Representative Braun."

Younger: "Isn't that contrary to the authority given in this Bill for the Department of Commerce to establish minimum standards regarding pollution?"

Peters: "Representative..."

Younger: "You're talking you have the EPA having the responsibility for air pollution and then how can you then give that authority to the Department of Commerce?"

Peters: "By Amendment, the Department of Commerce will be taken... that authority will be taken away from the Department of Commerce. That's in the final Amendment."

Younger: "Would you speak to the issue about the health standards? In the Bill, the Department of Commerce is given the responsibility for establishing minimum standards. Who has that authority now?"

Speaker Collins: "The Gentleman from DeKalb, Representative Ebbesen."

Ebbesen: "Mr. Speaker, I think this questioning is out of order. She is on the last Amendment and this is the second time we've gone on it. We're on Amendment #5 and I think we ought to conclude with that before we get to 36."

Speaker Collins: "I think your point is well taken."

Younger: "I'd like to ask the Sponsor of the Amendment a question then."

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

Younger: "Would you explain, please Representative Bowman, why

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

70th Legislative Day

June 24, 1981

there are standards now for structural safety, why there are standards now regarding pollution and health?"

Bowman: "Well, we have standards for structural safety and pollution and health to protect individuals who live in, all over the state, including neighborhoods designated under the Bill as depressed areas. I think that we should not just willy nilly abandon these, especially if we're giving open ended discretion to the Department without any legislative guidance. That's why I'm proposing we take away that power from the Department."

Speaker Collins: "The Lady from Cook, Representative Braun, for what purpose do you rise?"

Braun: "Thank you, Mr. Speaker. I rise in opposition to this Amendment also and I would ask Representative..."

Speaker Collins: "Excuse me. I don't think Representative Younge was through yet, Representative Braun. I thought you were rising on a point."

Younge: "Representative Bowman, how many new staff persons would it take in order to have persons in the Department of Commerce and Community Affairs who have the qualifications to set standards regarding pollution, health and structural safety?"

Bowman: "Well, Representative Younge, I have to admit that I don't know, but we have a very large staff over at the EPA and every municipality in the state has staffs that supervise their building and zoning codes. So, it could be quite large."

Younge: "I'd like to speak to this Amendment. I don't think that this General Assembly ought to take the position that it will wait for a subsequent Amendment in reference to this Bill. Representative Bowman has presented the issue in this Amendment. We have spent, as a state, large sums of money establishing an EPA that has the responsibility to

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

70th Legislative Day

June 24, 1981

look after the matters and problems involving air pollution, and anybody who has worked for years to establish those standards would certainly run amok all of a sudden in order to give industry a place to go to transfer that responsibility from EPA to the Department of Commerce and Community Affairs. There is 200 years of legislation on the area in the matter of health regulation. We have established a Department of Health, Public Health and it would really be absurd to all of a sudden change that operation of government to give the Department of Commerce. It would have to hire new people and write new rules and regulations for that responsibility. We have spent years establishing local housing codes and it seems to me absurd for anybody to be at a state level saying that, for purposes of industrial development or any other reason that we will negate and change the power, the inherent power of citizens in a local community to rule on, to establish building codes. I think that it becomes imperative, if we want to come out of here with any kind of reasonable legislation, that we enact this Amendment that has been offered by Representative Bowman."

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

Braun: "Thank you, Mr. Speaker. I would submit that Representative Bowman's concern and Representative Younger's concern is a shared concern but that their opposition or their support for this Amendment is ill founded. We have addressed that situation in the Amendment 36 and I would refer both of them to lines 10 through 12 of Amendment 36 in which the issue of pollution standards is addressed. There is no 'diminution' of protection for the public health and safety. It does, however, give local government some control over other areas such as building codes and the like. But with regard to pollution the Act is very

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

70th Legislative Day

June 24, 1981

specific, or the Amendment is very specific, regarding the Illinois Environment Protection Agency and its role, and I encourage a 'no' vote on this Amendment."

Speaker Collins: "The Gentleman from Effingham, Representative Brummer."

Brummer: "Yes, I move the previous question."

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

Bowman: "Thank you, Mr. Speaker. Well, the Lady from Cook, in opposing my Amendment, said that Amendment #36 which is yet to come will take care of this and directed our attention to lines 10 through 12, I presume, of page one of that Amendment. However, lines 10 through 12 simply add some clarifying language which is nice. It says these minimum pollution standards will be consistent with the Illinois Environmental Protection Act. At least the Illinois Environmental Protection Act finds its way into being mentioned in the Bill, but what is consistent? And my Amendment, however, simply takes away the power of the Department of Commerce and Community Affairs to have any regulatory authority over pollution control matters. By the way, there is another thing which my Amendment does, too, which Amendment #36, to my knowledge, does not address and that is the question of whether we're going to use Illinois taxpayer dollars to go to Washington to lobby for more right wing federal legislation. Now, House Bill... Senate Bill 819 is a product of the Heritage Foundation or the American Enterprise Institute or one of those new think tanks, and it's fine that we tinker around here with a new experiment, but it seems to me that we shouldn't use

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

70th Legislative Day

June 24, 1981

Illinois taxpayers dollars to send representatives of the Commerce and Community Affairs to Washington to lobby for more of the same. My Amendment would take that power away from Commerce and Community Affairs. I don't think they should have it. I don't think we should spend our taxpayers money on it. I urge adoption of Amendment 5."

Speaker Collins: "The Gentleman moves the adoption of Amendment #5. All those in favor will indicate by saying 'aye', opposed 'nay' and the Amendment is lost. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #6, Stuffle-McPike, amends Senate Bill 819 on page four by deleting lines 10 through 15."

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

Stuffle: "Yes, would you withdraw Amendment 6 and 7, please?"

Speaker Collins: "Amendment 6 and 7 will be withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #8, Stuffle-McPike, amends Senate Bill 819 on page three by deleting line 35 and so forth."

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

Stuffle: "Yes, Mr. Speaker and Members, this Amendment strikes Section 8 of the existing Bill. Section 8 in the Bill basically would prohibit the acquisition of federal subsidies, grants if you will, to those entities that come under the provisions of the enterprise zone Act. It's my belief and that of some other people that it's necessary to keep in place the ability to receive grant money even if this Bill is put in place for the enterprise zone areas because you're talking about depressed areas to begin with and the need for economic stimulus is great beyond possibly, in many cases, what could be done under this particular Bill, especially as you talk towards start up costs. So the Amendment would strike that Section and allow those entities covered by the Bill to continue to

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

70th Legislative Day

June 24, 1981

receive economic aide such as existing community development block grants and so forth that now are provided. I would move adoption of the Amendment."

Speaker Collins: "Is there discussion? The Gentleman from Cook, Representative Peters."

Peters: "Mr. Speaker, Ladies and Gentlemen of the House, I rise to oppose Amendment #8 and I do so because I think it's important to stress that what we are attempting here is a new kind of concept in terms of bringing enterprise and rehabilitation to those areas of our cities that need it. What we have provided for in this Act is what we consider to be incentives to individuals not the big corporations. Not the conglomerates, not the guys who can make the big loans at the Rockefeller Banks and the Chase Manhattan's but the guy who wants to come in and put together a small business operation, the guy who want to rehabilitate a home. We have in this Act indicated that an individual using any building materials is exempt from sales tax for the payment of those rehabilitation materials on that home. We have indicated that if the city agrees to set up an enterprise area and they agree, basically, to follow the mandates of the law there will be no real estate tax the first year. The second year it goes to 20%. 40% in the third year until after six years it goes to 100%. All geared to insure that that individual can end up participating in that. Further we end up saying that on the income tax an individual who elects to participate in coming into a depressed area, rehabilitating a home, eventually putting property back on the tax rolls, helping the neighborhoods out, we are saying to him take an extra thousand dollar deduction on your income tax for six years. Get into that house, rehabilitate it, take advantage of the program, live in that house, help upgrade the community,

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

70th Legislative Day

June 24, 1981

put those buildings back on the tax rolls. We think that is the kind of incentive we need from government, incentive that goes to the individuals not to the guy sitting off in the big banks in New York who've got plenty and want to end up investing in some country probably in West Germany or in the Honda Corporation in Toyoko. I move or ask the rejection of Amendment #8."

Speaker Collins: "The Lady from St. Clair, Representative Younge."

Younge: "I wanted to ask the mover of the Amendment a question."

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

Younge: "Right. Is there an inherent assumption in this Section that the Department of Commerce and Community Affairs has the expertise to make applications for and have knowledge of all federal subsidies and programs? Is there that assumption in that Amendment or in that Section?"

Stuffle: "I don't know what the assumption is in the Section, Representative Younge. My attempt is to strike that Section in the belief that the entities involved in the Bill would further be enhanced by the ability to continue to receive or to receive grant money that's available. Now, whether or not the Department is cognizant of all the existing grant programs or knowledgeable as to the methods to apply and get the grants, I don't know. I think that that is a separate question that really I don't think is addressed by either the Amendment or Section 8."

Speaker Collins: "Has the Lady concluded her question?"

Younge: "I'd like to speak to the Amendment."

Speaker Collins: "Proceed."

Younge: "I think that the Amendment should be supported because I think the intent in Section 8 is to give the Department of Commerce and Community Affairs total control over all federal subsidies and all action on a federal level in

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

70th Legislative Day

June 24, 1981

reference to any business that locates in an enterprise zone. I think that that intent is based on the assumption that that Department has knowledge of or can, in fact, appropriately apply for the various federal subsidies. I think that that is an erroneous assumption as anyone who is familiar with this Department knows."

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

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to Amendment #8. The whole question of federal subsidies or other subsidies for housing redevelopment and community revitalization is one which has consumed an awful lot of attention and one with which I have been very involved for a long time. But the fact of the matter is, Ladies and Gentlemen, that we have been pouring money on our urban communities for the last generation in the hope of saving them and we have been unsuccessful. It seems to me that the issue now is, are we prepared to add some additional new tools to our arsenal against urban decay? Are we prepared to try another way to the tried method of subsidies and grants and assistance and programs that are administered from far away and, frankly, have not produced the results that we have all been hoping for. I don't know that it... federal subsidies for a lot of different activities may be attractive and may add something, but at the same time to put subsidies into a Bill like this, a concept like this which says we can do it with the private sector putting its shoulder to the grindstone in cooperation with local governments, in cooperation with the people who live here. I think that it makes sense to leave that concept as it is to see whether or not we can... whether or not this new tool, this new direction will, in fact, produce some results in our urban communities that we have not seen through the old tried...

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

70th Legislative Day

June 24, 1981

tried methods of pouring on the grant dollars. I; therefore, urge a defeat of Amendment #8."

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

Bullock: "Thank you, Mr. Speaker Collins. Ladies and Gentlemen of the House, this is perhaps one of the few times that I reluctantly rise in opposition to my distinguished friend, Representative Peters and the gentle Lady from Cook, Representative Braun. This Amendment offered by Representative Stuffle is absolutely essential to protect urban communities. I'm sure the opponents to this Amendment fully understand that the enterprise zone concept will be a gradual phasing approach. It will not happen spontaneously. It will take a period of time for it to be accomplished. I think it is certainly the height of folly to think that the University of Chicago, the Illinois Institute of Technology, the Woodlawn Organization, all of the organizations in Chicago some of whom I dare say depend upon the City of Chicago's budget which, at this point, approaches about 45% federal funds that during the period of time that we talk about the experimental designation of the enterprise zone that these institutions could, in fact, survive, maintain the employment that they maintain for our communities and deliver the type of comprehensive services that they have delivered without, without federal dollars. I think everyone in this Legislature is well aware that we in Illinois send one dollar to Washington and we get 70 cents back. I don't think we need to diminish of that return while we engage in an experiment. Representative Stuffle has offered a comprehensive Amendment. The Amendment should be adopted. I regret that my distinguished colleagues that I have the the highest of respect for have decided to rise in opposition to Amendment

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

70th Legislative Day

June 24, 1981

#8. I would urge an 'aye' vote for all of you who are from urban areas and some of you from rural areas who have universities in your town that, in fact, depend upon these types of governmental grants. It's not Washington D.C.'s money. It's our money and we send it to Washington D.C. and we deserve to get it back in the State of Illinois. You know it's been going to the frost belts, to the sun belts. We should keep it in the frost belts and this Amendment will keep the money where it belongs, in the frost belt."

Speaker Collins: "The Gentleman from Coles, Representative Stuffle, to close."

Stuffle: "Yes, briefly, Ladies and Gentlemen. I heard on the other side of the aisle opposition to the Amendment because somehow someone decided to entwine the Amendment in the issue with the big banks. I don't know how the big banks got into this issue. Someone on this side decided to bring up housing. This Amendment doesn't deal with those subjects. I think if you look at Section 8 that I'm attempting to strike, Section 8 now says that no business enterprise locating in an enterprise zone shall thereafter be eligible for any subsidy, grant or any other form of governmental assistance whatsoever at that location except as provided by this Act. Now, Ladies and Gentlemen, we're not talking about housing. Housing, I understand, has been transferred to DCCA. Housing has not been getting any start up help from them in a year. We're not talking about the big banks. We're talking about the little guy again that we talked about here today a few times. That small business that chooses to locate in a depressed area and with Section 8 you're saying to that small business, that area, that business is not going to be able to sustain themselves or have the wherewithall money wise to continue

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

70th Legislative Day

June 24, 1981

necessarily while the experiment with this Bill might go on. This Amendment strikes Section 8 which means that those who locate there would be able to continue to have the opportunity to apply for and receive grant money, block grants, federal aide, if you will. It's essential if you're talking about creating jobs and making an economic stimulus program work that you put every mechanism in place that's affordable. This is another mechanism that would work alongside this Bill if it were to become law that would give that stimulus. I see no reason to suggest to that small business that may locate in this area, in this zone, if you will, to say to them, 'No, you can't have additional help because you're deriving other benefits'. If we're going to help them, let's help them. If not, let's kill the Bill. I ask for an 'aye' vote."

Speaker Collins: "The Gentleman moves the adoption of Amendment #8. All those in favor will indicate by voting 'aye', opposed by voting 'nay'. Have all voted who wish? Have all voted who wish? The Gentleman from Cook, Representative Huff, to explain his vote."

Huff: "Thank you, Mr. Speaker. I really wanted to speak in debate but you didn't see my light."

Speaker Collins: "I beg your pardon. I didn't."

Huff: "But I just wanted to say this. When I heard one of the other speakers mention that all the money that's been spent in the urban areas, I just want to take exception to that. I don't think that we could trust this enterprise zone any more than we can trust some of the state agencies that are constitutionally created here right here in Illinois. For example, Ladies and Gentlemen, we have IDA, Illinois Housing Development Authority which we have given a billion dollars bond in authorization over the last ten years and they have saw fit not to spend one dime of that in the

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

70th Legislative Day

June 24, 1981

Chicago area, more specifically, on the west side. As far as the Federal Government is concerned, we just recently saw where they diverted purposely 200 million dollars in Title I money from the students for whom it was mandated for. And additionally, over the last 20 years this very state government has denied Chicago the cross town apportionment which they kept for themselves to the accrument of three billion dollars and I don't think that we can trust the Governor and the block grant program to give one dime of that money to Chicago. I think that 819 is just more pie in the sky. We should realize that...(cut off)."

Speaker Collins: "Have all voted who wish? Take the record. On this question there are 32 voting 'aye', 117 voting 'no', 2 voting 'present' and Amendment #8 is lost. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #9, Stuffle-McPike, amends Senate Bill 819 on page..."

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

Stuffle: "We concede. Withdraw 9 and 10."

Speaker Collins: "Gentleman withdraws Amendments #9 and 10. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #11, Leverenz, amends Senate Bill 819 on page four."

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

Leverenz: "Withdraw."

Speaker Collins: "The Gentleman withdraws Amendment #11. Are there further Amendments?"

Clerk O'Brien: "Amendment #12, Balanoff, amends Senate Bill 819 on page four."

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

Balanoff: "Thank you, Mr. Speaker and Members of the House. One

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

70th Legislative Day

June 24, 1981

of the Sponsors of this Bill, Mr. Peters, said the purpose of this Bill was to bring a new concept to Illinois. The purpose of the Bill was to give incentives to individuals. We're not concerned about the big conglomerates here. We want to put people back on the tax rolls. Well, my Amendment #12 fits right in with the Sponsors goals. Under the provisions of this Amendment, if an industrial enterprise moves out of the enterprise zone, the employees of the particular enterprise, the particular industrial concern will meet with members of the Department of Commerce and discuss the feasibility of continuing the particular plant that they've been working in all along. We know that people who own a business, people who own the business itself will work longer hours, will nurture the business, will take care of the machinery, will increase production when they own the business themselves. This Amendment merely discusses the feasibility of the employees to take over the business when the business has closed or wants to move away."

Speaker Collins: "Is there any discussion? Gentleman from Cook, Representative Peters."

Peters: "Mr. Speaker, Ladies and Gentlemen of the House, this again is a variation on Amendment #1 which was defeated by some 115 votes. I stand in opposition to Amendment #12. I think what we ought to do is to give this concept the opportunity to get off its feet and to start before we start putting in other kinds of legislation which mandate programs which may, in fact, not be necessary. The concept's been rejected twice now by the House. This is just another form of it. I stand in opposition again and ask that the Members of the House join in opposing Amendment #12."

Speaker Collins: "The Gentleman from St. Clair, Representative

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

70th Legislative Day

June 24, 1981

Flinn."

Flinn: "Mr. Speaker, since we've already discussed this subject matter, I think I should move the previous question."

Speaker Collins: "Gentleman moves the previous question. The question is, 'Shall the main question be put?'. All those in favor will indicate by saying 'aye', opposed 'nay'. The 'ayes' have it, and the...The Lady from Cook, Representative Balanoff, to close."

Balanoff: "This has nothing to do with Amendment #1. It's entirely different. It merely states than when the company moves away the employees will try or discuss the feasibility of continuing the operation within the enterprise zone, and they will just discuss the matter with the Director of the Department of Commerce."

Speaker Collins: "The Lady moves for the adoption of Amendment #12. All those in favor will indicate by saying 'aye', opposed 'nay'. It sounds like a tie to me. All those in favor will indicate by saying 'aye', opposed 'nay' and the Amendment is lost. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #13, Currie, amends Senate Bill 819 on page four by inserting after line 15 the following."

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

Currie: "Thank you, Mr. Speaker. I ask leave to withdraw Amendment 13. Luckily it's provisions have been included verbatim in Amendment #36."

Speaker Collins: "The Lady withdraws Amendment #13. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #14, Bullock..."

Speaker Collins: "Gentleman from Cook, Representative Peters, for what purpose do you rise?"

Peters: "Mr. Speaker, to expedite matters and unless there is objection from the individuals involved, at least according to the list that I have in the agreement, I would now move

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

70th Legislative Day

June 24, 1981

to table Amendments 14, 15, 16, 17, 18, 19, and 20."

Speaker Collins: "Would you identify the Sponsors?"

Peters: "Amendment #14, Bullock. Amendment 15, Levin. Amendment 16, Henry. 17, Bullock. 18, Henry. 19, Bullock and 20, Stuffle."

Speaker Collins: "Are there any objections? All those in favor of tabling the Amendments 14 through..."

Peters: "20."

Speaker Collins: "...20 will indicate by saying 'aye', opposed 'nay' and the Amendments are tabled. Are there further Amendments?"

Clerk O'Brien: "Amendment 21, Greiman, amends Senate Bill 819 on page three by inserting after line 34 the following."

Speaker Collins: "Gentleman from Cook, Representative Greiman. Withdraw Amendment #21. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #22, Giorgi, amends Senate Bill 819 on page two..."

Speaker Collins: "The Gentleman from Winnebago, Representative Giorgi. Is the Gentleman on the floor? Gentleman from Cook, Representative Peters. The Gentleman withdraws Amendment #22. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #23, Henry, amends Senate Bill 819 on page two in line two."

Speaker Collins: "Gentleman from Cook, Representative Henry."

Henry: "Mr. Speaker..."

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

Henry: "Mr. Speaker, I'd like to withdraw Amendment #23."

Speaker Collins: "Gentleman withdraws Amendment #23. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #24, Ronan."

Speaker Collins: "Gentleman from Cook, Representative Ronan. Gentleman withdraws Amendment #24. Are there further Amendments?"

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

70th Legislative Day

June 24, 1981

Clerk O'Brien: "Floor Amendment #25, Bowman."

Speaker Collins: "Gentleman from Cook, Representative Bowman.
Representative Daniels in the Chair."

Bowman: "Thank you, Mr. Speaker. I have stood here offering two prior Amendments and the Gentleman who's sponsoring this Bill in the House had urged me to withdraw them. However, he spoke to me only before with just a few minutes to go before the Bill came up on Second Reading. Now, I've heard statements being made by him and seconded by Representative from Cook, Representative Braun, indicating that Amendment #36, which is yet to come, has been worked out. A lot of time went into working on that Amendment. A lot of people's input went on to working that Amendment but no one asked me about it. No one bothered to ask me about it which is okay. You don't have to ask me before you introduce an Amendment, but I'd appreciate that it not be represented on the floor as an agreed Amendment because I didn't agree to anything. Now, the Amendments that I offered before were sincere efforts to try and improve the Bill. Amendment 25 was introduced, I think my name is on that by accident and so, since that did not go in by my own hand, I will withdraw it just to show Representative Peters that I'm a good sport about all of this. But I would appreciate it, in the future, if the Representative who's sponsoring this Bill would not indicate that everyone has kind of been consulted on the question of agreed Amendments because this guy wasn't and I have been trying to make a sincere effort to make what I considered a bad Bill an improved model. Something that I think we can, we can live with if it's passed. So, at this time, I will withdraw Amendment 25 and hope to speak later also on Amendment 36."

Speaker Daniels: "Amendment 25 is withdrawn. Representative Braun."

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

70th Legislative Day

June 24, 1981

Braun: "Thank you, Mr. Speaker. Not to take up the time of the House. I would like to apologize to Representative Bowman. I undertook to meet with all different groups that were involved or concerned about this issue because I saw it as an issue that was deserving of bipartisan support, deserving of support from across the political spectrum. I did my level best to talk to people who are involved to work out agreements so that we could come up with a Bill that would be acceptable by the people in this Legislature, not just acceptable, something that you can embrace wholeheartedly from whatever end of the political spectrum you may see yourself. So, Representative Bowman, please accept my apology that I did not sit down with you. I am sorry. It was just in the heat of the end of the legislative Session it just got difficult to talk to more than the 15 people I talked with. Thank you."

Speaker Daniels: "Representative Giglio, your light is on, Sir. Further Amendments?"

Clerk O'Brien: "Floor Amendment #16, Zito, amends Senate Bill ... 26 that is, amends Senate Bill 819 on page three..."

Speaker Daniels: "Representative Zito, Amendment #26."

Zito: "Thank you, Mr. Speaker. At this time, I'd like to withdraw 26 and ..."

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #27, Zito."

Speaker Daniels: "Withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #28, Henry."

Speaker Daniels: "Representative Henry."

Henry: "Yes, thank you, Mr. Speaker. Before I go into Amendment #28 I would request a Roll Call after I finish my presentation."

Speaker Daniels: "You joined by four other Members? Okay."

Henry: "Thank you. Amendment #28 simply encourages DCCA to see

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

70th Legislative Day

June 24, 1981

to it that the businesses located within the zone would attempt to employ 50% of those people that's unemployed of those people of the business that's located within the zone as their employees. Usually, government can come up with great programs for the people, Mr. Speaker and Ladies and Gentlemen, but by the time the program is activated you will find in communities where you were trying to help, very little participation. It's been my experience on the west side of the City of Chicago that a number of administrative positions have overshadowed those that the program was designed to help and those that were unemployed or those that had no work habits at all. This Amendment attempts to add to the Legislation some direction and I ask the support of the House on Amendment #28."

Speaker Daniels: "Gentleman's moved for the adoption of Amendment #28. On that Motion, Representative Cook... Representative from Cook, Representative Huff."

Huff: "Yes, Mr. Speaker, I rise to support Representative Henry for a fine Amendment. Just as he said, for example, DCCA, the Department of Commerce and Community Affairs...Thank you, Representative Flinn, has done very little in regard to what they were mandated to do. For example, in the area of minority enterprises I was shocked to find out that that particular segment of DCCA only has appropriations for a staff. So.. and then, you know, get back to IDA, Illinois Housing. We've given a billion dollars in bonds and authorization for providing mortgage money for Section 8 housing in the state, have saw fit not to put one dime of that money in the west side communities. And then, of course, there's the State Department of Transportation, Mr. Speaker, which, for the last 20 years have been taking the cross town apportionment from Chicago to a tune of three billion dollars and I have very little faith as to what 819

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

70th Legislative Day

June 24, 1981

can do without Mr. Henry's Amendment. I would regard 819 as just another 40 acres and a mule proposal, pie in the sky, don't mean a damn thing. And without this Amendment the Bill, 819, would be absolutely worthless, in my opinion."

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

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I just wanted to indicate that no one has talked to me about this Amendment."

Speaker Daniels: "Gentleman, Representative Henry, to close."

Henry: "I move for the adoption of Amendment #28."

Speaker Daniels: "Gentleman's moved the adoption of Amendment #28. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is open, Representative Currie. Representative Peters, to explain his vote."

Peters: "Mr. Speaker, just to end up saying that in terms of the concept we're trying to put through we want to keep it as least restrictive as we can. And in terms of the record, that's my only objection to it and that we have percentage figures and the purpose of the concept is to keep it as little restrictions as we can."

Speaker Daniels: "Representative Younge."

Younge: "One of the things that a person living in the inner-city grows up knowing and experiences frequently in adult life is that development itself does not per se being improvement. It would be very bad indeed for the General Assembly to believe that just because an area is declared an enterprise zone without certain logical restrictions that that, within itself, is going to end up in increasing the employment of poor people in the areas affected. I think this is a reasonable, very reasonable Amendment and the vote should be 'aye'."

Speaker Daniels: "Have all those voted who wish? Have all those

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

70th Legislative Day

June 24, 1981

voted who wish? Take the record, Mr. Clerk. On Amendment #28 there are 54 'aye', 92 'nay', none voting 'present'. Amendment #28 fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #29, Leverenz."

Speaker Daniels: "Representative Leverenz, Amendment 29."

Leverenz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #29 would provide that the assessment reductions provided in the..."

Speaker Daniels: "Representative Leverenz."

Leverenz: "Thank you again. It would provide that the assessment reductions provided in the Bill would apply to only businesses that relocate from one state into our state or from a different county or they expand within an enterprise zone so that we do not have businesses leaving one section and coming into the enterprise zone and there is no net gain. It's to attract new or to provide the inducement to expand. I'd ask for the adoption of Amendment #29."

Speaker Daniels: "Representative Peters."

Peters: "Mr. Speaker, again, I rise to oppose Amendment #29 because of the restrictive nature of the Amendment. Again, what we are trying to do is we are trying to bring industry, businesses into the blighted areas of our cities. What we are trying to do is to give incentives to individuals, to small groups who come in, and if we put language in the Bill that says the business must be from another state or another country, that becomes highly restrictive. If we further end up saying that we will allow the business only to come into the zone if it doesn't reduce business in another part of the state how can one end up ever, ever making a determination on that nature. A company exists in one part of the state wants to build a small plant in another part of the state, it might lose part of its managerial staff, it might lose part of its

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

70th Legislative Day

June 24, 1981

salesmen to another office. I mean, how does one begin to count what's lost in one place or another? It's one of those things that makes implementation of the Act impossible and further it makes people who can end up or want to end up participating in that act sieze the opening for all sorts of law suits and concerns as to whether employment went down in another area or opened up in another area. What we ought to be concerned about is bringing jobs to the State of Illinois, manufacturing jobs in the State of Illinois, having industry, people, however small, big; whatever develop jobs right here in the State of Illinois. Whether those jobs are in Peoria County in Cook County or in Will County or in Sangamon County or in Johnson County, the important thing is that businesses and people who want to invest take advantage of this Act and begin to produce jobs. Jobs that produce income, that produce taxes, that produce programs that puts more money into the economy, that creates more jobs. That's what we're after and that's what we want. For those reasons again, the restrictive nature, I oppose Amendment #29 and ask the Members of the House to join with me."

Speaker Daniels: "Representative Huff."

Huff: "Mr. Speaker, I'm a little confused as to Representative Peters' explanation as to what he considers to be restrictive. We just passed a banking Bill out of here last week, 666 or 578 that will allow banking interest from this side of the pond or across the pond to come into Illinois. I don't understand... I really don't understand what Representative Peters is trying to do when he says that Representative Leverenz's Amendment would be too restrictive. I don't understand the restrictive nature that he's talking about."

Peters: "Speaker?"

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

70th Legislative Day

June 24, 1981

Speaker Daniels: "Representative Peters."

Peters: "Just on privilege and, Representative, to set the record straight, I am not being inconsistent. I did not vote for that piece of legislation."

Speaker Daniels: "Representative Huff."

Huff: "Well whether you voted for it or not, I mean, the concept that allowed foreign banking interests to come in was inherent in the Bill and the Bill did pass, Mr. Peters."

Speaker Daniels: "Representative Leverenz, to close."

Leverenz: "Thank you, Mr. Speaker. Certainly I can understand Representative Peters standing to oppose the Amendment, but I do not think that that which he offers up as the excuse this time fits the situation. Clearly, the Amendment which would provide that we would have incentive to expand inside an enterprise zone without the reduction outside of the zone. We have a number of companies that leave the City of Chicago and go into Elk Grove Village or into DuPage County or leave southern Illinois and locate up around O'Hare for the convenience of shipping in and out of O'Hare. This would close the loop hole to a situation where we would see reduced employment in one area in hopes of gaining a financial incentive from the Bill. If this Amendment is not adopted, clearly we are allowing and promoting companies to move from one place to another to get in under the umbrella for financial gain without a necessary increase in employment which is the main theme of the enterprise Bill. I ask for the adoption of Amendment #29."

Speaker Daniels: "Gentleman's moved for the adoption of Amendment #29. All those in favor will signify by saying 'aye', opposed 'no'. 'Nos' have it and the... Representative Leverenz, you seriously want a Roll Call? Gentleman's entitled to a Roll Call. All those in favor will signify by voting 'aye', opposed by voting 'no'. The voting is

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

70th Legislative Day

June 24, 1981

open. Have all those voted who wish? Have all those voted who wish? Take the record, Mr. Clerk. Take the record. On this Amendment there are 48 'aye', 92 'nay'. Amendment #29 fails. Further Amendments?"

Clerk O'Brien: "Floor Amendment #30, Kane."

Speaker Daniels: "Representative Kane, Amendment #30. Gentleman on the floor? Representative Peters."

Peters: "Mr. Speaker, I move to table Amendment #30."

Speaker Daniels: "Gentleman's moved to table Amendment #30. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #30 is tabled. Further Amendments?"

Clerk O'Brien: "Floor Amendment #31, Bowman."

Speaker Daniels: "Amendment #31, Representative Bowman. Withdrawn. Further Amendments?"

Clerk O'Brien: "Amendment #32, Henry."

Speaker Daniels: "Representative Henry, Amendment #32."

Henry: "Thank you, Mr. Speaker. I, again, ask for my colleagues to join me to request a Roll Call on Amendment #32."

Speaker Daniels: "That's only three. Proceed, Sir."

Henry: "Yes, thank you, Mr. Speaker. Earlier I introduced Amendment #28 which asked for 50% of the employees in the zone be hired by the businesses that come into the zone. Since that time I understand that this would place restrictions on the businesses, but then who are we trying to help? Are we trying to help big business get tax breaks or are we trying to help provide jobs for those who are in need? Are we trying to help give tax credits and tax breaks to major corporations or are we trying to development work habits for those in the area that you call depressed? Then if you are trying to help those in the area that you have labeled depressed, then it would be no more than fair to have 25% of the work force in those

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

70th Legislative Day

June 24, 1981

companies coming in to the depressed area is to come from the depressed area. And I ask the adoption of Amendment #32."

Speaker Daniels: "Representative Peters."

Peters: "Mr. Speaker, the same arguments I made in regard to Amendment 28 would generally pertain. I would oppose Amendment 32 again as being restrictive of the concept and would ask that the Amendment be defeated."

Speaker Daniels: "Representative Henry, to close."

Henry: "Yes, Mr. Speaker, I heard the Gentleman on the other side of the aisle speak against Amendment #32, but I'd like to remind the Gentleman that it's clear to me and I hope it's clear to the other Members of the House that this Bill is not designed for those in depressed areas and this Bill, if he continues to hold the line on restriction to those that this is supposed to help, then there's no sense in having the Bill. If Amendment #32 is not adopted, then we are not trying to help those in the depressed area. If we are trying to help the major corporations, then why don't you say so? Then do not come up and introduce legislation saying that you're going to help those in depressed areas, you're going to provide jobs, you're going to upgrade a community when it's all nothing but a lie. So prove me wrong and vote for Amendment #32."

Speaker Daniels: "Gentleman moves the adoption of Amendment #32. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? Representative Younge."

Younge: "Some of the provisions in the enterprise zone Bill will have the effect of further depressing the tax base in the short term. Therefore, it would be reasonable for us to give favorable consideration to Representative Henry's

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

70th Legislative Day

June 24, 1981

Amendment that would pour money back into the local taxing districts immediately. The Bill calls for no assessments in property tax in the various taxes for the first several years. There needs to be written into this Bill some device that would have the effect of giving some immediate benefit back to the municipalities in which these depressed, these enterprise zones are located. There are two matters that we ought to be trying to get to. Number one, it's the matter of employment, but in addition to that, depressed areas have lost their tax bases because of the exodus of industry. This Amendment would add and would requi... (cut off)."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Take the record, Mr. Clerk. On Amendment #32 there are 58 'ayes', 94 'nays' and the Amendment fails. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #33, Henry."

Speaker Daniels: "Representative Henry. Amendment #33."

Henry: "Thank you, Mr. Speaker. Recognizing the mood of the House and recognizing the fact that this Bill is not designed to help those in depressed areas, I am at the point, at this time, Mr. Speaker, to ask you to withdraw Amendment #33 because this House is not real. The Bill is not real and the folks that are sponsoring this Bill is a bunch of phonies."

Speaker Daniels: "#33 is withdrawn. Further Amendment?"

Clerk O'Brien: "Floor Amendment #34, Mautino, amends Senate Bill 819 on page four, line 11 and so forth."

Speaker Daniels: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #34 is not introduced to emasculate the Bill. It does a very simple measure. On page four, line 11 after the word 'contractor' we insert 'architects'.

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

70th Legislative Day

June 24, 1981

Basically, it puts them under the Statute of Limitations. It is not introduced into this Bill to do anything other than include them into that Statute of Limitations."

Speaker Daniels: "Gentleman's moved for the adoption of Amendment #34. On that question, Gentleman from Champaign, Representative Johnson."

Johnson: "Maybe I misunderstood that. Does this speak to the question of the enterprise zone or does this create a new Statute of Limitations for a new group unrelated to the thrust of this Bill?"

Mautino: "No, it's in Senate Bill 819 in the Section that's in the Bill. It has nothing to do with the enterprise zone. It's inserted in there because the only people that are not addressed under the Statute of Limitations, according to the legislation we already passed and the Governor has signed in '79, is the architects and I've added them into that Section, Section 10."

Johnson: "Mr. Speaker, Members of the House, I don't necessarily... I don't know whether I agree with that, the thrust of what he's doing or not, but this is a whole, totally, absolutely new concept. When we passed the Statute of Limitations for doctors that varied from the previous Statute of Limitations, when we did the same thing with respect to engineers and other groups, those had full Committee hearings. They went to the House. They went to the Senate. They had representatives from the Illinois Trial Lawyers Association. They had representatives from the Illinois Contractors Association, engineers and everything else. For us to take a Bill that really is something wholly different and make it into a new Statute of Limitations with ramifications that nobody has any idea, at this point, of what they might be I just think is not a proper place to do it. We have a Committee process for a

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

70th Legislative Day

June 24, 1981

specific reason and this undermines the whole Committee process. I certainly urge Representative Mautino and others, if they believe in this, maybe I do too, to bring it back at a different point, but you're talking about discovery rules, data discovery, running of the statute, tolling of the statute, how this differs from engineers and how it differs from doctors and everything else and I just don't think we're prepared at 5:30 late in the Session, after we've had a whole Session, to introduce this, to speak to this issue. For that reason, I urge a 'no' vote from everybody regardless of how you feel about the issue, if you even know what the issue is."

Speaker Daniels: "Further discussion? Gentleman, Representative Mautino, to close."

Mautino: "If I may in closing respond to the previous speaker. First of all, if you'll look at the Bill, Section 10 already has the provision in for the enterprise zones as it pertains to any contractor who constructs or rehabilitates a building in an enterprise zone shall be liable for any structural defects in such building for a period of ten years from the time of beneficial occupancy of the building. All I'm saying that is our existing statute passed in '79 included architects and that's all I'm doing with this. It does nothing else. I believe that you misunderstand exactly what's there, Representative, and I do submit that this is a good Amendment. It puts the law in with the enterprise zones and I ask for an 'aye' vote."

Speaker Daniels: "Gentleman's moved for the adoption of Amendment #34. All those in favor will signify by saying 'aye', opposed 'no'. Roll Call. Gentleman's moved for the adoption of Amendment 34. All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. Representative Huff."

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

70th Legislative Day

June 24, 1981

Huff: "Yes, Mr. Speaker,..."

Speaker Daniels: "Excuse me."

Huff: "Since... Since Representative Johnson alluded that no one seems to know what the subject matter is, I'd just like to point out that something I read once when I was in high school by James Thurber who said, Ladies and Gentlemen, that there was a malignancy in the English language in that the words we use no longer carry on its face the connotative value that it once had. Now, Representative Henry has pointed out that we're not talking about employment, but I'll assure you this that if any business comes into my district we are going to go to work before anybody else goes to work. You can believe that and you don't need no psychosomatics to understand what I'm talking about."

Speaker Daniels: "Further discussion? Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? Take the record, Mr. Clerk. On Amendment #34 there are 118 voting 'aye', 34 'no', none 'present'. Amendment #34 is hereby adopted. Representative Huff."

Huff: "Mr. Speaker, I intended to vote 'aye' on that fine Amendment."

Speaker Daniels: "Record Representative Huff as 'aye'. That's 119 'aye'. Further Amendments?"

Clerk O'Brien: "Floor Amendment #35, Braun-Bullock-Stuffle."

Speaker Daniels: "Representative Braun, Amendment #35."

Braun: "Thank you, Mr. Speaker. I withdraw Amendment 35."

Speaker Daniels: "Withdrawn. Further Amendment?"

Clerk O'Brien: "Floor Amendment #36, Braun-Bullock-Stuffle..."

Speaker Daniels: "Representative Braun, Amendment #36."

Braun: "Thank you, very much, Mr. Speaker. I'd like for those who have any difficulties at all with this Bill to listen closely to what Amendment 36 does. It covers a number of

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

70th Legislative Day

June 24, 1981

different Sections of the Bill and I would be willing to track the lines for you, if requested. The first part of Amendment 36 is a technical Amendment to bring the Act in compliance with Sections affected by the Bill. It's purely technical. The second part of the Amendment makes the definition of depressed areas clearer and, in fact, comprises a list of criteria for designation of an enterprise zone. The third part deletes the responsibility of DCCA to set minimum standards on pollution, health, structural safety and simply keeps the pollution standards set by DCCA consistent with the Environmental Protection Act. The fourth part makes it clear that any county applying for enterprise zone status must first have the consent of any areas or municipalities contained within the proposed zone. The fifth part provides for public hearings and allows that DCCA shall have one day full public hearing 30 days after application by the local government within the enterprise zone. The purpose of this Amendment is to allow local input and allow citizens within the proposed zone to discuss with DCCA, the local government and the community the implications of zone status. The sixth part brings Section 6 into compliance with DCCA not having the authority to establish minimum standards again. The standards set by the state should remain in effect within the zones and DCCA should not be another agency involved in the matters already under the purview of other state and local agencies. The seventh part, which I think is significant, makes the sale by the state, county and municipality of any land within the proposed zone permissive. In other words, the governmental body may sell the land or it may lease the land or it may choose to do either. I think that's a significant Amendment because it reiterates our support for local

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

70th Legislative Day

June 24, 1981

involvement and local control over what's going on. Parts eight and nine amend Section 9 dealing with the suspension of zoning building codes, rent control and wage and price controls. It adds licensing to the list but changes the effect of that provision in that such codes are not automatically suspended but may be suspended in the way and in the way that the local government sees ... believes appropriate to the particular circumstances of that enterprise zone. The tenth part makes it clear that no suspension of codes or zones or the like can occur until after the zone has been declared as such. In other words, it cannot... the suspension of local regulations, the suspension of regulations cannot take place until after the declaration of the zone as an enterprise zone by DCCA after the public hearings and the like. The eleventh part makes it clear that the zone should not interfere with any historic preservation that has been declared with regard to any building or areas within the enterprise zone. Mr. Speaker, Ladies and Gentlemen, I urge the adoption of Amendment #36. I believe it's a good adoption. I believe it addresses the concerns that many rightfully had about the operation of these enterprise zones, but, at the same time, preserves the concept that these zones be allowed as a place where businesses will be attracted but, at the same time, that local governments can have some involvement and that we, hopefully, will have added to our arsenal of tools for urban revitalization another way of proceeding. And I encourage your support for Amendment 36."

Speaker Daniels: "Lady moves the adoption of Amendment #36. On that question, Gentleman from Bond, Representative Slape."

Slape: "Yes, will the Sponsor yield, please?"

Speaker Daniels: "She indicates she will."

Slape: "It's my understanding Amendment 36 strikes the language

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

70th Legislative Day

June 24, 1981

in the Senate Bill 819 that refers to suspension or the authority of the Department to suspend prevailing wage. Is that correct?"

Braun: "That's correct."

Slape: "Is there any criteria or stipulation or any set of circumstances that would determine why or when the Department would, under your Amendment, have the authority to..."

Braun: "No, that's left up to the local government. It's left up to the unit of local government to decide that codes, building code provisions, zoning provisions might be suspended, again, given the circumstances of a particular enterprise zone. I'd use the example, in Chicago, for example, a lot of housing rehab was stopped because the Chicago building codes required metal tubing for pipes. The rehab couldn't go forward because it was so expensive and it disallowed the use of plastic piping. This would allow the local government to say that plastic piping is alright within the context of the enterprise zone even though the building codes would be in effect that particular part of the code would be in effect for the rest of the city."

Slape: "But there's no criteria or any unemployment rates or anything else they would use in determining when the prevailing wage would be stricken? Is that right?"

Braun: "No, Sir."

Slape: "Thank you."

Speaker Daniels: "Representative Henry."

Henry: "Yes, thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, I came into this debate on all the Amendments with a clear and open mind hoping that I was reading something that was for real. I offered my name as one of the Cosponsors of Amendment #36, but prior to

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

70th Legislative Day

June 24, 1981

Amendment #36 being called, Mr. Speaker, it has become clear to me that this Bill without the Amendments that affect the poor and the depressed areas is not designed for the poor and the depressed areas. This Bill, this Amendment states very clearly that there will be a full one day hearing in the community and I am not going to be a part of a phony charade of witnesses coming before a committee or a commission that knows darn well what their purpose would be. And I will not be a part of a Bill to be used by any Sponsors to be given 40 acres and a mule, Mr. Speaker. I will not be used, my name or my prestige or my credibility in my community to be a part of this very abrasive, phony piece of legislation that is designed to fool the poor and help the people and I ask leave to remove my name from Amendment #36."

Speaker Daniels: "Representative Bullock."

Bullock: "Mr. Speaker, I don't know if you have acted on Representative Henry's request. I think he requested leave to be removed as hyphenated Cosponsor to this Amendment. Did you grant him that request?"

Speaker Daniels: "Gentleman asks for leave to remove... Representative Henry asks for leave to be removed as a Co-Chief Sponsor. Does he have leave? No objections. Gentleman's name is removed. Representative Bullock."

Bullock: "Thank you, Mr. Speaker. I wanted that done so that I would not be incorrectly accused of emulating Representative Henry. I, too, would make a similar request that my name be removed as hyphenated Sponsor..."

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

Bullock: "For the following reasons, Mr. Chairman(sic)."

Speaker Daniels: "...asks for leave to be removed as a Co-Chief Sponsor. Does he have leave? Hearing no objections, leave is granted. Representative Bullock."

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

70th Legislative Day

June 24, 1981

Bullock: "Quite simply, Mr. Speaker, I won't be as 'speciferous' (sic, specific) and neither will I be as simplistic as Representative Henry, but I would only say this; that the concept of enterprise zones I support. The legislation before us I cannot support. This legislation, in my estimation, could be summarized in essentially one word. It is 'bantuisim'. It is a throw back to the days when persons in urban America would be relegated the third world status. I cannot support that and I certainly cannot support 'bantuisim'."

Speaker Daniels: "Further discussion? Representative Braun, to close. I'm sorry. Excuse me. Representative Younge."

Younge: "I'd like to ask the mover some questions. Representative Braun, you've said that the effect of your Amendment would be to give the municipality the right to have a part of the decision making in reference to the suspension of zoning as, for example, zoning laws. Did I understand you correctly?"

Speaker Daniels: "Representative Braun."

Braun: "Representative, sorry, yes."

Speaker Daniels: "Representative Younge."

Younge: "In local zoning laws, what are the responsibilities so far as notice are concerned? Would you give us some examples as to when you've got a zoning ordinance as to what kind of notice is given the citizens of that municipality in reference to any rezoning request?"

Braun: "I can't answer that question, Representative."

Younge: "The reason I'm asking that question is that if each of us a moment will think about what we're being asked to give a part of the decision making power in reference to the suspension, we're being asked to change the zoning laws. Now, one of the requirements in zoning, local zoning..."

Braun: "We're not changing anything, Representative."

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

70th Legislative Day

June 24, 1981

Younge: "...as it is currently set up is notification... notification..."

Braun: "Representative, the Bill doesn't change the zoning laws."

Younge: "You said that the municipality would have the power to agree to the suspension of local zoning laws. Is that not so?"

Braun: "They already do, Representative."

Younge: "A municipality cannot suspend local zoning laws now. A local zoning law gives... has, in all of our municipalities we have a right of notice. We have a right of notice when there has been an application for a zoning change. Nowhere, in this legislation, nowhere in this Amendment is the very ordinary requirement of due process of law that a neighbor who lives near or who has a business near a property that is going to be rezoned that that neighbor be given a notice. I think this is an inherent, this is an inherent power of people at a local level and I think that it is absolutely wrong, absolutely wrong for the Members, for us to be considering changing this traditional and age old local autonomy right of the people. You know, we have to be very careful because it's easy, just because we're talking about areas where now live the unemployed, just because we're now just talking about the privileged, the underprivileged, just because we're now talking about areas where minorities live that we carte blanc, just throw away the traditional safeguards of the people. I think that this Amendment does nothing to correct the inherent weakness of this Act and that it is very vague, that it supercedes and overrides very traditional due process requirements of notice to the people. You're going to find yourself later in a standpoint. Now, today it might be black neighborhoods that are being made enterprise zones. Tomorrow it might be your neighborhood. Blight has a way

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

70th Legislative Day

June 24, 1981

of spreading around and I encourage you to vote 'no' to this Amendment because it does not get to the heart of the question. Whether or not the inherent power of people at a local level to have notice and to have due... to have due process through a hearing be ... have the possibility of the local municipality joining in a decision with the state to suspend these laws."

Speaker Daniels: "Representative Van Duyne."

Van Duyne: "I move the previous question."

Speaker Daniels: "The Gentleman has moved the previous question.

All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Previous question is moved. Representative Braun, to close."

Braun: "Thank you, Mr. Speaker. First, I'd like to respond to Representative Younge about a concern about zoning. A municipality already has the authority for variances to grant variances to the zoning, to zoning restrictions, and all that this Bill will do is say... What this Bill does, I would think, moves in the direction that Representative Younge is concerned about because, previously, under the Bill, it said all zoning shall be... zoning laws shall be terminated. This gives the local government the authority to change it to may be and the local government then has the authority to do, if you will, grant a variance as to a particular zoning within the enterprise zone. That's all it does. The Amendment is, I think, an Amendment that responds to that concern as well as the one that has been focused on by Representative Henry and Bullock. I have to say that it is most distressing that Representatives Henry and Bullock would be inclined to argue against this particular Amendment which moves toward targeting these enterprise zones simply because we have not delineated a specific percentage of employees to, who live in the area,

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

70th Legislative Day

June 24, 1981

to work in the zone. There is no way you can monitor that. There is no way you can regulate that, and even if you could regulate how many, what percentage of employees that live nearby a particular business has, I think, Representative, that that would not, in of itself, that would only create another tear of bureaucracy and another level of bureaucratic controls over these zones that defeats, if you will, the very purpose of it. It seems to me that this legislation, this legislation is intended again to add a new tool for combatting urban deterioration, and that new tool is an area, a zone, an area in which the traditional regulatory controls that we all live under may be suspended, varied or otherwise adjusted by a local government so as to attract business to the area. There are certainly enough areas in the state and I'm sure all of us have them in our district which could use an infusion of new capital, of new business, of new jobs, and that is the purpose of this legislation and I believe that is the concern this Amendment addresses. It takes out of the Bill whatever punitive Sections there were or may have been considered to be punitive Sections regarding pollution, minimum standards and the like and, I believe, is a good Amendment that makes the Bill, should make the Bill one which can be embraced by people of all political and philosophical persuasions. I encourage an 'aye' vote on Amendment 36."

Speaker Daniels: "Lady's moved for the adoption of Amendment #36. All those in favor signify by saying 'aye', opposed 'no'. All those in favor will signify by voting 'aye', opposed by voting 'no'. Voting is open. Representative Younge, for what purpose do you rise, Ma'am."

Younge: "Just a matter of personal privilege..."

Speaker Daniels: "State your point."

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

70th Legislative Day

June 24, 1981

Younge: "... in that my name was used in debate. I think that the argument of Representative Braun that in variances, the municipality has the right to give a variance now proves my point. If a variance is applied for, there has to be notice and there has to be a public hearing. You would not want to get rid of those procedural safeguards by giving a municipality the right to join in a decision to suspend building codes and zoning laws. Anyone who is in favor of local autonomy, of people at a local level..."

Speaker Daniels: "Representative Younge, could you bring your remarks to a close on your point."

Younge: "... having a right to be over their destiny rather than letting power slide upward to the state... to the Federal Government ought to be voting against this Bill and against this Amendment."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Have all those voted who wish? Take the record, Mr. Clerk. There are 107 'aye', 27 'no', 16 'present' and Amendment #36 is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Third Reading. Representative Preston, Senate Bill 817. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 817. This Bill has been read a second time previously."

Speaker Daniels: "Any Amendments from the floor?"

Clerk O'Brien: "Amendment #4, Levin-Preston."

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

Levin: "Mr. Speaker, Ladies and Gentlemen of the House, we took the Bill out of the record before in order to confer with Representative Johnson to provide him with materials. I don't see him on the floor right now. If he is within earshot, if he could come back we'd, you know, try to

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

70th Legislative Day

June 24, 1981

describe the background of the Bill and give materials on the group that is affected by this legislation. You know, we can go ahead with it now or we can wait for ... You want to go ahead?"

Speaker Daniels: "Have you talked to Representative Johnson?"

Levin: "He had indicated that he was going to get back to me. He has not gotten back to me since we talked."

Speaker Daniels: "Proceed Amendment #4."

Levin: "Mr.... to review this Amendment deals with the problem of pari-military organizations and we have in the State of Illinois..."

Speaker Daniels: "Representative Vinson."

Vinson: "Has this Amendment been printed and distributed?"

Speaker Daniels: "Yes, it has been. Proceed, Sir."

Levin: "We have in the State of Illinois, unfortunately, one such group known as the Christian Patriot Defense League which is located on a 55 acre estate in Louisville, Illinois that, on a regular basis, has pari-military survival sessions in which four to five hundred people from various midwestern states take part. The most recent one of these gatherings took place in the Spring of... Summer and Fall of last year and the people that attended received courses in guns in reloading, camouflage, demolition and chemical warfare, survival weapons, combat medics, marksmanship, guard dog training, SWAT techniques, knife throwing, archery, cross bow and black powder gun and street action. The pari-military instructions were interspaced with lectures on such topics as racial problems and solutions, health and natural foods, women's responsibility to God and country, the real enemy, zionism, communism, socialism, et cetera and biblical answer to racial questions and the holocaust designed to destroy Christianity. This Amendment is... was drafted initially as a model statute by the

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

70th Legislative Day

June 24, 1981

Anti-Defamation League of the Bnai 'Brith' and is taken from the Federal Civil Obedience Act of 1968, 18 U. S. Code, Sections 231 to 233. The wording of that Act has been tested in the federal courts in two cases and has been found to be constitutional. The first case was the National Mobilization Committee versus 'Foreign' 411, ab second, 934, the seventh circuit in 1969 and more recently in the United States versus Featherstone 461, absecond, 1119, the fifth circuit 1977. Circuit was denied by the U. S. Supreme Court in 409, U. S. 991. This language, this Amendment has been run by both the Democrat and Republican leadership, the Attorney General's Office that is actively involved in investigating this particular organization, the Department of Law Enforcement that strongly supports this Amendment and it's also been run by other groups such as the States Attorney Association. I think it's a good civil liberties Bill. It's tightly drawn. I think it deals with a serious problem that exists. It provides for some new law enforcement tools. It does impose the requirements in order to satisfy this Amendment are substantial. The elements of proof are great, but, in order to be constitutional, that certainly is appropriate. If there are particular questions, I'd be pleased to answer them."

Speaker Daniels: "Ladies and Gentlemen, for the purposes of your schedule, the Speaker has announced that we will work tonight until about 8:00 or 8:30 and we will return tomorrow morning at approximately 9:00. Is Representative Kulas around to comment on that. Representative Kulas is in the dark again with the mushroom factory. That's the schedule we have right now. Until about 8:00 or 8:30 tonight we'll return tomorrow morning at 9:00. On Amendment #4, Representative Birkinbine."

Birkinbine: "Thank you, Mr. Speaker. Will the Sponsor yield for

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

70th Legislative Day

June 24, 1981

a question?"

Speaker Daniels: "He indicates he will."

Birkinbine: "Ellis, has this Amendment been heard before a Committee of the House?"

Levin: "Representative, I received the text of this language as did Senator Berman very late, and I apologize for that and that is the reason that I've taken the time to attempt to take this to all of the various parties I thought would have an interest in order to bounce it off them, find out if there was any opposition, find out if the language was acceptable. Representative Getty had some suggestions to tighten up the language based on Illinois interpretations of the law, and this is why we did go to all the agencies that we did because it was late in being presented. I'm only going with it because there does not appear to be any opposition. All the various agencies support it."

Birkinbine: "I gather that's a long no."

Levin: "That's correct."

Birkinbine: "Thank you. Just out of curiosity, where do you get.. you and Senator Berman get this language from? Soldier Fortune Magazine?"

Levin: "This language was developed by the Anti-Defamation League of the Bnai 'Brith' and, as I said, it's based on a federal statute that's been held to be constitutional. This language or variations have been introduced in approximately a dozen states this year and it's already passed in the State of Connecticut."

Birkinbine: "My concern is with... I'm pleased that the Attorney General or the Governor or Mr. Getty or whoever may think this is a swell Bill. I'm also concerned that we have a committee system here in the House and in the Senate. Now, is it your perception that we're about to be overrun by some pari-military groups and we can't wait until the

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

70th Legislative Day

June 24, 1981

Spring Calendar or the future committee sessions to hear such a Bill?"

Levin: "This is a substantial problem that exists now. It's not only this particular group, which is located in the State of Illinois,..."

Birkinbine: "What group?"

Levin: "The Christian Patriot Defense League which is located in Louisville, Illinois on a 55 acre estate. They've got a replica of Mt. Vernon there and they are being investigated by various law enforcement agencies. They do appear to be engaging in various potential unlawful acts, and this is a helpful weapon to have now to be able to deal with groups like this if anybody is killed as a result or injured as a result of such groups, as a result of our waiting. That, obviously, is not a good idea and that's the reason for wanting to deal with the legislation now. It is well drafted. It's the result of a lot of efforts nationally as well as locally."

Birkinbine: "Thank you. Mr. Speaker, if I could speak to the Amendment. As I indicated in my questioning, we have here in the House and in the Senate a system of committees. Now, I have never heard of that pari-military group that is apparently training in some town that I've also never heard of, but I really can't believe that the State of Illinois or many of its people are threatened by this group of apparently over zealous veterans or flunked out boy scouts who get their kicks out of running around in training of some sort. I really think legislation like this, albeit language that has come by way of the Bnai 'Brith' Organization which I admire, can nonetheless wait and be heard in Committee Session like all of the Bills we'd like to have heard in Committee Session. I recommend that we put a 'no' on this and.. either that or put it over to the

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

70th Legislative Day

June 24, 1981

Spring Calendar where we can sit down and have some discussions on it. Thank you."

Speaker Daniels: "Representative Preston."

Preston: "Thank you, Mr. Speaker. May we have some order?"

Speaker Daniels: "The Gentleman would like some order. Representative Preston. You still need some more?"

Preston: "Yes, please."

Speaker Daniels: "Please all listen to Representative Preston."

Preston: "Thank you, Mr. Speaker."

Speaker Daniels: "Proceed."

Preston: "Ladies and Gentlemen of the Hosue, I'm rising in support of this Bill and I think that there's been a lot of language that's been used to explain a rather simple concept. What this Bill does is simply say that people who engage in pari-military activities that are described in the Bill who know and intend that those activities will result in civil disorders where that is their intention those activities are prohibited. That is all this Bill does. I can't give you a lot of cites. That's all the Bill does, is simply say that if you teach people to use guns when you know and intend that the guns and the marching and the training will be for the purpose of these individuals engaging themselves in illegal civil disorders, that is prohibited by this Bill. The Bill has been ruled constitutional in other states. It addresses a needed problem here. It infringes on the rights of no one except people who know and intend to do illegal acts in this state. That's all the Bill simply does and I would elicit your 'aye' vote. It's a good Bill and there is no intention to avoid the Committee system whatsoever. This Bill came over late after Committees had met and it's a good concept."

Speaker Daniels: "Representative Leinenweber."

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

70th Legislative Day

June 24, 1981

Leinenweber: "Will the Sponsor yield to some questions?"

Speaker Daniels: "Indicates he will."

Leinenweber: "Representative Levin, you mentioned one organization that apparently is based here in Illinois. What was the name of that organization?"

Levin: "The Christian Patriot Defense League."

Leinenweber: "We are going to, or you're urging this Amendment so that that organization can be prosecuted. Is that correct?"

Levin: "This would give the State's Attorney's Office, state's attorneys and Department of Law Enforcement sort of a weapon in order to be able to deal with groups like that."

Leinenweber: "Are there any other organizations of your knowledge in Illinois that would be affected by this Bill?"

Levin: "There are a number of Klu Klux Klan camps throughout the country involved in similar types of activities, and I would say the Klu Klux Klan is associated with this particular group. I don't know at the present time of any Klan camps in the State of Illinois."

Leinenweber: "Take the first organization. How would they be in violation just because they are undergoing some kind of pari-military training if it was not their intention to create a civil disorder. I understand the term involves acts of... my understanding of that outfit, they're afraid the commies are going to come across the line from Indiana and if they, do they want to be ready. That would not be in violation would it?"

Levin: "No. This Bill would set some standards in terms of what kinds of activities, in terms of what is permissible and what is impermissible. There is an investigation that is going on. The Attorney General's Office has a rather extensive file on the group. They intend to do some field investigation and it may or may not be, in the end, that

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

70th Legislative Day

June 24, 1981

there will be enough evidence to meet the rather strict standards of this Amendment."

Leinenweber: "Let me ask whether or not your Bill might affect some other organizations. What about Karate schools where the instructors teach people the manly art of so called self defense? Would they be endangered by a zealous prosecutor?"

Levin: "No."

Leinenweber: "Why?"

Levin: "Not unless the particular school, the instructor knew and intended that his instruction, in terms of a particular pupil, would be used for the kinds of purposes that are articulated in the Amendment."

Leinenweber: "Couldn't you argue that the type of things they teach are basically for injuring people and creating disorders? How about Sumari schools and things like that?"

Levin: "You know, we have, I think, we have a rather... The burden is always on the prosecutor and I think the courts look of askance at failure to meet all of the standards, the elements of proof. And the elements of proof that we would require here are even stronger than the elements of proof in the federal Act that was found to be constitutional."

Leinenweber: "Let me ask this, how would this affect the group of people, I forget what they call themselves, but they guard the subway system in the City of New York and they wanted to organize in Chicago. Would they be put out of business under this Act?"

Levin: "That group, to the best of my understanding, is not advocating, is not teaching, use of incendiary devices, explosives and so on in order to cause a civil disorder."

Leinenweber: "They do teach techniques capable of causing injury or death to persons and they do involve assemblies of

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

70th Legislative Day

June 24, 1981

people in immediate danger which result in damage or injury."

Levin: "Yes, but they don't have the intent of... They don't know and intend the same to be... will be unlawfully employed for and in furtherance of a civil disorder."

Leinenweber: "What about an organization, let's say an exuberant organization like the Jewish Defense League?"

Levin: "The Jewish Defense League, to best of my knowledge, does not operate in the State of Illinois."

Leinenweber: "But if they were, would they come under threat of prosecution under this provision?"

Levin: "I think..."

Leinenweber: "I've been told by the Gentleman behind me 'no'. Mr. Speaker, Members of the House..."

Speaker Daniels: "Proceed, Sir."

Leinenweber: "On the Amendment. I, too, think that the Committee system ought to be allowed to operate and this may very well turn out to be a good idea. It attempts to write into law, in the criminal law, a system of prior restraint. In other words, you go out and nab some people and make what they're doing illegal before they actually commit the illegal act. This type of prior restraint is certainly ought not to be handled lightly and I question whether Second Reading on a Senate Bill, where any chance at Committee hearings and so forth, is the wrong time to plunge into an area which is fraught with constitutional problems. I would urge that we not support the Amendment and encourage the Gentleman to file it as a Bill and perhaps move to have it placed in Interim Study where the Judiciary Committee could actually maybe hold hearings over the Summer and determine what effect it would have on existing organizations and whether there are really any organizations to be affected. So I would urge a 'no'

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

70th Legislative Day

June 24, 1981

vote."

Speaker Daniels: "Representative Hoxsey."

Hoxsey: "Yes. Representative Levin, I noticed the name of this organization is called the Christian Patriots. Do they, in their program, address religion at all? Do they teach it in their program there?"

Speaker Daniels: "Representative Levin."

Levin: "I don't believe that they do."

Hoxsey: "But you don't know that for sure."

Levin: "No, I don't."

Hoxsey: "Would you also know, where do they get their funds for their program? How do they obtain the money?"

Levin: "The head of the group is an individual named John Harrell, H-A-R-R-E-L-L, who is a multi-millionaire and who has funded this group, has been involved with the Klu Klux Klan and has spent time in jail for terrorist activities in the past. The funding comes from this individual, to the best of my knowledge."

Hoxsey: "I was just wondering if there was any possibility that this organization might be a cult."

Speaker Daniels: "Representative Piel."

Piel: "Move the previous question, Mr. Speaker."

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

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To begin with, I do apologize for the lateness at which this issue is raised. We did not have the Amendment until rather recently and we did attempt to take it to the various agencies, the Department of Law Enforcement, the Attorney General's Office, the State's Attorneys and to

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

70th Legislative Day

June 24, 1981

both sides of the aisle and interested individuals. I recognize it is late to raise a new issue like this. I think we did have a rather thorough airing with the various agencies and of both sides of the aisle. I would hope you would support it at this time because I think it is something that is needed in terms of the ongoing work of the various law enforcement agencies. It is endorsed by the Department of Law Enforcement who thinks it is not only helpful in dealing with para-military groups but also in dealing with terrorists groups. But, you know, I will certainly abide by whatever your inclinations are. I would hope you would support it now. If you don't, then I will certainly see that it is represented. Thank you, very much."

Speaker Daniels: "Gentleman's moved for the adoption of Amendment #4. All those in favor signify by saying 'aye', opposed 'no'. 'Nos' have it. Amendment fails. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Third Reading. Senate Bill 829, Representative Beatty."

Clerk O'Brien: "Senate Bill 829, a Bill for an Act to amend the Illinois Pension Code. Second Reading of the Bill. No Committee Amendments."

Speaker Daniels: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #1, Beatty."

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

Beatty: "Mr. Speaker, Members of the House, Amendment #1 is an Amendment that you heard before but I'm having trouble with the Senate Sponsor on that Bill so I thought I would try to put it on this Bill. What it does is it puts the City of Chicago police officer in the same position as a fireman and that is when duty disability is considered. The

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

70th Legislative Day

June 24, 1981

present relative to the policeman is different from the fire department and this Bill will say that a policeman, when his disability is allowed if he were injured due to his duty, the disability rate will be paid based on the salary at the time the disability is allowed. Case in point that brought this to my attention is a man was shot four times, say twelve years ago, and now if he goes to get duty disability it will be based on his salary at that time. It was much less. I know of no opposition to the Bill. The cost is minimal and I have my next Amendment. It's the States Mandate Amendment which will show that this will not cost the state any money. I'd ask for a favorable vote."

Speaker Daniels: "Gentleman moves for the adoption of Amendment #1. Is there any discussion? Representative Watson. Your light in on, Sir. Representative Beatty moves the adoption of Amendment #1. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

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

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

Beatty: "This Amendment is the Amendment that shows that there will be no State of Illinois financial responsibility. It's the State Mandate's reimbursement reference and I ask for a favorable adoption."

Speaker Daniels: "Is there any discussion? Being 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, Van Duyne."

Speaker Daniels: "Representative Van Duyne, Amendment #3."

Van Duyne: "Amendment #3 simply allows the active General Assembly Members to establish credit in our retirement

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

70th Legislative Day

June 24, 1981

system for past elective service by paying into the system, and I move for the adoption."

Speaker Daniels: "Gentleman moves for the adoption of Amendment #3. Is there any discussion? Being none, question is, 'Shall Amendment #3 be adopted?'. Woops. Representative Barkhausen."

Barkhausen: "I haven't seen the Amendment or I wasn't aware if it was distributed. Could we have just a little fuller explanation? That one was pretty well mumbled through."

Speaker Daniels: "Is Amendment #3... Is it distributed, Mr. Clerk? It is distributed."

Barkhausen: "Would the Sponsor be kind enough to explain it a little more fully than he did a moment ago?"

Speaker Daniels: "Representative Van Dwyne, could you please explain Amendment #3."

Van Dwyne: "Really it's very simple. All it does is allow active Members of the General Assembly to pay into the retirement system for previous service and elective office in a municipal or county government."

Speaker Daniels: "Representative Barkhausen."

Barkhausen: "Aren't they already covered under Article VII? Do these people have to be salaried?"

Van Dwyne: "Yes, some of the salaried ones are, but the unsalaried aren't. People, for example, on per diem on county boards aren't."

Speaker Daniels: "Representative Barkhausen. Representative Schuneman. Representative Schuneman."

Schuneman: "Representative, as I understand what your Amendment would do is provide that Members of the General Assembly who have had some previous service in local government, even though it's not salaried service, would now be able to buy credit for that under the General Assembly retirement system. Is that what you said? Is that what your

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

70th Legislative Day

June 24, 1981

Amendment says?"

Van Duyne: "Yes, that's what I say, but it also would allow people who have been elected and it's restricted to elected officials who were on per diem also. And they are paid but they are not salaried, and they are not covered by IMRF."

Schuneman: "How many people would be affected by this Amendment?"

Van Duyne: "As near as I can count, not more than a half a dozen in this House."

Schuneman: "Has there been an impact statement prepared by the Pension Laws Commission?"

Van Duyne: "No,..."

Schuneman: "To give us some idea of what kind of ..."

Van Duyne: "Financial impact would be very negligible."

Schuneman: "What's negligible?"

Van Duyne: "Well, in terms of practically nothing."

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

Speaker Daniels: "Proceed, Sir."

Schuneman: "This is a time when I think we all have to be very careful about voting on pension Bills. We all like to be heroes around here and open up the doors of the pension system for our friends and special interests, but every time we do it, we're costing the taxpayers of the state huge amounts of money and I, frankly, I don't know how serious this one is. But I'd simply call your attention to it and, if you're going to vote for it, you ought to know what kind of cost is involved here. As far as I'm concerned, I'm going to vote against it."

Speaker Daniels: "Representative Van Duyne, to close."

Van Duyne: "I think the Amendment is self-explanatory and I'd just ask for a positive vote."

Speaker Daniels: "Gentleman's moved for the adoption of Amendment #3. All those in favor will signify by saying 'aye'. There has been a request for a Roll Call. All those in

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

70th Legislative Day

June 24, 1981

favor will signify by voting 'aye', opposed by voting 'no'.

The voting is open. Representative Wolf."

Wolf(J. J.): "I'd like to explain my vote. I see some of my friends are voting 'yes' and some are voting 'no' and I always vote with my friends. I vote 'aye'."

Speaker Daniels: "Further discussion? Have all those voted who wish? Have all those voted who wish? Take the record, Mr. Clerk. On Amendment #3 there are 69 voting 'aye', 63 'no', 7 'present' and the Motion is adopted. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Daniels: "Third Reading. Senate Bill 867, Representative Barkhausen. Excuse me. Representative Stearney."

Stearney: "Mr. Speaker, along with 867 is a Motion that I filed..."

Speaker Daniels: "We haven't read it yet, Sir. As soon as we read it, we'll get back to you. Senate Bill 867, Representative Barkhausen. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 867, a Bill for an Act to revise the law in relation to insanity defense and to establish a plea and verdict of guilty but mentally ill. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Daniels: "Alright. Any Amendments from the floor?"

Clerk O'Brien: "No Floor Amendments."

Speaker Daniels: "Alright. Now, Representative Stearney, for what purpose do you rise, Sir?"

Stearney: "Mr. Speaker, there should be a Motion on the Calendar to recommit this particular Bill to Committee, to Judiciary II Committee."

Speaker Daniels: "Gentleman has filed a Motion...Gentleman has filed a Motion. We move to recommit Senate Bill 867 to the

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

70th Legislative Day

June 24, 1981

Judiciary II Committee". Representative Barkhausen, for what purpose do you rise, Sir?"

Barkhausen: "Mr. Speaker, Ladies and Gentlemen of the House, the Gentleman is entitled to a hearing and I imagine a vote on this particular Motion..."

Speaker Daniels: "Excuse me, Sir. Could we please have some order? Representative Barkhausen."

Barkhausen: "Yes, Mr. Speaker, I just wanted to make the point that the Motion to recommit was filed with the Clerk on June 16 and the Bill was assigned or reassigned from Judiciary II to Judiciary III, I mean Executive, on June 10 or at the latest June 11 five days before. I don't know that there is any provision in the rule which requires a particular timeliness in filing this Motion, but I would make the point that the Motion was filed after the last date had passed where a Committee hearing could have been had on this Bill whether it had been in Executive or in Judiciary II or in some other Committee. So I would simply make the point that the Gentleman's Motion is an attempt to kill the Bill. This is a highly volatile issue in which I think the citizens of the State of Illinois are widely interested and I would caution any of you who may be tempted to recommit the Bill at this time that it is an attempt to kill it. I would, if this does come up for a vote, I would certainly encourage you to vote 'no' on the Motion to recommit."

Speaker Daniels: "Representative Stearney."

Stearney: "Mr. Speaker, will I be allowed to proceed with my Motion? You allowed Mr. Barkhausen to make his argument in rebuttal before I've even had a chance to address the Members of the General Assembly."

Speaker Daniels: "Let us take a second to examine the Motion and the Gentleman, Representative Barkhausen's statement and

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

70th Legislative Day

June 24, 1981

yours, Sir. We'll be with you in a second."

Stearney: "Are we on the Motion?"

Speaker Daniels: "We are on the Motion, Sir."

Stearney: "May I proceed?"

Speaker Daniels: "Gentleman, Representative Barkhausen, has raised a question as to the Motion. Representative Matijevidich, state your point, Sir."

Matijevidich: "I just want a point of order. I take neither side on the Motion, but am I correct in the Motion is to reassign? If it's that..."

Speaker Daniels: "Representative Stearney has filed a Motion to recommit this Bill to the Judiciary II Committee."

Matijevidich: "I see. I thought it was reassigned."

Speaker Daniels: "Representative Barkhausen has raised the point as to whether or not that Motion is, in fact, dilatory and would kill the Bill. And it's on that question that I will make a ruling and discuss with the Parliamentarian right now, Representative Stearney, if you'll give us a second. Mr. Stearney, we have looked at the rules of the House pursuant to your Motion, that is the Motion to recommit to the Judiciary II Committee, and the rules of the House allow a Motion to recommit but they are silent presently, regarding what would occur if a Motion to recommit would, in fact, kill a piece of legislation as this Motion would do. Now, when that occurs, when that occurs, you then would look outside the rules of the House to the rules, Robert's Rules of Order. And in looking at Robert's Rules of Order, in particular page 144 of Robert's Rules of Order, it is explicit regarding Motions to recommit and dilatory Motions to recommit and it states, and I quote, 'The Chair should rule out of order as dilatory any Motion to commit that is unreasonable such as one which would, because of the time involved or any other reason, would

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

70th Legislative Day

June 24, 1981

have the effect of defeating the purpose of the main question'. The main question is the passage of the legislation, and; therefore, it is the opinion of the Parliamentarian that your Motion to recommit, in essence, would kill or defeat the main question and; therefore, is dilatory. Representative Stearney. Excuse me."

Getty: "Mr. Speaker..."

Speaker Daniels: "Excuse me. You will have your time. We're not talking to Representative Stearney. He is the Sponsor of the Motion. Representative Stearney."

Stearney: "Mr. Speaker, the effect of the Motion being carried should not be considered by the Chair. As a matter of fact, if this Legislature is in Session for another year and a half, there is still ample time to consider that particular Bill. So it is not being killed. You are only considering the time table as we are facing now, but nevertheless, this Bill could still be considered at a later date in the Fall or even next Spring. So the consideration that you're giving to this, that is that the Bill would be killed, is inapplicable and should not be considered. Therefore, the Motion is in order and it is not dilatory. And, if further may I remind you, that this Motion was filed at the earliest possible time and that is that after this particular Bill had been assigned to Judiciary II then reassigned to Executive then re-reassigned back to Judiciary II, and then on the morning we were going to consider it, just before we got to the Bill, it was re-re-reassigned back to Executive. So; therefore, the Motion was timely filed because there was no other time in which to do so. And; therefore, it is in order because the Bill can be still considered before the end of this legislative Session. So; therefore, the consideration you are giving to it should not be given.

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

70th Legislative Day

June 24, 1981

This Bill can be considered at another time. Therefore, this Motion is in order and should be considered at this particular time."

Speaker Daniel: "Representative Stearney, there is no question about the fact that your Motion is timely. There's no question of the fact that it was filed in a timely manner. The effect of your Motion would be to recommit Senate Bill 867 to the Judiciary Committee and pursuant to the House rules that Bill would then be tabled. This Bill is not being placed in Interim Study. You are recommitting it to Judiciary II. The effect would be to table the Bill; therefore, defeating the main question. Now, on that question, Gentleman, Representative Katz."

Katz: "Mr. Speaker, I simply think that your parliamentary ruling is entirely out of order. We have had Motions to recommit to Committee here on the floor. The Bill, after it goes back to Committee, can still be put in Interim Study. There's nothing to preclude that being done. It's been done many times on the floor. In fact, I would assure the Speaker that I would, myself, make such a Motion to place it in Interim Study so that the whole basis of your argument is made up out of whole cloth. It does not kill the Bill at all. It can be placed in for further study. And so we would make a substitute Motion then, if that would satisfy the Speaker, that it be referred to the Judiciary II Committee to be recommitted to that Committee for Interim Study and that would keep it alive. We have a year and a half left. While your ruling may have made some sense before the 1970 Constitution when the Legislature was not in continuous Session, since the 1970 Constitution it's very clear under Article IV that we are a continuous Legislature, that we remain in effect for the full two years and so there's absolutely no basis for the ruling,

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

70th Legislative Day

June 24, 1981

particularly in view of the substitute Motion that I proposed."

Speaker Daniels: "Representative Katz, if we were dealing with a Motion to commit to Interim Study that would be one matter. The Motion is explicit. The Motion states to recommit Senate Bill 867 to the Judiciary II Committee. The effect of that Motion, if carried, would be to table Senate Bill 867. And it's by operation of the House rules and it is on that basis that Robert's Rules of Order is very explicit on page 144, if you care to check. And that is the parliamentary opinion. Now, Representative Getty."

Getty: "Mr. Speaker, I don't know if Representative Stearney intends to appeal the ruling of the Chair, but I rise at this time, I think, both on the point of your ruling and on a point of personal privilege. I am the Democratic Member of the Committee on Assignments. The House rules are very, very explicit. In 31F it provides that the Committee on Assignment may not reassign Bills or Resolutions unless at least one Member of the Majority Party and one Member of the Minority Party assigned to the Committee are present. Mr. Speaker and Members of the House, I am the one Member of the Minority Party. This Bill was reassigned from the Judiciary II Committee where it belonged, quite clearly, to the Executive Committee in violation of our rules. Now, if our rules are supposed to mean anything, Mr. Speaker and Members of the House, we ought to at least honor the correct Committee. We ought to honor the rules of our House. This is a question of doing the right thing, Mr. Speaker, and I would ask you to reconsider that tortured ruling that you just made and rule that Mr. Stearney's Motion is indeed in order as our rules also provide that a Motion to commit is in order and that you would rule that it can be recommitted, and that's where it should go so

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

70th Legislative Day

June 24, 1981

that it can be studied by the Judiciary II Committee, so that you will not have a fraud perpetrated upon the Members of the House and the public through violation of our rules in the blatant violation of not having a Member of the Minority present with this was reassigned, Mr. Speaker. And I'm asking you to reconsider that ruling, Sir."

Speaker Daniels: "Representative Getty, I am certain that you understand the opinion of the Parliamentarian that the Motion has the effect of killing the Bill. We now have in front of us a Motion to recommit Senate Bill 867 to Interim Study Calendar of the Committee in which it was heard. Now, that Motion is in order and that Motion will be put. Now, that is put by Mr. Cullerton. If the Gentleman, Representative Stearney, cares to withdraw his Motion we may then go to Representative Cullerton's Motion. Representative Stearney."

Stearney: "Mr. Speaker, I'm not inclined to withdraw and if ... I don't know what the other Motion is, but I'm inclined to appeal the ruling of the Chair. However, if you wish to go on to the other Motion, and that is to send this to Interim Study Committee, perhaps we can consider that and that would render move my Motion along with my further Motion to appeal the ruling of the Chair."

Speaker Daniels: "Representative Getty."

Getty: "I think, in point of order, that is a substitute Motion and it would be appropriate to take Representative Cullerton's substitute Motion first without prejudicing Representative Stearney's right."

Speaker Daniels: "If the Gentleman, Representative Stearney, and the other Sponsors of the Motion appear, we can move to Representative Cullerton's Motion. Representative Kane."

Kane: "I think Representative Getty's point is that this is a substitute Motion and under Robert's and every other rules

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

70th Legislative Day

June 24, 1981

is that that is heard first and Representative Stearney does not have to withdraw his Motion."

Speaker Daniels: "We will go to Representative Cullerton's Motion. Now, on the Motion, so everyone follows. Representative Stearney has filed a Motion to recommit Senate Bill 867 to the Judiciary II Committee. Representative Cullerton has filed a substitute Motion. The substitute Motion reads as follows. 'I move to recommit Senate Bill 867 to the Interim Study Calendar of the Committee in which it was heard'. On that substitute Motion, Representative Cullerton. Representative Barkhausen."

Barkhausen: "Mr. Speaker, I would simply make the point that his Motion to have this Bill placed on Interim Study in Judiciary II is out of order. If we look at rule 35(h) it clearly provides that the Sponsor, I read, the Sponsor of any Bill shall have the right, prior to the commencement of debate on Third Reading to recommit his Bill and I would argue that rule 35 H, giving that right to the Sponsor is an exclusive right and it's not the prerogative of another Member other than the Sponsor to make that Motion."

Speaker Daniels: "Representative Barkhausen, it is the authority of a Body to recommit a Bill if it so desires. Now, next so that everyone understands. The Motion is not to recommit it to the Judiciary II Committee. The Motion is to recommit to the Committee in which it was heard, which would be the Executive Committee. Representative Cullerton on his Motion."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House, this is a Bill which is a very controversial Bill and a very technical Bill. It is one which the Judiciary II Committee last Session considered over a two year period through very long Subcommittee...working

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

70th Legislative Day

June 24, 1981

Subcommittees, and we, as a result, passed out of this House, I believe, it was House Bill 1010. This Bill, as we all know from Representative Stearney's rendition of its assignment, was not heard in the Judiciary II Committee which had many of the same Members who had considered House Bill 1010 the previous Session but rather went to Executive Committee on the last day of Committee hearings when, I am sure, there was not the...enough time to consider such a momentous Bill. And Interim Study is exactly where this Bill should be. If it is necessary to pass the Bill in this Session, it certainly can be done with our rules. We'll certainly provide for it, but with only a week to go after really bypassing the Committee that had considered the same subject matter only two years ago, for us to, in a matter of a few minutes here, late at night after we've been working for so long, it would be absurd. And therefore, I would ask for your support on the Motion to recommit this Bill to the Interim Study Calendar. Thank you."

Speaker Daniels: "Representative Stearney."

Stearney: "Well, Mr. Speaker and Ladies and Gentlemen of the House, in addressing myself to the question, let me say, the problems we created last term by a Bill that was sponsored by Senator Nimrod and Richie Daley and sponsored in this House by the Speaker who is now sitting there. Well, when this Bill became law, lo and behold we found that criminal defendants who were found mentally unfit to stand trial and could not stand trial could nevertheless run the speedy term act and in the 120 days had to be released from the penitentiary and could never be tried again on that very same offense. That is the problem that was created by a Bill that came out of the Senate and then was whipped through here. And lo and behold now, we find

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

70th Legislative Day

June 24, 1981

that same Sponsor, now the State's Attorney of Cook County, came through with legislation that came through our Committee this time and came onto this floor and was passed to solve that problem. Now what I am concerned with is that we don't recreate the same problem we did two years ago, and that is have Bills considered and then ramrodded through, and we find State's Attorneys throughout the State of Illinois unable to prosecute individuals who are unfit to stand trial or have some mental deficiency. This is the utmost concern, and we should be thoroughly concerned with that problem so we do not compound the problem that we did two years ago and are trying to straighten it out again. Remember, if we have similar Bills, Bills of different nature going through, and if they are signed by the Governor like that one was signed two years, we preclude the State's Attorneys from trying people who are mentally ill and who then walk the streets. This is such a serious consideration that this Bill undoubtedly should be recommitted to the Interim Study Committee and then come to Judiciary II at a later date so that we can consider it very thoroughly and carefully and not compound the problem that we did commit two years ago. I ask for an 'aye' vote on this particular measure. And I think the Speaker sitting there should vote for this, too."

Speaker Daniels: "Representative Ewell. Representative Mautino."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like to address the Motion. I would like to address the Motion in terms of a personal privilege. I stand in opposition to recommit this legislation and in favor of the position of the Sponsor of this Bill. But for other reasons that have been presented here on the House floor. Representative Katz and I have been doing battle since House Bill 1010 was passed back in 1975 on this

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

70th Legislative Day

June 24, 1981

particular question which arose from the 'DePouentes' case in Bureau County where the existing law that was passed at that time said a person could not be considered guilty, but must be considered not guilty because of mental illness. What I am saying to you now is that this is the same discussion by the same attorneys to send this Bill back to another burial. I stand before you because it was the case that occurred in Bureau County, and I ask that we have the opportunity in this Session to vote on this most important issue and not have those people who were freed by the court system under our Mental Health Code and the Department of Corrections and Law Enforcement back on the streets. If they are well enough to be back on the streets, they are well enough to be tried in the court of law. I respectfully request that we do not send this legislation back to a Committee."

Speaker Daniels: "Representative Kociolko."

Kociolko: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to this Motion. And frankly I fail to sense the point of the Committee prerogative wrangling that we have listened to here for several minutes. It is my understanding of the rules of this House that any Bill introduced belongs in the Committee to which the Committee on Assignment decides that it belongs. It was the choice of the Committee on Assignment that this Bill should be assigned to the Committee on Executive. Now I happen to have the privilege of serving on the Committee on Executive, and although I make no claim to the title, that Committee happens to contain a number of very eminent legal scholars. This Bill was given a fair hearing in the Executive Committee. It was amended in Committee, and it was recommended 'do pass', and it now stands before us on the Order of Second Reading. I would submit, Mr. Speaker,

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

70th Legislative Day

June 24, 1981

that this Bill is entitled to be considered now on the Order of Second Reading and then hopefully advanced to Third where we may vote upon it on its merits. And therefore, I very heartily encourage a 'no' vote on this Motion. Thank you."

Speaker Daniels: "Representative Ewell, do you want to speak now?"

Ewell: "Mr. Speaker, I am sorry. I thought you were going to another point of order. That is why I pulled my hand down or someone was making..."

Speaker Daniels: "Proceed, Sir."

Ewell: "I would like to speak on his Motion to recommit. I don't believe that in this Body the Constitution provided that we should have 177 lawmakers. I think that each person who sits here in this Body is entitled and capable of making laws for the people of the State of Illinois. That was the purpose of the Constitution. There was no such thing provided for as judicial review by the Judiciary Committee. I, too, have sat in the Judiciary Committee and have debated many, many, many points for many, many hours. I suggest to you that the rules declare that a Bill must be heard by a Committee. It was heard by a Committee. The Committee was the Executive Committee. I cannot say that there is a superior Committee that sits in this Body known as Judiciary II or Judiciary I. That is not under the law of this Body. It is not under the Constitution. The Bill took the required hearing. I think there are Members of this Body who want and have the right to express their opinion without having it precensored, preordained, and predetermined by any particular Committee of this House. It had had a fair hearing. It is a Bill that is entitled to an equitable and open hearing on the floor of this House and have the Members vote on it up or down. And I point

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

70th Legislative Day

June 24, 1981

out to you again that Judiciary II has not been anointed by God or anybody else to sit here on prejudgment of all Bills. And I would suggest that we should oppose Amendment...the Gentleman's Motion to recommit."

Speaker Daniels: "Representative Van Dwyne."

Van Dwyne: "Thank you, Mr. Speaker. I also arise in opposition to this Motion, and I have been like Representative Mautino, fighting this for the last three years. I filed this same Bill, almost identical, in 1979, in 1980, and Representative Katz is the Chairman of the Judiciary Committee buried me. In fact, the first year he wouldn't even give me a hearing. He promised me he would give me a hearing before Fall and I got my hearing next January. And by that time the Bill was already dead. In 1980 I got buried in Rules because it wasn't construed as being an emergency, and so I didn't get it out of Rules. Now this year I filed it, and I did get a hearing in all fairness to Representative Stearney, but he buried me just as effectively with the help of Representative Getty and Representative Katz. Now, I had professional witnesses there, one by the name of Doctor 'Divito', who testified that it was time for this Bill to be enacted whether in my...in the present form that I had filed it, but I also elicited some help from the Committee. I said I am not a lawyer, and I would ask them for their professional help in order to make the Bill Constitutional, which they said it wasn't. So with all of that said, I think it is time to have this Bill heard. It is already law in the State of Michigan, and I think this is the only way that we're ever going to have this Bill heard on the House floor because if it is sent back to Judiciary again, they will do no more than they've done in the past three years, and they will just bury it again. So I oppose the Motion."

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

70th Legislative Day

June 24, 1981

Speaker Daniels: "Representative Watson. Representative Watson, hold that, will you please? Representative Schraeder."

Schraeder: "Thank you, Mr. Speaker and Members of the House. It is quite obvious the leaders of this Motion and the previous Motion by the Chairman of Judiciary II have a special interest in it, and I particularly believe that the Sponsor of the original Motion and the Chairman of Judiciary II has an extraordinary interest in it. In fact, I would say if I've seen a conflict of interest in this House in my number of terms here, this probably is the one that takes all cases. Because it was not assigned to his Committee where he could kill it, as he's killed other legislation of this nature and where he would now attempt to kill it by this Motion, joined with his colleagues who ordinarily serve on Judiciary, it is a vital attempt, and I say it is an extreme attempt, to kill legislation that is extremely important to the State of Illinois. I wouldn't mind so much if this wasn't offered by someone who didn't have a very definite conflict of interest, and I think that of all cases, we ought to override any attempt by this conflict of interest group, and I would very much say that this Motion ought to be debated down, and this ought to be advanced to Third Reading at the earliest possible time."

Speaker Daniels: "Representative Piel."

Piel: "Question of the Chair, Mr. Speaker. Am I correct that this Motion takes 107 votes?"

Speaker Daniels: "We'll make that ruling at the time the question is put. Representative Katz."

Katz: "Mr. Speaker and Ladies and Gentlemen of the House, why do we have a Committee system in the first place? A few minutes ago the House rejected an attempt to place an Amendment on Second Reading on a Bill, and a learned Gentleman from Joliet correctly said that a Bill needs a

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

70th Legislative Day

June 24, 1981

hearing, and that is what we have a Committee system for. The Judiciary II Committee isn't the only Committee in this House. We have a Judiciary I Committee. We have Banking and Savings and Loans. We have a lot of Committees, and each of them acquire a certain specialized knowledge. People who sit on the Education Committee learn far more about education than we will ever hope to know, those of us who are not on the Committee. Just as people on Appropriations Committee acquire an expertise. Now, this is...there is an additional reason that this particular subject is of particular interest. The Judiciary II Committee spent about two years devising a Bill that has worked extremely well to date, House Bill 1010. The fact of the matter is that people who, at one time, committed crimes and were released, are not being released now. The Bill has worked quite well. The Governor signed it, and that Bill passed overwhelmingly this House two years ago. There were not more than a handful of votes against it. It passed overwhelmingly in the House and the Senate. The Governor signed it, and it is a very complex subject. Now when the Bill came up this time, you might look on...at your digest, and you look on page 429, and you see the strange course of events of this Bill. It is right there on page 429 of the digest. And you look and you see that on June 5 it starts out that on June 2, on May 28, it went to the Committee on Assignment. On June 2 it was assigned to the Judiciary II Committee. Voluntarily, the Committee on Assignment assigned it to Judiciary II Committee because it is a criminal law Bill. Lo and behold on June 4 the Committee on Assignment reassigns it to the Executive Committee. And then the next day, a Motion to discharge the Committee is filed, and the Committee on Assignment itself reassigns the Committee to Judiciary II. And then,

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

70th Legislative Day

June 24, 1981

to and behold, on the day before the hearing is to be heard, the Committee on Assignment reassigns it to Judiciary...to the Executive Committee. Four assignments. Isn't that a strange course of events? I assume it may depend on the last person who may have spoken to the Chairman of the Committee. I cannot understand in my own wildest imagination while in one Bill, that was not amended in the process, there were four assignments that took place within a period of a week. Now, I believe that this is a serious subject. Every time we change the law, judges are not able to deal with people who have committed crimes, because the law has been changed. The Sponsor says that Michigan has this kind of law. But 49 other states do not have that kind of law. It follows from what the Sponsor said. I would like not to treat this kind of subject as a special interest Bill. It is a Bill affecting life and death. It is a very technical Bill. I heard the Minority Member of the Judiciary II Committee...of the Committee on Assignment say to you that he was not notified and did not know of the last assignment of the Bill. He read the rule which says very clearly, if you will look in your rules on Rule 31(f), it says that the Committee on Assignment may not reassign Bills or Resolutions unless...unless at least one Member of the Majority Party and one Member of the Minority Party assigned to the Committee on Assignment are present. Mr. Getty said that he is the only Minority Member of that Committee, and that he was not notified of present. I have not heard the Chairman of the Committee on Assignment say that the distinguished Gentleman, Mr. Getty, has misstated the truth, and so we have in the state of this record an admitted violation of the House rules. Admitted by the acquiescence of the Chairman of the Committee on Assignment who has not controverted what Mr.

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

70th Legislative Day

June 24, 1981

Getty has said. I don't believe that that is the way that the Committee process ought to work, and I don't think there ought to be four assignments, reassignments, et cetera. I don't think there ought to be sneak assignments on the last day without notifying the Minority Member. It didn't happen before. The Republicans were treated very fairly in the previous Sessions, those who have been here, and they know that is so. I believe that in fairness, the last proper assignment was to a Committee. These course of events of this subject matter, in addition to the expertise acquired, makes it very clear that the Motion is one that ought to be allowed. We should not approach temporary insanity in a partisan manner. It ought to be taken care of under our rules and with careful study, and I would urge an affirmative vote."

Speaker Daniels: "Representative Epton."

Epton: "Thank you, Mr. Speaker, Ladies and Gentlemen. I don't mean to interject any levity into this, but, Mr. Speaker, I think your microphone was open, and did I hear you mention to your Parliamentarian that all the lawyers were guilty, but mentally ill? Did you say that? I hope you'll deny that, because not all of us fall in that category."

Speaker Daniels: "Most of you. That comment was not made. Representative McBroom."

McBroom: "I move the previous question."

Speaker Daniels: "The Gentleman, Representative McBroom, moves the previous question. The question is 'Shall the main question be put?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The main question is put. Representative Cullerton on his substitute Motion. The Motion, Representative Cullerton, that you have made. On the Motion, Sir."

Cullerton: "Yes, for the record, Mr. Speaker, I wanted to make it

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

70th Legislative Day

June 24, 1981

clear that that Motion is to reassign the Bill to the Judiciary II Committee, Interim Study Calendar."

Speaker Daniels: "Representative Cullerton, I will read to the Body the Motion that you have. 'I move to commit Senate Bill 867 to the Interim Study Calendar of the Judiciary II Committee', is the amended Motion that you filed. Is that correct, Sir?"

Cullerton: "Yes."

Speaker Daniels: "That is the Motion. To that Motion, Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I really want you all to know that this is not, as you may think, a law and order issue. This Bill is ten pages long. It is very possible that it contains some mistakes, some loopholes..."

Speaker Daniels: "Excuse me. Ladies and Gentlemen, please. Proceed, Sir."

Cullerton: "It is very possible that it contains some loopholes because of the fact that it just simply was not looked over with a fine tooth comb as it should have been. This Bill would purport to change about 200 years of practice in this area. I am not saying that it might not be necessary or even a good idea, but it certainly hasn't been considered in the manner in which it should have been considered by this House. Now, as far as the comments about conflict of interest of lawyers, if that was true, it would seem that anyone who happens to have a particular interest, or a particular knowledge, in a certain area who comes to this General Assembly, whenever they vote on that particular Bill that affects an interest that they are aware of, they have a conflict of interest. And that, I think, is absurd. Now, as I said, the point of this Motion is to have this Bill sent to Interim Study so that it can be considered, so

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

70th Legislative Day

June 24, 1981

that it can be looked over. It is...the type of Bill, it is not just a merely Bill. It is a very substantive Bill that should definitely be reviewed by a Committee not on the last day, not when the witnesses who wish to testify against it didn't even know the morning of the hearing which Committee to go to. I think it is pretty obvious that this is the type of thing that really should be studied much further, and I would ask for a favorable vote."

Speaker Daniels: "The Gentleman, Representative Cullerton, has moved to commit Senate Bill 867 to the Interim Study Calendar of the Judiciary II Committee. On that question, all in favor will vote 'aye', all opposed will vote 'no'. It takes a simple Majority. Have all those voted who wish? Representative Deuster."

Deuster: "In explaining my 'no' vote, there have been some very major subjects, such as the death penalty, that have been referred to one Committee or another, and from time to time we do find Committees that have a philosophical orientation which necessitates that Bills will not come out of that Committee. I think this is such a serious and important subject that I am voting against this Motion because I would like to have each and every Member of this Illinois House of Representatives have an opportunity to debate, discuss, and vote on this issue."

Speaker Daniels: "The Gentleman, Representative Preston, to explain his vote."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this Motion for the same reasons that the previous speaker just mentioned. In order to get a fair debate on this Bill, you have to go to a Committee. It has to be assigned to the Committee that is the appropriate Committee to hear this Bill. And the

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

70th Legislative Day

June 24, 1981

Committee that is appropriate is Judiciary II. There is all sorts of shenanigans including an abridgment of our own rules in handling the...this particular Bill. It should have gone to the Committee to which it was assigned and in order to get witnesses to testify and to testify properly and to get a full and complete hearing, you have to use the Committee process to do that. If you believe in the Committee process for any of the Committees, I think that requires an 'aye' vote on this Motion, and I would urge you to do that."

Speaker Daniels: "Representative Fawell."

Fawell: "Thank you, Mr. Speaker. I am a Member of this Committee who is not a lawyer. However, at the beginning...at the beginning of this Session because I knew this Bill was coming up, I did do some reading on it. I did talk to Members of our Bar Association about it. I have talked to some judges about it. This is an extremely complicated and technical Bill. I feel we have some of the best legal minds in the Judiciary II. I think they should get a good look at it before it is passed onto the House. Let them look at it. Let the Committee be set up and take a good look at it - we have good legal minds on both sides of the aisle - before it is presented to this House. I think you are doing a vast injustice to the Committee system when you allow this travesty to continue. Thank you."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On the Motion to commit there are 63 'ayes', 98 'nos', and one 'present'. The Motion fails. That is the substitute Motion. The House will just stand at ease for a moment. The machine appears to be broken. Alright. The substitute Motion has failed. Representative Stearney on your original Motion. The opinion of the Chair is that your Motion is dilatory,

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

70th Legislative Day

June 24, 1981

Committee that is appropriate is Judiciary II. There is all sorts of shenanigans including an abridgment of our own rules in handling the...this particular Bill. It should have gone to the Committee to which it was assigned and in order to get witnesses to testify and to testify properly and to get a full and complete hearing, you have to use the Committee process to do that. If you believe in the Committee process for any of the Committees, I think that requires an 'aye' vote on this Motion, and I would urge you to do that."

Speaker Daniels: "Representative Fawell."

Fawell: "Thank you, Mr. Speaker. I am a Member of this Committee who is not a lawyer. However, at the beginning...at the beginning of this Session because I knew this Bill was coming up, I did do some reading on it. I did talk to Members of our Bar Association about it. I have talked to some judges about it. This is an extremely complicated and technical Bill. I feel we have some of the best legal minds in the Judiciary II. I think they should get a good look at it before it is passed onto the House. Let them look at it. Let the Committee be set up and take a good look at it - we have good legal minds on both sides of the aisle - before it is presented to this House. I think you are doing a vast injustice to the Committee system when you allow this travesty to continue. Thank you."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On the Motion to commit there are 63 'ayes', 98 'nos', and one 'present'. The Motion fails. That is the substitute Motion. The House will just stand at ease for a moment. The machine appears to be broken. Alright. The substitute Motion has failed. Representative Stearney on your original Motion. The opinion of the Chair is that your Motion is dilatory,

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

70th Legislative Day

June 24, 1981

Sir. Now, on the Bill, Senate Bill 867, the Clerk has read the Bill for a second time. Are there any Amendments, Mr. Clerk?"

Clerk O'Brien: "No Floor Amendments."

Speaker Daniels: "Third Reading. Representative Cullerton."

Cullerton: "Mr. Speaker, was there a fiscal note filed on that Bill?"

Speaker Daniels: "Yes, it was filed. It says so on the Calendar, Sir."

Cullerton: "Was it complied with?"

Speaker Daniels: "A fiscal note was filed, Sir."

Cullerton: "It was filed."

Speaker Daniels: "Yeah. Third Reading, Senate Bill 867. Alright, Senate Bill...excuse me. Representative Friedrich, yes, Sir."

Friedrich: "Mr. Speaker, I would like to announce a meeting of the Rules Committee in room 300 at 6:35. Now, in connection with that...for the consideration of Senate Bill 636 and 1064. Now in connection with that, I would like to ask to suspend the rules which provides that the meeting can be held during Sessions, and I would move, Mr. Speaker, that the Rules Committee be allowed to meet during the meeting of this Session. That is Rule 22 that I am asking for suspension of."

Speaker Daniels: "Representative Madigan."

Madigan: "I rise in opposition to the Gentleman's Motion, and I ask, Mr. Speaker, if the posting requirements have been satisfied for this meeting?"

Speaker Daniels: "Representative Friedrich."

Friedrich: "Mr. Speaker, Rule 18(d) says, 'No notice by posting is required for any meeting held on the week preceding June 30 of any Regular Session. The meeting shall be announced from the floor, and I have met that requirement. If he

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

70th Legislative Day

June 24, 1981

objects to that, then, Mr. Chairman, I move a recess for 30 minutes. He can have his choice if he wants to hold up the proceedings of the House."

Speaker Daniels: "Representative Madigan. One second. The House will stand at ease for a moment. Repre...Senator Geo-Karis has entered the chambers. Senator Geo-Karis is now discussing the upcoming Senate - House baseball game with Representative Stearney, and intends to use Representative Stearney for the baseball. Alright, the House will be back. Ladies and Gentlemen,...the House will be in order. Representative Madigan."

Madigan: "Mr. Speaker, I have been advised that the Gentleman's request is within the provision of the rules, and I do not object to his request for leave that that Committee meet while the House is in Session."

Speaker Daniels: "Thank you, Sir. Alright, the Gentleman, Representative Friedrich, has moved to allow the Rules Committee to meet during the House being in Session. Does the Gentleman have leave? No objections, leave is granted for use of the Attendance Roll Call. Alright, the Gentleman has leave. Representative Friedrich, that will be Room 300 immediately. Representative Friedrich."

Friedrich: "In the Speaker's Office, Room 300, in 10 minutes."

Speaker Daniels: "In the Speaker's Office in 10 minutes? So that would be at 6:35 in the Speaker's Office. Representative Preston."

Preston: "Mr. Speaker, could the Gentleman indicate which Bills, again, that are going to be considered?"

Speaker Daniels: "636 and 1064."

Preston: "Thank you."

Speaker Daniels: "Representative Giglio. Alright. The next Bill is Senate Bill 892, Representative Stiehl. Read the Bill, Mr. Clerk."

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

70th Legislative Day

June 24, 1981

Clerk O'Brien: "Senate Bill 892, a Bill for an Act to authorize the Department of Transportation to convey certain parcels of land, Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Daniels: "Representative Stiehl. Cissy Stiehl."

Stiehl: "Thank you, Mr. Speaker."

Speaker Daniels: "Alright, no Motions filed on Amendment #1?"

Clerk O'Brien: "No Motions filed."

Speaker Daniels: "Any Amendments from the floor?"

Clerk O'Brien: "Floor Amendment #2, C.M. Stiehl, amends Senate Bill 8..."

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

Stiehl: "Thank you, Mr. Speaker. Amendment #2 grants the right of the Department of Transportation to transfer access rights to a parcel of land in McLean County. The appraisals have been filed, and I would ask approval of the Amendment."

Speaker Daniels: "The Lady moves the adoption of Amendment #2. Is there any discussion? Representative Ropp."

Ropp: "Yeah, would the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Ropp: "Where is this in McLean County?"

Stiehl: "Well, the...it is a part of a parcel of land that was purchased in 1951 for freeway construction for the consideration of \$264. I have the parcel number here. The value of the land is now appraised at \$67,000, and is for restoration of access rights that are no longer needed. The interested party is the College Hills Mall, and if that doesn't explain it to you, I'll ask the Department."

Ropp: "Okay, thank you."

Speaker Daniels: "Further discussion? Being...Representative Brummer."

Brummer: "Yes, does the Amendment provide that the mall will pay

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

70th Legislative Day

June 24, 1981

the appraised price? Thank you."

Speaker Daniels: "Representative Stiehl, the answer was yes?"

Stiehl: "Yes, absolutely."

Speaker Daniels: "Further discussion? Being none, the Lady moves for the adoption of Amendment #2. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #2 is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, C.M. Stiehl."

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

Stiehl: "Thank you, Mr. Speaker. Amendment #3 is simply a technical Amendment. It is to correct an error in the Bill by deleting 6-1 and inserting in lieu thereof 8-1. I would ask for approval of the Amendment."

Speaker Daniels: "Is there any discussion? Being none, the Lady moves for the adoption of Amendment #3. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #3 is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, C.M. Stiehl."

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

Stiehl: "Thank you, Mr. Speaker. This Amendment allows the state to sell the Chicago Avenue Armory. It is no longer needed. It is a cost containment measure, and I would ask for approval of this Amendment."

Speaker Daniels: "The Lady moves for adoption of Amendment #4. Representative Madigan. Representative Madigan."

Madigan: "Question of the Sponsor."

Speaker Daniels: "The Lady indicates she'll yield."

Madigan: "Representative Stiehl, what is the basis for your statement that this armory is no longer needed?"

Speaker Daniels: "Representative Stiehl."

Stiehl: "It is used very little and not at all for state purposes."

Madigan: "What documentation do you offer to substantiate that

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

70th Legislative Day

June 24, 1981

statement?"

Stiehl: "Well, the Representatives from the Department of Transportation have so indicated, and they have stated that it is to the benefit of the state to actually be allowed to sell this. It will be sold under the State Property Control Act which would give the city...the county the right to buy...purchase this armory within 60 days."

Madigan: "Has there been any..."

Stiehl: "It is...excuse me, Representative. It is the Governor's Office that would like to sell this."

Madigan: "I thought so."

Stiehl: "Not the Department of Transportation."

Madigan: "That is what I thought. Has there been any input from the community?"

Stiehl: "I'll...just a moment, and I'll check on that. Not that I am aware of, but let me check and see."

Speaker Daniels: "Representative Stiehl. Representative Madigan."

Madigan: "Yes."

Speaker Daniels: "Representative Stiehl, I think Representative Madigan had a question."

Stiehl: "Yes, Representative Madigan, I have been trying to find an answer to your question, but as...again I haven't been able to contact the Governor's Office."

Madigan: "Let me ask a little...let me be a little more specific. Have you consulted with the Greater North Michigan Avenue Association which is a recognized civic and business organization representing the businesses operating along Michigan Avenue?"

Stiehl: "Well, Representative Madigan, I haven't, but it is very possible the representatives of the Governor's Office have."

Speaker Daniels: "Representative Madigan."

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

70th Legislative Day

June 24, 1981

Madigan: "Are we waiting for an answer or has an answer been given?"

Stiehl: "You mean on...just a minute. What was the name of the organization you wanted to..."

Madigan: "The Greater North Michigan Avenue Association."

Stiehl: "The Greater North....no, they haven't."

Madigan: "Has there been any input solicited from the City of Chicago?"

Stiehl: "I am sorry, Representative Madigan. I really don't know."

Madigan: "Has anyone discussed this proposal with the Northwestern Memorial Hospital? Which, I might add, is located immediately across Chicago Avenue from this site."

Stiehl: "They are aware of the proposal."

Madigan: "Mr. Speaker, I rise in opposition to the Lady's Amendment based upon her response to my questions. I don't feel that there has been enough thought and planning given to this idea. I can understand that the National Guard might decide that any particular armory is no longer needed. But I do feel that they are under an obligation to consult, number one, with the City of Chicago, because that armory has always been intended to be the location for services which would be used to protect the City of Chicago and the downtown area of the City of Chicago. Just as an example, during the conventions which...during the riots which occurred during the Democratic National Convention of 1968, this armory was the command post for those forces which were deployed in the downtown area to protect that area from the riots which were occurring at that time. But clearly there is a need for a National Guard armory in this locale. If not at this specific location, then somewhere else relatively close. Secondly, this area is highly populated and highly developed. As I just cited, the

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

70th Legislative Day

June 24, 1981

Northwestern Memorial Hospital, which is a gigantic institution is immediately across the street. There are highrise apartment buildings surrounding this cite. The Watertower Place apartment complex and shopping center is immediately across the street from this cite. Clearly, in light of the high density of the area, there should be a determination made by the National Guard, by the Governor's Office, that this area could actually absorb any more density. There has been no evidence offered tonight to indicate that there has been any attempt to gather community input, that there has been any attempt to resolve all of the questions which I have just asked. And for that reason, I would suggest that this Amendment should be defeated."

Speaker Daniels: "Representative J.J. Wolf."

Wolf: "Yes, Mr. Speaker and Members of the House, I am kind of surprised at the remarks of the distinguished Minority Leader. I rise in support of this Amendment. I think it is an excellent one. And for those of you who are not familiar with the City of Chicago and that armory, let me point out a few things to you. Not too far away is their naval armory at the foot of Randolph Street which could be used in case of any emergency. I understand that some of the troops that were at the Michigan Avenue...Chicago Avenue armory have already been moved to that particular facility. In addition, at North Avenue and Kedzie there is another armory which is not all that distant. I would think that the City of Chicago would welcome this. I would think that that land value in that area which is excessively high would probably bring in, perhaps, some \$15,000,000. And with construction put on there it would restore it to the tax rolls in which the City of Chicago could derive tax benefits. The armories that were built at

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

70th Legislative Day

June 24, 1981

that particular era were very large barn-like structures which are expensive to heat. There is difficulty there with the parking facilities as far as the existing armory would go. I know they do rent it out. They have polo games there indoors one night a week during the winter and a few other things, but I think that more efficient, modern armories could be built in other locations not too distant from there. And as I say, it would restore the property if it were sold to private enterprise or the City of Chicago would wish to sell it to someone else. It could bring in some tax revenues for the City of Chicago, and we know how desperately they need those for mass transportation and for other facilities and items, and I would strongly urge an 'aye' vote on this particular Amendment."

Speaker Daniels: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Members. I represent the district in which the armory is located as does Representative Sandquist and Representative White. Some of the questions that Representative Madigan raised, I think, are very vital to this issue. First of all, nobody has contacted the North...Greater North Michigan Avenue Association, the Near North Side Association, or more importantly, the Streeterville Association which this armory lies directly in. This armory is east of Michigan Avenue. It is on prime property. It is right behind the Watertower and the Hancock Building. It is adjacent to Lake Shore Park. This facility is used tremendously by the community and is serving a very good service to several different groups. Representative Wolf indicated that they have polo matches. Well, also Loyola University uses the facility. Northwestern University uses the facility. Saint Ignatius' High School track team runs there, and that is the place where Tom O'Hara was trained. And many of you

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

70th Legislative Day

June 24, 1981

know that Tom O'Hara was the first man to ever run a mile under four minutes in the history of this country. He trained at that armory. There are also many fairs there. We need this facility at that location for a number of reasons. When we have fires or when we have emergency problems, that facility is capable of handling thousands of people and housing thousands of people. If we had a highrise fire, that could be a command post. And it has been recommended by the Civil Defense in the City of Chicago as a command post. I think that for the Governor to take an action like this without having community input is absolutely ridiculous. This is one of the more politically sophisticated communities that we have in the State of Illinois, and I think that if we had this property up for sale, you would find more commercial developers that would want it than you could shake a stick at, and quite frankly, I don't think the neighborhood could take it. We are already inundated with people that come in for Loyola, Northwestern, the medical complex, et cetera. I think that this is untimely. I think that it is unfair to the community to ask that we even vote on this without at least some exposure back home, and for those reasons, I would ask the Representative to take this Amendment out of the record right away. Or if she persists in her Motion, then we'll have to vote against it."

Speaker Daniels: "Representative Johnson."

Johnson: "Representative Stiehl, can you tell the House what the appraised or approximate fair market value of this parcel is?"

Speaker Daniels: "Representative Stiehl."

Stiehl: "The building itself is very old, and it isn't worth much. But the land is worth millions and millions of dollars. Somewhere between \$11,000,000 and \$20,000,000."

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

70th Legislative Day

June 24, 1981

Johnson: "And if this property were sold, that \$11,000,000 to \$20,000,000 would go into the general revenue fund coffers of the State of Illinois. Is that right?"

Stiehl: "Yes, it would."

Johnson: "Well, Mr. Speaker and Members of the House, resisting the temptation to address myself to the reasons why people might oppose this Bill, I would simply say that as a matter of good government, particularly when we're facing a near financial crisis, a fiscal crisis in Illinois, when particularly Members of the Minority Party have come here time after time talking about the need for more money for transportation, more money for criminal justice and so forth, when we have the opportunity to obtain between \$11,000,000 and \$20,000,000 on a practically unused facility, it seems to me to be the height of fiscal folly to turn down this opportunity. I think it is a fiscally reasonable, economically sound decision, and I stand in strong support of Representative Stiehl's Motion."

Speaker Daniels: "Representative Sandquist."

Sandquist: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. This is in the 13th District, and I have sat in on many meetings in the past of the Streeterville Organization with Senator Netsch, with Alderman 'Arterous'. The real problem here is what is going to happen...to be the use of this property. There is no question in my mind that the property is not being used now. Because the armory just does not have the facilities. By the same token, we do need an armory downtown to...at least in the general area of downtown. And it is questionable whether or not the naval armory can serve the purpose. But I think the real thing we've got here is that this is coming out of the blue. The people in the area do not know about it. I don't think there are the provisions in this Bill which

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

70th Legislative Day

June 24, 1981

will give protection to the people and to the city for the sale of it because it has to go to the highest bidder. And I'm concerned. We don't need another highrise in that area. And if the city could buy it or if the...if the park district could buy it, that would be one thing. I also know Northwestern Memorial Hospital is probably interested in it. But we've got to have protections in there, and I cannot support it until we get the protections in there because we certainly do not need additional highrises in that area."

Speaker Daniels: "Representative Brummer."

Brummer: "Yes, when the...will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Brummer: "I thought when state property was sold, at least without an advanced appraisal...has there been an appraisal on this?"

Speaker Daniels: "Representative Stiehl."

Stiehl: "No, Representative Brummer. CDB is doing one presently, and there will be three appraisals that will be done on this property before there is any consideration on the sale. And also, I would like to add that the Governor's Office has assured me that they will meet with any interested organization and with the city or with any group that is concerned or interested in the sale of this property."

Brummer: "Well, under the statutory provisions that you're attempting to authorize the sale, does the city have a first righter refusal at the appraised value?"

Stiehl: "Any local government has the first right to purchase it within 60 days. So certainly, at the fair appraised market value."

Brummer: "When were the appraisals begun?"

Stiehl: "They started them three weeks ago."

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

70th Legislative Day

June 24, 1981

Brummer: "When is completion anticipated?"

Stiehl: "They will be completed when the Bill is passed...after the Bill is..."

Brummer: "You mean if we pass this Bill tonight they will be completed tonight. If we pass it in the Fall, they will complete them then?"

Stiehl: "No, no, no, no, no, no, after the Bill is signed into law, the appraisals will then be completed. Otherwise there is just no reason for the appraisals."

Brummer: "You...well, now, I just asked you previously on the prior Amendment if that property had been appraised, and you indicated it had. In fact, my recollection is that before state property is sold, it has always been appraised. We've had many real estate Bills here authorizing the sale of surplus state property. They have...to the best of my recollection, all those properties have been appraised prior to the time the Bill or the Amendment is presented on the House floor. I find it kind of curious that here is a property that has a value someplace between \$11,000,000 and \$20,000,000, but we don't have an appraisal before it is presented on the House floor. And I am just curious as to why this is an exception when it is probably the most valuable piece of property we've considered in the last five years that I have been here."

Stiehl: "Representative Brummer, this does not authorize...this is not for the sale of the property. This is simply the authorization to consider the sale of the property. And the Bill...the Amendment clearly states that it must be above fair market value to add all above."

Brummer: "Yeah, but this authorizes the sale of the property."

Stiehl: "The others all have specific buyers and prices."

Brummer: "Right, I understand that, but this authorizes the sale

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

70th Legislative Day

June 24, 1981

of the property. Without this Bill, this property could not be sold."

Stiehl: "It is the same provision as Peoria State Hospital or the Geneva Girls' Schools."

Brummer: "Is that in this Bill also?"

Stiehl: "Which we have also accomplished in this same manner."

Brummer: "If this does not authorize the sale of this property, you mean after we have the appraisal we will come back with another Bill to authorize the sale of the property?"

Stiehl: "No, this is..."

Brummer: "So this is the last opportunity we have to look..."

Stiehl: "...The authority to sell at the appraised fair market value. There will be three appraisers."

Brummer: "Mr. Speaker."

Speaker Daniels: "Representative Brummer. Proceed, Sir."

Brummer: "I would like to make a Parliamentary Inquiry. I think Rule 32G specifically provides that no Bill directing the conveyance by the state of any particular interest in real estate to any individual or entity other than a governmental unit may be voted upon in Committee or upon Second Reading unless a certified appraisal of the value of the interest has been filed. It appears that from what I understand, this certified appraisal of the value has not been filed, and it would seem to me that it is premature, at this point, in accordance with the provisions of Rule 32G to consider this matter."

Speaker Daniels: "Representative Stiehl."

Stiehl: "Well, Mr. Speaker, this is not a conveyance of land. It is an authority to sell."

Brummer: "Mr. Speaker."

Speaker Daniels: "Representative Brummer."

Brummer: "The rule says no Bill authorizing or directing the conveyance. The rule further goes on to state that the

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

70th Legislative Day

June 24, 1981

appraisal shall be filed with the Clerk of the Committee to which the Bill was assigned and shall be part of the permanent Committee record."

Speaker Daniels: "Representative Vinson."

Vinson: "I think, Mr. Speaker, that Rule 32G is only operative in such cases as where the conveyance is directed to a particular party. The conveyee has to be a particular...has to be an identified party in the Bill or Amendment. And in the case of this particular Amendment, there is no identified conveyee."

Speaker Daniels: "Representative Kane."

Kane: "Mr. Speaker, I would agree with Representative Vinson. If there was subsequent statutes that would have to come before the House before the property could be sold. I think that the protection of the rule is to protect us in the sale of a property if it is a final authorization for a sale. If it is the considered opinion of the Chair that no other statute is required after this is passed to allow for a sale, then I think you would have to rule that the rule applies and that the appraisal has to be on file with the Committee. If it is the consideration of the Chair that further legislation is required and that the property could not be conveyed without subsequent legislation, then you could rule that this particular rule does not apply. But I think that if this is final legislative action, then you would have to rule that the rule applies."

Speaker Daniels: "Representative Brummer."

Brummer: "Yes, the Sponsor had indicated this was final action. There was no further legislative action required. I would further point out that in the Bill itself it authorizes the Department to execute a deed and deliver it to the purchaser. You know, it would appear to me that this is clearly final legislative action with regard to any other

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

70th Legislative Day

June 24, 1981

matters concerning this property. And it would appear to me the rule clearly applies and cannot be...the Bill cannot be considered until a certified appraisal has been filed. And I think that is for a very obvious reason to safeguard the opportunity and the rights of the Members to examine the appraisal to determine if it appears to be in order and properly done, and that is exactly why the...we have the appraisal method and it is written specifically into the rules."

Speaker Daniels: "The Chair has consulted with the Parliamentarian and it is the ruling of the Chair that...or the opinion of the Parliamentarian that the Amendment in its form merely authorizes the action of the Adjutant General of the State of Illinois acting through the Department of Administrative Services. Pursuant to existing statute, to authorize the sale of a particular piece of property, the rule, 32G, is a rule that applies to the direct conveyance to a particular individual or entity. And the Amendment does not do that. It would be a non-governmental entity, and the Amendment does not do that. And therefore, the particular rule, referred to by Representative Brummer, does not apply. Representative Brummer."

Brummer: "I trust the Parliamentarian fully examined the Bill prior to making that ruling. The Bill also provides that the possibility of a sale of this property at private sale to an individual. And it would seem to me clearly that Rule 32G is meant to address that type of a situation. There are several different types of sales authorized in this Bill, one of which is a private sale. And it would seem to me clearly that if we have that private sale, unless the Chair is ruling that there is further authorization Bill required by the General Assembly at some

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

70th Legislative Day

June 24, 1981

subsequent date. If that is the case, I, for the life of me, don't understand why Section 7-4, then, authorizes the Department to execute a deed and deliver it to the purchaser."

Speaker Daniels: "Representative Stiehl."

Stiehl: "Thank you, Mr. Speaker. This Amendment allows the state to sell the Chicago armory as we said. Pursuant to the Property Control Act, county and city governments will have the preference. Within 60 days, they will be able to bid on the property. All they must do is bid a minimum of the appraised fair market value. If the city or any local government entity does not desire to purchase the property, then it is provided that it will be sold at public auction, not a private sale, it's at public auction within 180 days. And in no case may the property be sold at less than the appraised fair market value."

Speaker Daniels: "Representative Kane."

Kane: "Is the effect of your ruling that this Bill does not authorize the conveyance by the state of this property to any private individual or entity? Is that the effect of your ruling?"

Speaker Daniels: "Restate that, Representative Kane."

Kane: "Is the effect of your ruling that this Bill in its present language does not authorize the conveyance by the state of this property to any private individual or entity?"

Speaker Daniels: "It may, Sir, but that would be pursuant to the Property...State Property Control Act."

Kane: "Well, could you enlighten us, then, onto what particular kinds of Bills or Amendments that Rule 32(g) applies to, because the effect of your ruling is to make 32G a nullity."

Speaker Daniels: "The Parliamentarian, Representative Kane, is of the opinion that Rule 32(g) refers to a direct

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

70th Legislative Day

June 24, 1981

authorization or conveyance to a particular non-governmental entity or private individual, but a particular person pursuant to a conveyance. Whereas the Amendment is general in nature and referring to the adjutant general's authorization to sell on behalf of the State of Illinois pursuant to the statute of the State Property Control Act."

Kane: "In other words, it is the ruling of the Chair that the Rule 32G applies only if the Bill specifies that the property will be sold to a particular individual and that the rule does not apply if no particular seller or recipient is named in the Bill."

Speaker Daniels: "That is the opinion of the Parliamentarian."

Kane: "And that is your ruling?"

Speaker Daniels: "That is the Parliamentarian's opinion."

Kane: "Well, is that your ruling?"

Speaker Daniels: "Representative Getty."

Getty: "Mr. Speaker, I know that now four times you have avoided saying it is your ruling. And I hope I read into that, because I know, Sir, you personally always try to be a fair man. When you sit in that Chair you're the Speaker for this whole House, not just for the Republican side. You're the Speaker for the whole House. And I understand, Sir, why it would be important to the Republican Party, to you..."

Speaker Daniels: "Excuse me, Sir. One second, Sir. Representative Stiehl."

Stiehl: "Mr. Speaker, would you take this out of the record temporarily?"

Speaker Daniels: "Alright, we will... Representative Stiehl. Representative Getty, just one second, Sir. We will take the matter out of the record. We will talk to you further, Representative Getty, and pick up at this point when we get

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

70th Legislative Day

June 24, 1981

back to the Bill and make sure that whatever remarks you have or wish to make regarding the Parliamentary opinion or ruling of the Chair will be properly addressed, Sir. So we're going to take Senate Bill 892 out of the record. We're going to go on then...that is temporarily momentarily. Representative Kane. Representative Kane."

Kane: "Has the Chair made a ruling?"

Speaker Daniels: "No, we will get back to that, Sir."

Kane: "The Chair has not made a ruling?"

Speaker Daniels: "No, I have stated the opinion of the Parliamentarian. We have not as of this point, made a ruling."

Kane: "Thank you."

Speaker Daniels: "Yes, Sir. Okay. Senate Bill 892 is temporarily taken out of the record. Senate Bill 909. Representative Epton in the Chair, and the Rules Committee will meet...Representative Friedrich."

Friedrich: "Well, because of the involvement with this Bill of the Majority Leader and some leadership...Members of the Rules Committee, the Rules Committee was recessed until 7:30."

Speaker Daniels: "Alright, the Rules Committee has been recessed until 7:30 in the Speaker's Office, Representative Friedrich? And will meet at 7:30 in the Speaker's Office. The next bill, Senate Bill 909, Representative Hoxsey. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 909, a Bill for an Act to amend the Cigarette Tax Act, Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Daniels: "Any Motions filed?"

Clerk Leone: "Motion. I move to table Amendment #1 to Senate Bill 909. Representative Hoxsey."

Speaker Daniels: "Representative Hoxsey, your Motion to table

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

70th Legislative Day

June 24, 1981

Amendment #1."

Hoxsey: "Yes, Mr. Speaker. Amendment #1 was replaced by Amendment #2 in Committee. Thereby, Amendment #1 is no longer necessary on the Bill."

Speaker Daniels: "The Lady moves to table Amendment #1. Is there any discussion? Being none, all those in favor signify by saying 'aye', 'aye', opposed 'no'. The 'ayes' have it. Amendment #1 is tabled. Any further Motions on Committee Amendments?"

Clerk Leone: "No further Motions."

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #3, Martire, amends Senate Bill 909 as amended."

Speaker Daniels: "Representative Martire, Amendment #3. The Gentleman on the floor? Representative Hoxsey."

Hoxsey: "I would move to table Amendment #3."

Speaker Daniels: "The Lady moves to table Amendment #3. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #3 is tabled. Further Amendments?"

Clerk Leone: "Amendment #4, Martire, amends Senate Bill 909 as amended."

Speaker Daniels: "Amendment #4, Representative Martire. The Gentleman on the floor? Representative Hoxsey moves to table Amendment #4. All those in favor signify by saying 'aye', opposed 'no'. Amendment #4 is tabled. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. Senate Bill 935, Representative Vinson. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 935, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Second Reading of the Bill. No Committee Amendments."

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

70th Legislative Day

June 24, 1981

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Greiman, amends Senate Bill 935
on page one..."

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

Greiman: "Thank you, Mr. Speaker. Senate Bill 935 is a Bill which amends the Marriage and Dissolution Act and provides that if a wife obtains an abortion without having received the written consent of her husband, that that is a ground for divorce and it apparently is a ground for divorce as long as they are married so that he would be able to hold that over her head as long as, you know, twenty years later. He could still turn and say, 'Alright, the time's up. Out you go.' Well, if that's a fair thing and I'm not going to comment on that until Third Reading. It seems to me that the purpose that what's happened is that wife, by not getting the husbands consent, has irrevocably, and gotten the abortion, has irrevocably made sure that that child will not be born. This Amendment #1 intends merely to do equity and justice and it provides that where a husband obtains a vasectomy without the written consent of the wife, that indeed that too should be a ground for divorce. It seems to me that if one is, after all, fair for one it is fair for the other. Certainly, a vasectomy is a rather final and complete thing. So that, in a sense, that the... there are no petitions for rehearing, yes. So that... as an abortion is a final, terminal act. So a vasectomy is a final, terminal act and, accordingly, both touch upon the ability of this couple to have children. I have oodles and oodles of children and I get some pleasure from them, some displeasure, but mostly pleasure. What's happened is that the wife, by getting the abortion without the consent of her husband, cuts off his pleasure or hopeful pleasure with the child, and, similarly, when the

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

70th Legislative Day

June 24, 1981

husband gets a vasectomy, he cuts off the wife's pleasure at motherhood and watching the children grow. Accordingly, I would ask that we adopt this important Amendment #1."

Speaker Daniels: "Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Would the Sponsor yield for a question?"

Speaker Daniels: "Indicates he will."

Vinson: "Mr. Getty... or Mr. Greiman, I'm confused as to why, if you're interested in equity in this particular principle that you appear to be espousing, why you would have not created a similar right of action for the husband in the event that the wife obtained a hysterectomy. Could you elucidate on that?"

Speaker Daniels: "Representative Greiman."

Greiman: "Well, Sam, you, of course, have the power to amend. I tried to think of something to work on the rhythm system, but I just couldn't draft it. If you like, Sir, if you feel that would make pure equity, then I certainly recommend for you to put in that kind of an Amendment. I think the House would pass most anything you put in."

Vinson: "You would agree that people who.."

Greiman: "I beg your pardon?"

Vinson: ".. You would agree that people who can't work on the rhythm system can't be harmonious with this Bill. To the Bill, Mr. Speaker. To the Amendment."

Speaker Daniels: "Proceed, Sir."

Vinson: "I would urge the Membership of the House to reject the Amendment. The Amendment is not an equitable response to the Bill because what the Amendment does is to gloss over the entire purpose for the Bill. The purpose for the Bill is to create a right of action for divorce in the instance where a wife obtains an abortion without any consent or conversation with a husband. The purpose of the Amendment

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

70th Legislative Day

June 24, 1981

goes to a vasectomy, and I would argue to the Members of the House that it is this issue which goes to the entire heart of the abortion issue. What Mr. Greiman has failed to understand is that some people recognize the distinction between the prevention of pregnancy and the termination, unlawfully and illegally of a life after it's been born, after it's been created. He has failed to understand that. I don't believe we'll ever bring him to understand that. And I believe, because of that, his hands are unclean to amend an abortion Bill, and I would urge that you vote against it."

Speaker Daniels: "Representative Giorgi."

Giorgi: "Mr. Speaker, I'm having the seriousness of the situation between these two attorneys arguing this Bill and they're talking with such definitiveness and finality that I'm wondering, if a person came into your offices and asked for a divorce on the basis of this Bill, would your fee be cut in half? Either one of you can answer."

Speaker Daniels: "Representative Pullen."

Pullen: "Mr. Speaker, I guess that this has occasion to a great deal of frivolity and hilarity and I was going to suggest that the Gentleman, in offering this Amendment, is being cute. But I think, instead, that I owe a debt of gratitude to the Gentleman for offering this Amendment because he has finally brought it out clearly into the open that those who advocate abortion believe that abortion ought to be a form of legal birth control. And I think that this Amendment, whether the people who said, 'Oh', like it or not, finally demonstrates that kind of mentality, and I certainly do not think that a form of permanent birth control is equivalent to the brutal snuffing out of human life. I really don't think it's very funny."

Speaker Daniels: "Representative Vitek."

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

70th Legislative Day

June 24, 1981

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

Speaker Daniels: "Lady has moved the previous question. The question is, 'Shall the main question... I mean... Excuse me. You all look alike. 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 main question's put. Representative Greiman, to close."

Greiman: "One of the last speakers suggested that there was a degree of frivolity in the presentation of this Amendment. Let me give you a situation which I don't particularly think is frivolous. Illinois remains, as you will recall from House Bill 1515, a fault state for divorce. You must have fault. What if a couple are in the midst of a divorce case. The woman has grounds. She has grounds in a divorce case. She then finds herself raped and pregnant, pregnant by the rapist. She must now go to her husband, to whom she is estranged, and get his consent for that abortion if she is not to create a ground for divorce. Now I don't think that's frivolous. I think that's what's wrong with the Bill, but I think that the Amendment at least brings some fairness to the Bill. I will speak further on the Bill on Third Reading. But it is not made frivolously. There are serious questions, serious problems that human beings, that real people have real people out in the world have with all of the Bills that are in this series, and this Amendment is a fair Amendment that brings equity to this scene."

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

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. Senate Bill 941, Representative

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

70th Legislative Day

June 24, 1981

Leinenweber. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 941, a Bill for an Act in relationship to abortion. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Daniels: "Any Motions filed?"

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

Speaker Daniels: "Any Amendments from the floor?"

Clerk Leone: "Floor Amendment #3, Greiman, amends Senate Bill 941 as amended."

Speaker Daniels: "Representative Leinenweber."

Leinenweber: "I'd like to move to table Amendments 1 and 2."

Speaker Daniels: "The Gentleman, Representative Leinenweber, moves to table Amendments #1 and 2, Committee Amendments #1 and 2. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Committee Amendments #1 and 2 are tabled. Are there any Floor Amendments, Mr. Clerk?"

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

Speaker Daniels: "Representative Greiman on Floor Amendment #3."

Greiman: "I will withdraw Floor Amendment #3."

Speaker Daniels: "Number three is withdrawn. Further Amendments from the floor?"

Clerk Leone: "Amendment #4, Leinenweber, amends Senate Bill 941..."

Speaker Daniels: "Representative Leinenweber on Amendment #4."

Leinenweber: "Amendment #4, Mr. Speaker, Members of the House, is technical in the sense that it corrects certain drafting errors in Amendment #1 which ... 1 and 2 which was adopted in Committee, and I would move its adoption."

Speaker Daniels: "Gentleman, Representative Leinen..."

Leinenweber: "There are no substantive changes from the Amendment, the Bill as it came out of Committee."

Speaker Daniels: "Gentleman, Representative Leinenweber, moves

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

70th Legislative Day

June 24, 1981

the adoption of Amendment #4. On that Motion,
Representative Braun."

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

Speaker Daniels: "Indicates he'll yield."

Braun: "Representative Leinenweber, it's my understanding that there's a Section in this Amendment that deals with the medical practice of invitro fertilization which is fertilization outside of the womb. I'm curious, in light of the benefit that that new medical break-through has provided for childless families, why you would want to restrict that kind of procedure."

Leinenweber: "May I suggest that you hold your questions until... There's an Amendment #11 which seeks to strike that language out of the Bill. You can get into that subject at that time."

Braun: "Does it strike the language similarly in Amendment #5?"

Leinenweber: "Yes."

Braun: "Okay. Thank you, Representative."

Speaker Daniels: "Further discussion? Being none, the Gentleman has moved for the adoption of Amendment #4. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #4 is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #5, Leinenweber, amends Senate Bill 941..."

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

Leinenweber: "I move to withdraw #5."

Speaker Daniels: "Number five is withdrawn. Further Amendments?"

Clerk Leone: "Floor Amendment #6, Greiman, amends Senate Bill 941..."

Speaker Daniels: "Representative Greiman on Amendment #6."

Greiman: "Thank you, Mr. Speaker. This Amendment, Amendment #6 seeks to remove what is commonly known..."

Speaker Daniels: "Excuse me, Representative Greiman. Excuse me."

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

70th Legislative Day

June 24, 1981

Representative Leinenweber. What purpose do you rise?"

Leinenweber: "Is this Amendment printed and distributed?"

Speaker Daniels: "Yes it is, Sir."

Leinenweber: "May I ask the Gentleman, is this essentially the same as three?"

Speaker Daniels: "His answer is yes. Representative Greiman, I'm sorry for interrupting you. Proceed, Sir."

Greiman: "Thank you, Sir. This Amendment is essentially a vigilante or an Amendment to rid this Bill of its vigilante provision. Section 13 provides that organizations or persons can bring Bills... can bring law suits, petitions in courts if there are violations, if there is a situation where there's about to be a violation, where there's a continuing violation. We have state's attorneys. We have parties plaintiff who are injured, but basically this is a criminal law Bill and I believe that the state's attorneys of this state are perfectly competent to bring law suits, to file appropriate remedies, that plaintiffs are perfectly able to file appropriate remedies if they're injured without saying that any adult.... Now, you must read this carefully. I beg for your indulgence. Ladies... Mr. Speaker, a little gavel action."

Speaker Daniels: "May we please have some further order? Please listen to Representative Greiman."

Greiman: "It provides first that any person, anybody can file an action without any kind of guidelines as to what the action should be except that if they believe, if they believe that they are about... someone is about to violate this Act. The Bill allows this vigilante group to come between parents and child. It provides that a petition may seek an appointment of a guardian ad litem of any child, of any child. It doesn't require the court to look into anything as to the appointment of that guardian ad litem. It merely

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

70th Legislative Day

June 24, 1981

says that the court shall make the appointment. Anybody who comes in and asks for a guardian ad litem to be appointed during the trial of that case, whether the people have parents or not and the Bill says, 'whether there are parents or not, the court shall appoint a guardian ad litem during the pendency of the action to represent that child'. No hearing is provided for--for the appointment of that guardian ad litem. Afterwards, after the appointment, then there can be a hearing, according to this Bill. Very unusual, certainly. There is no discretion because it says, 'shall'. There is a presumption in this Bill if there is a violation of irrevocable injury. Now, where is the presumption of innocence? Where is the traditional situation where the plaintiff must bear the burden of coming forward evidence? It is destroyed by this Bill, if you will. There is a suggestion that interveners can come in if they have something called a quote, 'direct liberty interest'. I have no notion and nor does anyone else know what a direct, what a direct liberty interest might be. The Bill further provides that the petitioner, who would be this vigilante organization, is not liable for costs. Who will pay the guardian ad litem? Who will pay the attorney for the guardian ad litem that the court appoints? No matter how frivolous that suit is, no matter how outrageous it is, the petitioner will not be required to pay any costs or fees. How about filing fees? What about the clerks of the court who will not get their filing fees? And, lastly, we have the unusual disparity of allowing the petitioner to recover attorneys fees if he wins, but not the other way. Now, Ladies and Gentlemen of this House, this kind of legislation will cause a great many law suits to be filed, many frivolous, many angry. This Bill is prepared by lawyers for the right to life movement. They are, I'm

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

70th Legislative Day

June 24, 1981

sure, sincere men and women, but not everything that they do is right. Not every legislative proposal they send here is correct. You and you alone have the right, have the obligation to examine the work that they send down here. Examine it and determine whether it makes any sense. Surely, a right to life Bill can be changed if it is so unfair, so untraditional in our legal system and so likely to cause a great deal of legislation. I ask; therefore, that the vigilante provisions of this Bill be stricken. Thank you."

Speaker Daniels: "Representative Stearney."

Stearney: "Would the Gentleman yield?"

Speaker Daniels: "Indicates he will."

Stearney: "What does this Bill deal with?"

Speaker Daniels: "The Amendment, Sir? On the Amendment?"

Stearney: "No, there was reference to the Bill. What does the Bill deal with?"

Greiman: "Pardon?"

Stearney: "What does the Bill deal with?"

Greiman: "The Bill establishes all of those, all of those vigilante provisions that allows a separate organization to go in and file a suit to enforce the Illinois Abortion Act, and my Amendment merely strikes the vigilante provisions. It doesn't change anything else."

Stearney: "What I'm concerned with is this. You mentioned that the.. if the parties, if the parents were there. You have a husband and wife and they've agreed to an abortion. Does this Bill still provide that, where you have that agreement between a husband and wife, that an organization can come in and petition a court to preclude or to enjoin that woman from getting an abortion?"

Greiman: "They could file it. They could sure file a petition. Absolutely."

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

70th Legislative Day

June 24, 1981

Stearney: "They could."

Greiman: "They could file a petition and they could get a GAL appointed for an unborn child."

Stearney: "And that's even where the husband and wife both agree to abortion."

Greiman: "That's what the Bill provides. Absolutely."

Stearney: "Mr. Speaker and Ladies and Gentlemen of the House, I wish to remind... say one thing. First, I have supported the right to life movement and supported their Bills on this floor. However, where you have a husband and wife both agreeing that the wife should have an abortion and then we allow some other entity or some organization, be it XYZ or ABC, to come in and petition a court to preclude the woman from getting an abortion, I think we're going a bit too far in this particular area. This is the woman's right, and if it's allowed under Supreme Court rule decisions and allowed by the statutory and federal statutes, then there's no reason whatsoever to allow any group, any organization under the guise of right to life to come in to preclude that woman from getting an abortion. I think Mr. Greiman is altogether right. This Amendment should be adopted. There comes a point in time when an organization under the guise of state action has gone a bit too far. And when we have parents agreeing to one thing, that is definitely an invasion of privacy and I think this Amendment should, undoubtedly, be passed. You should vote 'aye'. Thank you."

Speaker Daniels: "The Rules Committee will meet immediately in the Speaker's Office. Representative Epton in the Chair."

Speaker Epton: "Representative Leinenweber."

Leinenweber: "Thank you, Mr. Speaker, Members of the House. As the Sponsor of the Bill, I oppose Amendment #6. It has noth.. It does not do what the last speaker was told it did

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

70th Legislative Day

June 24, 1981

do. There can only be a petition filed that alleges a specific violation of the State Abortion Law, and it is obvious that two consenting... a person who wants to have an abortion in Illinois is entitled to have one. However, I'd like to get into the question of the so-called vigilante groups. This is not a new idea. It is used time and time again by other public interest groups, particularly on the federal level. I could point out the many suits that were filed by the Sierra Club and other like-minded clubs when the Alaska Pipeline was being planned. The suits delayed the planning of the pipeline for many, many long torturous years because of the fear of the Sierra Club that the tundra might be damaged. I would suggest to you that, if it's appropriate for public interest groups and people to be interested in protecting the tundra and have access to courts in order to protect tundra, that it is equally proper and right that we should allow groups that are interested in protecting the unborn with the rights to come into court and obtain relief from violations of the state laws relating to abortion, those laws which are property. So, I would urge the defeat of Amendment #6."

Speaker Epton: "Representative Stewart."

Stewart: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Grieman's Amendment and even though I happen to think he's a cute fellow, I don't think this is a cute issue. This is a very serious issue. I realize that it's not one that can be easily debated because it's one that really one has to decide in their hearts and minds and it's an emotional issue. However, I think that certainly this chamber does itself injustice by voting out legislation that is automatically headed to the courts and that will automatically fold before the courts.

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

70th Legislative Day

June 24, 1981

We all know that the provisions of 941 are unconstitutional. I think that Amendment 6 probably makes it a bit better. Certainly the vigilante aspects of this Bill are totally untenable and I would expect that all of us, regardless of your views on abortion, should be able to support this Amendment. Thank you."

Speaker Epton: "Thank you. Representative Kelly."

Kelly: "Thank you, Mr. Speaker. I just want to correct some of the previous remarks made, at least as to my interpretation as to the information that I've received from the pro-life groups on this proposal. This applies to the born, not the unborn. This would provide, for instance, in a hospital where a newborn baby who is mentally or physically impaired and the parents and the physician decide to allow that baby's life to be terminated by starvation or by not giving them any liquids. This would allow an individual or a group to go into that hospital and to file or to petition a court to allow them to intercede in behalf of that child. So that's... There's been some misconception and I am definitely going to oppose Representative Greiman's Amendment."

Speaker Epton: "The Representative from Winnebago, Representative Hallock."

Hallock: "I move the previous question."

Speaker Epton: "The Gentleman... I apologize. I should have taken these ear plugs out. I would have seen the lights sooner. I do apologize. The Gentleman from Winnebago has moved the previous question. All those in favor indicate by saying 'aye', all those opposed 'no'. The 'ayes' have it and my good friend, Representative Greiman and my former good friend, Representative Greiman."

Greiman: "Please, a good friend, Representative, Mr. Speaker... Epton."

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

70th Legislative Day

June 24, 1981

Speaker Epton: "Thank you."

Greiman: "Of course, the last speaker who told us how it was for the born children didn't look at the Act where it says specifically for any child, disabled child or any unborn child or class of unborn children regardless, regardless of whether or not that child already has parents or guardians. The... I suspect that this Act, this provision, is one of the more serious intrusions that government will make upon a family. It will clearly come between family... involve itself in the family decision making process. The States Attorney is well able, in every county in this state, to undertake the enforcement of the law. State agencies, county agencies, are well able, hospital agencies, well able to enforce the law with respect to abuse of children and no one suggests that we need vigilante groups for that. This particular provision is incredibly, incredibly broad. In so far as the Gentleman who spoke about, the Sponsor of the Bill who spoke about this kind of vigilante provision in a Bill that came before that Committee, the Judiciary I Committee, that dealt with consumer vigilante's. He voted 'no' and suggested that it was a terrible idea and that we would have a multiplicity of actions. I reiterate what he said then. It would be a terrible Bill and it would involve a multiplicity of actions. This is the most reasonable Amendment that one could imagine to this kind of Bill. I think that, in the end, the judgement for legislation should be in this room and across the hall and down on the second floor and not in special groups, no matter how interested they may be in the subject matter. We, we here, in this room, are the final arbiters of what goes out in the guise of in the laws of Illinois, and we should adopt this very reasonable Amendment. Thank you."

Speaker Epton: "The Gentleman has moved the adoption of Amendment

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

70th Legislative Day

June 24, 1981

6 to Senate Bill 941. All those in favor signify by voting 'aye', all those opposed vote 'no'. Of course, the Gentleman from Adams, Representative McClain."

McClain: "Thank you, very much, Mr. Speaker. Ladies and Gentlemen of the House, as all of us know, this is a very complicated area of the law. I don't quite understand everything here, but maybe Mr. Greiman or somebody can relate facially what the answer to this question is. I had my light on during the debate. Does this give standing to a group of people to maybe stop a doctor or parents telling after a child has been born that child or children should not be fed, like in the Danville incident and; therefore, not have standing to enjoin that kind of death wish. It has nothing to do with that? Okay. Thank you."

Speaker Epton: "Thank you. Incidentally, the timer's on and I would recognize the Lady from LaSalle, Representative Hoxsey. The Representative from Champaign, Representative Johnson."

Johnson: "Mr. Speaker and Members, I guess it's probably deaf ears. I don't think anybody in the House has a, depending on how you look at it, more consistent pro-life voting record than I do. But I urge you to look at this Bill and see what it does. This is not a pro-life or an abortion versus anti-abortion question. This is eliminating what, in my judgement, is the most blatantly ambiguous, unconstitutional provision that I've ever seen in a Bill in this chamber. It allows any agency or any association or any person to file a petition in court to prevent any violation of this Act which is a huge, 32 page Act, things that are totally 'intra-familial' and allows it, not only a violation of the Act, but somebody that you think they might violate the Act or that are in the course of violating. This is not going to be a pro-life Roll Call.

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

70th Legislative Day

June 24, 1981

If it is, the pro-life groups are just absolutely blatantly wrong. I just can't imagine how we could fail to adopt this Amendment. What you're really doing by voting 'yes' on this is you're saving this Bill and allowing it to be constitutional, because, if this Bill goes to the Governor or is overridden, with this provision in it, the odds are 999 to 1 that it's going to be struck down. I urge a 'yes' vote, here we go, on this reasonable Amendment."

Speaker Epton: "Thank you. Gentleman from Cook, Representative Preston. Have no other lights. Is there anyone else who cares to speak. Representative Ewell."

Ewell: "Mr. Speaker, Ladies and Gentlemen, I think that this simply points out the absurd limits to which some people and some organizations are willing to go. We have now lost sight of all reason. We are losing control of our own processees. I say to you now as I've said in the past, this won't be the last Bill that we'll put through. We will go from this point forward to more and more and more unreasonable positions, more and more unreasonable demands, and the fire will be fed from within that those of you who even believe in right to life, which you have a legitimate right to do, will find yourselves in absurd positions and one day, you too will have to take a look at the Bills. What you're actually doing and saying is that simply because the right to life puts this on their yes list, you're going to vote..."

Speaker Epton: "Please bring your remarks to a close."

Ewell: "It is blind obedience to a cause which is wrong. You shall rue the day that you do this."

Speaker Epton: "Thank you. The Lady from Cook, Representative Topinka."

Topinka: "Yes, Mr. Chairman(sic), Ladies and Gentlemen of the House, to explain my vote. My voting record is one of

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

70th Legislative Day

June 24, 1981

pro-life. I don't believe in abortion. I'm a very conservative person and I don't like to speak on issues until I get, let's say, overwrought at what I think is injustice and outright silliness. This particular Bill I absolutely cannot support unless it has this Amendment on it. This particular Amendment goes beyond the abortion question. It is an interference in family life and it is down right un-American. It becomes government by accusation. I am not a lawyer and I take pride in the fact that I'm not a lawyer. I like to think I'm straight and play according to common sense and don't split hairs. This just gets right down to the nitty gritty of people who are having other people invading their privacy, their civil rights. It is grossly unconstitutional. It is above and beyond the abortion question, and I think really and truly people better ought to look at this. It has absolutely nothing to do with pro-life. It is a violation of basic American rights, and on that I rest my case. Thank you."

Speaker Epton: "Thank you. I don't mind the remark about lawyers, but that remark about splitting hairs really wasn't fair. Has everyone voted? Representative Deuster."

Deuster: "I don't want to prolong this either, but I'm a right to life Legislator, at least I have been and I sponsored a law that we now have that has been adjoined relating to parental consent. I think with unmarried teenagers, they should have parental consent. I'm in favor of the basic thrust of the Bill, but I can't imagine having community groups and outside groups intervening and getting involved in what is a very personal, delicate and difficult decision for a family and for an individual woman. I would urge more Legislators who, in the past, have supported the general purpose and goal of right to life and respect to life to at least join in this Amendment which strikes out

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

70th Legislative Day

June 24, 1981

what I feel is a very, very harmful, disruptive and inappropriate part of the legislation. I would urge more 'aye' votes."

Speaker Epton: "Thank you. Representative Preston."

Preston: "Thank you, Mr. Speaker, Ladies and Gentlemen, just very briefly from the remarks that we've heard here today from some of the speakers. I'm very proud to join them in an 'aye' vote. I have, as have some of the other speakers, had a very consistent and regular voting record usually in the favor of measures that are also supported by pro-life organizations. I do not believe in abortion. I think that there is something holy about a fetus, but this Bill goes far beyond that. This Bill interferes with family relationships, with physician-patient relationships and goes far beyond the grounds of propriety, even for these self-ordained pro-life organizations. So I'm very proud to see the votes of many of the other Legislators."

Speaker Epton: "Gentleman from DeKalb, Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, I haven't voted as yet. When I walked on the House floor, it was a completely different picture up there. I guess this, I suppose, advocates explanation of votes. But I see the trend going the other direction. I haven't heard much of the debate, but, in view of the trend, I'm going to vote 'aye'."

Speaker Epton: "Has everyone voted who wished? Everyone voted who wish? The Clerk will take the record. On this question there are 88 voting 'yes', 47 voting 'no', 17 voting 'present' and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "Amendment #6, Leinenweber, amends Senate Bill 941 as follows. Amendment #7, Leinenweber."

Speaker Epton: "Representative Leinenweber."

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

70th Legislative Day

June 24, 1981

Leinenweber: "Number 7 was a mistake. The Reference Bure...It's technical. It changes a who to a whom and an order to an order. I move its adoption."

Speaker Epton: "Is there any discussion on Amendment #7? No discussion. All those in favor indicate by saying 'aye', all those opposed 'no'. The 'ayes' have it and the Amendment #7 is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #8, Leinenweber, amends Senate Bill 941 as amended."

Speaker Epton: "Representative Leinenweber."

Leinenweber: "This is another technical Amendment. It inserts a line five which was omitted in the previous Amendment. I would urge its adoption."

Speaker Epton: "Is there any discussion on Amendment #8? All those in favor indicate by saying 'aye', all those opposed by 'no'. The 'ayes' have it and the Amendment #8 is adopted. Any further Amendments?"

Clerk Leone: "Amendment #9, Greiman, amends Senate Bill 941 on page one and so forth."

Speaker Epton: "Representative Greiman. Just one moment, Representative Greiman. Representative Leinenweber, for what point do you rise?"

Leinenweber: "I question whether Amendment #9 is germane."

Speaker Epton: "This is a hell of a time to question that. We shall look into it immediately and give you a prompt answer. Representative Leinenweber, while we're discussing it back here..."

Leinenweber: "If to save time he wants to go ahead and present it while we're ... while the Parliamentarian is reading it, that will be alright with me."

Speaker Epton: "Representative Greiman, while we're deciding whether it's in order, would you care to proceed?"

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

70th Legislative Day

June 24, 1981

Greiman: "Yes, I will proceed, very briefly, and I thank the House for the previous vote. Very briefly, we all know that this issue is one which is, in a sense, clawing at the heart of our society. People on both sides, a few committed militant on one side, probably a few committed militant on the other, the great Body of most of us Americans kind of swinging both ways and not being always sure what's right. And it seemed that perhaps we should have an expression on this issue. There were Bills like this on the Equal Rights Amendment and they were probably inappropriate, because, at that time, there was pending, a pending Bill or a Constitutional Amendment before us. This merely allows an advisor referendum to ask the question, a public policy question under our Constitution, 'should the state and federal government enact laws or Constitutional Amendments making abortion illegal under all circumstances?' That's pretty much all there is to it. If we believe that the people perhaps ought to have some guiding force for us. Maybe, if we had this kind of a referendum, it would take some of the pressure off of us, as Legislators, in making up our mind on this kind... on these issues. That's what it's about and I await your ruling, Mr. Speaker."

Speaker Epton: "Representative Kelly, while we're still proceeding to decide this, would you care to respond? Representative Richard Kelly."

Kelly: "Thank you, Mr. Speaker. I appreciate it. Representative Greiman's Amendment would make you believe he's a man of pure fairness by allowing the people of Illinois an opportunity to vote on the abortion issue. About two years ago Representative Greiman, as he did indicate, or at least if he didn't I'll indicate it. He voted against my legislation which would have allowed the people of Illinois

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

70th Legislative Day

June 24, 1981

to vote on the Equal Rights Amendment. Now, he's coming before this Body to ask us to vote on an issue concerning abortion and I, for one, am going to oppose it but for opposite reasons than what Representative Greiman did two years ago. He did it two years ago because he knew the Equal Rights Amendment would not be passed by the people of Illinois. I happen to oppose this measure because I don't like the wording that Representative Greiman has used which has pro-choice connotations. Now, if the Representative would be willing to change the wording, something to the effect that 'would you support the murder of an unborn child' or 'would you favor slaughtering an unborn baby,' then I think the public would be very well aware of what they might be voting on. This is one issue, Representative, that's not going to be thrown into a plastic garbage can. I vote 'no'."

Speaker Epton: "Thank you very much. Never in the history of this Legislature has the Chair been faced with such an awesome question. We have nine different opinions. We have nine different opinions; however, seven of them indicate that it's not germane. Therefore, the Amendment is not in order. The two, Alan, you and I will discuss later. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #10, Cullerton, amends Senate Bill 941 as amended."

Speaker Epton: "I suppose I have to recognize Representative Cullerton. Yes, I guess... The rules provide for that."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I have to give you a little history with respect to Amendment #10. This has to do with the waiting period between the time of the diagnosis and the operation of an abortion. Now, two years ago or perhaps three years ago the Sun Times had an expose' on the abortion clinics on

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

70th Legislative Day

June 24, 1981

Michigan Avenue where they indicated that there were some abortions that were being performed on women who weren't even pregnant. That it was, in effect, an abortion mill. There was a special Committee set up by the House to study these abuses. It was chaired by Representative Holawinski and they made... they were very divided on this issue as to whether or not there should be a waiting period between the time of the diagnosis and the time of the abortion and they split on it. Especially pro-choice Legislators were very split on that issue. I passed a Bill that I sponsored that provided for a 24 hour waiting period. The legislative intent of that Bill was to protect the health of the woman. That's what the concern was, because, in any operation, any operation, medical operation there's always a waiting period between the time of the diagnosis and the time of the operation. Now, what happened was there was another Bill in the Senate that Senator Lemke sponsored that was a, well, you might say the pro-life lobby 24 hour waiting period and they didn't pass my Bill, but they passed their Bill. Their Bill was declared unconstitutional by Judge 'Flomm' citing the legislative history. I was of the opinion that had my Bill passed for the... with the specific legislative intent that I have just stated, that it would have been found constitutional. In either case, this year the pro-life lawyers who draft these Bills have come in with a waiting period that's only 90 minutes and I don't understand it. They supported a Bill last year, three years ago that was 24 hours. So, what this Amendment does is to increase the waiting period from 90 minutes to 12 hours. Now, if you're pro-life, it's clear that you should support such an Amendment because, as ... even though it's not the legislative intent to make to harrass a woman and to make her change her mind, that, in effect,

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

70th Legislative Day

June 24, 1981

could be the possibility if someone was diagnosed as being pregnant and had to wait 12 hours before she made that decision. If you're pro-choice, it might be a more difficult choice to make. But I think, from the medical point of view, you should understand that this is a sound policy to wait between the time of the diagnosis and the time of the actual abortion. Now, I suspect that the pro-life lawyers who drafted this Bill might object because, you know, it's their Bill, but we have just acted, with Amendment #6, to modify this particular Bill and we have shown those lawyers that, while most of us agree with their position, they are not the ones who draft the Bills. We are the ones that draft the Bills, and we can adopt Amendments and modify what they have proposed. So, that's simply what the Amendment does. It increases the waiting period from 90 minutes to 12 hours. The legislative intent is clear, in my mind, that it is not in any way designed to harrass a woman. It is merely designed to protect her health. I ask for a favorable Roll Call."

Speaker Epton: "The Gentleman from... Excuse me. I apologize to you and to Representative Bowman. The Gentleman from Will, Representative Leinenweber."

Leinenweber: "Yes, I would reluctantly urge that the Gentleman's Motion be rejected. He has given his views as the reasons why he feels that 12 hours is preferable to 90 minutes and... but the people who have to defend this legislation in its inevitable challenge feel that, based upon existing case law, that a 12 hour period or a 24 hour period would be held unconstitutional, and it is their considered judgement, the ones who will have to defend the suit, that 90 minutes is about the maximum amount of time that would be constitutionally permissible. So, although I don't consider the Amendment bad if it would be constitutional,

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

70th Legislative Day

June 24, 1981

nevertheless, if it's struck down and there's no waiting period at all and it is the feeling in most of us that some waiting period is necessary, the length; however, will determine its constitutionality. So, with some degree of reluctance, knowing the Gentleman has been interested in this particular area I would urge rejection of his Amendment."

Speaker Epton: "Before I recognize Representative... the Gentleman from Cook, Representative Huskey I want to acknowledge the President of Director... what's your name. Oh. Kempiners, who has no jobs available and doesn't do any of us any good. He's hiding back here but I think some of you should know. Representative Huskey, please."

Huskey: "I'd like to ask the Sponsor a couple of questions on this. Last year on Senate Bill 47 Representative Lemke had a..."

Speaker Epton: "Are you listening, Representative Cullerton? Would you Gentlemen who are in front of Representative Cullerton, he has trouble hearing when you're standing in front of him. I don't quite understand that, but...Thank you. I'm sorry, Representative Huskey."

Huskey: "Well, the reason I know this so well, it was on a Bill that I passed out of here onto the Senate and it was hung onto one of Senator Lemke's Bills, Senate Bill 47, that insisted that a woman be given information from the doctor or the person that was to do the abortion with information concerning the alternatives to abortion. And also I think, if I remember correctly, wasn't there a 24 hour waiting period from the time for her to digest that information before she was to get the abortion?"

Cullerton: "Exactly. And that is the difference betwee... that's the reason why that 24 hour waiting period was struck down by Judge 'Flomm' because he viewed it... He looked at the

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

70th Legislative Day

June 24, 1981

legislative history in the other parts of the Bill and decided that it was clear that that was meant to be, in his opinion, harrassment of the woman. On the other hand..."

Speaker Epton: "Excuse me. Representative Daniels in the Chair. Are you lucky, Cullerton."

Cullerton: "On the other hand, my 24 hour waiting period was based on a Committee that was chaired by a pro-choice Legislator who conceded that for medical reasons there should be a 24 hour waiting period. Now, I'm proposing in this Amendment a 12 hour waiting period. I'm making clear what the legislative intent is and to hear the... Representative Leinenweber say that the drafters of the Amendment think that my... to make it 12 would be unconstitutional. Well, you've just heard what we've considered on this Amendment #6. We have decided that another portion that they put in was clearly unconstitutional. Now, I'm suggesting this is worth a try, especially based on the fact that it is not, in any way, meant as 47 was last year, to allow for the digestion of anti-abortion material, but rather simply for medical reasons to get a longer waiting period."

Huskey: "You're not asking for them to present any... I don't say all anti-abortion material, but any alternatives to abortion. That isn't in part of your Amendment."

Cullerton: "All my Amendment does is simply change 90 minutes to 12 hours."

Huskey: "I think it's a good Amendment. I think it's stepping back into the right direction and maybe we can get some of the old Bill back into this Bill that I thought was a good ..."

Speaker Daniels: "Representative Kelly."

Kelly: "Thank you, Mr. Speaker. I agree with Representative Leinenweber. As he pointed out, the courts have

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

70th Legislative Day

June 24, 1981

consistently found unconstitutional any waiting periods whether it be 12 hours, 24 hours, 48 hours. I certainly agree with Representative Cullerton in his well intentioned meaning here, but the fact remains that the only opportunity and the only chance we're going to have to have the courts uphold any waiting period is to have 90 minutes. This is a potential for an opportunity, for once in the United States, for one state to have one waiting period and we have had, previously, we attempted to have a waiting period. I believe it was 24 hours and it was stricken by the court. I'm going to join Representative Leinenweber in opposing the Representative's Amendment."

Speaker Daniels: "Representative Deuster."

Deuster: "Representative Cullerton, if you would respond to this question. Representative Leinenweber and Representative Kelly are of the opinion that a 12 hour waiting period would be struck down. Are you aware of any court decision, Supreme Court or otherwise, that would lead you to believe that 12 hours would be sustained?"

Cullerton: "The answer to that is yes. It's found in the opinion of Judge 'Flonn'. In striking down the 24 hour waiting period, it's the reasons that he used to strike that down. He said that it was harrassment of the woman and that was the only logical reason to have the waiting period as he looked at the legislative intent of that Bill. But this Amendment and the legislative intent of this Amendment is entirely different. It's based on a study of this House which made recommendations for a waiting period for medical reasons and that's why it would be... that's clearly why it would be constitutional. As a matter of fact, the 90 minute waiting period that we have in this Bill would also be struck down if it didn't have the proper legislative intent. That is, that it's for medical reasons and not for

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

70th Legislative Day

June 24, 1981

harrassment reasons, and that's why I suggest this Amendment is more constitutional than the Bill as it exists right now."

Deuster: "I would ask you this question. I think quite typically in the Chicago Metropolitan Region with which we're familiar, you may have a young girl in the suburbs who's pregnant and wants to have an abortion so she takes the day off school. She takes the bus or the RTA or something. She gets into Chicago. She goes to a clinic. If we have the 12 hour waiting period, she will have to be counseled and then she'll have to come home, then she'll have to take another day off of school, possibly, and go back into Chicago to the clinic. Aren't you concerned that the courts will point that out and say, 'Oh that's an undue, unreasonable burden', and whereas 90 minutes she could do it all on one trip to Chicago."

Cullerton: "That would clearly be a possibility. That would clearly be a possibility that that woman might decide not to have an abortion, but what I'm suggesting to you, as long as we make the legislative intent clear that our intention is to protect, to guard against these mills where they just turn over abortions every few minutes. That's what we're trying to protect against. With that legislative intent, the 12 hour waiting period would be constitutional. As a matter of fact, it would have the bi-product of there being fewer abortions, but that's not the legislative intent of this Amendment."

Deuster: "Mr. Speaker, speaking to the Amendment. I think Representative Cullerton has responded quite well to the questions and concerns that I have. I think 90 minutes is sort of a joke. It's very much like breathalizer tests and I think the decision concerning whether or not you're going to have an abortion and bring that life within your body to

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

70th Legislative Day

June 24, 1981

an end is far more serious than the sort of decision that might require 60 minutes or 30 minutes or 90 minutes or just a short time. I think we ought to take the chance and I speak as one who generally has been in support of the concept of right to life and respect for life. I think we ought to take the chance with the 12 hours and see if we can't get that through the courts because that is more substantial, that's more meaningful and that's really what I have in mind in my own thinking about what a waiting period is. You go down, you go to the clinic. You talk about the abortion, the procedure and then you go home and you think about it over night. Perhaps you discuss it with some friend or with your family and then, if you're really sure you want to go through with this very traumatic and difficult operation, then you'll go back 12 hours later and undergo it. So I think this is a good Amendment and I would urge support for it."

Speaker Daniels: "Representative Flinn."

Flinn: "Mr. Speaker, before we have to hear Monsignor Kelly speak on this issue again, I move the previous question."

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

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. What this Amendment does is change this Bill to increase the waiting period from 90 minutes to 12 hours between the time someone is diagnosed pregnant and the time that they get an abortion procedure. The purpose of this Amendment is to protect the health of the mother who decides to get an abortion so that there is a reasonable waiting period for medical purposes between the time of a

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

70th Legislative Day

June 24, 1981

diagnosis and the time of the operation. That is the reason why we need it. With this legislative intent, this Amendment would be more constitutional with 12 hours than the 90 minutes that is in the Bill right now, and I would ask for a favorable Roll Call."

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

Clerk Leone: "Floor Amendment #11, Satterthwaite, amends Senate Bill 941 as amended."

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

Satterthwaite: "Mr. Speaker and Members of the House, the Section of the Bill that this Amendment addresses cannot be read by looking at the original version of the Bill. You need to combine that with the language that's contained on page 5 in Amendment #1 and the language has to do with a process that is designed to help a couple have a family. There are family, there are married couples who find it difficult to conceive a child and, in some cases, it is possible for them to have a child by having a fertilization invitro. When that process takes place, there is, in fact, a requirement that a number of fertilizations be attempted at the same time and so the result is that many ova are fertilized, some of which end up in an abnormal form. Then the doctor will select what appears to be a viable embryo to implant into the woman's womb so that she can conceive a child. As the Bill is written with the current language from Amendment #1, this would result in the inability of doctors to perform this invitro fertilization process because they would be required to take every fertilized egg and implant into a recipient mother for whom there had been provision made in advance of the fertilization, written

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

70th Legislative Day

June 24, 1981

permission, signed by that woman that the egg would be implanted. Before the process takes place, there is no way of knowing how many fertilized eggs might result and; therefore, no doctor would take the risk of performing this invitro fertilization and having to have a number of recipients lined up ready to accept the fertilized egg. And so while I can understand that it may seem desirable from some people's standpoint to say that all of these fertilized eggs would need to be preserved. In fact, what would happen is that some couples who are very desirous of having a family will, in fact, be deprived of that by a Bill that is so restrictive that doctors will not take this risk. And, for that reason, I would ask for the adoption of Amendment #11 so that this process of invitro fertilization can still continue and that we can, in fact, be pro-family by allowing some couples to have children who would not otherwise be able to."

Speaker Daniels: "Representative Collins."

Collins: "Mr. Speaker, considering the subject under discussion, I wonder if anybody has noticed Mr. Hillman's new vest."

Speaker Daniels: "Can you take a bow, Mr. Hillman? He thanks you, Mr. Collins, Sir. Representative Leinenweber."

Leinenweber: "Thank you, Mr. Speaker, Members of the House. We've had several Amendments here I have not been very vocal on, but I'm going to be very vocal on this Amendment #11 because I'm going to urge each and every one of you to vote 'no' on this Amendment if you consider yourself pro-life. What we're talking about here is outside of the human being creation of life and then destroying that life because perhaps it was not created properly or perfectly. This Amendment, if adopted, would permit willful destruction of fertilized eggs which is human life. That's what this Amendment does. I'm going to call upon all of

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

70th Legislative Day

June 24, 1981

those who consider themselves pro-life to vote that way and vote this Amendment down."

Speaker Daniels: "Representative Satterthwaite, to close."

Satterthwaite: "Mr. Speaker and Members of the House, we are frequently told that to be pro-life and to be pro-family are coincidental and I suggest to you that if you are pro-family and if you leave the Bill in the form that it is now, you will end up being anti-family because you will have denied certain couples within our society who desire to have a family the opportunity for that to occur. And so I urgently ask for your support in this Amendment so that we can allow those families to be created."

Speaker Daniels: "Lady asks for the adoption of Amendment #11. All those in favor signify by saying 'aye', opposed 'no'. 'Nos' have it. The Amendment is...If you prefer. 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? Representative Catania."

Catania: "Thank you, Mr. Speaker and Members of the House. I rise in support of this Amendment. What the Bill does without this Amendment is to say that we are going to refuse to let science try to help people who desperately want to have children have those children. I think that the same kind of people who insisted that the world was flat and who persecuted Galileo are saying that they don't want people to have babies by invitro fertilization. We have a group of theologians sitting around saying, 'Well, we think that if they do this in little dishes, there's something wrong with it and we don't care if a man and a woman desperately want to have a baby. We think that there's something wrong with the process and we don't trust the technology and; therefore, we don't care about that man and that woman and their desperate desire to have a child

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

70th Legislative Day

June 24, 1981

and to have a family.' And I think that the heartlessness of those people should not be honored by recognizing it in this legislation. I think that if we say that we are pro-family, we have an obligation to vote for the people who want to have families, and that's what this Amendment is for. It's to help the people who so much want to have the family. It was no coincidence I think, that the first baby who was born that we know of by this process was called Louise Joy Brown. It was because she brought so much joy to her parents who had given up hope that they would ever be able to have their own ba..."

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

Catania: "They named her Joy because that's what she brought to them and that's what this Amendment would bring to people. If you vote 'no', you're voting to take the joy out of people's lives."

Speaker Daniels: "Representative Pullen."

Pullen: "A 'yes' vote on this Amendment, Mr. Speaker, Ladies and Gentlemen of the House, is a vote for the willful destruction of human life and that's why I'm voting 'no'."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, contrary to the last speaker, a 'yes' vote on this Amendment will, in fact, provide for the creation of life in situations where it cannot happen now without some help. All this does is to allow that help to occur, to create new life where it is wanted, where that new life will be accepted and welcomed into the family, and nothing will help that family if this stays in the... if the Bill stays as it is now."

Speaker Daniels: "Have all those voted who wish? Have all those voted who wish? Representative Fawell."

Fawell: "Thank you, Mr. Speaker. I got a doctor... I got a

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

70th Legislative Day

June 24, 1981

letter from a doctor the other day from Michael... Hospital who does this type of operation every single day. I showed the letter to Representative Leinenweber. I'm sure he will confirm this. In fact, he has a copy of the letter. It says that this Bill will, in effect, stop any procedure that he can now perform to allow people who could not have children, to allow people to have those children that they so desperately want. The only way they can have them is through this procedure. Now, you say you are for life. I have four children. They are the greatest joy in my life. I would suggest you give this same privilege to other people and not prevent it."

Speaker Daniels: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 50 'yes', 97 'nay', 7 'present'. Amendment #11 fails. Further Amendments?"

Clerk Leone: "Floor Amendment #12, Katz, amends Senate Bill 941..."

Speaker Daniels: "Representative Katz on Amendment #12."

Katz: "Could we have a little order, Mr. Speaker? Mr. Speaker and Ladies and Gentlemen of the House, earlier in this Session the General Assembly had some legislation before it that has become well known as the teacher snitch Bill. This particular Amendment seeks to strike what you could call the physician snitch provision of this Bill. There is a provision in the Bill that requires the physician performing an abortion to notify the spouse of the woman of the fact of the abortion. Now, I would want to tell you that that is a totally inappropriate role for a physician. If you want to have somebody sending letters to notify someone, then maybe you can get the county clerk to do it. It is totally inappropriate to require a physician to send a notice to someone that is not the patient of that

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

70th Legislative Day

June 24, 1981

physician. I would point out to you that there are many situations that are encompassed within the broad perimeters of that requirement. Everybody who is married isn't living together. You can have a situation where people, for their own reasons, choose not to have a divorce. They may have been separated for many years. The woman may be raped and she goes to the physician because she has been raped and she does not want to bear a child. It is totally inappropriate to require that physician to send a letter by mail to this husband wherever he may be telling him that he is performing an abortion on that woman. Now, at least with regard to some of the other provisions they prohibit the taking of life. This does not prohibit the physician from performing the abortion. It simply requires him to send a notice to this man, wherever he may be, that he is performing an abortion on that man's wife. Now, the law is rather clear with regard to the unconstitutionality of provisions requiring the notification of the spouse. As a matter of fact, the provision that we passed once before requiring some such provision has been held unconstitutional by the United States District Court and that injunction is still pending. So both from the point of view of its unconstitutionality and from the point of view of the total inappropriateness of requiring physicians to send such notices to people who are not their patients, I really implore this General Assembly to delete that provision in the Bill requiring the physician performing an abortion to notify the spouse of the woman of the fact of that operation."

Speaker Daniels: "Representative Leinenweber."

Leinenweber: "Once again, I'm going to very seriously urge Members of the House to vote 'no' on Amendment #12. The Gentleman is seeking to strike provisions in the Act which

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

70th Legislative Day

June 24, 1981

require, and I would emphasize that the words 'if possible'. It's required if possible to notify the spouse of the person about to receive an abortion. Now it seems to me that if you're married, this is a rather significant decision. Now, the law does provide that you cannot burden the woman by requiring the consent of her husband, but it's quite clear from the case law that reasonable spousal notification would be permissible and it certainly should be. Now, we had provisions which were stricken down and we're seeking to change those by providing this merely that the doctor should, if possible, notify the husband in the event that the woman seeks to have an abortion. I don't know what could be more reasonable than that, and I urge defeat of Amendment #12."

Speaker Daniels: "Representative Katz, to close."

Katz: "It is totally unreasonable to require a physician to be a process server or a notifier of someone that he doesn't even know. It is alien to the physician-patient relationship that that physician be put in an adverse position with regard to his own patient. I would urge the approval of Amendment #12."

Speaker Daniels: "Gentleman moves the adoption of Amendment #12. All those in favor signify by saying 'aye', opposed 'no'. 'Nos' have it. Amendment #12 is lost. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Daniels: "Third Reading. Gentleman from Livingston, Representative Ewing, for what purpose do you rise, Sir?"

Ewing: "Mr. Speaker, I would like to ask special leave of this House that the Revenue Committee meet at 8:30 in room 118 while the House is still in Session. It takes leave of the House."

Speaker Daniels: "8:30 tonight, Sir?"

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

70th Legislative Day

June 24, 1981

Ewing: "Yes."

Speaker Daniels: "Gentleman asks leave that the Revenue Committee meet at 8:30.. one second, Sir. 8:30 this evening while the House is still in Session. On that request, Gentleman from Cook, Minority Leader, Representative Madigan. Representative Ewing, the purpose of your meeting, Sir."

Ewing: "The purpose will be to consider the two Senate Bills containing the roll back on sales tax on farm machinery and equipment."

Speaker Daniels: "That's Senate Bill 636 and 1064. Is that correct, Sir?"

Ewing: "That would be correct."

Speaker Daniels: "Alright. The Gentleman, Chairman of the Revenue Committee, has asked leave for the Revenue Committee to meet to hear Senate Bill 636 and 1064 while the House is in Session and on that Motion, Representative Deuster. Excuse me, Representative Madigan, did you want to be recognized? Representative Madigan."

Madigan: "Mr. Speaker, could you hold the Motion for just 30 seconds?"

Speaker Daniels: "We will. Representative Kulas."

Kulas: "Mr. Speaker, I would move that we move to the Order of Agreed Resolutions so that we can keep up with our approximate adjournment time for tonight. A lot of people haven't had their dinner and we were told we were going to adjourn by 8:00 or 8:30."

Speaker Daniels: "Yes, Sir. Once again, you've been put in the dark. Representative Miller."

Miller: "Thank you, Mr. Speaker. While we are at ease, I wanted to advise the Members of the Committee on Counties and Townships that Representative McMaster's invitation to his apartment still exists. The storm has concluded, apparently, and he wanted me to deliver that announcement."

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

70th Legislative Day

June 24, 1981

Speaker Daniels: "Thank you, Sir. While we're awaiting, Representative Ewing, we're going to hold his Motion for a moment. We have one matter on the Order of Concurrence, page 15 of the Calendar. That's House Bill 590, Representative J. J. Wolf, appropriation Bill. We're going to go to that order of business to take that concurrence. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 590, a Bill for an Act to amend an Act to provide for the ordinary and contingent expenses of the Department of Labor."

Speaker Daniels: "Representative Wolf."

Wolf: "Thank you, Mr. Speaker, Members of the House. The Senate had placed several Amendments on this Bill. Senate Amendment #2 provides for a 500,000 dollar transfer of federal funds to be used for grants made by the Illinois Law Enforcement Commission in FY '81. Amendment #2 also provides for a 20,200 dollar transfer and an 800 dollar supplemental for the Commission of Banks and Trusts for a net increase of 800 dollars. Senate Amendment #3 provides for a 4,300 dollar transfer within the School Problems Commission FY '81 budget. No total change. No change in the total appropriation. That is for the Commission and no dollar increase. Senate Amendment #5 appropriates one million dollars from the Public Utility Fund to the Institute of Natural Resources FY '81 budget to be used for Illinois coal research. Senate Bill 899 is a substantive companion to this supplemental appropriation. It passed out of both the House and the Senate. The increase on this Amendment is one million dollars. Amendment #6, Senate Amendment #6 provides for a supplemental appropriation of a million dollars from the Inheritance Tax Collection Distributive Fund from the State Treasurer for payment to county governments. The Treasurer is required by statute

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

70th Legislative Day

June 24, 1981

to pay 4% of the inheritance tax collected to county governments. The collections of the inheritance tax in fiscal '81 has been higher than anticipated and will exceed the original appropriation of five million dollars. There is a net increase of one million dollars on that particular Amendment. Senate Amendment #7 transfers 22,000 dollars from the FY '81 Illinois State Scholarship Commission appropriation for personal services and related line items to a special line for attorneys fees with no dollar change. Senate Amendment #8 adds 20,000 in federal funds to the FY '81 Illinois State Scholarship Commission appropriation for monetary awards. The Commission received more federal funds than was first anticipated and this appropriation will allow the Scholarship Commission to spend the money. Net increase on that one of 70,000 dollars. Senate Amendment #9 adds two and a half million dollars Communication Revolving Funds to the FY '81 Department of Administrative Services appropriations for telephone... telecommunications line in the Communications Revolving Fund and... one second."

Speaker Daniels: "Gentleman moves to concur in Senate Amendments 2, 3, 5, 6, 7, 8, and 9. Is there any discussion? Gentleman, Representative Darrow, from Rock Island."

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

Speaker Daniels: "Indicates he will."

Darrow: "Representative Wolf, am I correct that this is the appropriation for the Department of Labor, the Illinois State Scholarship Commission and the appropriation, I believe, it's for the Law Enforcement Assistance Administration or what budgets are in here besides those?"

Wolf: "There's Bureau of Employment Securities, Illinois Law Enforcement Commission, School Problems Commission, Institute of Natural Resources and the State Treasurer, the

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

70th Legislative Day

June 24, 1981

Illinois State Scholarship Commission and the Department of Administrative Services."

Darrow: "Thank you."

Wolf: "The total on this is 4,570,800 dollars and I would move that we do concur with the Senate Amendments to Senate Bill ... to House Bill 590."

Speaker Daniels: "Representative Kosinski."

Kosinski: "Will the Chairman yield, please? It's unclear in my mind what happened on the Scholarship Commission. What did the Senate add there specifically in line item?"

Wolf: "Amendment #7 transferred 22,000 dollars from the FY '81 Scholarship Commission appropriation for personal services and related line items. There's no dollar change in that one. Amendment #8 added 70,000 dollars in federal funds for monetary awards."

Kosinski: "Is there a breakdown on monetary awards?"

Wolf: "I don't have one here. The Commission did receive 70,000 dollars more in federal funds than what they anticipated and that's what this 70,000 represents. I can't give you a breakdown."

Kosinski: "Thanks."

Speaker Daniels: "Representative Lechowicz."

Lechowicz: "Mr. Speaker, I believe that the Sponsor of the Bill said that this appropriation is for four million dollars? I think that's incorrect."

Wolf: "Four million five hundred and seventy thousand-eight hundred dollars."

Lechowicz: "In total?"

Wolf: "That's the total net increase by these Senate Amendments."

Lechowicz: "What's the total amount of the Bill, as amended?"

Wolf: "That's the total."

Lechowicz: "You've got four Departments in there and it's a four million dollar budget?"

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

70th Legislative Day

June 24, 1981

Wolf: "These are FY '81 transfers, Ted. They're not their OCE."

Lechowicz: "That's fine. Thank you."

Speaker Daniels: "Representative Matijevich. Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support the concurrence to the Senate Amendments on House Bill 590. We've looked them over. I think some have the mistaken notion that we're talking about the FY '82 with regards to the Scholarship Commission, and these are Amendments that we ought to concur with."

Speaker Daniels: "Representative Bullock. Representative Wolf, to close."

Wolf: "Mr. Speaker and Ladies and Gentlemen of the Assembly, I would just ask for the favorable vote on the concurrence to Senate Amendments 2, 3, 5, 6, 7, 8, and 9 to House Bill 590."

Speaker Daniels: "Gentleman has moved for the concurrence in House Bill 590, Senate Amendments 2, 3, 5, 6, 7, 8, and 9. The question is, 'Shall the House concur in those Senate Amendments'. Final action. It takes 89 votes. All those in favor signify by voting 'aye', opposed voting 'no'. Voting is open. Have all those voted who wish? Have all those voted who wish? Take the record, Mr. Clerk. There are 151 'aye', 8 'no', none voting 'present' and the House concurs in Senate Amendments 2, 3, 5, 6, 7, 8, and 9 to Senate Bill 590. ... 'aye'. 152. Collins 'aye' 153. House Bill 590. Representative Ewing. I'm sorry. Just for the record, House Bill 590 is hereby declared passed. Final action. Representative Ewing."

Ewing: "Yes, the ... I'd like to announce the Revenue Committee will meet immediately after adjournment in room 118."

Speaker Daniels: "Alright. The Revenue Committee will meet immediately after adjournment in room 118. Representative

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

70th Legislative Day

June 24, 1981

Yourell."

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Pursuant to rule 41 A, I move to place House Joint Resolution 42 on the Speaker's Table for immediate consideration."

Speaker Daniels: "Gentleman moves to place House Joint Resolution 42 on the Speaker's Table for immediate consideration. Will you explain what that's about so the Members can know?"

Yourell: "Yes, Mr. Speaker, this has to do with the Committee on... the Joint Committee on Administrative Rules. It has to do with the powers that we gave to that Committee last year relative to the veto of rules of certain agencies who refuse to comply with the objections voiced by the Members of the Joint Committee, and this has to do with the Illinois Health Finance Authority rules that were promulgated and proposed to the Joint Committee. The Committee blocked the rules primarily because they exceeded the Authority's powers. The law authorizing authority applies to license hospitals and specifically requires the Authority to allow smaller hospitals to submit less financial information and the Authority's regulations directly conflict with the provisions of the law. I know that many Members of the House have received letters from hospitals throughout the State of Illinois urging them to vote and object to the rules propounded and presented to the Joint Committee on Administrative Rules by the Illinois Health Finance Authority. This action and Resolution was adopted by 13 Members, or unanimous... or by unanimous vote of the Joint Committee. It's my understanding that those of you who understood and remember the Bill that we passed last Session that has to do with the veto powers recall that there was much debate as to the value of this veto

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

70th Legislative Day

June 24, 1981

authority by the Joint Committee as it relates directly to actions by both the House and the Senate. As you recall, the Resolution must be adopted by the Joint Committee by a three-fifths vote and then, subsequently, presented to both Houses of the General Assembly for action. Now, I have other Sponsors. Members of the Joint Committee are here tonight to tell you perhaps more, in addition to what I've suggested, but I know that most of the explanation has already been expedited by the many, many letters that you have received from the hospitals in your district and throughout the State of Illinois. The added cost of the paperwork alone was estimated at 10 million dollars annually which would, of course, mean an increased cost of about 135 dollars per hospital bed per year, and that was according to a survey taken by the Illinois Hospital Association. The Committee also objected to the provisions the Authority had added to attempt to gain federal approval for the rules and the Authority lacks authorization for negotiating special agreements with the Federal Government."

Speaker Daniels: "Have you completed, Representative Yourell?"

Yourell: "Yes."

Speaker Daniels: "Representative Brummer."

Brummer: "I was anticipating a brief explanation of the Bill rather than a total argument of the Bill because we are on a Motion, are we not?"

Speaker Daniels: "That is correct, Sir. Gentleman has asked... Representative Chapman."

Chapman: "Mr. Speaker, how many votes does it take to suspend?"

Speaker Daniels: "107."

Chapman: "107."

Speaker Daniels: "To suspend the appropriate rule to place it for immediate consideration."

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

70th Legislative Day

June 24, 1981

Chapman: "May I speak in opposition, Sir?"

Speaker Daniels: "You may if you desire."

Chapman: "Mr. Speaker, this is a very complex matter relating to the rules that the Illinois Health Finance Authority has promulgated. Very properly, the Administrative Review Committee has looked at those rules and, as within their province, has objected to them and has filed this Resolution. In the same way that they gave attention to these rules that were offered by the Authority, I believe that this Body also should send the Resolution to Committee and that the Committee should give attention to whether indeed they support this Resolution. This is too complex a matter for this Body to vote on without an opportunity to provide thought, study, deliberation and discussion. This Resolution was just put upon our desks today. I urge you to vote 'no' on a Motion to suspend."

Speaker Daniels: "Representative Reilly."

Reilly: "Thank you, Mr. Speaker. Just briefly on the Motion. The statute is clear that the Joint Committee on Administrative Rules has jurisdiction here. The Joint Committee on Administrative Rules followed the statutory provision, held hearings, spent an... went through an extensive process of analysis of these rules. To say that they ought now to go to a standing Committee of the House would violate the statute. The statute provides that the Joint Committee make its determination and then that the Legislature make its determination. It seems to me entirely appropriate that, along with Representative Yourell, we support this Motion. Of course, we can have whatever debate is necessary once we get to the Resolution itself, but to delay that process seems to me to be a needless waste of time and I would ask for affirmative votes in support of Representative Yourell's Motion."

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

70th Legislative Day

June 24, 1981

Speaker Daniels: "Representative Bower."

Bower: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Reilly is absolutely correct. The Joint Committee on Administrative Rules is made up of three Republican's and three Democrat's from the House, three Republican's and three Democrat's from the Senate. It is a Committee of this General Assembly. This matter was given very careful consideration by a Joint legislative Committee of this Body and I would urge an 'aye' vote on the Motion to take from the table for immediate consideration."

Speaker Daniels: "Representative Ebbesen."

Ebbesen: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. I am not a Member of the Joint Committee on Administrative Rules, but I think their point is well taken and at this late hour in terms of June 30, this matter ought to be dispensed with right now and I would encourage everybody to put at least 107 votes up there so we can consider it."

Speaker Daniels: ""Representative Robbins."

Robbins: "The way the proposed rules stack up on my desk each week, I think it's time we stop letting them adopt about any rules and I say that we should vote 'yes' on this just to show that we do have some interest in the rules that are being made, and we should, at least, let the people back home know that they are governed by law and not just by rule."

Speaker Daniels: "Representative Leverenz."

Leverenz: "Move the previous question."

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

Yourell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is very important to the House... to the

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

70th Legislative Day

June 24, 1981

General Assembly of the State of Illinois and I ask for a favorable Roll Call vote on my Motion to place on the Speaker's Table for immediate consideration so that we can consider the Resolution in both Houses of the General Assembly."

Speaker Daniels: "The Gentleman, Representative Yourell, has moved to suspend the provisions of rule 41 A to place the matter on the Speaker's Table for immediate consideration. All those in favor of his Motion will signify by voting 'aye', opposed by voting 'no'. The voting is open. It takes 107 votes. Has everyone voted who wish? Has everyone voted who wish? Take the record. There are 127 'aye', 13 'no', 1 'present' and the Gentleman's Motion carries. Representative Yourell, moves the adoption of House Joint Resolution 42. There any discussion? Being none, all those in favor ... have to wait for the machine to clear. 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? Take the record. On the Gentleman's Motion there are 138 'aye', 11 'no', 4 voting 'present' and House Joint Resolution... Karpziel 'aye'. 139 'aye', 11 'no', 4 'present'. House Joint Resolution 42 is adopted. Johnson 'aye'. Agreed Resolutions. Representative, read the... We have a... what's...Read the Resolution, Mr. Clerk."

Clerk Leone: "House Resolution 429. Whereas the Honorable State Representative, Philip Collins, is celebrating his 50th birthday today, June 24, 1981. Whereas, he is a distinguished alumnus of the University of Notre Dame, a fact that is made clear of anyone who is within earshot of his automobile. Whereas, he's served his country bravely in the United States Navy during the Korean War aboard ship in the far eastern command. Whereas, the people of the

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

70th Legislative Day

June 24, 1981

30th District elected him to seven consecutive terms in the Illinois House of Representatives where he now serves as Assistant Majority Leader. Whereas, he is an active member of the Continental Insurance Company's Million Dollar Group Club, the Franklin Life Insurance Company's Million Dollar Conference and whereas he holds a Farmer's Pyramid Club Service Award. Whereas, Members of this Body are grateful for the many years Representative Collins has been making important contributions to the legislative process. Whereas, we have always appreciated his friendly, fair manner in dealing with fellow lawmakers. Therefore, be it resolved by the House of Representatives of the 82nd General Assembly of the State of Illinois that we hereby wish Representative Philip Collins a happy birthday and be it further resolved that suitable copies of this Resolution and Preamble will be presented to Representative Collins, to his daughter, Trina, and son, Philip III."

Speaker Daniels: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I think the rules provide that if five people join me we can get a Roll Call on this, on this Resolution. Collins has got his hand up, so maybe this is something he can bring back home with him."

Speaker Daniels: "Representative Bowman."

Bowman: "Mr. Speaker, I filed an Amendment to that Resolution. I don't know if we can take it up at this time. Has it been distributed yet?"

Speaker Daniels: "Emil Jones. The Gentleman, Representative Conti, has moved the adoption of House Resolution 429. All those in favor signify by... Representative Matijevich."

Matijevich: "We better amend it on its face. Phil Collins has been here eight terms not seven terms. I know it even seems like longer than that to many of us, but it is eight

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

70th Legislative Day

June 24, 1981

terms."

Speaker Daniels: "Some people also suggest he looks a lot older than 50."

Matijevich: "He came down with me. I know."

Speaker Daniels: "I said, he looks a lot older than 50. All those in favor of the adoption of House Resolution 429 signify by saying 'aye', opposed 'no' and the Res... Amendment fails. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. House Resolution 429 is adopted. Corrected on its face. Representative Collins."

Collins: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm grateful that you withdrew your request for a Roll Call because I know we would have been in big trouble at that point. I do thank the Members of the House for wishing me a happy birthday on this big 50th birthday of mine, but I would like to say that there is a much more important event than my birthday today. This is also the birthdate of our colleague, Representative Larry DiPrima, who is 71 today."

Speaker Daniels: "I guess at 71 you don't get a Resolution, Larry. Agreed Resolutions."

Clerk Leone: "House Resolution 396, Polk. 415, Madigan, et al. 416, Rigney. 417, Keane. 418, Topinka. 419, Giorgi. 420, Bower. 421, Carey. 424, Chapman, et al. 425, Chapman, et al. 426, DiPrima, et al. 427, DiPrima, et al. 428, Giglio. 430, Collins-DiPrima."

Speaker Daniels: "Representative Conti."

Conti: "Mr. Speaker, Ladies and Gentlemen of the House, House Resolution 396 by Polk, the beautiful Blythe Elizabeth Sawyer of Naperville is reigning as Miss Illinois. House Resolution 415, Madigan, et al, Reverend Michael P. Hogan, former faculty member of the St. Rita High School, Chicago,

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

70th Legislative Day

June 24, 1981

Illinois celebrates his 25th anniversary of his ordination to the priesthood. House Resolution 416, Rigney, the official opening of the long-awaited Rochelle Route 51 overpass will be a part of the city's 1981 Independence Day celebration. House Resolution 417 by Keane, James A. Neil Elementary School at 8255 South Michigan Avenue will mark its 25th anniversary this year. House Resolution 418 by Topinka, Eleanor Sebek of the Cicero-Berwyn Emblem Club No. 169 Supreme Emblem Club of the United States of America will be installed in Atlanta on October 2 as the first Supreme President from the State of Illinois. House Resolution 419, Giorgi, et al, the Honorable Porfi Picchi has decided to call it quits after 45 years in youth work. House Resolution 420 by Bower, Chester Lewis has served the City of Mount Vernon and the State of Illinois for many years, recently stepped down as Chairman of the Board of Directors of the First Bank and Trust Company of Mount Vernon. House Resolution 421, Carey, on May 3, 1981, Father Thomas P. Roeger celebrated the 40th anniversary of his ordination into the priesthood. House Resolution 424, Walter Soroka has contributed to his community by capably serving as a Democratic Committeeman for Palatine Township from 1975 to 1981. House Resolution 425, Chapman, et al, Richard Mugalian has fought staunchly and hard against the waste of taxpayers money on needless Resolutions, and it's a Resolution honoring our former colleague. House Resolution 426, DiPrima, et al, Eugene Carbon of Belleville, Illinois was elected the Department Commander for 1981-1982, succeeding the retiring Department Commander, James Felton. General DiPrima again on House Resolution 427, Harlan Kepple of Brookfield, Illinois was elected the Department Commander from 1981-1982, succeeding James B. King who served as the Department Commander from

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

70th Legislative Day

June 24, 1981

1981 to 1980. House Resolution 428 by Giglio. We congratulate Henry and Adeline Maday on the joyous occasion of their Ruby Wedding Anniversary. House Resolution 430 by Collins-DiPrima. It has come to the attention of this Legislative Body that the lovely Wendy Sue Ackerman of Morton, Illinois will celebrate her 14th birthday, the daughter of JoAnn Ackerman and our esteemed colleague, John C. 'Jay' Ackerman of the 45th Legislative District of Morton. Mr. Speaker, Ladies and Gentlemen of the House, I move the adoption of the Resolutions."

Speaker Daniels: "The Gentleman moves the adoption of Agreed Resolutions. All in favor signify by saying 'aye', oppose 'no'. The 'ayes' have it, the Agreed Resolutions are adopted. General DiPrima....71 years, Happy Birthday, Sir. General DiPrima."

DiPrima: "Well, I'm as sturdy as I ever was, my youth hasn't left me yet. I don't where that...who was the guy that was seeking the fountain of youth down in Florida? Ponce De Leon. Well, I've still got my youth, I'm in the stud. Feel as fit as a fiddle and ready to go. Thank you, thank you very much. Thank you."

Speaker Daniels: "The House of Representative joins in wishing you a very Happy Birthday and many, many more. Representative Kulas. We have General Resolutions."

Clerk Leone: "House Resolution 423, Davis-Matijevich."

Speaker Daniels: "Speaker's Table. Death Resolution."

Clerk Leone: "House Resolution 422, Currie. In respect to the memory of Harry N. Watt."

Speaker Daniels: "Representative Currie moves the adoption of Death Resolution. All those in favor signify by saying 'aye', oppose 'no'. The 'ayes' have it, Death Resolution adopted. Introduction, First Reading. Representative Kulas, 9 o'clock. Excuse me, Representative Macdonald,

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

70th Legislative Day

June 24, 1981

you've been patient, I'd forgotten you for a second."

Macdonald: "Well, it's an event we won't want to forget. I want to remind all of you that the Conference of Women Legislators are having our ham and egg talent contest this coming Sunday on June 28, and if it rains, as it has today, it will be the next day on the 29th. It's going to be a lot of fun. We have room for a few more talented people, if you care to interview with us and of course tickets are available from any of the Members of the Conference of Women Legislators. So we know you will have fun at the State House Inn this Sunday and we hope you will come and join us. Thank you."

Speaker Daniels: "Representative Collins."

Collins: "Mr. Speaker, allowing whatever time is necessary for the Clerk in perfunctory Session to conduct business and/or except reports, I move that the House now stand in recess until tomorrow, June 25, at the hour of 9:00 A.M."

Speaker Daniels: "And Representative Kulas joins in that Motion. All those in favor signify by saying 'aye'...Representative Madigan."

Madigan: "I don't think you can recess until tomorrow. I think that you have to provide for a perfunctory Session and then after the perfunctory Session adjourn."

Speaker Daniels: "After the perf....the Gentleman's Motion is amended to reflect, after the perfunctory Session the House will stand adjourn until 9:00 o'clock tomorrow morning. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The House stands in perfunct after which it will adjourn until 9:00 o'clock tomorrow morning."

Clerk Leone: "Introduction and First Reading. House Bill 1922, Yourell-Winchester. A Bill for an Act to amend Sections of the Election Code. First Reading of the Bill. House Bill 1923, Winchester-Yourell. A Bill for an Act to add the

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

70th Legislative Day

June 24, 1981

election Suspension and Extension Article to the Election Code. First Reading of the Bill. Committee Reports. Representative Ewing, Chairman from the Committee on Revenue to which the following Bills were referred, action taken June 24, 1981. Reported the same back with the following recommendations. Do pass Senate Bill 636 and 1064. Being no further business the House now stands adjourned till June 25, at the hour of 9:00 A.M."

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

PAGE 1

JUNE 24, 1981

HB-1922	1ST READING	PAGE	319
HB-1923	1ST READING	PAGE	319
SB-0223	2ND READING	PAGE	111
SB-0230	2ND READING	PAGE	126
SB-0231	2ND READING	PAGE	126
SB-0235	2ND READING	PAGE	135
SB-0310	2ND READING	PAGE	136
SB-0320	2ND READING	PAGE	136
SB-0356	2ND READING	PAGE	2
	MOTIONS	PAGE	2
SB-0446	2ND READING	PAGE	3
SB-0490	2ND READING	PAGE	4
SB-0547	2ND READING	PAGE	5
SB-0590	CONCURRENCE	PAGE	306
SB-0597	2ND READING	PAGE	7
SB-0606	2ND READING	PAGE	7
SB-0618	2ND READING	PAGE	8
SB-0629	2ND READING	PAGE	14
SB-0647	2ND READING	PAGE	16
SB-0653	2ND READING	PAGE	18
SB-0654	2ND READING	PAGE	21
SB-0657	2ND READING	PAGE	22
SB-0707	2ND READING	PAGE	28
SB-0723	2ND READING	PAGE	30
SB-0733	2ND READING	PAGE	35
SB-0764	2ND READING	PAGE	136
SB-0806	2ND READING	PAGE	161
SB-0808	2ND READING	PAGE	164
SB-0817	2ND READING	PAGE	165
	2ND READING	PAGE	218
SB-0819	2ND READING	PAGE	168
SB-0829	2ND READING	PAGE	228
SB-0867	2ND READING	PAGE	232
SB-0892	2ND READING	PAGE	254
SB-0909	2ND READING	PAGE	269
SB-0935	2ND READING	PAGE	270
SB-0941	2ND READING	PAGE	275
HJR-0042	MOTIONS	PAGE	310

SUBJECT MATTER

HOUSE TO ORDER - SPEAKER RYAN	PAGE	1
PRAYER - REVEREND WORTON	PAGE	1
PLEDGE OF ALLEGIANCE - REPRESENTATIVE FREDERICK	PAGE	2
ROLL CALL FOR ATTENDANCE	PAGE	2
REPRESENTATIVE WOLF IN THE CHAIR	PAGE	39
SUSPENSION OF THE RULES	PAGE	103
REPRESENTATIVE COLLINS IN THE CHAIR	PAGE	105
REPRESENTATIVE WOLF IN THE CHAIR	PAGE	105
REPRESENTATIVE DANIELS IN THE CHAIR	PAGE	126
REPRESENTATIVE COLLINS IN THE CHAIR	PAGE	152
REPRESENTATIVE DANIELS IN THE CHAIR	PAGE	197
SUSPENSION OF THE RULES	PAGE	252
REPRESENTATIVE EPTON IN THE CHAIR	PAGE	280
REPRESENTATIVE DANIELS IN THE CHAIR	PAGE	294
HR 429 - ADOPTION	PAGE	314
AGREED RESOLUTIONS	PAGE	316
GENERAL RESOLUTIONS	PAGE	318
DEATH RESOLUTION	PAGE	318
ADJOURNMENT	PAGE	319
PERFUNCTORY SESSION	PAGE	319
COMMITTEE REPORTS	PAGE	320
ADJOURNMENT - PERFUNCTORY SESSION	PAGE	320