

STATE OF ILLINOIS
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HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

77th Legislative Day

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Speaker Greiman: "The hour of 10:00 having arrived, the House will be in order. The Chaplain for today will be the Reverend Mark Johnson, Associate Pastor, Calvary Temple Church of Springfield. Reverend Johnson is a guest of Representative Michael Curran. Will the guests in the gallery please rise for the invocation? Reverend Johnson."

Reverend Johnson: "Let us pray. Father, we come before You at this hour, and, Father, I would ask You as Your servant that You would be with these men and women in this room as they make decisions at this day and in the weeks that are ahead of them. Father, we would pray that the power of Your Spirit would reveal Yourself to each and every one of them, that they would sense Your Presence, they would sense that You are real and that You care for each and every one of them and as they may be here at this hour with needs in their personal lives, Father, we lift those up before You and pray that they would see Your hand moving to minister to each and every one of those needs. Our state needs You at this hour and our nation needs You at this hour. And I would pray that You will give these men wisdom and understanding to make decisions that would come from Your throne room and that would guide our nation and our state wisely and under Your hand. We ask these things in Jesus' name. Amen."

Speaker Greiman: "Ropp is not in the chamber. Will Representative Krska lead us in the pledge to the flag?"

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

Speaker Greiman: "Roll Call for Attendance. 118 having answered to the Call of the Quorum, a quorum is present. Agreed

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Resolutions."

Clerk O'Brien: "House Resolution 816, offered by Representative Didrickson; 817, Zwick and Greiman - et al; 818, DeLeo - Capparelli - et al; 819, by Ropp; 820, by Washington; 823, by Rea; 824, Hoffman; 825, Stephens. House Joint Resolution 110, by Panayotovich; 111, by Daley; and 112, by Kulas. Also Senate Joint Resolution 95, by Matijevich; and 96, by Saltsman, Matijevich and Pangle. Also House Joint Resolution 113, by Stephens."

Speaker Greiman: "The Gentleman from Winnebago, Mr. Giorgi, on the Agreed Resolutions."

Giorgi: "House Resolution 816, by Didrickson, congratulates Harold Carstead. 817, by Zwick, recognizes the Scandinavian scholarships. 818, by DeLeo - Capparelli, wishes Peter Greco a happy birthday. Ropp's 819 commends J. Lere. 820, by Washington, congratulates Cathedral Baptist Church. Rea notes, 823 notes Coach Herrin's accomplishments. And 824, by Hoffman, a happy birthday. Then we have House Joint Resolution 110, by Panayotovich, talks about a Peter Pavichevich. 111, by Daley, recognizes Robert Healy School. Kulas' 112 tells of Doctor Medwid. 113, by Stephens, commends the Lebanon Grade School. And Senate Joint 95 and 96... 95, Matijevich, thanks the U.S. Navy, and Saltsman's, Matijevich's and Pangle's 96 recommends a memorial. I move for the adoption of the Agreed Resolutions."

Speaker Greiman: "The Gentleman from Winnebago, Mr. Giorgi, has moved for the adoption of the Agreed Resolutions. Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Agreed Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Resolution 814, offered by Speaker Madigan - et al."

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Speaker Greiman: "Committee on Assignment. Death Resolutions."

Clerk O'Brien: "House Resolution 813, offered by Representative Brookins, with respect to the memory of the Bishop Mother Ruby Whitesides. House Resolution 814 (sic - 815), offered by Representative Giorgi and McPike - et al, with respect to the memory of Paul Andricopoulos. House Resolution 821, offered by Representative Countryman, with respect to the memory of Thomas S. Cliffe. House Resolution 822, offered by Representative Shaw, with respect to the memory of Willy Donald 'Donny' Green."

Speaker Greiman: "The Gentleman from Winnebago, Mr. Giorgi, moves for the adoption of the Death Resolutions. Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Death Resolutions are adopted. Committee Reports."

Clerk O'Brien: "Committee on Rules has met and pursuant to Rule 29(c)-3, the following Bills have been ruled exempt on 10/29/85: House Bill 1252, Senate Bills 212, 263, 313, 994, 1307, 1452 and 1468, by John Matijevich, Chairman."

Speaker Greiman: "On page seven of the Calendar appears Amendatory Veto Motions. Page seven of the Calendar, Amendatory Veto Motions. On the Order of Amendatory Veto Motions, on page seven of the Calendar, appears Senate Bill 486. Out of the record. On the Order of Amendatory Veto Motions, page seven of the Calendar, appears Senate Bill 527. And on that, the Gentleman from Cook, Mr. Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move that we override the Governor's veto on Senate Bill 527. The Bill, in its original form, created the Good Samaritan Food Donor Act... or, I should say, the Good Samaritan Food Donor Act was created in 1981 and the purpose of that Act was to extend tort immunity to organizations, charitable organizations that undertake food

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collection and food donor programs to make food available to the poor. And it provided this immunity when these organizations had these food donor programs when, in good faith, the food was distributed for charitable purposes. Presently, there is no agency in State Government that is statutorily involved in giving technical assistance to these charitable programs, to church groups and to other organizations that have these food donor, food collection, food distribution programs. And DCCA is the logical agency to run a technical assistance to assist these charitable organizations in putting these food donor programs together. But there was no statutory provision that would enable them to do that. This Bill, Senate Bill 527, did exactly that. It required DCCA to give technical assistance to food donor organizations that seek to collect and distribute food to the poor. The Governor's amendatory veto here I think was ill-advised, and I think he got some bad advise from his staff, because the amendatory veto eliminates the requirement that DCCA provide technical assistance and act as a liaison for the food distribution programs. I think that the Governor, I'm sure, is in favor of these food distribution programs, especially in light of the cutbacks at the federal level on all types of assistance. And DCCA, being the logical state organization to assist in the technical advice necessary to put a program together, should be that organization that is required to do that. And that's what Senate Bill 527 does. The Governor's amendatory veto was overridden in the Senate, and I'd ask for the Members of this chamber to do as well."

Speaker Greiman: "The Gentleman from Cook, Mr. Preston, has moved to override the Governor's veto on... amendatory veto on Senate Bill 527. And on that, the Gentleman from Cook, Mr. Cullerton."

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Cullerton: "Yes, would the Sponsor yield?"

Speaker Greiman: "Indicates he'll yield for questions."

Cullerton: "Representative, I support your Motion. And in reading the Governor's message, I am really kind of shocked, if I'm reading this right. Have you spoken to anyone from DCCA about this particular Bill?"

Preston: "I have not. Senator Carroll has spoken to people from DCCA about it."

Cullerton: "I would have thought that the Governor could have done a better job at coming up with an excuse to veto the Bill. If I'm reading this correctly, and I'll quote from his letter, 'requiring the Department of Commerce and Community Affairs to provide technical assistance and to act as liaison is outside that agencies statutory authority.' Now, as I understand the Bill, the purpose of the Bill was to give them statutory authority."

Preston: "That's correct."

Cullerton: "That's like saying I can't sign this Bill because it's not the law yet, isn't it?"

Preston: "That's right."

Cullerton: "Well, I think anybody would almost have to be embarrassed to vote against this, wouldn't they?"

Preston: "I would expect, Representative, that both sides of the aisle will join in making this law and overriding the veto."

Cullerton: "The only one I can think of that wouldn't be embarrassed would be perhaps Representative Olson. I have no other questions. I think that it's really clear. The Bill gives statutory authority to DCCA to do something, and the Governor says he can't sign it because they don't have statutory authority to do something. So, given that, I think this is one that we can all just politely override the Governor's veto and get out of here and go to a

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Republican Caucus."

Speaker Greiman: "The Gentleman from Lee, Mr. Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I was prepared to give serious consider to this Bill until Representative Cullerton addressed the issue. I think we're missing the essence of the Governor's message. I think he perhaps indicated that we should give this to Public Aid or maybe the state police or something to make this coordination. To the Bill, I think this is a well-intentioned Bill which is totally without merit. And as a consequence, I would suggest that we reject the Motion to override."

Speaker Greiman: "The Gentleman from McLean, Mr. Ropp. Excuse me, Mr. McCracken, your light was on earlier and then it went off and now it's on again. Okay. Mr. Ropp and then Mr. McCracken."

Ropp: "Thank you, Mr. Speaker. It's been on all the time, except sometimes it blinks and sometimes it doesn't. I would like to ask a question of the Sponsor, please?"

Speaker Greiman: "Proceed."

Ropp: "Is it not the intention of this to provide assistance in disseminating food to whom?"

Preston: "To the poor, Representative."

Ropp: "To the poor? Isn't there probably a hundred different agencies that already do that in the State of Illinois?"

Preston: "No, Representative. As a matter of fact, there is no agency in the State of Illinois that has statutory authority and requirement to provide that assistance. None - not Public Aid, not the state police. And DCCA was singled out for that for a very logical reason. It is major corporations throughout this state, as well as small businesses throughout this state, which have voluntarily started these programs, and these corporations have

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assisted charitable organizations. When a charitable organization wants to collect food, yes, they go to the general population, if you're talking about a small collection. But if you're talking about major food distribution to the poor, they go to major corporations, to Jewel Food, to Dominick's, to other organizations that have the food and may seek to help out a charitable organization by making it available to them."

Ropp: "Well, it seems like in the past they've gone to, like, Salvation Army or Home Sweet Home Mission or other agencies and they, since they deal with these kinds of people on an almost daily basis, that it would be a lot easier and less... less expensive. I guess I'm asking another question relative to cheese that may have been given out by the Department of... U.S. Department of Agriculture. How did they do it without having to go through DCCA?"

Preston: "I can't... I can't answer that. They may have gone through local public aid facilities when they did it. But.."

Ropp: "Why can't we still do that?"

Preston: "Because there is a differe... I'm trying to explain that, Representative. There is a difference. When you talk about the Salvation Army, the Salvation Army, itself, has to go and get food from various organizations. Typically, they go to major corporations for food donations. They don't... They don't come to Representative Ropp and say, 'Can we have two cans of green beans?' They go to major corporations that can give them essentially car loads of food for distribution to the poor. They go to the major companies throughout this state, and the major companies, if they're not in the food business, they contribute sizeable amounts of money to organizations like the Salvation Army. So, DCCA is the natural organization

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to provide the technical assistance since they have a working knowledge, a working relationship with the major corporations that provide the food stuffs and provide the funding for these programs."

Bopp: "I guess if we've been doing this for a number of years, I question whether or not we need it, if we're already doing it. But you think that we're... there is... there is this need because, in fact, no one is really organizing it even though we've been doing it for maybe thirty or forty years."

Preston: "You have to understanding, Representative, this doesn't get DCCA in the business. It gets DCCA only to provide assistance to other organizations that want to put together a program. If we can help the ones that do it now or have been doing it to do it better, to make major corporations and their staffs available to these organizations... these charitable organizations that put together food distribution programs, that's all the better for the needy who, as we come up to the holiday season, both Thanksgiving and Christmas, will be going without."

Bopp: "Okay. If they'd all... Well, I'm not encouraging them all to move to McLean County, but we have a number of social agencies that take care of those needy baskets to every person in need in our area."

Speaker Greiman: "Excuse me. Mr. McCracken, is your light on or off now? It's off. Alright. There being no further discussion, the Gentleman from Cook, Mr. Preston, to close."

Preston: "Thank you, Mr. Speaker. I want to emphasize that this is private sector involvement. This is not government involvement. Government is simply making technical assistance available to the private sector who, with their own resources, seek to fund and administer and administrate

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food distribution programs to the poor throughout the State of Illinois. Delaying passage of this legislation will mean that the poor, the needy, who have nowhere else to go, will go that much longer without having the basic requirement of food provided for them. And for that reason, this is needed. It's needed now, and it's a very small requirement on government, very small indeed. DCCA wasn't down here asking for a 'no' vote on this or asking for the Governor's amendatory veto to be accepted. This is a technical, small change. We're asking to override the Governor's amendatory veto in this matter."

Speaker Greiman: "The question is, 'Shall Senate Bill 527 pass, the veto of the Governor notwithstanding?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open, and this is final action. Gentleman from Cook, Mr. Preston, one minute to explain your vote."

Preston: "Thank you, Mr. Speaker. I must not have made myself very clear, and I overspoke the Bill. This Bill is simply for assistance from DCCA to a private sector organization that wants to collect food from companies or individuals to distribute that food to the poor. The cost of this legislation is minimal. The benefit is maximum, because it would give corporations that minimal assistance that they need to put together their own program at their own expense to see to it that the poor are able to enjoy a Thanksgiving holiday, a Christmas holiday, a good Shabbas, whatever. And for that reason, if we can get some more 'aye' votes up there, I would think this is a wonderful chamber that cares about the needy and the poor in Illinois."

Speaker Greiman: "The Gentleman from Cook, Mr. White, one minute to explain your vote."

White: "Mr. Speaker and Ladies and Gentlemen of the House, I stand in support of this fine piece of legislation. I've

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had the pleasure of passing two Good Samaritan Bills out of this House; one to the Greater Chicago Food Depository and one whereby the restaurants would donate their edible food stuff to pantries and soup kitchens across the State of Illinois. I think that when you have people eating out of garbage cans and eating out of dumpsters, I think it's only fair for us to move to the order of trying to help those who cannot help themselves by giving the assistance that they need in order to eat a meal that is nutritious and good. I urge you to change your red votes to green. You're talking about peanuts, but you're also talking about helping our individuals to live a good life by eating edible, good food."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion there are 68 voting 'aye', 49 voting 'no' and the Motion to override fails. Mr. Preston, did you wish to pursue this matter with another Motion?"

Preston: "Mr. Speaker, I'd like to hold that for..."

Speaker Greiman: "Oh, no, I'm sorry. Yes."

Preston: "I don't want to pursue that Motion at this time. I'd like to speak to the Senate Sponsor before going forward with it."

Speaker Greiman: "On the Order of Amendatory Veto Motions, page seven of the Calendar, appears Senate Bill 583. Mr. Friedrich, I will be with you in a moment. Gentleman from Franklin, Mr. Rea. Out of the record. For what purpose does the Gentleman from Marion, Mr. Friedrich, seek recognition?"

Friedrich: "Mr. Speaker, I'd like to ask for a one hour recess for the purpose of a Republican Conference in Room 118 immediately."

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Speaker Greiman: "The Gentleman from Marion, Mr. Friedrich, has requested a recess for one hour, from 10:30 to the hour of 11:30, for the purposes of a Republican Conference in Room 118. And the recess will be granted. So, the House, therefore, will stand in recess until the hour of 11:30. 11:30 we will return to this chamber, and we will begin promptly to complete the veto... the responsibilities of the Veto Session. So, I would admonish the Members to be in their seats at 11:30 promptly. The House, therefore, stands in recess till that hour. On page seven of the Calendar, on the Order of Amendatory Veto Motions, appears Senate Bill 785. The Gentleman from DuPage, Mr. Hensel. Do you wish to proceed, Mr. Hensel? Are you with us? Out of the record. On the Order of Amendatory Veto Motions appears Senate Bill 1052. The Lady from Sangamon, Ms. Oblinger. Ms. Oblinger, you are recognized."

Oblinger: "Thank you, Mr. Speaker and Members of the House. I move to accept the Governor's recommendations for change in Senate Bill 1052. All it does is make the same crimes or misdemeanors for people being hired as they would be for being fired. The way the Bill was originally drafted, there were certain requirements to be hired and then there were different requirements that you had to base on the firing. This just makes them the same and I would request an 'aye' vote."

Speaker Greiman: "The Lady from Sangamon moves that the House accept the Governor's specific recommendations for change with respect to Senate Bill 1052. And on that, is there any discussion? There being none, the question is, 'Shall the House accept the Governor's specific recommendations for change?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is open, and this is final action. Have all voted who wish? Have all voted who wish?"

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Mr. Clerk, take the record. On this question there are 112 voting 'aye', none voting 'no', none voting 'present'. This Motion, having received the Constitutional Majority, the House does accept the Governor's specific recommendations for change with respect to Senate Bill 1052. On the Order of Amendatory Veto Motions, on page seven of the Calendar, appears Senate Bill 1289. The Gentleman from... from Lake, Mr. Parke. From Cook. Out of the record. Oh, here he is. Alright. Mr. Parke, the Gentleman from Cook, on Senate Bill 1289."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I am going to concur with the Governor on this Bill. Basically, his veto eliminates the provisions permitting payment from the escrow account of all attorneys' fees and related legal expenses of any victim who later recants, where the recantation is the basis of a dismissal or reversal of conviction. Number two, he adds an immediate effective date of the Act. I ask for support."

Speaker Greiman: "Mr. Parke, the Gentleman from Lake, moves that the House accept the Governor's specific recommendations for change with respect to Senate Bill 1289. And on that, the Gentleman from Cook, Mr. Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill... Will the Sponsor yield?"

Parke: "Certainly."

Speaker Greiman: "The Sponsor indicates he'll yield for questions."

Cullerton: "Representative Parke, does this Bill deal with the..."

Parke: "The Dotson?"

Cullerton: "The Gary Dotson type of a case?"

Parke: "Yes, it does. Yes, it does."

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Cullerton: "To the Bill."

Speaker Greiman: "Proceed, Sir."

Cullerton: "I would just indicate that during the course of the summer, after reviewing the statute that this Bill was to amend, that there are some real flaws in the way that the actual Bill was drafted back in, whenever, 1979. And I would point some of those out, and I also would indicate that I am not in agreement with the Governor's amendatory veto. One of the problems we have with this Bill, which, by the way, was never used. This was... This... The original law was passed in reaction to the Son of Sam crimes that occurred and, also, I think the John Gacey type of case where a criminal benefits... his or her crime. ... the law was to take away that... incentive to provide monies to go for the victims of the crime rather than the... The problem is the way this law's drafted. It's probably... an appropriate... it's never been used. One of the problems that we've had, the only victims that it's designed to protect are victims of crimes that are violent. In other words, if... it does apply to say a bribery, or cocaine smugglers if they go on and make some money as a result of their... relating to their experience. The other thing rests in the very vague definition in the law as to who it applies. ... charged with... who contract with a person with respect to the... of the crime will be..., or with respect to that person's thoughts, feelings, opinions or emotions regarding the crime. It is, I would argue, very vague, and it would seem that anyone who's ever been in jail who writes an autobiography, would be prohibited, theoretically from making any money on it. There's no time period put in the law. And it probably is... the best evidence that it's not very workable is the fact that it's never been used. Now, the other consideration here is the

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fact that this Bill was clearly drafted with the Gary Dotson case in mind. And I just think that people should be aware of what they're voting on. If you feel that Mr. Dotson should not receive any money as a result of the incident, then perhaps you'd want to vote to accept this Motion. If, however, you feel that this is perhaps penalizing that individual directly and perhaps too much, then you'd want to vote against it. One of the... one of the problems, I think, with the law is whether or not it would even apply to Mr. Dotson. It could be argued that the law is perhaps not applicable to him because it has the effect of being an ex pose facto law. That's something which may be decided by the courts. I would just indicate that also the Governor's amendatory veto did not help at all. And when we did pass this Bill, we improved upon it, I believe, by first covering a loophole. We had no place in the current law that would protect... that would allow for victims of family members when someone is murdered to receive any money. So, that was an improvement. We also dealt with the recanting witness. What the Governor seems to be doing is not allowing the recanting witness the ability to pay legal fees, just as we do allow legal fees to be used to pay for perpetrators of crimes under the original '79 Act. So, there are problems with this amendatory veto. There's problems with the actual law that we passed in '79. I think the best thing to do perhaps would be do not muck up the waters anymore with regard to this issue, to perhaps come back in next year with a more thought-out Bill. I would indicate that I did support the Bill. I helped draft the Bill, was the original Sponsor, House Sponsor, of the Senate Bill. But upon reflection, in reviewing the original Bill that we passed in '79, I think its' best that we not accept the Governor's amendatory veto

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and come back and work on it next year."

Speaker Greiman: "Further discussion? Gentleman from Will, Mr. Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. The indications the Representative brought forward may well be, but I want to bring your attention to the core, the original meaning and the absolute importance of this Bill. This Bill pertains to child pornography. I don't think any of us here want to wait on an issue as important as child pornography. It raises the limit for penalties with child pornography to 17 years old from 15 years old, the objectivity being that witnesses can definitely identify a 15 year old where they couldn't see the difference between a 13, 14 year old and a 15 year old. Now, with the law being 17, they can certainly see a child as 14 or 15 and it makes it definitely a law and order Bill to help people be prosecuted for child pornography, as well as minimum and mandatory fines for child pornography and the possession thereof, trying to stop the flow of money into these freaks' hands. I think that if we stop it for the slight technicalities in regards to the Dotson case, we're making a devious error... and a very bad for the citizens for the state. There's also one other thought. There's an election year coming up, and I don't think anybody would want to be on record of voting against child pornography. Thank you very much... or for child pornography."

Speaker Greiman: "Further discussion? There being none, the Gentleman from Cook, Mr. Parke, to close."

Parke: "Thank you. Just because one thinks that there might be problems with the Bill, we would never pass any legislation out of this House. I think the contents of this Bill are too important to wait because somebody thinks there might be problems and retrospects thinks that we can solve it by

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waiting on these Bills. We would never get anything done in this House. I'm asking from my colleagues to support this Bill and I'm asking for a positive vote on it. Thank you."

Speaker Greiman: "The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to Senate Bill 1289?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 85 voting 'aye', 5 voting 'no', 24 voting 'present'. The Motion, having received the Extraordinary Constitutional Majority, the House accepts the Governor's specific recommendations for change regarding Senate Bill 1289. On page five of the Calendar, appears Total Veto Motions. And on that appears Senate Bill 3. The Gentleman from Bureau, Mr. Mautino. Senate Bill 3."

Mautino: "Thank you. Thank you very much, Mr. Speaker. Senate Bill 3 which passed the Senate and, as well, passed the House, basically provided for local input as it pertains to the site selection and advance notice as it pertains to hazardous waste sites. The Governor has vetoed, totally, this legislation. The intent of the legislation was not to set up road blocks for site selections, but provide information and communication, as well as having the correct geological and hydrological studies completed before establishment. I believe that that is the overriding issue in this situation, whereby the locals have some input into the site selection process. It was not set up as a road block in any way, shape or form, but as a protective measure so that the individual communities would be able to have input into that process. And I move for

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the override as it pertains to Senate Bill 3, the Governor's veto notwithstanding."

Speaker Greiman: "The Gentleman from Bureau, Mr. Mautino, has moved for the passage of this Bill, the veto of the Governor notwithstanding. And on that, is there any discussion? There being none, the question is, 'Shall Senate Bill 3 pass, the veto of the Governor notwithstanding?' All in favor signify by voting 'aye', those opposed vote 'no'. I'm sorry, excuse me. Mr. McCracken, one minute to explain your vote."

McCracken: "I think Representative Koehler has something to say on the Bill."

Speaker Greiman: "One minute to explain your vote, but I'll give you some latitude, Mr. McCracken, proceed."

McCracken: "I'll defer my minute to Representative Koehler."

Speaker Greiman: "The Lady from Marshall, Ms. Koehler. Voting is now open on this Bill. Ms. Koehler is explaining her vote."

Koehler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would oppose this override Motion because Illinois is currently negotiating with three other states that have low level waste disposal facilities to allow continued access to those sites until late 1992 when an Illinois site can be ready. The delays under this Bill would cause Illinois' low level waste generators to lose access to a disposal facility and losing access could create a health hazard as small generators would have to store waste on site. This would be difficult for hospitals, research labs and some manufacturers. I would certainly oppose this Motion and hope you will join me in voting 'no'."

Speaker Greiman: "Yes, the Gentleman from Mautino... Bureau, Mr. Mautino, one minute to explain your vote."

Mautino: "So the Membership knows, this provides, and the reason

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that I am supporting it, at least one public hearing should be held by the county board or the governing body of the municipality within 60 days of the request for the siting. And also, notice shall be served upon the Members of the General Assembly from the Legislative District in which the proposed site is located. I find it very difficult to understand why the public knowledge portion of this legislation, which is extremely important, is being opposed by the individuals voting red. Throughout the State of Illinois, we find that those sites that previously held low level nuclear waste or are... or are now being contemplated as possible sites on the compact provisions should certainly allow the Legislator from that district to be notified of that application and also the citizens who live in that vicinity. I think it's a good proposal. It will not delay anything in the compact proceedings, but it does allow for communication and, most importantly, notification. That's why I'm voting green."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 59 voting 'aye', 51 voting 'no', 3 voting 'present', and the Motion to override fails. On the Order of Total Veto Motions appears Senate Bill 9. The Gentleman from Madison, Mr. Wolf. Mr. Wolf in the chamber? We'll return to that. On the Order of Total Veto Motions appears Senate Bill 161. The Gentleman from Cook, Mr. Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. I would move to override the Governor's veto of Senate Bill 161. Senate Bill 161 is a Bill that allows townships throughout the state to create emergency service and disaster agencies. Prior to the Legislature rewriting the ESDA Act a few years ago, townships were always able to be included

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and were always able to create emergency services and disaster agencies and were always able to have those emergency service and disaster agencies certified. When the Legislature rewrote the law a few years ago, we changed that. Whether it was on purpose or not, no one seems to know. But we disallowed townships from being able to do that. Senate Bill 161 allows townships outside of Cook County to be able to create emergency services and disaster agencies. It allows townships in Cook County to do the same, and in doing so there is a little bit different kind of a procedure that has to be followed. I would indicate to the Members of the House that just this past summer, in the... in the New Lenox Township, I believe, or in Frankfurt Township, just outside of Cook County, in Will County, there was a problem this summer. The township had no alternative. They had no emergency service and disaster agency of their own to be able to be called upon in the case of this emergency which was an overturned tank truck leaking noxious gases or something, and it's a case where a Bill like this could have really served a useful purpose. The township officials of Illinois are in favor of the concept of Senate Bill 161, and I believe that the House should override the Governor's veto, as the Senate did, by a vote of 55 to nothing."

Speaker Greiman: "The Gentleman from Cook, Mr. Steczo, has moved for the passage of Senate Bill 161, the veto of the Governor notwithstanding. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass, the veto of the Governor notwithstanding?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open, and this will be final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 91 voting

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'aye', 21 voting 'no', none voting 'present', and the Motion to override prevails. Yes, Mr. Wolf, on Senate Bill 9. Out of the record, alright. On the Order of Total Veto Motions appears Senate Bill 239. The Gentleman from St. Clair, Mr. Flinn."

Flinn: "Take it out of the record. Take it out of the record."

Speaker Greiman: "Out of the record. On the Order of Total Veto Motions appears Senate Bill 291. The Gentleman from Effingham, Mr. Hartke. Out of the record. On the Order of Total Veto Motions appears Senate Bill 887, Mr. Hartke. Out of the record. On the Order of Total Veto Motions appears Senate Bill 890, Mr. O'Connell. 890. Out of the record. On the Order of Total Veto Motions appears Senate Bill 957. The Lady from Kane, Ms. Zwick."

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

Speaker Greiman: "Excuse me. Mr. Davis. Could you... just so I can have a line of view of the speaker? Proceed, Ms. Zwick."

Zwick: "Thank you. I appreciate that. Mr. Speaker, Members of the House, Senate Bill 957, this override Motion, is a Bill that we had pretty lengthy debate on actually because it was a kind of confusing Bill when we originally debated this Bill back in June. It did pass out of this House with 78 votes at the time, and I see no reason why it shouldn't again. What it does is really quite simple. It says that the only person that shall be charged for the fees that are charged by a bank in relation to a bad check shall be charged to the person who wrote that check. And that's... It's very simple. Basically, that's what it does. Many of you have probably noticed, when you go into some of the stores in your neighborhood, that suddenly you find signs up that say we will be charging 10 or 15 or 20 dollars for

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any bad check. The reason is that they are now having to make up for that money that is now being charged to them by the banks. The fee is being waived for many of our larger department stores. That's why you won't see it in many of the larger department stores which creates an unfair advantage or a disadvantage for those local stores in the towns that many of you and I live in. I would ask for you to support me in my Motion to override the Governor's veto, and I'd be glad to answer any of your questions."

Speaker Greiman: "The Lady from Kane, Ms. Zwick, has moved for the passage of Senate Bill 957, the veto of the Governor notwithstanding. And on that, is there any discussion? The Gentleman from McLean, Mr. Ropp."

Ropp: "Thank you, Mr. Speaker. Would the Sponsor yield please?"

Speaker Greiman: "Indicates she'll yield for questions."

Ropp: "In regards to some of the considered opposition on behalf of the bankers that sizeable amounts of cost will be induced on their behalf, what is your response to that, should this Bill be overridden?"

Zwick: "Well, there is a cost that the banks pay for bouncing a check back, and they can still recover that cost, but instead of recovering it from the retailer, who sent them the check, they should be recovering that from the person who wrote the check. The retailer is going to be out the money of the check. This has nothing to do with the amount of money that the check is written for. It is imply the fee that they are charging in relation to that and the fee will still be levied, but it should be levied against the person who wrote the check, not the retailer."

Ropp: "What if somebody, say, from Missouri comes in and writes a check in Springfield, Illinois? How do they go about recovering that?"

Zwick: "Well, most of those checks... the checks are all, in

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fact, run through the Federal Reserve Bank. So, it really doesn't matter if it's an out-of-state bank or an in-state bank or even the same bank. Many times, the person who wrote the check has the same bank as the retailer who accepted the check. So, the procedure is precisely the same, Representative Ropp."

Ropp: "Is this, in some way then, allowing retailers to, in fact, just go out and accept checks from anybody knowing that now they have not as much responsibility as prior to this Bill being introduced?"

Zwick: "Absolutely not. Their responsibility is still precisely the same, because they are the ones who are... who will still have the liability for the amount that the check is written in, and that's really the large amount. So, there is an inherent incentive for them not to accept bad checks, as you all know by the activities that have gone on here by the retailers in past years to help them collect some of these bad checks."

Ropp: "Thank you."

Speaker Greiman: "Further discussion? The Gentleman from Cook, Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. I rise in support of the motion to override. I think the question which Representative Zwick has addressed as to the responsibility for the loss on the bad check still lies within the purview of the retailer. There's still an incentive on the part of the retailer to screen, as best as possible, the person making the check. However, the retailer is limited as to how scrutinizing the investigation can be. All that the retailer is able to do is to confirm identification. The ultimate or the initial responsibility on the part of the banker to determine the credit availability... or the credit capabilities of the person who draws the checks on

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that bank's accounts is far greater and in the hands of the banker initially. So that the banker has the initial responsibility and the initial opportunity to make a worthwhile and extensive credit check, which the retailer does not have. I think that the fees are misplaced and that the retailer, once he loses on the part of the substance of the check, should not also be penalized for the service fees that the bank is charging that retailer. And I would support the override Motion."

Speaker Greiman: "Further discussion? The Gentleman from Peoria, Mr. Tuerk."

Tuerk: "Mr. Speaker, would the Sponsor yield for a question?"

Speaker Greiman: "Indicates she'll yield for questions."

Tuerk: "Let's assume, for the moment, that I pass a bad check to... I go to Sears to buy, oh, a couple of gallons of paint, and I pass a bad check. It goes to the bank and the bank now does what?"

Zwick: "Okay. Let me repeat that. You give a bad check to Sears and Sears deposits it in their bank account. What they do is send the check back to the writer of the check's bank, which is processed through the Federal Reserve Bank. Then it goes back to the bank..."

Tuerk: "Mr. Speaker, I can't hear a word she's saying. Mr. Speaker?"

Speaker Greiman: "I'm sorry. Yes, Mr. Tuerk."

Tuerk: "Well, I'm trying to ask a couple of questions here and get the answers, and I can't hear a thing back here."

Speaker Greiman: "Yes, I appreciate that. Mr. Piel, Mr. Vinson, the folks who are in the line of fire between Ms. Zwick and Mr. Tuerk, could you..."

Tuerk: "Turn up the volume."

Speaker Greiman: "Could you please... No, it's too intense, Fred. Could... Could you give courtesy to the speaker, Mr.

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Tuerk?"

Tuerk: "My question is this. I go to Sears, Roebuck to make a purchase, and I give them a check for 25 dollars..."

Zwick: "Okay."

Tuerk: "And it bounces."

Zwick: "Okay."

Tuerk: "What is the current process of trailing that check and then who actually pays the 25 dollars? They eventually get back to me as the passer of the bad check, right?"

Zwick: "Well, Sears will come against you as the passer of the bad check, not your bank."

Tuerk: "That's right."

Zwick: "Although, your bank is the one who will charge you a fee for bouncing the check, okay? So, they can recover in that fee whatever the costs were for reprocessing the check through the Federal Reserve Bank. And many times, Fred, many times the check will be written on the same bank that the retailer has an account at. So, you're talking about the same bank many times."

Tuerk: "Well, the new law then... if this Bill is overridden, what will then be the process?"

Zwick: "The process... The process would be the same. The retailer will be... will have to go out and collect for the amount of the check, but the drawer will be charged the fees related to reprocessing that check by their bank, rather than by their bank and by their retailer. All the fees will be charged by one place, the bank where they have an account, because the customer and the person who wrote the check has a relationship with that bank who they bounced the check on, because they have an account there. We also did put a provision on the Bill whereby if a retailer has any reason to have known that this person would have written a bad check - in other words, if they

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have written a bad check to that retailer before, then all bets are off, then this Bill does not take effect. It's only usual... if it's the first occurrence, the first time someone would bounce a check."

Tuerk: "Then, the new law would eliminate any charge to the merchant, is that correct?"

Zwick: "Correct. The charges would all go to the person who wrote the check, who should really be responsible."

Tuerk: "Yeah. Wouldn't this then, in fact, encourage merchants from taking checks regardless of checking the validity of that check in the first place?"

Zwick: "No, absolutely not, because what they are concerned about is the amount of the check. They are still going to be out the amount of the check. We do nothing about the hundred dollar or two hundred dollar or five hundred dollar balance that the check is written for. The retailer is going to be stuck for that. They're going to have to hire a collection agency or an attorney or someone to go out and try to collect that amount, okay? So, they still have... there's the same incentive, other than a five or ten... you know, 10 or 15 dollars, which is the fee that most of the banks are levying now."

Tuerk: "One final question. In... In the banking process throughout the country, how many other states have a law similar to what we're attempting to override today?"

Zwick: "I'm sorry, I don't know that, Fred."

Tuerk: "Do you know of any other states that have this system?"

Zwick: "No, I don't, but I don't know of many other states where the banks charge fees of the retailers either. This is a fairly new thing. It's only within the last year or so."

Tuerk: "Yeah."

Zwick: "That the banks are suddenly charging fees of both the retailers and the person who wrote the check."

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Tuerk: "Thank you."

Speaker Greiman: "Further discussion? The Gentleman from Cook, Mr. Preston."

Preston: "Thank you, Mr... thank you, Mr... Thank you, Mr. Speaker. With all the time that we have taken up both in this Bill and the regional interstate banking Bill, I wonder if the Chair might entertain a Motion to banish all bankers and their lobbyists from Springfield?"

Speaker Greiman: "One of the fundamental cornerstones of American democracy, the right to petition your government for redress, Mr. Preston. Gentleman from Cook, Mr. Piel."

Piel: "Thank you, Mr. Speaker. Will the Lady yield to one quick question?"

Speaker Greiman: "Indicates she will."

Piel: "What if the check goes to a bank and the account is closed? Is it the retailer or the bank that has to go and track down the person with the closed account?"

Zwick: "Hello? The retailer has to go after the person who wrote the check for... to seek out the amount of the check. The only thing the bank would have to do is try to find them. If they've issued them that many checks that they're still writing checks on a closed account, which..."

Piel: "In other words... In other words, what you're saying is that the bank would have no recourse. In other words, the merchant... the bank would have to go through all the costs in processing this check to find out that it was a closed account and they would have no recourse whatsoever to that merchant, correct?"

Zwick: "Well, there probably is some, but I don't know of any. These huge costs that we're talking about on such an account would probably be two or three dollars, which I think the banks can absorb."

Piel: "To the Bill, Mr. Speaker."

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Speaker Greiman: "Proceed, Mr. Piel."

Piel: "Ladies and Gentlemen of the House, presently, the way that this Bill is set up and in our society today, when a person presents a check, they present it to the merchant. The person is across the counter from the merchant... excuse me... across the counter from the merchant. The merchant is the one that can ascertain if the person has proper identification, if the person is who they say they are and one thing or another. The banker is not standing there. The banker is not the one collecting the check. I had somebody mention to me, well, the bank is the one that opens up the account. True, the bank opens up the account, but that does not necessarily mean that three, six, nine months down the road, that that check is going to be good. My remark back to this person was, fine, a bank is opening up an account to me. If I come up to you and give you a thousand dollar check, are you just going to take it because the bank will open up an account to me? Of course you're not. You're going to check. You're going to check my identification. You're going to check my position out before you're going to cash a check of mine. That is basically on the shoulders of the retail merchant right now. A lot of this situation would be taken off the retailers' shoulders as far as they would still be liable for the check; but, if they have taken a bad check, the bank would still have to pick up the cost of trying to collect on that check, as far as their fee. I was quite concerned about this and what I did a little bit on my own was contact banks around the state on what it would cost them, because you sit here and say, 'Well, let the big banks pick up the cost.' But, Ladies and Gentlemen, it's the same on the retail merchants' side of it. If it costs more to do business in a retail establishment, they're

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going to have to raise their prices. So, if this is costing the bank, whether it be, you know, 20 dollars a year or 20 million dollars a year, that is going to be reflected on our... our costs as a consumer whether it be on loans, whether it be on taking out accounts with the bank of one sort or another. So, I came up with some... quite some startling figures and we're talking about big and small banks statewide. But here are figures from banks, and I'm just going to take just a couple of them. One million dollars annually, 700,000 dollars annually. Those are big banks. Another one said over two million dollars annually. Those are your big Chicago banks. Let's talk about the ma and pa bank downstate or in the suburban or collar county area - 43,000 dollars annually, 18,000 dollars annually, 22,000 dollars annually, 460,000 dollars annually. Four hundred and sixty, by the way, Ladies and Gentlemen, is not a huge bank. It's a medium-size bank in the State of Illinois. These are banks in your community, in my community. And, Ladies and Gentlemen, before you vote for this override, think on who is going to end up picking up the tab. You and I are consumers. We are going to end up, in the long run, having to pick up the tab. I think this is a bad piece of legislation. The Lady didn't know of any other states in the nation that do this. Why didn't she? Because there are no other states in the nation that do this. And I would ask you for a 'no' vote on the override Motion."

Speaker Greiman: "Gentleman from Fulton, Mr. Homer."

Homer: "Thank you, Mr. Speaker and Ladies and Gentlemen. I think what might be somewhat helpful is to trace Representative Tuerk's hypothetical so that everybody maybe understands what the issue is here. If a check writer goes into Sears and gives them a check for 25 dollars and Sears deposits

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that check with their bank, let's say it's Bank A, Bank A will then forward that check then on through the Federal Reserve to the... to the bank of the drawer or of the person who wrote the check, that, let's say, is Bank B. The check then goes to Bank B, and lo and behold, there's not sufficient funds or the account has been closed. So, Bank B will send that check back to Bank A, who is Sears' bank, and then Sears will forward the check back to Sears... or the bank will forward the check back to Sears. Now, Sears is already out the 25 dollars. The question is, should Bank A be allowed to assess a service charge? That's what's at issue here. Should the bank be allowed to assess a service charge to the merchant? Now, the merchant, certainly, and the bank, are both innocent parties. The culprit, oftentimes and most often, can't be found. The culprit is the person who wrote the check. Now we've got an innocent party, the merchant, who's out the 25 bucks. We've got the bank, who is also an innocent party, who wants to charge Sears for handling the bad check transaction. Now, if, in fact, we were talking about the same bank - let's suppose that both the person who wrote the check and Sears had the same bank - that would be a simpler question; because, in that case, we could say that the bank had opened the account for the party and had some culpability as did Sears who accepted the check perhaps ill-advisedly. But we're dealing with two different situations here. We're dealing with banks that are middle banks that had no say in whether the check should be issued and whether Sears should have accepted the check, and we're comparing that to the other situation. Let me just say this, that the merchant is already suffering the loss of the bad check. They're going to be out the bad check. There's plenty of incentive for that merchant to screen the

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bad checks that it receives. To, I think, allow the bank to add on a service charge so that the merchant has to incur not only the loss of the bad check but also an additional service charge is asking that innocent party to bear a disproportionent burden of the cost of this bad check transaction. And so, I think that the proper vote, in this case, will... and is the way I intend to vote, will be to override the veto so that what we do is say that the merchant, although he's still out the cost of the check, is not going to be further burdened by a service fee that would be imposed by the bank for handling the transaction. The bank is in a better position of the innocent parties to absorb that service fee, and I think that the... that the only way to resolve this sensibly would be to vote to override the Governor's veto."

Speaker Greiman: "Gentleman from Cook, Mr. Harris. Mr. Harris. Turn Mr. Harris on. Try another mic, David. He's on at Mr. Ryder's desk."

Harris: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, previous speakers have made several comments about this Bill, and I won't take up too much of your time, but a couple of things I think have come to light which I think we can agree on and that is that fees assessed are indeed legitimate. There is a cost of handling these checks as they pass back and forth between the banks and the Federal Reserve, the bank that issued the check, the bank that handles the check. So, there is a legitimate fee cost. The problem here is who's going to bear that legitimate fee cost. It is unfortunate that we have two very strong parties against each other on this - the merchants and the bankers, but indeed that happens frequently; parties disagree, parties want some protection from a legitimate fee. All the merchants seem to be asking for is we have...

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we are being assessed a fee. We want a protection from that fee. Well, if they get the protection from that fee, the bankers are going to pick up that... they're going to have to pay that fee, granted they may try to go back against the person who wrote the check just as the merchant, who has the face value of the check outstanding, is also going to go back against the person who draws that check. The question of the fees involved, the legitimate handling costs of the paper, someone is asking for protection from that. It seems to me that at point of purchase, the person who accepts the check is the one who is the most capable of saying I am or am not going to accept this check. The burden should not be on the banker who simply opens up the account. If we're asking for credit worthiness on people who open up every checking account, do we really want to do that? Do we really want to go into a background investigation of a person's credit worthiness to open up a checking account? I think not. I think that the burden should remain where it is. The burden of accepting a check should remain where it is, at the point of sale. The fees are legitimate. They are assessed to the merchant. The merchant is trying to go after the person for the face value of the check. He tacks on a 10 or 20 dollar additional fee to cover that. That's usually clearly posted. We accept that. We know it's in the normal course of business. And I think it's unfair now to revert and ask the bankers to pick up this fee. I would ask certainly for a 'no' vote on the override."

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

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

Speaker Greiman: "The Gentleman from Madison, Mr. Wolf, has moved that the previous question be put. Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the

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'ayes' have it. The previous question has been put. The Lady from Kane, Ms. Zwick, to close."

Zwick: "Thank you, Mr. Speaker, Members of the House. I appreciate your patience in hearing this Bill. I think the debate was longer this time than it was last time. We certainly heard many different and all very articulate views on what the Bill does. I might simply repeat to you that we are dealing here only with fees, not with the amount of the check. The reason that the Governor vetoed the Bill, if I might repeat from his veto message, is that what he was concerned about is that it would remove the incentive to be careful in deciding which checks should be accepted. I think we've proved our point here; that because it is only the fees, we do not remove the incentive. Retailers simply are not going to willingly accept a bad check without putting it to careful scrutiny before they accept that check because they are ultimately liable for the amount of that check. I might add further, the only one other insight that I can give you into why I think you should support this override Motion is the unfairness of the system as it currently is. As many of you probably know, for very large clients, banks waive such fees. It is not an uncommon practice. And it is pretty common knowledge that for larger customers these fees are waived. For the ma and pa store on Main Street, for the grocery store on Main Street in Dundee, for the Ben Franklin, for Elaina's Alterations, they don't get the fees waived, so they have to pay the fees. But the large clients of the banks don't get charged those fees when they have a customer that bounces a check. So, the small business on Main Street has to make up for that fee by charging higher prices than the large customer, who's getting those fees waived by the bank. So, they can,

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therefore, not compete with the large people who are getting the fees waived. So, it seems to me to be very fair that we would say, let's make it all equal. Nobody should be charged the fees in the retailing end of it, but the fees should be charged. The banks are entitled to recovery of the fees, but the bank should charge the fee of the person who wrote the check, the person who performed this crime, which it really is. So, I would ask for your support. I think we've also done enough for the bankers this week. Let's do one for the Main Street stores in our towns. Thank you very much. I'd appreciate your support."

Speaker Greiman: "The question is, 'Shall Senate Bill 957 pass, the veto of the Governor notwithstanding?' All those in favor signify by voting 'aye', those opposed vote 'no'. This is final action. Voting is now open. Mr. Stephens, the Gentleman from St. Clair, one minute to explain your vote. Mr. Stephens. Mr. Stephens."

Stephens: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. To explain my vote, one statement has been made that the relying on the retailer as the point of contact to prove the value of the check - if I'm sitting in my store and I call the bank and the bank tells me that that check will clear, that seems like a pretty good guarantee. But at the end of the day, when I make my deposit, if the person who has written that check has gone around town and written several more checks and has drawn his account below his... or down to the minimum, my check bounces. Even though I took every step that I thought was reasonable to make sure that I was covered, I still cannot ... am responsible for that service fee. I've already been stuck with the cost of my merchandise and the overhead and the hassle of processing the check, but, indeed, I am out the service fee. And I think it is unfair and I would

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encourage more favorable votes on this issue."

Speaker Greiman: "Mr. Brookins, one minute to explain your vote."

Brookins: "Thank you, Mr. Speaker. I've talked with the banks in our community; and, as you know, most of them rest in... quite a few in my district, and they... opposed to this because they don't see why the cost of doing business should not be passed on. They cannot afford themselves to absorb this cost. So, they must collect this money to pay the expense of the cost of doing business. It is a legitimate cost, as we know, and; therefore, I vote in favor of the bankers, in this instance."

Speaker Greiman: "The Gentleman from Kendall, Mr. Hastert, one minute to explain your vote."

Hastert: "Thank you, Mr. Speaker. I'm just having trouble with my switch and I wanted to let you know that. It does work now, but it didn't work, but this one that nobody sits at does work. So, I'm not sure what's going on here."

Speaker Greiman: "Pard... Your switch doesn't work you..."

Hastert: "I just got it to work, but I've been having trouble with it. So, I'd like to have somebody take a look at it."

Speaker Greiman: "Well, we'll have the engineer look at it. The Gentleman from Marion, Mr. Friedrich, one minute to explain your vote".

Friedrich: "Mr. Speaker, Members of the House, the Governor told me one time it wasn't necessarily the way things were, but it's what people perceive them to be. Well, I know that the retail merchants perceive this to be a big relief to them, but I think they'll find out in the long run it doesn't. It just works another way. Retailers, in general, do not carry big balances with the banks. As a matter of fact, the large chain stores usually draw a draft on the bank the same day they make the deposit, so there's very little there for the bank to work with. And they

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bring in a whole bundle of checks, maybe 10,000 dollars in one day and most of it in checks, which the bank processes. Now, the alternative for the bank, if this passes, and I don't think it's the end of the earth if it does, but what the bank will do, I will guarantee you, is start putting a service charge on those retailers who bring in a volume of checks and particularly those who have no compensating balance and particularly those who have a large number of NSF check. So, I think you're just fooling... the retailers are fooling themselves in this case. And even though I've supported them almost a hundred percent down the line, I think they're fooling themselves this time."

Speaker Greiman: "The Gentleman from Rock Island, Mr. DeJaegher."

DeJaegher: "I think what we have to address ourselves is the duplication of fees. The understanding that I have on this particular Bill is a person going into a store, writing a check for shoes. It's my understanding that that person would be assessed by that bank if sufficient funds are not there. It's also my understanding, not only that person is being assessed by the bank for the overcharging of that check, the merchant then in turn is also likewise has to make additional compensation. So what we're basically doing is giving the bank two fees for one check that has been overdrawn. Oftentimes people will say why aren't retail merchants... why don't they run a better check reference on that particular person they're dealing with? Oftentimes these small individual merchants are operating a business for 16 hours a day, where banks are structured only to be open possibly about eight hours a day. It makes it humanly impossible for some of these small merchants and basically this is who we're dealing with. We're dealing with the small merchants, the merchants that are the backbone of the economy in the State of Illinois. It's

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the... It's time that we address ourselves to the small merchants. These are the people that are asking for our assistance. These are the people that need our legislation. All we're doing, if we do not override the Governor's veto, is continue with the duplication of assessments and these are fees that are handed onto these particular individuals. I encourage each and every one of you to vote green."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 70... Yes, the Lady from Kane, Ms. Zwick, for what purpose do you seek recognition?"

Zwick: "I would request a Poll of the Absentees... a verification."

Speaker Greiman: "A verification?"

Zwick: "No, no. I'm sorry. A Poll of the Absentees, please."

Speaker Greiman: "Mr. Clerk, a Poll of the Absentees has been requested."

Clerk Leone: "Poll of the Absentees. Bowman and Huff."

Speaker Greiman: "Mr. Huff."

Huff: "Mr. Speaker, vote me 'aye', please."

Speaker Greiman: "The Gentleman from Cook, Mr. Huff, votes 'aye'. Mr. Piel, for what purpose do you seek recognition?"

Piel: "Verify the affirmative, Mr. Speaker."

Speaker Greiman: "Alright. On this question, there are 71 voting 'aye', and 41 voting 'no', 5 voting 'present'. Mr. Piel, the Gentleman from Cook, requests a verification of the Affirmative Roll. And on that, Mr. Clerk."

Clerk Leone: "Poll of the affirmative. Alexander. Barger. Barnes. Braun. Brunsvold. Breslin. Bullock. Christensen. Countryman."

Speaker Greiman: "Excuse me. Ms. Flowers, for what purpose do you seek recognition? Yes, Ms. Flowers asks leave to be

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verified. Mr. Piel? You have leave, Ms. Flowers. Pardon, Ms. Braun?"

Braun: "Same request, to be verified."

Speaker Greiman: "Ms. Braun and Mr. Preston ask leave to be verified. You have leave. Yes, Mr. Farley also. Yes, Mr. Pedersen also wishes leave to be verified. Alright. Proceed, Mr. Clerk."

Clerk Leone: "Continuing with a poll of the affirmative. Countryman. Cowlshaw. Curran. Daniels. DeJaegher. Deuchler. Dunn. Farley. Flinn. Flowers. Giorgi. Hallock. Hannig. Hartke. Hastert. Hawkinson."

Speaker Greiman: "Excuse me, Mr. Clerk. Ms. Wojcik, for what purpose do you seek recognition?"

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

Speaker Greiman: "Ms. Wojcik, you have leave to be verified. Mr. Clerk, continue."

Clerk Leone: "Hensel. Homer. Huff. Johnson. Keane. Klemm. Koehler. Laurino. Leverenz. Matijevich. Mautino. Mays. McMaster. McNamara. Mulcahey. O'Connell. Olson. Panayotovitch. Pangle. Parke. Bernard Pedersen. Phelps. Pullen. Rea. Regan. Rice. Richmond. Ryder. Saltsman. Satterthwaite. Shaw. Slater. Steczko. Stephens. Stern. Sutker. Tate. Terzich. Tuerk. Van Duynes. White. Williamson. Wojcik. Wolf. Anthony Young. Wyvetter Young and Zwick."

Speaker Greiman: "Yes, Mr. Vinson, for what purpose do you seek recognition?"

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

Speaker Greiman: "Mr. Vinson goes from 'no' to 'yes'. Yes, Ms. Younge, for what purpose do you seek recognition?"

Younge: "Verified."

Speaker Greiman: "Ms. Young asks leave to be verified, Mr. Piel.

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Yes, Ms. Younge, you have leave."

Younge: "Thank you."

Speaker Greiman: "Alright. Mr. Piel, questions of the Affirmative Roll Call."

Piel: "Representative Alexander."

Speaker Greiman: "Ms. Alexander is in her seat."

Piel: "Representative Christensen."

Speaker Greiman: "Mr. Christensen is in his seat."

Piel: "Representative Hallock."

Speaker Greiman: "Mr. Hallock. Mr. Hallock is at the rear of the chamber."

Piel: "Representative Hartke."

Speaker Greiman: "Mr. Hartke. Mr. Hartke is at the door."

Piel: "Representative Hensel."

Speaker Greiman: "Mr. Hensel is right there at his seat."

Piel: "Representative Keane."

Speaker Greiman: "Mr. Keane. Mr. Keane is at the rear of the chamber, hiding behind the pillar."

Piel: "Representative Leverenz."

Speaker Greiman: "Mr. Leverenz. Mr. Leverenz in the chamber? Mr. Leverenz. How is Mr. Leverenz recorded?"

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

Speaker Greiman: "Remove Mr. Leverenz from the Roll Call."

Piel: "Representative Parke."

Speaker Greiman: "I'm sorry."

Piel: "Representative Parke."

Speaker Greiman: "Mr. Parke. Mr. Parke is in the middle aisle."

Piel: "Representative Terzich. Nevermind, I see him."

Speaker Greiman: "Mr. Terzich is at the well."

Piel: "Representative Van Duyne."

Speaker Greiman: "Mr. Van Duyne is at the rear of the chamber."

Piel: "Representative Rea."

Speaker Greiman: "Mr. Rea is at the rear... is in the center

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aisle."

Piel: "Representative Richmond."

Speaker Greiman: "Mr. Richmond. Is Mr. Richmond in the chamber?"

Mr. Richmond. How is Mr. Richmond recorded?"

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

Speaker Greiman: "Remove Mr. Richmond from the Roll Call."

Piel: "Representative Satterthwaite."

Speaker Greiman: "Ms. Satterthwaite is in her chair."

Piel: "Representative Terzich."

Speaker Greiman: "You asked. Mr. Terzich has already been verified."

Piel: "I'm sorry. I see him. No further questions. I'm done. No further questions, Mr. Speaker."

Speaker Greiman: "Yes, Mr. O'Connell, for what purpose do you seek recognition?"

O'Connell: "Mr. Speaker, how am I recorded?"

Speaker Greiman: "You were recorded as voting 'aye', Mr. O'Connell. Do you want to change that? Mr. Wolf, what purpose do you seek recognition?"

Wolf: "How am I recorded, Mr. Speaker?"

Speaker Greiman: "'Present'... as 'aye', Mr...."

Wolf: "That sounds pretty good. Thank you."

Speaker Greiman: "Yes, Mr. Goforth, for what purpose do you seek recognition? Mr. Goforth moves from 'no' to 'aye'. Mr. Stange."

Stange: "I change my vote from 'no' to 'aye', also."

Speaker Greiman: "Mr. Stange wishes to change his vote from 'no' to 'aye'. And Mr. McNamara wishes to change his vote from 'aye' to 'no'. On this question there are 71 voting 'aye', there are 39 voting 'no', there are 5 voting 'present'. And the Motion to override will, therefore, prevail, the veto of the Governor notwithstanding. On the Order of Total Veto Motions appears Senate Bill 1129, Mr. Young."

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Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1129 creates the Minority and Female Business Enterprise Loan Board. This is another Bill that was debated extensively in the House, and I would urge for this House to override the Governor's veto."

Speaker Greiman: "The Gentleman from Cook, Mr. Young, has moved for the passage of this Bill, the veto of the Governor notwithstanding. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass, the veto of the Governor notwithstanding?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this will be final action. Yes, Mr. Vinson, for what purpose do you seek recognition?"

Vinson: "To explain my vote."

Speaker Greiman: "One minute to explain your vote, Sir."

Vinson: "Mr. Speaker, Ladies and Gentlemen of the Assembly, I would strongly urge a 'no' vote on this pernicious concept because it discriminates against minorities and females in most counties in this state. This would be a preferential program that would just apply to a very few areas in this state and it's discriminatory. I've generally voted for these sorts of things in the past, and I would urge a 'no' vote on this."

Speaker Greiman: "Yes, Mr. Young, the Gentleman from Cook, one minute to explain your vote."

Young: "Thank you, Mr. Speaker. I would just like to point out to the Body that this is a pilot program. It is our intention after this pilot proves successful to try to recommend it to the rest of the state, and I would urge an 'aye' vote."

Speaker Greiman: "Ms. Braun, one minute to explain your vote."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This legislation is important to the emerging entrepreneurial communities throughout the state within the

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black and Hispanic and female business communities. It is an important first step because venture capital is not available traditionally in the way that it is available to others. If we are serious about getting these businesses off the ground, then we will support this legislation, we will... and put the sufficient votes up there to override the veto. I would encourage your support and your 'yes' vote."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 64 voting 'aye', 47 voting 'no', and the Motion to override fails. Yes, Sir. Mr. Young requests... Mr. Young requests a Poll of the Absentees."

Clerk Leone: "Poll of the Absentees. Capparelli. Ewing. Goforth. Klemm. Leverenz. Preston. And Wait."

Speaker Greiman: "64, Mr. Young. Alright. 64 voting 'aye', 47 voting 'no', none voting 'present', and the Motion to override fails. On the Order of Total... Yes, Mr. Turner, for what purpose do you seek recognition?"

Turner: "Yeah, I'd like to be recorded 'no' on 1129."

Speaker Greiman: "The transcript, Mr. Turner, will certainly reflect that. Alright, on the Order of Total Veto Motions appears Senate Bill 1322. The Gentleman from Macon, Mr. Dunn."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1322 is part of our high tech package in the State of Illinois. There are a certain limited group of people who have special talents and capacity and perspicacity for being inventive. We need to attract these people to the State of Illinois to be creative for us here in Illinois, to innovate, to provide the seeds, the genesis, the creative spark, to set in motion ideas which will lead to business enterprises that will employ people,

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create jobs, make a profit in the State of Illinois and help our economy all throughout the state. Senate Bill 1322 is the kind of Bill that will help set that machinery in motion. Senate Bill 1322 provides for an inventor in residence at our institutions of higher education in the State of Illinois. The purpose of the Bill is to provide half of the cost of an inventor by the institution of higher education and half to be paid by the State of Illinois up to a, I think, a limit of \$30,000 per institution. This is a pilot program to see if we really can attract these kinds of people who have this special talent in the State of Illinois to come to our institutions of higher education. And there are people like this out there. I... The reason I am handling the Bill is that I happen to be a licensed patent attorney. I suppose I'm the only one in this General Assembly and, in connection with patent work, I have seen these people. They do have a special kind of talent that most of us just simply don't have. It's a special kind of creativity. We need them here in our state. We need this program. We need this program to develop the new small businesses which are the hope, the wave of the future in this state and I would ask for your favorable vote on the override Motion on Senate Bill 1322 to help us establish this good program in the State of Illinois."

Speaker Greiman: "The Gentleman from Macon, Mr. Dunn, has moved that this Bill pass, the veto of the Governor notwithstanding, and on that, the Gentleman from Kendall, Mr. Hastert."

Hastert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor of this Motion yield... ask some question... or questions?"

Speaker Greiman: "Indicates he will."

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Hastert: "Representative Dunn, I have a few questions in my own mind here. First of all, did this... did this go through the... I don't remember this in the appropriation process. Did this go through the appropriation process or was this added on someplace?"

Dunn: "This is an add on and I am looking myself. I don't recall right now where the appropriation stands. I know it is not a large sum of money so it's not a difficult problem. If we get this Bill adopted into the statute books, we will have no problem coming up with the money for this program."

Hastert: "Do you have any idea what the cost of this is?"

Dunn: "Well, this... the cost is not to exceed \$30,000 per year per college which opts into this program and we did have an appropriation Bill - and I just don't simply have the file with me now - that had a cap on it. I don't recall what the cap was. It's not a large sum of money because I think you realize that before a college or university wants to opt into this program, they'll have to look at their own individual programs. A number of them have the patent and licensing policies at the present time and they may or may not want to opt into this program. We hope..."

Hastert: "Did the State Board of Education request this... or higher ed... Board of Higher Education request this?"

Dunn: "This has not gone through the Board of Higher Education bureaucracy so far as... as I recall because this is a Bill which Senator Berman introduced in the Senate and I introduced an identical Bill here in the House. Both Bills passed both chamber and were sent to the Governor and..."

Hastert: "And what criteria... What does a person have to invent or does he have to have so many inventions or whatever before he qualifies for this?"

Dunn: "There will have to be a bureaucracy to take a look at this. It... With in the individual universities, their

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existing bureaucracy can... can make the kinds of decisions which are needed here."

Hastert: "So the State Board of Higher Education is the determining factor to... I mean each university won't be different for each kind of an inventor that they bring in, will it?"

Dunn: "Well, I think it depends upon the program. For example, the University of Illinois has a tremendous programs in many areas. Some of the school which are not quite so large have more limited expertise. SIU, for example, is heavy into coal research. They would probably like to attract someone who has inventive capacity in that area. Someone who has a special capacity for super-semiconductors would probably be attracted to the University of Illinois."

Hastert: "What... So, Illinois is a bigger university and, of course, it's a lot of expertise. Would they get to have more inventors than, say, Millikin University?"

Dunn: "No, the Bill provides that no individual university can receive more than \$30 (sic - \$30,000) per year under this pilot program... and the reason is it's a pilot program. There is no hidden agenda in this Bill to allow any university to load up their faculty."

Hastert: "Did you say \$30 a year?"

Dunn: "\$30,000 per year per college."

Hastert: "Okay, that's a little difference. Okay. To the Bill, Mr. Speaker."

Speaker Greiman: "Proceed, Sir."

Hastert: "I know that this... the Sponsor of this Bill and this Motion certainly is well-intended; however, I do question that we are talking about a program here across the State of Illinois to all the universities in the State of Illinois that bring in inventors. The Sponsor of the Bill and the Motion talks about creating another bureaucracy

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maybe in each university and for sure with the Board of Higher Ed to try to justify this and, of course, to get the rules and regulations of what an inventor is and what type of a program they have to create around these people. I'm not sure, with all the programs that we have right now for inducing business and inducing new industry in the State of Illinois that this is really something that we should lay on top and put another layer of bureaucracy upon not only the taxpayers, but also the students and universities of this state. I would respectfully ask a 'no' vote."

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

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. I had not planned on speaking in regard to this measure until I began listening to the debate and the debate began to fascinate me. Because what this Bill really means is that we are going to tax farmers in my district who are on the verge of going broke, losing money, fighting off bankruptcy, we are going to tax them in order to send \$30,000 to Northwestern University and then we are going to tax them again to send \$30,000 to the University of Chicago. Now, it bothers me a little bit, and I'm generally not a great opponent of aid to private education. I kind of like private education. But we are taking \$30,000 out of those farmers pockets in DeWitt County and sending it to Northwestern University or the University of Chicago or any other number of private schools throughout this state to subsidize inventors. I kind of thought that those inventors ought to compete on a free market system the same way those farmers do. If those farmers can't sell their crops for a profit, then they go broke. They get foreclosed upon. They have the farm pulled out from under them. Think about those inventors. If they can't sell something they invent for a profit, then why would we want

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to invent it? Why would we want to take that money away from farmers in foreclosure to subsidize inventors at Northwestern and the University of Chicago. This Bill is truly a silly Bill or a pernicious Bill. I'm not sure which, but I strongly oppose the Motion to override because of the farmers."

Speaker Greiman: "Mr. Dunn, for what purpose do you seek recognition?"

Dunn: "I'll close if there's no further debate."

Speaker Greiman: "Just one moment. Being no further discussion, the Gentleman from Macon, Mr. Dunn, to close."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Once again, let's set the record straight about what we are talking about here. The previous speaker entered into a long winded harangue about taxpayers dollars going to Northwestern University. Well, first of all, let me go on record as a fan of Northwestern University. I think we are very fortunate in the State of Illinois to have that wonderful institution of higher education in our state and if this Bill passes and if it becomes law and if Northwestern University chooses... this program, Northwestern University will receive the grand sum of \$30,000 for one year. Now, we talk about programs called 'Build Illinois', when we toss around bonds, \$2,000,000,000 worth of bonds and we argue about whether we should build exposition halls or not that cost \$250,000,000 and they are not completed and state buildings that cost \$200,000,000 and that are controversial. We are talking about a statewide program here that has a statewide price tag of \$150,000. So if five institutions of higher education in this state jump on the bandwagon immediately and participate up to the tune of \$30,000 per institution, the door is closed, the treasury is shut. No more money comes

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out of the treasury. \$150,000 is all that would ever be authorized in this program, pilot program for a year. No new bureaucracy is created. I thought we set that record straight. Existing bureaucracy is capable of taking care of this program. The Bill provides that the Board of Higher Education can adopt rules and regulations so there are guidelines. Each university and college in this state which chooses to participate should have the freedom to implement its own policy in this regard because of their special areas of expertise. We talk about the need to compete with Silicone Valley. There are articles in the media now which indicate that Silicone Valley is over the hill. Drug abuse is a big problem out there. People's quality of life is not what they thought it would be. There is going to be an exodus from Silicone Valley. There is going to be a talent movement. That talent movement can come west... come east and can stop here in Illinois or it can keep right on going to the eastern seaboard. What we want to do is to erect signs at our borders which say, 'Creative people welcome. Creativity promoted here. Creativity encouraged here. Inventors wanted. Inventors needed.' This Bill will allow for a modest price tag - an institution of higher education, a college or university to receive \$30,000 from the State of Illinois, only on the condition that they match it dollar for dollar so they don't just get this money. They have to match dollar for dollar. They can then bring an inventor onto their campus to become an inventor in residence and to do work which will promote the creation of new businesses in the State of Illinois, new small businesses. An inventor doesn't invent a General Motors over night. An inventor comes up with an idea that emerges as a small business. We are trying to promote small business in this state. The people that

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generate these ideas many and often times are inventors. They are a special brand of people. We need to encourage them to come here to this state. We need to pass this legislation because if we don't, now that the issue is out before us... now that the issue is out before us, if we fail to pass this, we are going to send a message to the rest of the nation that we don't want creativity encouraged here. I don't want to be a part of that. You don't want to be a part of that. The price tag is low, \$150,000 statewide. The symbolism is great. The value is terrific. Inventions are needed. Inventors are needed. Vote 'aye' on this Bill."

Speaker Greiman: "The question is, 'Shall Senate Bill 1322 pass, the veto of the Governor notwithstanding?' All those in favor signify by voting 'aye', those opposed vote 'nay'. Voting is now open and this is final action. Yes, excuse me. Mr. Dunn, one minute to explain your vote. Turn off... Yes, he's there. Mr. Dunn, one minute to explain your vote."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Once again, I would like to indicate the price tag of this Bill if it should become law, \$150,000. And \$150,000 to send a message, a telegram, to all the inventors out there, think about taking up residence here in Illinois on a college campus and apply your special talents in Illinois. And if you are a college that wants to participate in the program, you have to match dollar for dollar what you receive from the state. So, statewide, there can only be five of these inventors in this pilot program. I don't understand what the problem is unless you are not for progress. I certainly am for progress and as I have indicated earlier, I have done patent work. I have seen these kinds of people up close and they are a breed

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apart. They are special people. They have a God-given creative talent that... it's like a fine artist, a great musician, a good painter. An inventor is just a breed apart. There aren't many of them. They are out there, however, and they have to locate someplace and when they do and when their... and when their work comes to fruition, it will pay off for the community, the area, the state where they reside. What this Bill says is that that place might as well be Illinois."

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

Dunn: "In summary, green is for progress and I don't know what red is for."

Speaker Greiman: "Mr. Keane, one minute to explain your vote."

Keane: "Thank you, Mr. Speaker. I am voting 'aye' and would encourage my colleagues to vote 'aye'. We are not talking about that much money and what we need... what the universities have always needed was they needed... they provide a refuge and also a place that Illinois is going to have to have in encouraging inventors. If we are looking and supposedly going to become a high tech state, we had better start by keeping our good professors and our good thinkers in the State of Illinois. If any of you realize... I'm sure all of you realize that the reason that we... University of Illinois became the site for the major computer, the biggest computer system in the world is not because of anything peculiar to Illinois except for the fact that there was one individual, one man who is a teacher at the University of Illinois..."

Speaker Greiman: "Yes, turn Mr... Let Mr. Keane conclude his remarks."

Keane: "Thank you. And because of that man, the University of Illinois received the largest computer grant that is... that we have ever had in the world. So, unless we develop

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people and the monies we are talking about here is just a little over a hundred thousand... it's peanuts, but it's an indication to higher education and to people who are going to hopefully lead us out of the... into high tech that we do... we are sensitive to their needs and we are promoting them. I would urge a green vote."

Speaker Greiman: "The Gentleman from Coles, Mr. Weaver. One minute to explain your vote."

Weaver: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, as a current teacher in college, there is a couple of things that I really agree with in this Bill and the intent is fine. But we have to be very careful because at the very best if we allow each university to establish its own governing rules on this process, we are going to have faculty shifting between universities to find the best inventive environment and at the very worst, if we don't establish some kind of legal prerogatives here in terms of who gets what in terms of royalties and patent rights, we are going to have professors tying up universities in court for years and years. I agree with the concept, but I think it's a little bit too early to throw money into a problem without setting down the rules first and I urge a 'no' vote."

Speaker Greiman: "The Gentleman from Cook, Mr. Cullerton. One minute to explain your vote."

Cullerton: "Yes, we already have a policy that responds to the previous speaker about patents. I imagine he is a little nervous with his 'no' vote and I'd... if I was that nervous I'd hop up and try to justify my vote too. I can't imagine anyone with a major university in their district not supporting this particular Bill and I think that we should once again reexamine the philosophy of following our Leaders or following the speeches that are given for the

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wrong Bills. I have heard Representative Vinson give great speeches and it's just that many times they don't apply to the Bill that we are actually voting on, as was the case in this particular Bill. For that reason, I would urge you all to vote 'aye' and vote your conscience."

Speaker Greiman: "The Lady from St. Clair, Ms. Younge. One minute to explain your vote, Ms. Younge."

Younge: "I think that a great deal of the research in this state is concentrated in a few large universities and I believe that this Bill would be an opportunity for the smaller universities to participate in getting inventors on their campuses and, therefore, begin a process of invention that could lead towards commercialization of new products. And I think that that would be important to the State of Illinois and to the economy and, therefore, I think that we ought to be voting green on Representative Dunn's Bill. It's a very innovative idea having to do with inventors and I think that it's very much unfair to not provide this opportunity for a group of people who really are not money people. Inventors are working out of garages and they are working on jobs. They are small business people and they need... and are... I think are entitled to the assistance of this state in reference to helping them move to prototype of their products. And I think that this whole question of research is now cornered by people on university campuses, professors and there is a whole class of people called inventors who, if they had an opportunity like this, we would see and we would spur economic development in areas that are... where the economy is lagging and I think it's a very important matter."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 63 voting 'aye', 49 voting 'no', 1 voting 'present' and

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the Motion to override fails. For what purpose does the Gentleman from DeWitt, Mr. Vinson, seek recognition?"

Vinson: "Thank you, Mr. Speaker. For three purposes, really. First to introduce the high school political science class from West Leydon High School represented by Representative Williamson in this Assembly. They are in the Republican gallery back here."

Speaker Greiman: "Do you have two purposes that are in order, two other purposes that are in order, Mr. Vinson?"

Vinson: "Yes, yes, Mr. Speaker. To introduce the Chester East Lincoln High School class. They are here. They are in the gallery on the Republican side as well. Claudia Evans is their teacher. It's the constitution class in their regard. And I'd like to introduce that. They are up here. And Mr. Speaker, on this one you can catch me twice because I'm going to introduce the Democracy in Action class from Wapella, sophomore class. They are on the floor right back here and they are... they are from the 90th District."

Speaker Greiman: "Well, alright, well, the General Assembly welcomes you all, and since you are all political science students, you may be interested to know we have rules that we are governed by actually and one of those rules is Subsection (j) of Rule 65, which deals with decorum in debate and prohibits a Member from recognizing guests. So, we welcome you. We are glad that you are here to watch democracy in action. Even though your presence has been noted by a slight infraction of the rules, welcome. Yes, Mr. Cullerton, for what purpose do you seek recognition?"

Cullerton: "Yes, inquiry of the Chair. Do we have a sanction for violation of that rule?"

Speaker Greiman: "Well, it's probably direct contempt, but we are going to let him off this time. Yes, Mr. Mulcahey, the Gentleman from Winnebago."

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Mulcahey: "Well, Mr. Speaker, I was just going to introduce Marty Hagen from Duran behind me, but I don't want to break the rules so..."

Speaker Greiman: "Alright. We are on Total Veto Motions and on that, the Gentleman from Madison, Mr. Wolf, Senate Bill 9."

Wolf: "Thank you, Mr. Speaker and Members of the House. I move for the passage of Senate Bill #9, the veto of the Governor notwithstanding. This is the Bill that we discussed yesterday and is an Amendment to the Criminal Extradition Act. The Bill would provide that the state would pay extradition expenses of fugitives charged in the State of Illinois with a felony offense. As we indicated before, at the present time, the state pays for extradition expenses for persons who are charged with a non-probational offense. All others are paid by the counties. The Governor, in his veto message, seemed to be concerned that the state would be paying extradition expenses on crimes where the sentence would have resulted being served in a county jail. Now, that would have been the case if the Bill had not been amended, but it was. Senate Bill 9 as amended clearly exempts the state from paying extradition expense of misdemeanors. The Governor's veto is also in contradiction to the practice of the Department of Law Enforcement's which takes the position that extradition expenses should be paid by the state regardless of where the sentence is served. I would ask for your support for an override on Senate Bill #9."

Speaker Greiman: "Gentleman from Madison, Mr. Wolf, has moved that this Bill pass, the veto of the Governor notwithstanding. On that, is there any discussion? There being none, the question is, 'Shall this Bill pass, the veto of the Governor notwithstanding?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting

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is now open and this is final action. Have all voted who wish? Have all voted who wish? The Gentle... Yes, the Gentleman from Madison, Mr. Wolf, one minute to explain your vote."

Wolf: "Thank you, Mr. Speaker. As we indicated in the previous discussion, this is a perfectly responsible piece of legislation and we have tried to point out that the Governor in his veto message is not recognizing the practice of the Department of Law Enforcement in the application and the payment of extradition expenses. I would hope that we could get a few more green lights up there on the board and recognize the fact that law enforcement officials at the local level need the type of assistance that's provided in this Bill. I don't think that we should allow felons to run out of the state with the idea that once they get out of the state, they are not going to be brought back and made to pay for their crimes. Let's have a few more green lights."

Speaker Greiman: "The Gentleman from Lake, Mr. Matijevich. One minute to explain your vote."

Matijevich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, I think everybody here is interested in enforcing the laws. Let's put this in real terms. Let's say that someone committed a... an offense within your family. Let's say that somebody murdered somebody within your family. Don't you think that if that person escaped to another state that the State of Illinois, whose laws we are trying to administer and enforce, that the State of Illinois ought to be obligated for the expense of bringing that felon to the State of Illinois so that person can be tried for that offense. I think this makes sense and I would hope that the few votes that are needed would jump on this in the interest of law. We sometimes say that we are for law and

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order, but when it comes to a matter that we must incur the expense, then we shy and duck away from our responsibility. I think this is a good law and we ought to get that extra vote to override."

Speaker Greiman: "Gentleman from Cook, Mr. Cullerton. One minute to explain your vote."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. Once again, we are given another opportunity to make a very good vote, not only because of the merits of the Bill, but also it's a good political vote. The Governor is doing what he has to do. He's protecting the State Treasury, but the fact of the matter is that it's a relatively small amount of money that would come out of the State Treasury in order to bring felons back into the state so they can be prosecuted. Now, everybody here is an expert on criminal law. Everybody here knows that they are against crime. This is a vote to allow felons to stay outside of the jurisdiction of the state and to go unprosecuted. It's just... the Governor is doing what he has to do to try to protect the treasury, but for us to come in here and to not override it is... pardon the expression, it's a crime. It clearly... The Bill clearly indicates that we are talking about felons. We are not talking about misdemeanors. He wants the counties to pay for it. The counties don't have the resources. They don't have the ability to raise the money. We are all aware of many counties that are under court order because their prisons are so dilapidated, they are under court order not to accept prisoners. That's how bad it is in these counties. And for us to say that... to agree with the Governor and say well the county should pay for this is ludicrous. They can't afford to even house the prisoners that are in the jurisdiction, much less to pay for the cost

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of bringing felons back into the state to be prosecuted. So, it's an extremely bad vote on the merits. It's also a bad vote as we occasionally every once in awhile take political votes. It's also a very bad political vote. So, I would encourage those of you who are not voting to vote 'aye'."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Mr. Wolf, for what purpose do you seek recognition?"

Wolf: "Poll the absentees, please."

Speaker Greiman: "Well, it will be a short poll."

Wolf: "It is now."

Speaker Greiman: "Mr. Clerk, there are no absentees, is that correct?"

Clerk Leone: "Every Member is voting."

Speaker Greiman: "On this question there are 70 voting 'aye', and there are 46 voting 'no', there are 2 voting 'present', and the Motion to override fails. Order of Total Motion... Total Veto Motions appears Senate Bill 239. And on that, the Gentleman from St. Clair, Mr. Flinn."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, this Bill was heard yesterday and I think because of some misunderstanding by some of the Members, it did not receive the required number of votes. I would like to just do a brief explanation of the Bill to remind you of what it does. It simply stops the reporting requirements from the Judiciary to the Secretary of State on those people traveling from... between the 55 miles per hour and 65 miles per hour. It does not change the speed laws. It does not change the \$50 minimum fine for violating the law at that speed. It has nothing to do with reckless driving. What it does have to do with is the fact

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that the insurance companies are prevented from using this to raise the cost of the drivers' insurance. Now, yesterday I charged the insurance companies blanket of using this ten miles per hour to raise the cost of drivers' insurance. Well, that's not quite true. There are some of them who do not use that already. State Farm in particular is one of those. But there are some who are unscrupulous enough to use any excuse to raise the cost of drivers' insurance and that's really the people I'm shooting at. Now, so far as people being permitted to travel faster than the 55 mile an hour limit, they will not be. They simply will have to pay the fine if they are caught. They simply will not have that reported to the Secretary of State to be used as one of the three moving violations. I would ask for your favorable vote and try to answer any questions if there are any."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Flinn, moves that this Bill pass, the veto of the Governor notwithstanding. And on that, the Gentleman from DeWitt, Mr. Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Gentleman's Motion to override the veto on this particular Bill and I rise in support of that because in my judgment, we cannot ever get to a zero defect society. We have constructed highways that are designed to carry automobiles at these speeds. We have constructed cars that are designed to safely carry people at these speeds. We have designed trucks that are capable of safely driving at these speeds. And all we are doing is creating higher costs for the consumer, more delay for our citizenry and interfering with what ought to be, the right to drive at a reasonable speed. I think that we ought to override the veto in this case. I think it's

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perfectly consistent with safety and I think we ought to do it."

Speaker Greiman: "Further discussion? The Gentleman from McLean, Mr. Ropp."

Ropp: "Thank you, Mr. Speaker. In all due respects to the two previous speakers, the issue is really one of attempting to save lives on the highway and that it seems that the easiest way we have to enforce a speed limit is that small lever that we have that says it will go on your record and that if you exceed that record by three times, you will, in fact, lose your license. The fact that we lose our license, in my judgment, has a greater effect on the saving of lives than even if you would increase the penalty to a hundred dollars per ticket. So, I think it's extremely important that we take that into consideration. The second thing is if, in fact, we are concerned about insurance company raising their rates, I would prefer to support a piece of legislation that would say you cannot in any way raise your rates after a certain number of tickets rather than to allow that to happen. Now, thirdly, the point that we do have highways that will carry transportation that exceeds 55 miles an hour, I think that we ought to direct our Department of Transportation to not design them because certainly we can use the money in other areas rather than to spend that much money on highway construction. The real issue is the saving of lives and that is the simple lever that we have is by adding it on to your record and I urge not a supporting vote on this issue."

Speaker Greiman: "Gentleman from DuPage, Mr. McCracken."

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I also oppose the override Motion and the Sponsor disputes whether or not federal funds are at stake here. I won't go over that again, but ask yourself what is the

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problem that is being addressed here? Are people going to jail because they are driving over 55? Are people getting huge fines because they are driving over 55? No, the fact of the matter is that the police don't stop them until they are about seven or eight miles over in the first place. Then they go to court and they get court supervision so there's no record of conviction. And then we are asked to change the law so that we require, as a matter of law, that we not... or that we disregard the speed limit. Now, if you don't like the speed limit, drive over it and take your chances or change the law from 55 and we'll see how the feds handle us. But to not report it promotes disrespect for the law whether you agree with it or not. It doesn't address a particular problem. No one is being unduly treated under the 55 mile an hour law. So, I think this is an inappropriate Bill and creates disrespect for the law and I think we should beat it."

Speaker Greiman: "Gentleman from Marion, Mr. Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Greiman: "Indicates he'll yield for questions."

Friedrich: "Representative Flinn..."

Flinn: "Mr. Speaker, I don't know that there is a whole lot to be said, but in answer to Representative McCracken, it truly does not affect the road money... oh, I'm sorry. I thought you recognized me to close. Who is asking the question?"

Friedrich: "The Speaker indicated you had yielded for a question. I didn't know if you had or not."

Flinn: "Oh, yes. I'm sorry."

Friedrich: "I thought you were anticipating my question."

Speaker Greiman: "Well, Mr... Mr..."

Friedrich: "Have other states passed a similar law to this, raising the... not raising the limit, but eliminating the reporting?"

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Flinn: "Yes, some of them have gone even higher. They have gone up to 70 miles per hour not reporting."

Friedrich: "Okay, and have any of them lost federal funds in your knowledge?"

Flinn: "None of them have lost that federal funds and as I was trying to answer Representative McCracken by mistake that..."

Friedrich: "What speed limits were anticipated when they built the interstate highway system?"

Flinn: "The 70 miles an hour was anticipated when they built them to start with. Illinois, prior to that, had no speed limits whatsoever."

Friedrich: "And they were designed for 70 mile an hour."

Flinn: "Yes, they were designed for 70 miles an hour."

Friedrich: "Thank you. That's very helpful in me knowing how to vote on this."

Speaker Greiman: "The Gentleman from Macon, Mr. Dunn."

Dunn: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I, too, rise in support of this legislation. I don't see any concern about disrespect for any laws because they are not... a ticket would be issued, paid, but not reported to the Secretary of State. We have... issue a lot of parking tickets that are not reportable, equipment violations are not reportable. What we want to do is put this... this category of speeding in the same category as the others so that you are not racing down the highway at a speed that is endangering lives, but if you do what most of us, if we admit the truth, have done from time to time and that is to creep up subconsciously over the speed limit and you are pulled over, you get a ticket, you have to pay the ticket, but it will not be reported as a moving violation. And it seems to me that it is a meritorious concept, a good concept, a progressive thing, a Bill that ought to be law

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and I would certainly urge an 'aye' vote."

Speaker Greiman: "Further discussion? There being none, the Gentleman from St. Clair, Mr. Flinn, to close."

Flinn: "Well, Mr. Speaker, the only thing I would like to add that Representative McCracken was, indeed, erroneous in saying is that this would affect federal funds and I think Representative Friedrich brought that out real well that other states have done it and have not lost. In fact, the staff... the Senate staff checked on this when the question arose in the Senate and the feds said, 'No, it does not.' This kind of law does not affect the federal funding at all of the highways. And I would ask for a favorable vote."

Speaker Greiman: "Question is, 'Shall this Bill pass, the veto of the Governor notwithstanding?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open and this is final action. Have all voted who wish? Have all voted who wish? Mr. Berrios. Vote Mr. Berrios 'aye', would you? Have all voted who wish? Mr. Clerk... Capparelli, 'aye'. Have all voted who wish? Mr. Clerk, take the... Mr. Terzich, vote 'aye'. Mr. Clerk, take the record. On this question there are 68 voting 'aye', 49 voting 'no', 1 voting 'present', and the Motion to override... I'm sorry. Mr. White. Mr. White wishes to vote 'no'. Alright. On this Motion there are now 67 voting 'aye', 50 voting 'no', 1 voting 'present'. Mr. Richmond."

Richmond: "Yes, I was just asking for the permission to explain my vote for a moment and..."

Speaker Greiman: "Well, the time has passed, Mr. Richmond, but if you will briefly explain your vote. Mr. Flinn, for what purpose do you seek recognition?"

Flinn: "Well, Mr. Speaker, I don't question your vision at all, but Representative Richmond had his..."

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Speaker Greiman: "I said Mr. Richmond could explain his vote. The time passed. Mr. Richmond explain your vote. I have not yet... I have not yet declared this closed. Explain your vote, Mr. Richmond."

Richmond: "Yes, I think that was the situation. Thank you very much."

Speaker Greiman: "I'm going to put the timer on and, please, it's a courtesy we're extending to you."

Richmond: "Okay, well, I appreciate the courtesy. Thank you. I believe that some of us ought to rethink our position on this because we are actually not jeopardizing any federal funds and certainly we are, by not supporting this, we are going to increase some insurance premiums on our constituents."

Speaker Greiman: "Excuse me, Mr. Richmond. Mr... Yes, yes, Mr. Vinson. For what purpose do you seek recognition?"

Vinson: "For the purpose of making another introduction, that of Mr. Speaker Madigan, who is in the center aisle, Mr. Speaker."

Speaker Greiman: "Mr. Vinson, you are out of order. Mr... and Mr. Richmond, proceed."

Richmond: "Thank you very much. As I was saying, I think this is important to a lot of our constituents from the standpoint of the increase in insurance premiums which is grossly unjust. And I certainly would encourage some of you to rethink your position and let's give him the few more votes that's required."

Speaker Greiman: "Alright, have all voted who wish? Mr. Clerk, take the record. On this question there are 67 voting 'aye', 50 voting 'no', 1 voting 'present' and the Motion to override fails. On the Order of Total Veto Motions appears Senate Bill 291. Out of the record. On the Order of Total Veto Motions appears Senate Bill 987. The Gentleman from

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Effingham, Mr. Hartke."

Hartke: "Mr. Speaker, Ladies and Gentlemen of the House, I move to override the Governor's veto on Senate Bill 887. Senate Bill 887 permits injunctive relief through the courts for the father of an unborn child whose wife seeks an abortion after the child is viable. In the case when a married woman wishes to have an abortion and her husband, who is the father of the unborn child is opposed to the abortion, the court may hear testimony from both parties and balance the rights and interest of those parties. The court may issue an injunction against the abortion if the unborn child is viable and the interest of the husband in preventing an abortion outweighs those of the wife. A court cannot issue an injunction if a woman's life or physical health is in danger. I'd be happy to answer any questions."

Speaker Greiman: "The Gentleman from Effingham, Mr. Hartke, has moved for the passage of this Bill, the veto of the Governor notwithstanding, and on that, the Gentleman from McDonough, Mr. Slater."

Slater: "Would the Sponsor yield?"

Speaker Greiman: "Indicates he'll yield for questions."

Slater: "Representative Hartke, what would be the guidelines under which a court would operate, in terms of determining whether an injunction would be granted?"

Hartke: "I have before me... Well, Senate 887 is narrowly written to meet the constitutional test. The Supreme Court in 'Roe versus Wade' and 'Doe versus Burton' stated that the states have a compelling interest in protecting potential human life after viability. It also states... It also stated that it could then prohibit abortions after viability excepting when the woman's life or health is in danger. The Illinois abortion law in 1957 follows this language by

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prohibiting abortions after viability except when the woman's life or health are in danger. The Bill does not prohibit the issuing of an injunction by a court if the mother's life or physical health are in danger. This, of course, includes medical emergencies. The gray area, according to the courts, is when we are talking about mental stress and this is best resolved by the courts. Just as the Supreme Court ruled that parents of pregnant minors do not have an absolute veto power over the abortion decisions of the minor, it also stated in Planned Parenthood versus Danforth that husbands do not have an absolute veto power over the wife's abortion decision, but the court has allowed parental consent and parent notice with a minor having a right to go to court to obtain a waiver of consent or notification. Would it be that the Supreme Court will also allow husbands to seek relief through the courts when the unborn child is viable?"

Slater: "The question again, what standards are going to be used, in simple terms, if you would, Chuck?"

Hartke: "The Judge will make those decisions."

Slater: "There aren't... are you telling me that there are no standards in this... in this legislation then which the court is to look to?"

Hartke: "I'm not sure I know how to answer that question."

Slater: "Well, thank you. To the Bill..."

Speaker Greiman: "Proceed, Sir."

Slater: "The Governor vetoed this Bill because he believed it to be unconstitutional and I think it's improper for this Body to say if it's unconstitutional, let the courts determine that. I think we have a responsibility, as a Legislative Body, to look at the law to determine in our own minds whether it's going to stand the test of constitutionality. This law is not going to and I urge a 'no' vote because we

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don't need to encumber the courts any more than we already have them encumbered with useless pieces of legislation."

Speaker Greiman: "The Lady from Lake, Ms. Stern."

Stern: "Mr. Speaker and Members of the House, I rise in opposition to this Bill. I think it is a very pernicious piece of mischief that would pit husband against wife in the courts of law at a time at which time is of the very essence. If a woman's life is in danger, and after 20 weeks of pregnancy she has come in for an abortion with her physician's concurrence, I think to delay with legal arguments and protracted litigation is a very serious thing indeed, and I think it is, if you will pardon my using the phrase, anti-family to put this kind of contest onto a marriage. I urge you to vote 'no'."

Speaker Greiman: "The Lady from Kane, Ms. Zwick."

Zwick: "Thank you, Mr. Speaker. First of all, a question of the Sponsor, if he will yield, please."

Speaker Greiman: "Indicates he will yield for question."

Zwick: "What is the penalty in this Bill if a woman should violate the injunction?"

Hartke: "Would you repeat that question?"

Zwick: "What would be the penalty should there be a fear that the woman will violate such a court injunction and go ahead and have an abortion? I mean are you going to put a pregnant woman who is seeking an abortion because she is sick or in danger of losing her life because of the pregnancy, are you going to put her in jail?"

Hartke: "No, I would presume that the Judge would allow her to go forth with that... with that abortion."

Zwick: "Well, under current... To the Bill, Mr. Speaker. Under current Illinois law, you cannot have an abortion, as we all know, after 20 weeks, once the fetus is viable. The only way you can have an abortion is if your life or health

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are in danger as judged by a doctor, who I think is a much better judge of your life and health situation than is a Judge. So, that is the current law. So we are dealing only here with woman who are seeking an abortion because their life is threatened or a serious health problem. So, I would say to you, in most cases, perhaps, if an injunction would, by some chance, be issued, which would be done by a Judge, someone with no medical background, if someone would issue an injunction, what is going to happen to this woman? What if she dies? Is the husband guilty then of killing this woman? Is this manslaughter? Is it murder? This Bill is... it's so inconsistent. There are no remedies in here. It's clearly, of course, unconstitutional, but it is also outrageous to think about the possibility of a woman saying, 'Well, I'm going to violate the injunction and go have an abortion because I am dying and I have to have the abortion.' So, what are we going to do? It looks to me like we are going to put her in jail. You are talking about a woman who is holding a... carrying a viable fetus, who is... whose life and health are in danger, who you are now going to put in Cook County jail or in some jail around the state. I mean it's a ridiculous prospect. I find it just beyond comprehension that someone would want to do that to a pregnant woman. There is a better solution that can be worked out between a husband and a wife and a doctor and certainly does not belong in the law of the State of Illinois, and even if it passes will be knocked out by the courts. But I would urge your opposition to this ridiculous proposal."

Speaker Greiman: "From DuPage, Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. I rise in support of the override motion. The Illinois statute referred to in the Governor's veto message purports to state as a matter of

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law that post-viability abortions are granted only where the physical health or the life of the mother is in danger. That is not the case here. The health clause of that statute has been interpreted very liberally to allow emotional health to be considered in allowing post-viability abortions and that is the point of this Bill. It probably could have been a better Bill if we had just sought to amend the existing law by the prohibition of emotional health as satisfying the health clause. However, the author of the Bill has seen fit to write it the way it is now. The point is this. The physical health has to be considered in determining of the injunction. The injunction is a remedy which is given not as a matter of right, but as a matter of discretion. Typically, injunctions are... the parameters for granting or denying an injunction is determined by case law. There are a number of elements which a person typically has to meet in order to get an injunction. An injunction is well suited to emergencies. It is given highest priority in the judicial circuits of this state and the point is that we don't want post-viability abortions given for reasons other than danger to the physical health or life of the mother, period. The Bill specifically prohibits the granting of an injunction where the physical health is at issue. It specifically does that. All we are trying to do is to correct what clearly had to have been the intent of the Legislature in passing the original law and that is that only where physical health is endangered will the post-viability abortion be legal."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Stephens."

Stephens: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I concur with the previous speaker that the issue of physical harm to the mother has been brought out by

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other speakers and they have tried to mislead us a little bit. All this Bill really does is recognizes that fact that the father, as the mother, is an equal parent of that child to be born. It gives him the simple right to have that child be born into a life that he and the mother began together. The mother-to-be is not the sole owner of that life. They share that burden together and this Bill recognizes that and I think that... I didn't know we had so many constitutional lawyers in here. I think some of us may have missed our calling. If this is a violation of the constitution, let's find that out after we pass the Bill. I don't think that that's what we sit in judgment here for. But this is a simple Bill that simply recognizes the real fact that the father is an equal parent of that child. Thank you."

Speaker Greiman: "There being no further discussion, the Gentleman from Effingham, Mr. Hartke, to close."

Hartke: "You can close and I would just ask for your support for Senate Bill 937 in overriding the Governor's veto."

Speaker Greiman: "The question is, 'Shall this Bill pass, the veto of the Governor notwithstanding?' All in favor vote 'aye', those opposed vote 'no'. Voting is now open and this is final action. Have all voted who wish? Have all voted who wish? Yes, I'm sorry, the Lady from LaSalle, Ms. Breslin."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, I am a pro-life Legislature (sic - Legislator) and I want to explain to you why I am voting 'no' on this issue and I think you should do also. First of all, recognize that this Bill does not amend the Abortion Act of Illinois. What it amends is the Civil Code of Procedure. What it does is create a new cause of action. In other words, we can allow more people to sue each other, more litigation.

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This cause of action is the suit of a husband against a wife when she is pregnant in order to deny an abortion when her health is at stake. Ladies and Gentlemen, a couple that finds themselves in this circumstance is in a very traumatic situation. I don't deny that they need help. My problem is that I don't think the court system can solve their problem. The court can't do everything, be everything to everybody. These people need a counsellor. They need to turn to their minister. They need to turn to their God, but the court system isn't where they should turn. I can't imagine what kind of a marriage will be left after people have submitted themselves to this kind of a public discussion of their crisis. This Bill, while well-intentioned, Ladies and Gentlemen, is not good for marriages. It is not good for families. It is not good social policy. Thank you."

Speaker Greiman: "The Gentleman from Cook, Mr. Bowman, one minute to explain your vote."

Bowman: "No, Mr. Speaker, just to request if this does get the requisite number of votes, I would like a verification."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 71 votes... 71 voting 'aye', 40 voting 'no', 4... yes, Mr. Johnson. Mr. Johnson votes 'aye'. There are 72 voting 'aye', 40 voting 'no', 4 voting 'present', and the Gentleman from Cook, Mr. Bowman, has asked for a verification of the Affirmative Roll. Ms. Zwick, for what purpose do you seek recognition?"

Zwick: "Same reason. Same reason. I wanted a verification."

Speaker Greiman: "Same request, alright. Mr. Clerk, proceed to verify the Affirmative Roll."

Clerk O'Brien: "Barger. Berrios. Brookins. Brunsvold. Bullock. Capparelli. Christensen. Countryman. Curran.

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Daley. Daniels. Davis. DeJaegher. DeLeo. Ewing.
Farley. Flinn. Dwight Friedrich. Giglio. Giorgi.
Goforth. Hannig. Harris. Hartke. Hastert. Hawkinson.
Hensel. Homer. Johnson. Keane. Koehler. Krska. Kubik.
Kulas. Laurino. Leverenz. Matijevich. Mautino. Mays.
McAuliffe. McCracken. McGann. McMaster. McNamara.
Mulcahey. Nash. O'Connell. Olson. Panayotovich.
Pangle. Parke. B. Pedersen. Phelps. Piel. Pullen.
Rea. Regan. Ryder. Saltsman. Stange. Stephens. Tate.
Terzich. Tuerk. Van Duyne. Vinson. Washington.
Weaver. Williamson. Wojcik. Wolf. And Mr. Speaker."

Speaker Greiman: "Yes, Mr. Bowman, questions of the Affirmative Roll Call."

Bowman: "Mr. Brunsvold."

Speaker Greiman: "Yes, Mr. Bowman."

Bowman: "I asked about Mr. Brunsvold."

Speaker Greiman: "Mr. Brunsvold. Brunsvold is in back in somebody else's seat in the back of the room."

Bowman: "Has an identity crisis, I see. Mr. Daley."

Speaker Greiman: "Mr. Daley is in his seat."

Bowman: "Mr. DeLeo."

Speaker Greiman: "DeLeo is in his... is standing at his chair."

Bowman: "Sorry. Farley."

Speaker Greiman: "Mr. Farley. Mr. Farley in the chamber? How is the Gentleman recorded?"

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

Speaker Greiman: "Remove Mr. Farley from the Roll Call."

Bowman: "Krska."

Speaker Greiman: "Mr. Krska. Mr. Krska in the chamber? How is Mr. Krska recorded?"

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

Speaker Greiman: "Remove Mr. Krska from the Roll Call."

Bowman: "Mulcahey."

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Speaker Greiman: "Mr. Mulcahey. Mr. Mulcahey is on the
Republican side. Further questions?"

Bowman: "It never occurred to me to look for him over there. Mr.
Keane."

Speaker Greiman: "Mr. Keane. Mr. Keane is at his desk."

Bowman: "Oh, I see. Mr. Rea."

Speaker Greiman: "Mr. Rea. Mr. Rea is in his chair."

Bowman: "Mr. Saltsman."

Speaker Greiman: "Mr. Saltsman. Mr. Saltsman. Saltsman in the
chamber? How is Mr. Saltsman recorded?"

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

Speaker Greiman: "Remove Mr. Saltsman from the Roll Call. Mr.
Saltsman has returned. Return him to the Roll... Saltsman
to the Roll Call."

Bowman: "Bernie Pedersen."

Speaker Greiman: "Mr. Pedersen. Mr. Pedersen. Mr. Pedersen in
the chamber? How is Mr. Pedersen recorded?"

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

Speaker Greiman: "Remove Mr. Pedersen from the Roll Call."

Bowman: "Mr. Davis."

Speaker Greiman: "Mr. Davis has just come into the room."

Bowman: "Okay. Wojcik."

Speaker Greiman: "Ms. Wojcik. Ms. Wojcik. Is the Lady in the
chamber? How is Ms. Wojcik recorded?"

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

Speaker Greiman: "Remove Ms. Wojcik from the Roll Call."

Bowman: "Mr. Laurino."

Speaker Greiman: "Mr. Laurino. Is Mr. Laurino in the chamber?
Mr. Laurino is at the rear of the chamber."

Bowman: "Thank you. Mr. Panayotovich."

Speaker Greiman: "Mr. Panayotovich. Mr. Panayotovich. Is Mr.
Panayotovich in the chamber? His coat is here..."

Bowman: "His coat doesn't vote."

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Speaker Greiman: "Mr. Panayotovich is here on the podium with me.

Mr. Pedersen has returned to the chamber. Restore Mr. Pedersen to the Roll Call."

Bowman: "Mr. Vinson."

Speaker Greiman: "Ms. Wojcik has returned to the chamber.

Restore Ms. Wojcik to the Roll Call. Mr. Vinson. Mr. Vinson in the chamber? Mr. Vinson. How is Mr. Vinson recorded?"

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

Speaker Greiman: "Mr. Vinson is right here at the door."

Bowman: "Okay. No further questions."

Speaker Greiman: "On this question there are 70 voting 'aye', there are 40 voting 'no', there are... yes, Mr. Curran, for what purpose do you seek recognition?"

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

Speaker Greiman: "You are recorded as 'aye'. Mr. McGann, how... for what purpose do you seek recognition?"

McGann: "To ask how I am recorded, Mr. Speaker."

Speaker Greiman: "You are recorded as 'aye'. Do you want to change your vote, Mr. McGann?"

McGann: "No, I didn't, Mr. Speaker. I just asked..."

Speaker Greiman: "Alright. Mr. Tate. Mr. Tate, for what purpose do you seek recognition? Mr. Tate."

Tate: "Yes, Mr. Speaker. Is the board correct right now?"

Speaker Greiman: "Mr. Tate... Yes, Ms. Barnes, for what purpose do you seek recognition?"

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

Speaker Greiman: "You are recorded as 'aye'."

Barnes: "No, I'm not recorded. I would like to be recorded as 'aye', please."

Speaker Greiman: "On this question there are 70 voting 'aye'... Oh, I'm sorry. Okay, I'm sorry. Record Ms. Barnes 'aye'. Okay, alright. Anybody... Is everybody voted who wants to

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vote? Okay. On this question there are... Yes, Ms. Braun, for what purpose do you seek recognition?"

Braun: "No, never mind."

Speaker Greiman: "Ms. Braun."

Braun: "No."

Speaker Greiman: "On this question there are 71 voting 'aye', 40 voting 'no', 4 voting 'present', and the Motion to override prevails. And we all learned that it depends on whose ox is being gored. On the Order of Total Veto Motions appears Senate Bill 990, and on that, the Gentleman from Cook, Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. This Bill should be much faster, Mr. Speaker, than the last Bill. This Senate Bill 990 was in response to a 7th Circuit Court of Appeals case, 'Win versus Carey', wherein the court stated that the United States Constitution does not prohibit a state from passing legislation banning experimentation on a fetus. In response to that, this measure has been introduced. Actually, there had been a ban on fetal experimentation from the years 1975 to 1983. However, in response to concern that the language of that ban may have prohibited invitro fertilization, that language was removed and replaced with this very specific language banning fetal experimentation. I would... I should note that the Bill also provides express permission... express legality for invitro fertilization. There was a good deal of concern while the Bill made its way through the General Assembly that in some way this measure might have a chilling effect on invitro fertilization. And quite the contrary, the express intent in the Bill is to allow invitro fertilization. The Governor, in his veto message, made two points which I'd like to address. First of all, he indicated that he felt that using the word experimentation

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created a vagueness that would result in a constitutional infirmity. I would submit that the word experiment is quite clear and does not have a vague connotation to it. In fact, the American Heritage dictionary is quite clear in defining experiments as a test made to demonstrate a known truth; to examine the validity of a hypothesis or to determine the efficacy of something previously untried. That is precisely what we are trying to avoid on fetuses that have been developed primarily for implantation purposes. In this modern world of science where the availability of pregnancy can be made through the so-called test tube baby era, it is felt that the potential for abuse should be addressed in such legislation. By prohibiting experimentation on those fetuses, we can, in fact, avoid what many of us consider a murder of a living being. I recognize the controversy that the measure has. I recognize a certain split, a divisiveness in this General Assembly between the so-called pro-choice and the so-called pro-life factions. This, however, is designed to address a real and in the future will become a more real problem. The last point that the Governor makes in his veto message is that experimentation on a mother could result in an effect... an indirect effect on the fetus and, therefore, result in preventing a woman, for example, as he points out in his message, suffering from cancer from being given certain medical treatments. I would submit that that is a misplaced concern. The Bill is quite specific in that we are addressing experimentation directly on the fetus. And the intent is on the fetus and not on the mother so that there cannot be, in effect, a transferred intent, if the experimentation is to be on the mother, the result to experimentation on the fetus. At this point, I'd be happy to answer any questions."

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Speaker Greiman: "The Gentleman from Cook, Mr. O'Connell, has moved that this Bill pass, the veto of the Governor notwithstanding. And on that, is there any discussion? The Gentleman from Macon, Mr. Dunn."

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

Speaker Greiman: "Indicates that he'll yield for questions."

Dunn: "It is my understanding that the in vitro fertilization process in my layman's view consists of placing a human sperm and a human ovum together in what is known as a petri dish in a solution and joining those two to hope that the egg fertilizes. Is that essentially what invitro fertilization means to you?"

O'Connell: "I am not familiar with invitro fertilizations, but my limited knowledge would concur that that is what invitro fertilization is."

Dunn: "And when there is a fertilized egg resulting from this process and there is an attempt to implant the egg in the womb of a woman who wishes to become a mother and produce a nice, live, healthy baby, does that implantation process work every time?"

O'Connell: "No."

Dunn: "And if it does not, is that process therapeutic to the fertilized egg which dies?"

O'Connell: "Would you repeat that question?"

Dunn: "If a fertilized egg is implanted in the womb of a woman and dies, is that process therapeutic to that particular fertilized egg?"

O'Connell: "No."

Dunn: "Now, is the general process that I am talking about here..."

O'Connell: "Excuse me, Representative Dunn."

Dunn: "Yes."

O'Connell: "The question that you proffered was that if the

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fertilization, the implantation fails, is that therapeutic to the fertilized egg?"

Dunn: "Yes."

O'Connell: "Well, the best answer to that is that this is not a prohibition on therapeutic... This is not a prohibition on invitro fertilization. It is not a prohibition on therapeutic treatment for the benefit of the fetus."

Dunn: "Well, I think that's your view. I'd just like to ask these questions, and you do agree with me that if a fertilized egg dies in this process, it's not particularly good for that egg, so it's probably not very therapeutic."

O'Connell: "This is only addressing non-therapeutic experimentation."

Dunn: "Where is the word non-therapeutic in this Bill? I don't see the word non-therapeutic in this Bill."

O'Connell: "I'm addressing the question of legislative intent, Representative."

Dunn: "So am I. And my next question is, is the... in the present state of the art, is the invitro fertilization process experimental?"

O'Connell: "I can't hear your question."

Dunn: "In the present state of the art, is the invitro fertilization process experimental?"

O'Connell: "I would not say it is."

Dunn: "And why not? Is it a perfect process?"

O'Connell: "Because it's the process of developing a human life. It is not the process of invitro fertilization in and of itself is not an experimental process to test for anything other than developing human life. The Bill is addressing the experimental process of fertilized eggs without the intent and purpose to develop human life."

Dunn: "It doesn't say that in the Bill. You are interpreting..."

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O'Connell: "Well, the Bill has an express approval of invitro fertilization."

Dunn: "Where is that?"

O'Connell: "Hey, Mark, do you have a copy of the Bill? Representative Dunn, if you look on page four, and I don't have the enrolled copy, line four, the sentence, 'nothing in this Subsection 7 is intended to prohibit the performance of invitro fertilization.'"

Dunn: "Okay, now let me ask a question. What if the state of the art changes in connection with invitro fertilization. Let's say a doctor at a medical research facility feels that he or she knows a better solution in which to put the egg and the sperm together in the petri dish so that it will actually enhance the chances of fertilization. So that moving from the state of the art today, point a to point b in the future when a doctor would like to try a new solution, and the doctor tries that solution and... for the very first time, and puts a human egg and a human sperm together and the egg fertilizes and dies five seconds later. My question is, is that therapeutic for that egg? Is that experimental? Is that invitro fertilization?"

O'Connell: "Well, Representative, I think the answer to that question is that the state of the art is going to improve with time..."

Dunn: "I don't think it will if this Bill becomes law."

O'Connell: "Representative, if you'll let me finish, Representative. Invitro fertilization is a relatively new medical process, presumably... presumably..."

Dunn: "I asked specific questions. I asked specific questions."

O'Connell: "I'm answering your question. Presumably..."

Dunn: "Is it... Is it... Have I defined an experiment?"

O'Connell: "I was trying to answer your question when you were asking another. Why don't you ask the question again?"

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Dunn: "Well, I asked kind of a three part question. If a doctor who is doing research proposes to suggest that a different solution be used as the medium for interaction between a human sperm and a human egg and does, in fact, join those two in a yet untried solution and the egg and sperm fertilize, but the fertilized egg dies within a matter of seconds, my questions are is that therapeutic for that particular fertilized egg and is that process an experiment within the meaning of this Bill?"

O'Connell: "That is invitro fertilization."

Dunn: "So, you are saying for legislative intent that you are cocksure that if... that if a new solution is proposed or if someone tries a new process in the... in the field of medical research to advance the process of in vitro fertilization that this Bill will permit that."

O'Connell: "Representative..."

Dunn: "Is that... Is that legislative intent?"

O'Connell: "That is my legislative intent."

Dunn: "Then I have to ask, why does the Bill say that nothing shall prohibit the performance of in vitro fertilization; but, if there is an experiment which turns out to be nontherapeutic to the fertilized egg, you have a crime committed? If you were a doctor in medical research, would you be inclined to... to work in this field to try to advance this process?"

O'Connell: "Well, the intent is for in vitro fertilization to be permitted within the confines of this law. If it is an experimentation without the intent to result in in vitro fertilization, it would be prohibited under this law. Now, as far as in vitro fertilization in the state of the art, the state of the art is going to change. It's going to improve. And what we know as in vitro fertilization today may not... may well be completely different ten years from

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now. The airplane that was invented in 1904 is quite different than the airplane that exists in 1985. But it is still an airplane."

Dunn: "Thank you very much. Mr. Speaker and Ladies and Gentlemen of the House, just picking up where the Sponsor left off. He is right. There's been tremendous progress in the development of aircraft, but nobody has said to date if you build one that crashes you go to jail. They said that's too bad. You shouldn't build them that crash. What this Bill says to a doctor, to a scientist who has a sincere interest in advancing the process of in vitro fertilization to enable a man and a woman, a married man and a woman, who want to have a baby and can't, to advance the process to allow them to have a baby, to do the research needed to advance that process and, yes, to conduct experiments, experiments designed to advance the process of in vitro fertilization, this Bill says that in vitro fertilization is alright, but it doesn't say what state of the art applies to the definition of what is alright, except it says that if there is an experiment conducted and the fertilized egg dies, you're in big trouble. The language is capable of being added to this Bill to clear this situation up to encourage people to try to develop this process so that those who want to have children can have them. This could be a pro-life Bill, but it is a not a pro-life Bill in its present state because of the stubbornness of those who are advancing the concept of this legislation, their stubbornness to refuse to sit down to define the terms in such a way that the in vitro fertilization process can continue in the present state of the art and that research by those who are responsibly conducting research in this area can proceed and be encouraged to further and advance this process. I am here

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to suggest to all the Members of this chamber that nobody is going to want to do scientific research in this area if this Bill becomes law and it will be the end of advancements in the process of in vitro fertilization. And I think that's a sad, sad thing for the people of this state. And I would urge a 'no' vote on this Bill."

Speaker Greiman: "Further discussion? The Gentleman from Cook, Mr. LeFlore. The Gentleman from McLean, Mr. Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. I'd like to ask a question of the Sponsor, please. I was listening to a speaker a couple of months ago relative to the potential of the research and development in the United States. One of the areas that was mentioned was the fact that we have already progressed to the point where we can genetically begin to consider correcting mental retardation. We can begin to possibly eradicate cancer or some other physical genetic abnormalities. I'm asking you, is not these potential advances in jeopardy if this Bill passes in its present form, as you so desire?"

Speaker Greiman: "The Lady from Champaign, Ms. Satterthwaite."

Ropp: "That was a question."

Speaker Greiman: "Oh, I'm sorry. Proceed, Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. In answer to your question, I would say no, Representative. When... You draw a line as to defining what you consider to be human life. If you feel that a human life can be experimented with, with the full knowledge that the experimentation will result in a death, knowing... with the rationalization that the process will provide information for some other benefit, if that is your opinion and you can justify that, so be it. It is my opinion and the opinion of anyone who supports this particular Bill that, number one, human life begins with the development of the fetus and, number two, a life cannot

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be experimented with even though the rationale or the justification may be that it could be... it could be a potential benefit to some other third party. That is my opinion, and that is where this Bill lies. And that's the prohibition that's addressed."

Ropp: "I guess, as we have progressed through history, some have always had to sacrifice in one way or another. And it would certainly seem, and this is a very touchy issue, but it would certainly seem that it would be more desirable to attempt to correct major abnormalities and diseases when we're talking about a one cell or, at best, two or three cell individual than maybe to consider someone that is several years old. And I... it would seem that through this Bill you're preventing the possible prevention of future physical abnormalities or mental retardation. And I think these are big issues that if... by some means of research should not be prevented, and I think this Bill would do that and that's why I urge you to vote 'no' on the override."

Speaker Greiman: "The... The Lady from Champaign, Ms. Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, I rise also in opposition for the override of this veto of the Governor's. As we have talked about selling or experimentation on fetuses, there has never been any indication provided that there is currently abusive tactics being used within the State of Illinois. It's, therefore, really not necessary for us to protect against something that isn't happening. And for that reason, if for no other, we should not be cluttering up our statutes with unnecessary laws. In addition to that, the terms for selling or experimenting are not defined in this Bill. And so, as the previous speakers have indicated, things that

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might be very constructive to producing new life would not be continued. We would find that doctors would have what is called a chilling effect on any kind of work that might lead to advances in helping to give childless couples the possibility of having a family. And so, in fact, it will not only be an unnecessary Bill, but it will, in fact, be a detrimental Bill. We would never have gotten to the point of having in vitro fertilization to begin with if restrictive laws of this sort had been on the books previously. The Governor has said in his amendatory veto message, 'The United States Constitution guarantees of due process guarantee that criminal statutes will not be so vague that persons of common intelligence have to guess at their meaning. Vague laws, especially criminal statutes, operate to inhibit the exercise of protected freedoms.' I think we should be supportive of the Governor in his thoughtful veto of this Bill. It is an unnecessary Bill. It is so vague that it will only be more confusion than help, and it will certainly tend to decrease any kind of positive activity to help child... to help families have children when they are not able to do it without medical help. For all those reasons, we need to vote against this Motion to override."

Speaker Greiman: "Gentleman from Cook, Mr. Shaw."

Shaw: "Yes. Mr. Speaker, I move the previous question."

Speaker Greiman: "Gentleman from Cook, Mr. Shaw, moves that the previous question be put. All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the previous question will be put. Gentleman from Cook, Mr. O'Connell, to close."

O'Connell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, I think that there is a very real problem in the area of selling and experimenting of

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fetuses. While it may not exist in Illinois today, it does exist in other states. There has been testimony presented during the course of this Bill being considered by the General Assembly that, in fact, wholesale experimentation of fetuses has occurred in other states. I should point out, too, that perhaps the reason why it hasn't occurred in Illinois is that there was legislation in the original abortion law prohibiting fetal experimentation. Since 1983, however, it has not been in the books. We have given... been given a constitutional okay to prohibit fetal experimentation. All we're trying to address is a legitimate, realistic attempt to avoid the damaging non-life considering fetal experimentation while, at the same time, recognizing the value and the presence of in vitro fertilization. Previous speakers have tried to somehow conjure up that this legislation will prohibit in vitro fertilization. I would simply note that the Bill is very specific in that nothing in this Subsection 7 is intended to prohibit the performance of in vitro fertilization. How much more clear can you get? The in vitro fertilization process will improve. The state of the art will improve, but it will still remain in vitro fertilization and it is not this intent... the intent of this Bill to, in any way, diminish that very valuable medical wonder. I'd ask for the support on this Motion to override the veto."

Speaker Greiman: "The question is, 'Shall this Bill pass, the veto of the Governor notwithstanding?' All in favor vote 'aye', those opposed 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk. Mr. Bowman, one minute to explain your vote."

Bowman: "No, Mr. Speaker, to ask for a verification of the Roll

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Call."

Speaker Greiman: "Oh, you're request... a verification. Mr. Clerk, take the record. Mr. Terzich, for what purpose do you seek recognition? Pardon?"

Terzich: "I'd like to be verified."

Speaker Greiman: "Yes, Mr. Bowman, Mr. Terzich wishes to be verified. Alright. Mr. Shaw."

Shaw: "Leave to be verified."

Speaker Greiman: "Mr. Shaw asks leave to be verified. Yes... yes. Mr. Hawkinson? Mr. Hawkinson wishes to be verified also. Alright. We're going to... no that's... no, no. On this question there are now 75 voting 'aye', there are 37 voting 'no', there are 3 voting 'present'. Mr. Clerk, Mr. Bowman wishes to verify the Affirmative Roll. Proceed to verify the Affirmative Roll."

Clerk O'Brien: "Barger. Barnes. Berrios. Breslin. Brunsvold. Capparelli. Christensen. Countryman. Curran. Daley. Daniels. Davis. DeJaegher. DeLeo."

Speaker Greiman: "Mr. McNamara, for what purpose do you seek recognition? Mr. McNamara, you'd like to be verified? And, Mr. Ryder, you would like to be verified? Alright, you have leave. Mr. Parke, you have leave. Alright. Now, Mr... Now look. It's a verification. If you have somewhere to go that deals with business, fine, but I'm not going to recognize the entire General Assembly to walk out. Proceed."

Clerk O'Brien: "Farley. Flinn. Dwight Friedrich. Giglio. Giorgi. Goforth. Hallock. Hannig. Harris. Hartke. Hastert. Hawkinson. Hensel. Homer."

Speaker Greiman: "Excuse me, Mr. Clerk. Mr. Capparelli asks leave to be verified, and Mr. Nash and DeLeo ask leave to be verified. And Mr. Daley asks leave to be verified. May those four? Alright, proceed, Mr. Clerk."

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Clerk O'Brien: "Johnson. Keane. Klemm. Koehler. Krska.
Kubik. Kulas. Laurino. Leverenz. Matijevich. Hautino.
McAuliffe. McCracken. McGann. McMaster. McNamara.
Mulcahey. Nash. Oblinger. O'Connell. Olson.
Panayotovich. Pangle. Parke. B. Pedersen. W. Peterson.
Phelps. Piel. Pullen. Rea. Regan. Ryder. Saltsman.
Soliz. Stange. Stephens. Tate. Terzich. Tuerk. Van
Duyne. Vinson. Wait. Weaver. Williamson. Wojcik.
Wolf. And Mr. Speaker."

Speaker Greiman: "Mr. Bowman, questions of the Affirmative Roll
Call."

Bowman: "Mr. Brunsvold. Oh, he's back again. Okay. DeJaegher."

Speaker Greiman: "Mr. DeJaegher. Mr. DeJaegher in the... Mr.
DeJaegher is at the Majority Leader's seat."

Bowman: "Oh, I see. Mr. Flinn."

Speaker Greiman: "Mr. Flinn is in his seat."

Bowman: "He's back. Mr. Keane."

Speaker Greiman: "Mr. Keane. Mr. Keane. Mr. Keane in the
chamber? How is Mr. Keane recorded?"

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

Speaker Greiman: "Remove Mr. Keane."

Bowman: "Mr. Krska."

Speaker Greiman: "Mr. Krska. Is Mr. Krska in the chamber? How
is Mr. Krska recorded?"

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

Speaker Greiman: "Remove Mr. Krska."

Bowman: "Mr. Kulas."

Speaker Greiman: "Mr. Kulas is in his chair."

Bowman: "Mr. Homer."

Speaker Greiman: "Mr. Homer is at the rear of the chamber."

Bowman: "Mr. Panayotovich."

Speaker Greiman: "Mr. Panayotovich. Mr. Panayotovich. How is
Mr. Panayotovich recorded?"

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

Speaker Greiman: "Remove Mr. Panayotovich from the Roll."

Bowman: "Mr. Soliz."

Speaker Greiman: "Mr. Soliz. Mr. Soliz. Mr. Soliz in the chamber? Mr. Panayotovich has returned to the chamber. Restore him to the Roll Call. Mr. Soliz. How is Mr. Soliz recorded?"

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

Speaker Greiman: "Remove Mr. Soliz from the Roll Call."

Bowman: "Mr... excuse me. Representative Barnes."

Speaker Greiman: "Ms. Barnes. Ms. Barnes is in her chair."

Bowman: "Representative Friedrich, Dwight."

Speaker Greiman: "Mr. Friedrich is in his chair."

Bowman: "Mr. Matijevich."

Speaker Greiman: "Mr. Matijevich. Mr. Matijevich is working the Republican side."

Bowman: "Mr. McAuliffe."

Speaker Greiman: "Pardon?"

Bowman: "McAuliffe."

Speaker Greiman: "Mr. Soliz has returned. Return Mr. Soliz to the Roll Call. Mr. Keane has returned to the chamber. Restore Mr. Keane to the Roll Call. Mr. McAuliffe. Mr. McAuliffe. How is Mr. McAuliffe recorded?"

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

Speaker Greiman: "Remove Mr. McAuliffe from the Roll Call."

Bowman: "Ms. Pullen."

Speaker Greiman: "Ms. Pullen is at her desk."

Bowman: "Mr. Stange."

Speaker Greiman: "Pardon?"

Bowman: "Stange."

Speaker Greiman: "Mr. Stange is at the rear in the middle aisle."

Bowman: "Olson."

Speaker Greiman: "Mr. Olson. Mr. McAuliffe has returned to the

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chamber. Restore Mr. McAuliffe to the Roll Call. The Gentleman from Lee, Mr. Olson. Mr. Olson. How is Mr. Olson recorded?"

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

Speaker Greiman: "Remove Mr. Olson from the Roll Call. Mr. Olson is here at the press box. Restore Mr. Olson to the Roll Call."

Bowman: "No further."

Speaker Greiman: "On this question there are 74 voting 'aye', 37 voting 'no', 3 voting 'present'. The Motion to override prevails. Representative Breslin in the Chair."

Speaker Breslin: "Representative Capparelli. Is the Gentleman in the chamber? Representative Capparelli is recognized for the purposes of a Motion."

Capparelli: "Madam Speaker, I have a Motion. Would the Secretary (sic - Clerk) please read the Motion?"

Speaker Breslin: "Mr. Clerk."

Clerk O'Brien: "Motion. 'I move to suspend the provisions of Rule 36(d) with respect to Senate Bill 525 and to advance that Bill to the Order of Senate Bills Second Reading. Ralph Capparelli.'"

Speaker Breslin: "Representative Capparelli, on the Motion."

Capparelli: "Yes. Madam Speaker, I would... as the Clerk just read that I would like to suspend provision... Rule 36(d) with respect to Senate Bill 525 and advance that Bill to Second Reading."

Speaker Breslin: "The Gentleman has moved to suspend the appropriate rule so that this Bill can be advanced to the Order of Second Reading Second Legislative Day. On that question, is there any discussion? The Gentleman from Mau... from Bureau, Representative Mautino."

Mautino: "It is... purposes of an inquiry, please."

Speaker Breslin: "State your inquiry."

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Mautino: "It is currently on Second Reading First Legislative Day which allows for Amendments to be presented at that stage as well as Second Reading Second Legislative Day. Is that or is that not correct?"

Speaker Breslin: "That is not correct."

Mautino: "The only place that Amendments can be presented is then on Second Reading Second Legislative Day?"

Speaker Breslin: "Correct."

Mautino: "I have no objection to Second Reading Second Legislative today and at this time, for the purposes of addressing Amendments, some of which have just... that have just been filed."

Speaker Breslin: "The Gentleman from Lake, Representative Matijevich, on the Motion."

Matijevich: "Well, I don't have any objection either, but I'm going to vote against it because I think that since there's an effective date of July 1 next year that there's no need even to rush to this extent. Of course, I've been one who has said that this issue should wait until the Spring Session, and I think it ought to still wait until the Spring Session. So, I think if you really want to wait until spring, you ought to vote against this Motion and let the Bill take its time, have more deliberation in the spring when we've got more time to consider it. Look at all the Amendments we've had now, and there's some other issues that might come up between now and spring."

Speaker Breslin: "The Gentleman from McLean, Representative Ropp."

Ropp: "I'm interested in what the previous speaker said about let's deliberate and take more time. We've been deliberating on this issue since July, maybe June, maybe even April, and it could have even been last year or the year before. I think this is an issue that is too

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important to delay. The whole business of economics and finance is something that is important enough that we need to address. Let's not put it off any longer. If we're going to stay attuned to the times that we need in a robotic system anymore, we need to move on this Bill. We need to take action on it and the mere fact that we have 107 Amendments, half of which are duplications doesn't really mean that we are really concerned about trying to do anything about the real issue. Most of those Amendments were attempted to screw up the whole system. Let's not do that. Let's really address it, pass this out so we can move ahead and improve the financial situation in our state through the business climate that we have in our banking system. I urge a 'yes' vote."

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

Vinson: "Madam Speaker, Ladies and Gentlemen of the House, I think this Motion is entirely in order. As I understand it, we're dealing with the Motion printed on the Calendar, is that correct?"

Speaker Breslin: "Correct."

Vinson: "Which would move it to Third Reading."

Speaker Breslin: "No. The Gentleman has amended his Motion, and it moves it to Second Reading Second Legislative Day. I believe the Gentleman's intention is to put... is to ask for Amendments to be considered."

Vinson: "I see. He's changed that Motion. How... Is that Motion in writing?"

Speaker Breslin: "He has. It was."

Vinson: "The Motion to move it to Second Reading?"

Speaker Breslin: "Yes, it was."

Vinson: "Okay, thank you."

Speaker Breslin: "There being no... Representative Mautino, for

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what reason do you seek recognition?"

Mautino: "On the request for the Motion advancing to Second Reading Second Legislative Day. In reevaluating my position on this question, I was misinformed about where this was going to move to. I was originally under the impression that there was going to be a movement to Second, to Third and back from Third to Second for Amendments as a possibility. Since that is not the case, I believe that the House spoke last evening in moving the legislation back to Second Reading First Legislative Day and we should abide by the wishes of the House that was made at that time. Therefore, I reverse my position on the Motion that has been made."

Speaker Breslin: "Representative Capparelli, to close."

Capparelli: "Madam Speaker, I would ask for an Affirmative Roll Call on this so we can move this Bill to Second Reading, accept those Amendments that we have already talked about, and I would ask for a Roll Call. How many votes would I need on this?"

Speaker Breslin: "Sixty votes."

Capparelli: "Thank you."

Speaker Breslin: "The question is, 'Shall the House suspend the appropriate rules and advance this Bill to the Order of Second Reading Second Legislative Day?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Sixty votes are required to carry this Motion. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 62 voting 'aye', 40 voting 'no' and 8 voting 'present' and Representative Mautino asks for a Verification of the Affirmative Roll. Representative Capparelli asks for a Poll of the Absentees. Poll the absentees, Mr. Clerk."

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Clerk O'Brien: "Poll of the Absentees. Braun. Brookins. Brunsvold. Hicks. Regan. Slater. Turner. And Wolf."

Speaker Breslin: "Representative Regan, for what reason do you rise?"

Regan: "... please."

Speaker Breslin: "Representative Regan wishes to be recorded as voting 'aye'. Record him thus. Poll the affirmative, Mr. Clerk."

Clerk O'Brien: "Alexander. Barger. Barnes. Berrios. Bullock. Capparelli. Churchill. Cowlishaw. Curran. Currie. Daley. Daniels. Davis. DeJaegher. DeLeo. Deuchler. Didrickson. Dunn. Flinn. Virginia Frederick. Giglio. Giorgi. Greiman. Hallock. Harris. Hastert. Hensel. Hoffman. Homer. Kirkland. Koehler. Krska. Kubik. Kulas. Laurino. Mays. McAuliffe. McNamara. McPike. Nash. O'Connell. Olson. Parcels. Parke. B. Pedersen. W. Peterson. Piel. Preston. Pullen. Regan. Ronan. Ropp. Soliz. Steczo. Stephens. Stern. Sutker. Terzich. Tuerk. Van Duyne. Washington. Williamson. And Wojcik. No further."

Speaker Breslin: "Representative Alexander, for what reason do you rise?"

Alexander: "Madam Speaker, please change my vote to 'present'."

Speaker Breslin: "Change Representative Alexander from 'aye' to 'present'. Representative Christensen votes 'aye'. Representative Mautino, do you have any questions of the Affirmative Roll?"

Mautino: "Representative Bullock."

Speaker Breslin: "Excuse me. Representative Braun, for what reason do you rise?"

Braun: "Madam Speaker, how am I recorded?"

Speaker Breslin: "You're recorded as not voting."

Braun: "Vote me 'present'."

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Speaker Breslin: "Vote Representative Braun 'present'. Excuse me, Representative Mautino, proceed."

Mautino: "Representative Tuerk."

Speaker Breslin: "Excuse me. Representative Braun."

Braun: "I'm sorry. Vote me 'no'."

Speaker Breslin: "Vote Representative Braun 'no'. Representative Tuerk has been questioned. How is the Gentleman recorded?"

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

Speaker Breslin: "Representative Tuerk. The Gentleman in the chamber? Remove him from the Roll Call."

Mautino: "Representative McAuliffe."

Speaker Breslin: "Representative McAuliffe. He's in his chair."

Mautino: "Representative Giorgi."

Speaker Breslin: "Representative Giorgi is in the chamber."

Mautino: "Representative White."

Speaker Breslin: "Representative White."

Mautino: "I'm sorry. Pull Representat... forget Representative White. Representative Sutker."

Speaker Breslin: "Representative Sutker. The Gentleman is in the chamber. Representative Slater changes his vote to 'no' or wishes to be recorded as voting 'no', Mr. Clerk."

Mautino: "Representative Currie."

Speaker Breslin: "Excuse me, Representative Mautino. Representative Steczo asks leave to be verified. That is granted. Representative Currie. Is the Lady in the chamber? Representative Currie. How is she recorded?"

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

Speaker Breslin: "Remove her from the Roll Call. Representative Nash asks leave to be verified, and Representative Regan and Representative Parke. Do they have leave? The Gentlemen have leave."

Mautino: "Krska."

Speaker Breslin: "Representative Parley, for what reason do you

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rise?"

Farley: "I'd like to change my vote to 'yes'."

Speaker Breslin: "Representative Farley changes his vote from 'no' to 'aye'. Representative Wolf votes 'no'."

Mautino: "Representative Krska."

Speaker Breslin: "Representative Krska. How is the Gentleman recorded?"

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

Speaker Breslin: "Is the Gentleman in the chamber? Representative Krska. Remove him from the Roll Call."

Mautino: "Representative Pullen."

Speaker Breslin: "Representative Pullen. Is the Lady in the chamber? Representative Pullen is in the chamber."

Mautino: "Representative DeJaegher."

Speaker Breslin: "Representative DeJaegher. Is the Gentleman in the chamber? How is the Gentleman recorded?"

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

Speaker Breslin: "Representative DeJaegher. Remove him from the Roll Call. Representative Washington asks leave to be verified, Representative Mautino. The Gentleman has leave."

Mautino: "Harris."

Speaker Breslin: "Representative Harris is in the chamber. Representative Goforth votes 'aye'. Representative White votes 'aye'. Do you have anymore questions of the affirmative?"

Mautino: "Kirkland."

Speaker Breslin: "Representative Kirkland is in the chamber."

Mautino: "No further questions."

Speaker Breslin: "Representative Tuerk has returned to the chamber. Add him to the Roll Call as voting 'aye'. On this question there are 63 voting 'aye'... Representative Turner wishes to vote 'aye'. Representative Rice votes

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'aye'. Representative... Have all voted who wish? On this question there are 65 voting 'aye', 40 voting 'no' and 7 voting 'present' and the Motion carries. This Bill is on the Order of Second Reading Second Legislative Day. Are there any Amendments?"

Clerk O'Brien: "Senate Bill 525, a Bill for an Act to amend the Illinois Bank Holding Company Act. This Bill has been read a second time previously. Amendment #105, offered by Representative Bullock - et al."

Speaker Breslin: "Representative Bullock."

Bullock: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Amendment 105 offered by Bullock, Churchill, Capparelli and DeLeo is in response to the credit unions' concern in regards to the financial institution definition. Last evening, Representative Greiman indicated that the credit unions were, in fact, included in the definition of financial institutions. Amendment 105 is intended to dispel that notion and delete credit unions from the Act and, as a result, to make it a consensus Amendment and hopefully a consensus Bill. I'd be glad to answer any questions that may arise. Otherwise, I'd ask for the adoption of Amendment 105 and urge a green vote."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #105. And on that question, is there any discussion? The Gentleman from Peoria, Representative Tuerk."

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

Speaker Breslin: "He indicates he will."

Tuerk: "As I understand the legislation now, it mandates that all financial institutions would provide checking accounts. Now, what your Amendment does is strike credit unions?"

Bullock: "The Amendment strikes the reference to credit unions, Representative Tuerk, in Section 3 of the Bill."

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Tuerk: "Is there any reason why you didn't go beyond that and exclude, for example, savings and loan?"

Bullock: "There's another Amendment coming that addresses that concern. There is a subsequent Amendment that will address the issue that you raise on savings and loans."

Tuerk: "That will exclude savings and loans as well as credit unions?"

Bullock: "It will address that issue, yes."

Tuerk: "Thank you."

Speaker Breslin: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Will the Gentleman yield?"

Speaker Breslin: "He will."

Mautino: "By changing Section 3, you are implementing the new definition of a financial institution, is that correct?"

Bullock: "We are striking reference to credit unions, yes."

Mautino: "With the adoption of Amendment 102, which included that Section 3 of the Bill, what then does your Amendment do in relationship to 102, as well as 105 which are currently... excuse me, 102 which is currently on the Bill, I believe, with 104?"

Bullock: "104... 102 is on the Bill, yes. And 104 basically is your seven percent non-solution and this, in effect, does not apply to that at all."

Mautino: "I'm sorry, I didn't hear you."

Bullock: "102 is the Amendment I offered is on the Bill and 104 is on the Bill. This Amendment does not address 104. It addresses 102."

Mautino: "Thank you."

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

Friedrich: "Would the Sponsor yield?"

Speaker Breslin: "He will."

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Friedrich: "Does this specifically exempt credit unions, or does it redefine financial institutions?"

Bullock: "It redefines financial institutions by specifically excluding credit unions."

Friedrich: "Well, the reason I ask... to the Amendment. I have a subsequent Amendment which limits financial institution to any bank subject to the Illinois Banking Act organized and operated in this state pursuant to the laws of the United States. So, I think it would exclude... I think this would take care of you and also savings and loans and such other. My..."

Bullock: "There are subsequent Amendments that will address the savings and loans."

Speaker Breslin: "Is there any further discussion? Hearing none, Representative Bullock, to close."

Bullock: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I think the Amendment's been adequately discussed. I would urge an 'aye' vote. As I said, it is supported by the Credit Union Association and is intended to bring about greater consensus for the passage of 525 as amended. I would urge an 'aye' vote."

Speaker Breslin: "the question is, 'Shall the House adopt Amendment #105?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 75 voting 'aye', 26 voting 'no' and 6 voting 'present', and the Amendment carries. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #106, offered by Representative Matijevich."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Mr. Speak... Madam Speaker and Ladies and Gentlemen of the House, in the discussion of the consumer Amendments

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there was made reference to the definition of financial institutions and... because it would include both credit unions and savings and loan. As I understand Representative Bullock's Amendment, the definition of financial institutions now deletes credit unions. Amendment #106 would delete references to financial institution and insert in lieu thereof bank. This would, therefore, exclude both credit unions and saving and loans. I don't believe that either of these institutions have been included in any of the discussions on Senate Bill 525. And I, therefore, feel that this Amendment should be adopted and I urge your support."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #106. And on that question, the Gentleman from Cook, Representative Capparelli."

Capparelli: "Thank you, Madam Speaker. I rise to oppose this Amendment. Unlike credit unions, savings and loans are equal to banks, offering checking accounts and making commercial loans to the general public. Thus, it's only fair that they be subject to the same as consumer protections. And I would ask for a 'no' vote."

Speaker Breslin: "The Gentleman from Cook, Representative Greiman."

Greiman: "Thank you, Speaker. I rise in support of the remarks of Representative Capparelli, who has quite properly suggested that banks and savings and loans do share a financial market; that, as a matter of fact, if we were to allow savings and loans to be freed from these consumer protection provisions, we would be, indeed, probably taking a very unfair advantage of banks, particularly small banks who are now competitors, truly, for financial ... in the financial service arena. And we would be giving some... one financial institution group an advantage over another.

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And I think that the only way that we can keep fairness in financial service delivery system is to defeat Floor Amendment 106. And I urge a 'no' vote."

Speaker Breslin: "There being no further discussion, Representative Matijevich, to close."

Matijevich: "I would just urge a favorable vote on the Amendment."

Speaker Breslin: "The question is, 'Shall the House adopt Amendment #106?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 24 voting 'aye', 81 voting 'no', and 5 voting 'present', and the Amendment fails. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #107, offered by Representative Vinson."

Speaker Breslin: "Representative Vinson. Is the Gentleman in the chamber? He is."

Vinson: "I withdraw the Amendment, Madam Speaker."

Speaker Breslin: "Withdraw the Amendment. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #108, offered by Representative Friedrich."

Speaker Breslin: "Representative Friedrich."

Friedrich: "Madam Speaker, Members of the House, this merely redefines financial institution in the Bill and says, real briefly, 'financial institution means any banks subject to the Illinois Banking Act, any federally-chartered commercial bank organized and operated in this state pursuant to the laws of the United States.' So, this gets the Bill back to the regulation of banks and the rights of banks to expand and branch and all those things and I think is in the best interest of the public. So, I'd appreciate

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your vote."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #108. On that question, the Gentleman from Cook, Representative Bullock."

Bullock: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Representative Friedrich is a fine Legislator, but he didn't heed the message of Representative Matijevich. I think we know the substance of this Amendment. We've defeated it numerous times, and I think we should defeat this and move the Bill onto Third Reading and pass it out. I stand in opposition. The Bankers' Association is in opposition. I would urge a 'no' vote."

Speaker Breslin: "Is there any discussion? Hearing no discussion, Representative Friedrich, to close."

Friedrich: "If this Amendment is passed, it limits 525 to the banks and I think that's what we're trying to do is get a Bill put together here which allows banks to branch and do all the other things they want to do. But this does exclude credit unions and savings and loans and other institutions of that kind. Appreciate your vote."

Speaker Breslin: "The question is, 'Shall Amendment #108 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take... The Clerk will take the record. On this question there are 30 voting 'aye', 75 voting 'no', 6 voting 'present', and the Amendment fails. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #109, offered by Representative Mautino and Woodyard."

Speaker Breslin: "Representative Mautino."

Mautino: "Thank you very much, Madam Speaker. Since the last Amendment fails, which means that this..."

Speaker Breslin: "Excuse me, Representative Mautino."

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Representative Capparelli, for what reason do you rise?"

Capparelli: "Has 109 been distributed yet?"

Speaker Breslin: "Excuse me?"

Capparelli: "Has Amendment 109 been distributed yet?"

Speaker Breslin: "Mr. Clerk, has this been printed and distributed? It has not been printed and distributed."

Capparelli: "I ask that be tabled."

Speaker Breslin: "Representative Capparelli moves that the Amendment be tabled because it has not been printed and distributed. All those in favor... excuse me. Representative Mautino, on that Motion."

Mautino: "Since it is my Amendment, I disagree with the Gentleman's Motion. It was filed when this Bill was first called. I did not mark the time on it, but it was filed before the Gentleman's Bill was called. If, in fact, it has not been out, it's a one page Amendment, I then move that his Motion lie upon the table. I do want to have that Amendment heard."

Speaker Breslin: "The Gentleman from Cook, Representative Bullock, on the Motion."

Bullock: "Well, I think the Head Page is distributing it and perhaps in all fairness we should let Representative Mautino have his Amendment heard. It is being distributed, so..."

Speaker Breslin: "Representative Vinson, for what reason do you rise?"

Vinson: "Point of order, Madam Speaker. Representative Mautino made a substitute Motion that you appeared to not hear because you were on the telephone."

Speaker Breslin: "I'm sorry. Restate your substitute Motion, Representative Mautino."

Mautino: "My substitute Motion at that time was to have the Motion to table lie on the table. Since the Amendment is

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now being sent around the House floor, I'll withdraw that as long as I have the opportunity to present it which is in front of us."

Speaker Breslin: "Representative Capparelli withdraws his Motion. Representative Mautino, you are recognized to present Amendment #109."

Mautino: "Since the last Amendment by Representative Friedrich was not accepted by this House, which basically set forth the perimeters of this legislation, which was confining it to the banking institutions, I, therefore, assume that this General Assembly wants to be fair with all financial institutions and any entity handling those financial services in this state. What this Amendment does is to provide, under that same Section and definition of financial institutions, any entity in this state which accepts deposits, engages in the business of making loans, engages in the business of issuing credit or accepting deposits that the depositor feels the depositor has a legal right to withdraw on demand by check or any other negotiable order. This takes in all of those financial institutions, investment houses, et cetera. If, in fact, you're going to define financial institution, the last Amendment provided that this General Assembly did not want to limit it to the banking industry, the banks themselves, then I assume that this Amendment is acceptable because it covers all of the financial services provided in this state. And I believe that it is an acceptable Amendment if we're going to be fair and address all those institutions that handle financial resources in this state. And I move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #109. And on that question, the Gentleman from Lake, Representative Churchill."

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Churchill: "Thank you, Madam Speaker. I rise in objection to Amendment #109. Just a few minutes ago we considered an Amendment by which we took the credit unions out of Senate Bill 525. This Amendment would put them back in and would include other facilities that may engage quasi-banking types of business. I think that this is an attempt to gut the Bill and I would ask all of those who have supported the general proposition to vote 'no'."

Speaker Breslin: "The Gentleman from Vermilion (sic - Edgar), Representative Woodyard, on the question."

Woodyard: "Thank you, Madam Speaker, Members of the House. I rise in support of Amendment 109. I think the big discussion here that we're talking about is fairness of financial institutions. Well, let's get them all defined. If everybody wants in the banking business, let's, for Heaven sakes, define him as that, put them all in and have a Bill maybe we can live with."

Speaker Breslin: "Representative Mautino, to close."

Mautino: "I think the previous speaker was exactly correct. That's all that this Amendment does is provide that definition of a financial institution very simply and succinctly and I move for its adoption."

Speaker Breslin: "The question is, 'Shall the House adopt Amendment #109?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 37... 38 voting 'aye', 65 voting 'no' and 4 voting 'present', and the Amendment fails. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #110, offered by Representative Countryman."

Speaker Breslin: "Representative Countryman."

Countryman: "Madam Speaker, a parliamentary inquiry. Is

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Amendment #104 still on the Bill?"

Speaker Breslin: "Yes, Sir, it is."

Countryman: "Then I'd ask to withdraw Amendment 110 please."

Speaker Breslin: "Withdraw 110. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Representative Capparelli, there has been a pension impact note filed and a fiscal note as amended filed. So, the Bill must remain on the Order of Second Reading. Fiscal note as amended. I've been informed that the fiscal note as amended has been filed. It is in order. It is available for anyone to see. However, a pension impact note as amended has not been filed. Representative Vinson."

Vinson: "Is the fiscal note that has been filed the one that says, 'based upon the provisions of Senate Bill 525 as amended by House Amendments 102 and 104?'"

Speaker Breslin: "And 105 has been added to that."

Vinson: "But the... there has been no pension impact note filed?"

Speaker Breslin: "No. A pension impact note as amended has not been filed. Represen..."

Vinson: "So, the Bill remains on Second Reading. Is that correct?"

Speaker Breslin: "At this point. Representative Piel, for what reason do you rise?"

Piel: "Thank you, Madam Speaker. I would say that the pension impact request does not apply to this Bill. And accordingly, I would make a Motion that we... I'm at a loss at the rule number, but that we waive the rule number... the appropriate rule number dealing with the pension impact statement and that it does not apply to this Bill. And I would move so."

Speaker Breslin: "The Gentleman has moved that the Pension Impact

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Note Act does not apply to this Bill. And on that question, is there any discussion? The Gentleman from Cook, Representative Cap... Excuse me. The Gentleman from DeWitt, Representative Vinson."

Vinson: "Madam Speaker, Ladies and Gentlemen of the House, some days ago, when we discussed the urgency of this Bill, I supported the proponents of the Bill in the right to have the Bill heard immediately and to have it heard now. I thought that that was appropriate and fair to them. Now, the opponents of the Bill would like to have a pension impact note filed on the Bill. I would point out to all of the Members of the Assembly that the fiscal impact note itself points out that there would be an increase in retirement and an increase in personal services as a result of this Bill becoming law. As a result, it is absolutely necessary and obvious that there's a pension impact as a result of this Bill. We're going to increase the number of people who can draw against the pension fund as a result of this thing. There's no doubt about it. Anybody who makes an argument that we are... there's not going to be a pension impact as a result of this Bill simply hasn't read the fiscal note on the Bill. And for those reasons, I believe everybody ought to vote 'no' on the current Motion. It's a bad Motion. It's a wrong Motion, and it goes against the rights of the person who is an opponent to the Bill and it creates a precedent that would be a bad thing for this General Assembly to create."

Speaker Breslin: "The Gentleman from Cook, Representative Greiman."

Greiman: "Well, it's... it's so hard to keep all the players straight. I filed a Motion to postpone and Mr. Vinson says that he was against that because... I think it was because he wanted the opportunity to have immediate hearings on

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this and consideration. Now, I'm... I think we should hear this and we should have a hearing on it. And now he has suggested to us that somehow a Bill which restructures banking and has some consumer protection in it somehow will have an impact of any significance on... on this Bill. Now we know that is about one of the most delaying tactics that we have all seen in this General Assembly. Now, if you are... don't want this Bill. If you're with the little banks or you're with giant banks or you're with whoever the parties are, and consumer banks and nonbanks and unbanks and used-to-be banks and wasn't-ever banks, I suppose... and 'Ernie Banks', I suppose that maybe you wanted to, you know, vote for... to make sure that a pension impact note is filed on this Bill. And I suppose Mr. Capparelli will probably furnish one in some time or other in the next half day. But if you want to give this Bill the kind of hearing that it just ought to have, the things have been talked about, the judgments have been made on it, then I think we probably should support Mr. Piel. Now I don't support Mr. Piel very often, but once in awhile, even I agree with Mr. Piel. Thank you."

Speaker Breslin: "The Gentleman from Cook, Representative Terzich."

Terzich: "Well, I think we're getting carried away on this pension impact and that must mean that every appropriation Bill that we have that puts any money into the pension system, we should have a pension impact statement on that. And I really don't think that the pension impact does apply to this Bill, and I would want a ruling from the Chair, because this is nothing more than a delaying tactic. Pension impact statements should not apply to this Bill. We know specifically what the pension impact note is for and that's to deal... I mean directly with the pension

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Bills before the Legislature and not this type of legislation."

Speaker Breslin: "Representative Terzich, the Fiscal Note Act applies... requires that the Body make that decision as to whether or not the Act applies. So, the Motion made by Representative Piel..."

Terzich: "No, I'm talking about a pension impact. I'm not talking about the fiscal note. I mean, I don't see how a pension impact would even apply to this."

Speaker Breslin: "We are leaving that decision up to the Body, Representative Terzich. And the question is... now, for Representative Piel to close on his Motion and we will take a vote of the Body. Representative Piel."

Piel: "Thank you, Madam Speaker. I think it's been thoroughly discussed, and I would ask for a favorable vote on this Motion."

Speaker Breslin: "The question is, 'Does the Pension Impact Note Act apply?' If you believe that the Act applies, you vote green. If you do not agree that it applies, you should vote red. All those in favor... The question is, 'Does the Act apply?' If it does apply, you vote 'yes'. If you agree with Representative Piel that it does not apply, you should vote 'no'. It requires... It's a majority of those voting that will determine the question. So, if you agree with Mr. Piel, vote 'no'. If you agree with Representative Countryman and others, Representative Woodyard, vote 'aye'. Representative Vinson."

Vinson: "Let's just take this thing out of the record until we can clarify this problem."

Speaker Breslin: "We have been advised by the Clerk that the wording on the board was taken from the rules, so we have to follow... we will follow that, the rules. Representative Countryman, for what reason do you rise?"

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Countryman: "Parliamentary inquiry."

Speaker Breslin: "State your inquiry."

Countryman: "Is Mr. Piel's Motion in order?"

Speaker Breslin: "Mr. Piel's Motion is in order."

Countryman: "Thank you."

Speaker Breslin: "Again, the question... excuse me. Representative Matijevich, for what reason do you rise?"

Matijevich: "I was just going to ask would it be in order to file a prison impact note? You know, if they commit fraud, we may fill our prisons and it may be an impact on our prisons."

Speaker Breslin: "The question is, 'Does the Pension Note Act apply?' All those who say yes vote 'aye', all those who say no vote 'no'. Representative Woodyard, to explain his vote."

Woodyard: "Thank you, Madam Speaker. I rise in opposition really to the Gentleman's Motion. Certainly you can't tell me, if 525 is to pass and become law, that there will not be one additional state employee. And that being the case, then very certainly, the pension impact note does apply. So, I encourage an 'aye' vote."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On... Representative Vinson, for what reason do you rise?"

Vinson: "Yes, Madam Speaker, point of parliamentary inquiry. Mr. Piel has made a Motion. Mr. Piel's Motion has 22 votes voting 'yes' for his Motion. There are only 22 affirmative votes up there."

Speaker Breslin: "The Gentleman has inquired of the Body as to whether or not the pension impact note should apply. We have taken a vote on this issue. The Members, by a Majority, have agreed that the pension impact note does not apply. The vote is 22 to 81 voting 'no' and 4 voting

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'present'. Representative Vinson."

Vinson: "Madam Speaker, the Gentleman put a Motion to the Body that the pension impact note does not apply. He did not ask an inquiry of the Body. He made a Motion to the Body. A vote on the Motion, a green vote, a 'yes' vote on the Motion is a vote that says that the Act does not apply. He clearly failed because he only got 22 votes."

Speaker Breslin: "Is there any further discussion? The Gentleman from Cook, Representative Piel."

Piel: "Well, it's obvious that the Gentleman from DeWitt earlier didn't know what he was talking about, because then in that case he voted green."

Speaker Breslin: "Good point. On this question there are 22 voting 'aye', 81 voting 'no' and 4 voting 'present' and the House has determined that the pension impact note does not apply. Representative Johnson, for what reason do you rise?"

Johnson: "Well, I want to be on the side of the angels, so I change to 'yes'."

Speaker Breslin: "It's too late to do that, Representative Johnson. The Bill has... Representative Vinson. We will have the record reflect that you wish to change your vote from 'no' to 'aye'. Representative Vinson, for what reason do you rise?"

Vinson: "Well, Madam Speaker, because the Gentleman clearly made a Motion that only has 22 affirmative votes and because the rules and the statute require that it have a plurality of those voting on the question, I would like to make the point that I would like to journalize an objection to the procedures by which this particular matter has been handled, that the vote actually lost, and I would like to reserve the right to file a written objection to the procedures in this case because a Motion has been declared

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passed which obviously failed."

Speaker Breslin: "You are within your rights to make that objection, Sir. Representative Ropp."

Ropp: "Just to further clarify. If the record wants to know how we voted, we have voted according to how the Speaker interpreted the Motion, and that's why we're voting in the manner that we did. Should Representative Vinson's decision be changed in any manner, then we're all going to reconsider so that we vote the way we thought the Speaker had interpreted the Motion."

Speaker Breslin: "You are quite correct, Representative Ropp. And this Bill moves to Third Reading. On page seven, on the Order of Amendatory Veto Motion, appears Senate Bill 486, Representative Soliz."

Soliz: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move to accept the amendatory veto of the Governor with regard to House Bill (sic - Senate Bill) 486. House Bill (sic) 486 is the energy assistance Bill that cleared the House and the Senate and later was amended by the Governor and signed and is presently before us, after having passed the Senate. House Bill (sic) 486 provides that during the winter months customers of utility companies cannot have their utilities shut off and provides that during this time, if they comply with certain affordable budget plan, if they agree to pay at least 12 percent of their income towards their arrearage or towards their utility bill, then the utility company is prohibited from shutting down their electricity or their gas that provides their heat. In signing House Bill (sic) 486 the Governor stated very clearly that he felt that every citizen of the State of Illinois should be entitled to certain basic utilities and certain basic utility heat during the winter months. Obviously, when we passed 486,

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there were many concerns that were raised on the floor and concerns of the utility companies and concerns of other interest groups. During the ensuing months and weeks, the Governor's Office, the Affordable Budget Plan Coalition, several of us in this chamber and many concerned individuals worked very hard, worked very tediously to try to address some of the concerns of the utility companies, of the consumer groups and other interest groups. House Bill (sic) 486, as amended, is not a panacea. It is not the perfect Bill. However, we provided for the latitude and discretion with the Illinois Commerce Commission to provide for the promulgation of rules and regulations, to address many of the details that perhaps were not addressed in House Bill (sic) 486. In amending House Bill (sic) 486, the Governor was cognizant of many of our concerns. Among them was the cost of enforcing House Bill (sic) 486. He was concerned that he was... that he did not want the, as many of us don't, the utility companies to be forced to bear the burden of all of the cost in enforcing House Bill (sic) 486. For that reason, he was very careful to specify certain Amendments to House Bill (sic) 486. Among them, he set forth a sunset provision which would provide that we re-examine, analyze, look more carefully at the impact of House Bill (sic) 486 after three years of operation. So, he set forth a three year sunset provision to the Bill. Subsequently, he also provided that in... for a change in determining the income eligibility standards. As you may recall when we passed... first passed on House Bill (sic) 486, we provided that the income eligibility guidelines would be governed by the federal poverty guidelines. Under the changes in the Governor's Amendments he specifies that the determination would be based upon the Illinois... IHEAP so that the utility companies would not be responsible for

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determining the eligibility guidelines. Instead, the Illinois Home Energy Assistance Program would be the determining factor as to who would be eligible. He also provided that insofar as the costs were concerned, if there is a shortfall, that certain monies from state and federal sources would be targeted. Among them, he targeted the oil overcharge refunds to pay for the shortfall. He provided that among the funds... among the funds that would be available would be the Exxon refunds which total of 90 million dollars which would be distributed within the next three years. Such that there should be sufficient funds from these Exxon refund monies to cover any shortfalls in this project. And also, in order to address the issue of conservation, he provided and imposed an energy usage limitation to prevent participants from wasting energy, and he set the limits to comply with the average residential usage by a utility. So, we are addressing with the Amendment various concerns that had been raised on... both on the floor and by utility companies to make this Bill, I think, much more attractive, to make this Bill much more acceptable to everyone concerned. At the present time, the utility companies have to absorb about 44 million dollars in bad debts. What we are seeking to do with House Bill (sic) 486 is to encourage customers of utility companies to... to come into the ambit of an affordable budget plan so that they, instead of not paying anything on their utility bills, will agree to come into an agreement or negotiate an agreement with the utility companies whereby they would be limited in paying at least 12 percent of their income. So, I think that overall the Bill has been made much more acceptable. Overall, I think the Bill has been made much more agreeable to everyone concerned, and I move to accept the Governor's amendatory veto and urge your

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support."

Speaker Breslin: "The Gentleman has moved to accept the Governor's specific recommendations for change in Senate Bill 486. And on that question, the Lady from Cook, Representative Pullen."

Pullen: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm sure the Gentleman is well-intended with his legislation and with his presentation of the minor changes that have been made in this Bill in another office. I'm sure also though that the effect of the Bill remains the same. When I was first elected to this House, there was a major issue in my first Session called lifeline utility rates. It was a very popular issue when we started out. Everybody thought that it would surely pass, and it ended up with 65 votes out of the 89 required because the House of Representatives, in 1977, despite the attractive appeal of lifeline utility rates, woke up and understood that they were driving still more jobs out of the State of Illinois than they had already done and so, they voted 'no' and they beat lifeline. They beat it so soundly that it didn't rear its ugly head again until this year. This year it's called... something or other, energy assistance program, but it's still lifeline utility rates. It still means that one group of utility rate payers are asked to subsidize another group of utility rate payers. And the way that this particular Bill is written will also discourage conservation and encourage profligate use of energy to whatever extent anyone wants to leave a hot water faucet running or turn the thermostat up to 92 because there is a limit to how much they'll have to pay if their meeting the eligibility requirements on their income. There's a limit to how much they'll have to pay regardless of how much they use. Someone who does not pay for their electricity or

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their fuel oil or however they use utilities now is not going to be suddenly grateful that they're told they have to pay only 12 percent of their income and suddenly start paying their bills because they have a cap on how much they're charged. That is just not realistic. I think we should all keep in mind that utility companies are not going to absorb this. They're not going to pass the cost of this onto their stockholders. They're not going to go out and issue more stock and beg people to buy it in order to provide for this subsidy that we are being asked to enact into law. To use the utility companies as a welfare agency instead of standing up for responsibility and saying we're going to provide this welfare by taxing people - no, we're doing it in a... frankly, a cowardly fashion, although I don't think that's the Gentleman's intent, but that's how it comes out because what we're doing is forcing a hidden tax increase on all the other utility payers in Illinois. The costs of this program are going to be passed along, and it doesn't matter if it sunsets in three years. The utility rate payers in Illinois don't need this for three minutes let alone three years. The employers in this state do not need yet another piece of proof that we don't care whether they have the wherewithall to provide jobs for the working men and women of this state. They don't need this proof. They're already nervous enough about how we feel about employers. And, yet, here we have an opportunity to do it again, to make the Illinois business climate still worse and to make residential rate payers pay for it too. I think it's time that we stop fooling around with this sort of concept and recognize that when we are giving to one, we are taking from another. And make sure that those people that we are taking from understand that that's exactly what we are doing. And they are the vast

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majority of the voters in this state, quite frankly, and they are the ones who provide the jobs. And a green vote for this amendatory acceptance Motion, because it keeps this Bill alive and allows it to go into law, a green vote is actually a vote against jobs and against the majority of voters in Illinois. And I just hope that you all know that when you're casting your votes and that you will give this lifeline Bill the same fate that lifeline had in 1977. Thank you."

Speaker Breslin: "The Gentleman from Cook, Representative Young."

Young: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill (sic - Senate Bill) 486 and I think the previous speaker has a couple of misunderstandings about the Bill. I suggest she reads the Governor's veto. First of all, this Bill will not encourage unlimited utility use by those being granted the 12 percent pay. There is a provision in the Governor's amendatory veto that calls for a residential average to be computed and all consumers who use over that average will have to pay whatever amount of the bill is actually over the average. Secondly, I'd like to point out that the current utility users in this state are already absorbing over 44 million in lost debts due to the fact that there are so many people who can't pay any utility bills. I think this Bill will increase... I mean will decrease the actual money lost by the utility companies. And finally, the previous speaker mentioned lifeline services and I think that was an accurate statement because this Bill is, in fact, a life and death issue for poor people in this state who, in winter months, have to choose between heating and eating. I urge an 'aye' vote."

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

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Friedrich: "Would the Sponsor yield?"

Speaker Breslin: "He indicates he will. Representative Soliz will yield to a question."

Friedrich: "Representative Soliz, let me set up a scenario and then ask you a question. Let's assume that you have a family that qualifies under this proposed law. Let's assume they get their meter turned on in September and the cold weather starts in October or November. They turn the heat up and leave the doors open and stay there until March and then decide they want to move. So, they move into Commonwealth Edison's territory out of Illinois Power. Who pays Illinois Power?"

Soliz: "There is a cap on this Bill that provides... on the Amendment that provides for that particular concern. It was a concern of the Governor and a concern of many of us in this... in this Body that we must provide some conservation measure in the Bill. And what the Bill provides for is that there... the consumption is limited to the average residential usage by the utility. So that, for example, if the person is using heat that's above the residential usage of the utility, then that person would have to pay."

Friedrich: "Well..."

Soliz: "That's in order to conserve..."

Friedrich: "To the Motion then, Madam Speaker."

Speaker Breslin: "Proceed."

Friedrich: "Well, the answer is that either the state has to do it or the Federal Government or the taxpayer. We've got people out here 30 and 35 years old who are working hard to raise their family and pay their bills and pay their utility bills and we keep on promoting deals where you can sit around and get all these freebies at the expense of the guy who's working and trying to raise his family and buy

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his home. It's about time we start shutting off some of this stuff and give a break to the guy who really works and pays his bills and doesn't meet any of these criteria that you're setting up here. I think you're making a terrible mistake because you're encouraging people to continue with these kind of programs, discouraging them from working and so on. It's a bad... it's a bad conception."

Speaker Breslin: "The Gentleman from Cook, Representative Nash."

Nash: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the... to accept the amendatory veto on this Bill. As the Governor said when he signed this Bill in the big ceremony in the State of Illinois Building, this Bill was for the poor, the needy and the elderly. A 'no' vote means a vote against the poor, the needy and the elderly. I ask for an 'aye' vote."

Speaker Breslin: "The Gentleman from Cook, Representative Harris."

Harris: "Thank you, Madam Speaker. Will the Gentleman yield?"

Speaker Breslin: "He will yield to a question."

Harris: "Representative, if... assum... let me make... help me out with an example. Assume that a residential energy user has an energy bill of 100 dollars during the course of a month and applying the 12 percent test can only pay 85 dollars. What happens regarding that other 15 dollars, in other words, the cost of the energy which has been used but not.. and billed but not paid for?"

Soliz: "Well, for example, that particular individual, of course, would develop an arrearage. During the summer months, that individual or that household will probably not use heat or utility expense that's in excess of 12 percent. So that, during those summer months, then, in fact, that household could be catching up on the arrearage."

Harris: "I understand. My analysis indicates that during the

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summer months, the May through November 30th period, that energy user would be required to pay 12 percent of monthly income or the current bill plus 20 percent of any outstanding deposit. Is that accurate?"

Soliz: "That's correct. And we anticipate that during the summer months obviously some of these households would not in fact use enough utility... Their expenses would not be up to 12 percent so that they would be, in fact, catching up on the arrearage."

Harris: "Do you think there's a possibility that even with that summer month variation that there is a portion of the Bill which, in essence, might go unpaid?"

Soliz: "That could happen. However, there is money that's going to be available. There's money that's provided for in the Bill itself. According to the Governor's Amendatory Veto, he has targeted 90 million dollars from the Exxon oil overcharge refunds that will be used to cover the shortfall. So that it's not going to cost the consumer, the utility company, or anyone. We don't want the utility companies to bear the brunt of this Bill. We don't want the consumer to bear the brunt of this Bill. We want... There's money available. The Governor has targeted the money, and it's not going to come out of anybody's pocket except money that's already available from the Exxon case and other cases that are still in litigation."

Harris: "Are you... I have been told that those Exxon dollars are going to be used for the Job Training Partnership Act also. Is that... Do you know anything about that?"

Soliz: "No, that's not true. And, in fact, very specifically the Governor has targeted these monies for this program."

Harris: "Thank you very much. To the Bill, Madam Speaker."

Speaker Breslin: "Proceed."

Harris: "Ladies and Gentlemen of the House, I happen to believe

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that the Sponsor's intent in this Bill is laudatory. I think quite honestly, and I think we can all agree, energy bills are a significant, significant burden on many of our citizens, especially those who are at the lower end of the economic income. However, I'm not convinced that this Bill is the proper approach. I think the intent may be correct, but I'm not sure that the Bill is the way to approach it. There is a possibility, it seems to me, that there would be an unpaid portion of the Bill at some point along the way. Whether or not those funds run out from Exxon or whatever, we may have energy costs which are not being paid for. Well, as we all know, businesses are not in business for free, and those unpaid bills are going to find their way back into the energy costs of you, and me, and the other residential customers throughout this state or throughout the energy companies base area. Having said that, what we are in affect doing then is subsidizing energy costs for lower income people which may be a proper social goal. But again, this is not the approach to take. A substitute Bill has been introduced which takes a different approach. Since we are saying this is a social goal of subsidizing energy costs, then let's admit that it's a state subsidy and take it directly out of state revenues. A substitute Bill has been introduced which would take any unpaid portion of a bill out of the utility tax, which is collected by utility companies and returned to the state. That unpaid portion of a bill would come directly out of that utility tax. In other words, it would come out of state revenues. If that's what we're trying to do, it's a better way to fund it. So for those people who say we like the intent of this legislation, but it's a bad way or a bad approach, you have an alternative. You can cast a 'no' vote on this acceptatory Motion. You can cast a 'no' vote,

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knowing there's other legislation out there which will give the same relief, which will have the same benefit to those people who cannot bear the utility cost, and which will be a much more equitable way to fund the measure and not come back on the other residential energy users. I would urge a 'no' vote on this motion."

Speaker Breslin: "The Gentleman from Cook, Representative Terzich."

Terzich: "Thank you, Madam Speaker. I certainly would like to move the previous question."

Speaker Breslin: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The main question is put. Representative Soliz, to close."

Soliz: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is a Bill to provide... This is a Bill where we don't want to subsidize anything. There's money available at this time to pay for any shortfalls. We anticipate that, in fact, the utility companies are going to be saving money. At the present time, utilities have to absorb a 44 million dollar bad debt. Who pays for that? The... We all... We pay for it. The consumers pay for that. Let's allow the opportunity for the consumers that can't pay. So that... to avoid their being disconnected, to avoid a bad debt, they are willing to enter into an agreement where they pay 12 percent. Twelve percent is better than nothing in anybody's book. I think what we need to do is vote 'yes' on this Bill. Let's vote for an energy assistance program that is reasonable, that is sound, that is supported by the Governor, that has been analyzed, and we've worked on it for many, many weeks. I think it's a very fair program. I don't think we intend to

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subsidize the utilities at any time. We want... there's money available for it. We've provided for conservation measures. I think that we can vote for this Bill. There may be alternatives. If there are, let's look at them later. However, there are 10,000 people right now in this state, in the State of Illinois, that have no heat. We need to be able to help them, and we need to help them now. I urge your favorable vote at this time."

Speaker Breslin: "The question is, 'Shall the House accept the Governor's specific recommendations for change by the adoption of the Amendments to Senate Bill 489 (sic - 486)?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Excuse me. Senate Bill 486. Representative Shaw, one minute to explain your vote."

Shaw: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. You know, I heard some of the arguments on the other side of the aisle about this House Bill 486. You know, it's unbelievable that some of the statements outlandish... outlandish statements that were made by some of the people asking for a 'no' vote on this Bill, when so many senior citizens and unemployed people around this state can't afford the utility rates. I don't know whether they read the paper a few days ago, where the utilities... electricity in Chicago went up 14 to 20 percent. I don't understand. Maybe they... You know, sometimes I think the Russians are over here, and they're drinking that Russian vodka. It seems that way from some of the statements they get up and make on this House floor. And they go back to their respective districts and talk about what a good job they're doing for the people of their district. Senior citizens and people who are unemployed need help, and you should put some 'aye' votes up on that board over there. And I vote 'aye'."

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Speaker Breslin: "The Gentleman from Coles, Representative Weaver, one minute to explain your vote."

Weaver: "Thank you, Madam Speaker. In explaining my vote, I think there's something that a lot of us downstaters have missed on this Bill. I have to go back home, as the previous speaker indicated, and answer to my constituents, but because I have several rural electric cooperatives in my district which do not fall under ICC regulation my poor people are not going to be protected by this Bill. I think we've got something coming down the pike that's going to be a little bit better and is going to serve all of the people of Illinois rather than those just covered by the ICC."

Speaker Breslin: "The Gentleman from Cook, Representative Levin."

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think that the Governor has come up with a very balanced approach. I know he was very troubled by this Bill and consulted extensively with the utilities as well as the consumer groups and everybody else, and put an awful lot of time in. And he looked at what he thought were the problems, and he came up with this approach which I think is very consistent with Senate Bill 1021 and the recommendations that came out of the Joint Committee on Public Utility Reform. I think we... we're getting the votes for it. I think it's a good piece of legislation, and I'm happy to see it passing."

Speaker Breslin: "60 votes are required for the adoption of this Motion. The Lady from Champaign, Representative Satterthwaite, one minute to explain your vote."

Satterthwaite: "Madam Speaker and Members of the House, by putting an achievable limit on what poor people will have to pay for their utilities, some of the studies have indicated that, in fact, the utility companies may collect more from those people than they currently do. What

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happens now is if your utility bill is so excessive that you know you have no way of paying it, your tendency is to pay nothing rather than to pay something. This Bill requires them to pay an affordable amount and will make it more feasible for them to consider that their debt is paid. And for that reason, I think that we may find it's a benefit to our utility companies rather than a detriment. We also have the back up of the funding that has been provided through the Governor's veto to take care of anything above and beyond that. And for that reason, I think it's a very good Bill."

Speaker Breslin: "The Gentleman from Cook, Representative Huff, one minute to explain your vote. Only 60 votes are required for the adoption of this Motion. Representative Huff."

Huff: "Yes, Madam Speaker, in interest of passing this Bill. I will withdraw my remarks."

Speaker Breslin: "Very good. Has everybody voted who wish? The Clerk will take the record. On this question, there are 74 voting 'aye', 42 voting 'no', and 1 voting 'present'. And the Motion carries. Ladies and Gentlemen, we are going now to page 5, Reduction and Item Vetoes. The first Bill is Senate Bill 356. Excuse me, the Motions are on page six. Representative Parke, for what reason do you rise?"

Parke: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I happen to have here some speeches from the American Legion for Veteran's Day and for American Education Week. If any Representative is interested in picking up a speech, come and pick it up from my desk."

Speaker Breslin: "Very good. On page six again on your Calendar, Reduction and Item..."

Parke: "This is for veterans. It's good for veterans."

Speaker Breslin: "... Item and Reduction... Item Veto Motions,

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Senate Bill 356. Representative Keane. Out of the record.

Senate Bill 467, Representative Barnes. Out of the record.

Senate Bill 467, Representative Richmond."

Richmond: "Yes, thank you, Madam Speaker and Ladies and Gentlemen of the House. I move that item... just one moment here, please. Page 26, lines six to 15, 20,000 dollars be restored that was amended out by the Governor's action. And this is for the SIU grant for economic development - the compilation of data that is critical to the efforts of expanding business and economic development, assistance to businesses in our area. 20,000 dollars."

Speaker Breslin: "The Gentleman has moved that the item veto on page 26 line six through 15 be restored notwithstanding the Governor's Veto. On that question, is there any discussion? Hearing none, the question is, 'Shall this House pass the appropriation that was item vetoed on page 26 lines six through nine on Senate Bill 467, notwithstanding the Governor's item veto?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 80 voting 'aye', 36 voting 'no', and none voting 'present'. This Motion, having received a Three-Fifths Constitutional Majority, prevails. And the item on page 26, lines 26... excuse me, lines six through 15 of Senate Bill 467 is declared passed, notwithstanding the veto of the Governor. Senate Bill 472, Representative Phelps."

Phelps: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Item veto 472 concerning 800,000 dollars for southern Illinois county roads is very important to reconsider at this time. And I really appeal to your attention at this time because, let me bring some things to your attention that you just cannot imagine. Several rural

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counties in my southern most part of my district, nine of the ten counties have experienced some severe conditions imposed upon them that are really out of reach of their own circumstances. They are helpless. First of all, we have several counties with assessed valuations of like ten to 14 million dollars. Pope County, 40 percent of their county is owned by the Federal Forest. They get... receive 75 cents per acre for their operation of their county government. We have... They are also the largest geographic area of any county in the state. Therefore, presenting a problem last winter when the freezing conditions were at its worst probably in our part of the state than any other time that I can remember, Pope and Hardin County School System was shut down for one and a half months, could not travel the county roads. Even though they are taxing themselves at the maximum level, the road levy, it will not even create even near the dollars they need to overcome the conditions of the road. Following the freezing winter roads, which they were out of school that period of time, came the spring thaw. And then we had buses and cars actually penetrating the roads up to their axles. We're not talking about surface roads. We're talking about gravel roads. This is very serious in the fact that we have a county situation reaching out to help themselves, but there's nothing there in the way of tax base. This 800,000 is a one time windfall, if you may, to let them help themselves get back on the road to where they can tax after they build up the base of the roads and hopefully endure the next winter and spring. Besides all of this, these counties that are hit by the mandates, such as jail mandates, consolidated elections, and so forth, they have taken the potential to help themselves. These mandates have been actually threatened of not being able to

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even do that. So, because of the mandates, because of the uniqueness of the tax base and the rural poor conditions of these counties, this is what we're after. The Senate saw fit to override this item veto, and I'm appealing to your heart and your common sense to help me help those in bad situations in the southern most part of Illinois. Thank you."

Speaker Breslin: "The Gentleman has moved that the House override the Governor's item veto of Senate Bill 472 on page 36, lines 28 to 33. And on that question, the Lady from Cook, Representative Barnes."

Barnes: "Will the Sponsor yield?"

Speaker Breslin: "He indicates he will."

Barnes: "Representative, I know you discussed this with me, and you certainly make a good case, but the Department of Transportation is not in the habit of giving grants such as you're asking for. And I think most Legislators here have problems in the different counties, and they would like to get this type of assistance too. It is the general practice at Department of Transportation if you are having a problem, they will come in and assist you in an emergency. And I would say in that one county where you said that for a month and a half that people did have problems getting out of their homes certainly is a dire concern, but you're asking for the 900,000 dollars for all nine counties. And I think this is setting some type of a precedent."

Phelps: "Representative Barnes, that's a very good point. There are a couple, three counties that are probably set aside as being the extreme poverty counties; however, we have those other overlapping counties there like Gallatin, who are actually mandated with a jail like the rest of us are. They're not set aside. The rest of the counties are in the

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state. I'm not saying they're alone there. However, they're laying off deputies and so forth because they can't meet their payroll, and they're taxing to the maximum. What else do they do? We are caught in a situation if the weather is not exactly agreeable, we do not have the resources stockpiled, like gravel and so forth, that we can resort to as the other counties, not just those two counties I pointed out, but several others. And yes, Transportation Department has been very cooperative. However, to give an extreme point, the Emergency Disaster Agency had helicopters for a whole month ready for medical alert. People who had very severe emergency problems. So, I think it's more than just the two counties. However, those two counties I pointed out were the extreme. Yes, you're right there."

Barnes: "Well, Representative, while I'm sympathetic, I do think that all the Legislators should take note that it is something that everybody is looking for. And it's just a bad precedent. And has anybody ever told you you sound like Johnny Cash?"

Speaker Breslin: "I think he sings as well too, Representative. The Gentleman from Cook, Representative Leverenz."

Leverenz: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the Gentleman's Motion to restore and override the veto of the Governor on this issue. Obviously, DOT is very cooperative. The fact that it remains, these are county roads, and it's only 800,000 dollars. And it's very important to do. And if you have a county road that needs a little help, we'd be very happy to entertain your request in the coming Spring Session. And just bring those requests to us, and we'll be very happy to go with you. We ask for your green vote to restore this item in this budget."

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Speaker Breslin: "The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, thank you, Madam Speaker and Ladies and Gentlemen of the House. I would rise in support of the Gentleman's Motion. First of all, to the issue raised by the Lady from Cook, I can't imagine that we have any roads in the County of Cook that even come close to the situation that he's described. I must say I'm very surprised that there is a road in southern Illinois that is... roads, that is, that are such bad shape that they have to almost use the helicopters to get people around. I don't there's any... take the worst road in Cook County and you couldn't find anything that bad. So, you don't have any problem with setting a precedent of people running down to Springfield to try and get money for their roads. And secondly, the way the guy describes the area down there, it sounds like it's so bad that there's a lot of people that are trying to get out. And apparently there's no way they can get out. So, I think we should build this road so that people down there can get out. For that reason, I think we should support his Motion. Because as a Legislator from Chicago, I think it's very easy to support money for concrete. When we in Chicago go to our brethren from southern Illinois, they usually are there and support us on our proposals. And I think it's something we should support when they ask for our help."

Speaker Breslin: "The Gentleman from Franklin, Representative Rea."

Rea: "Thank you, Madam Speaker, Members of the House. I rise in support of this Bill. I feel that it's very important to the area. And Representative Cullerton, the reason that... one of the reasons it's so important to the area is to get people into the area as well, because it's a very scenic,

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very historic recreational area. Many people traveling from other states would like to see some of those areas, would like to spend some time there, and with the roads in the condition that they are, it's impossible. And this would help the economy as well. Help the economy not only of those counties, but of the region and of the state. And I would certainly ask for your support."

Speaker Breslin: "There being no further discussion, Representative Phelps, to close."

Phelps: "At a time also that these county have learned to depend on the Federal Revenue Sharing Funds, all of you are aware that we are experiencing a cutoff of those funds. Probably is a mistake to get dependent on funds like that; however, these counties I'm talking about have no alternative. So, they will be cutting services. But I'm relating to a different sort of a sense of value in the fact that the safety and welfare of our school children, and senior citizens, and those who may be threatened with sickness that this may be the life saving factor decision right here in many of those lives. We're not talking about sophisticated roads. We're talking about gravel, primitive roads that they're thankful to get. And when they build it up to that level, you will see the pride of people that do not want to ask for a handout. They want to help themselves. They do not have those provisions. Thanks for your support. Green, please."

Speaker Breslin: "The question is, 'Shall the item on Senate Bill 472 on page 36, lines 28 through 33 pass, notwithstanding the Governor's veto?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Motion requires 71 votes. Have all voted who wish? The Clerk will take the record. On this question, there are 65 voting 'aye', 47

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voting 'no', and none voting 'present'. Representative Phelps asks for a Poll of the Absentees. Poll the absentees, Mr. Clerk."

Clerk O'Brien: "Daley. DeLeo. Levin. Nash."

Speaker Breslin: "Representative Levin votes 'aye'."

Clerk O'Brien: "Nash. Oblinger. And Weaver."

Speaker Breslin: "Representative DeLeo votes 'aye'. Representative Phelps, for what reason do you seek recognition? On this question, there are 67 voting 'aye', 47 voting 'no', and none voting 'present'. And the Motion fails. Senate Bill 472, Representative Homer."

Homer: "Thank you, Madam Speaker and Ladies and Gentlemen. I have spoken personally to very many of you about this item. It involves a water supply source, a small lake in Canton, Illinois, that supplies five communities with their source of water in Fulton County; Canton, Cuba, St. David, Dunfermline, and Norris. The dam it turns out and the water intake were built over a creek bed and that creek bed has been eroding which has caused the lake itself to come into jeopardy and the community could actually lose this lake unless immediate repairs are given to the dam and to the water intake. I would implore you to consider that Canton is a community that, I know all of the state has come upon hard economic times, but Canton I think has endured more than its fair share having lost International Harvester with 2,000 jobs, the coal mine closings coupled with Caterpillar layoffs has made it imperative to the health and safety of that community that we, here in the Legislature, do what the Senate did in overriding the Governor's line item veto of this appropriation. I would appeal to you to join with me in overriding that veto."

Speaker Breslin: "The Gentleman has moved to override the item veto of Senate Bill 472 on page 38, lines 18 through 22.

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And on that question, the Lady from Cook, Representative Barnes."

Barnes: "Thank you, Madam Speaker. I would like to point out to the Members of the General Assembly that this dam is a privately owned dam, and the Department of Transportation is not in the habit of funding privately owned dams. The state already funds major watershed projects to provide flood control facilities in many communities now through the state. And I would just like to draw that to your attention, and I think that this Motion requires a 'no' vote."

Speaker Breslin: "The question is... Excuse me. No further discussion. Representative Homer, to close."

Homer: "Thank you, Madam Speaker. I'd like to certainly clarify the remark that this is a privately owned dam. It certainly is not. It's owned by the City of Canton and the interest of the other four communities that share in it for its water supply. It certainly is not a privately owned dam. It's a publicly owned dam, and I would say that I would just appeal to your good judgment, and fairness and equity in assisting in this matter. Thank you."

Speaker Breslin: "The question is, 'Shall the House override the Governor's item veto of Senate Bill 472 on lines... on page 38, line 18 through 22, the veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? 71 votes are required for passage of this Motion... of this Bill I should say. Have all voted who wish? The Clerk will take the record. On this question there are 69 voting 'aye', 45 voting 'no', and none voting 'present'. And Representative Homer requests a Poll of the Absentees. Poll the absentees, Mr. Clerk."

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Clerk O'Brien: "Flowers. Huff. Koehler. And Wait."

Speaker Breslin: "Representative Flowers seeks recognition and wishes to be recorded as voting 'aye'. Representative Piel, for what reason do you rise?"

Piel: "Just to ask for a verification should this receive the required number, Madam Speaker."

Speaker Breslin: "Has everyone voted who wish and as they wish? Representative Brunsvold, for what reason do you rise?"

Brunsvold: "How am I recorded?"

Speaker Breslin: "You're recorded as voting 'aye'."

Brunsvold: "Good."

Speaker Breslin: "Representative Huff, for what reason do you rise?"

Huff: "How am I recorded, Madam?"

Speaker Breslin: "You're recorded as not voting."

Huff: "Vote me 'aye'."

Speaker Breslin: "Record Representative Huff as voting 'aye'. Representative McMaster, for what reason do you rise?"

McMaster: "Will you change me from 'yes' to 'no' please?"

Speaker Breslin: "Change Representative McMaster from 'aye' to 'no'. Have all voted who wish? Is there anyone who wishes to seek recognition to vote? Have all voted who wish? On this question, there are 70 voting 'aye', 46 voting 'no', and none voting 'present'. And the Motion fails. The next item is on Senate Bill 476, and it's a Motion by Representative Leverenz. Representative Giglio in the Chair. Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The Motion we have filed and you will see on your Calendar that Representative Hastert has filed the same Motion, is to override the veto of the Governor for a 2.1 million dollars for the people that work in the same positions but were not part of the 'Lebralesse' versus

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Miller law suit. This amount of money would fully pay back all individuals that had worked outside of the job classification and at the same period of time for which the law suit was settled. I'd be happy to answer any of your questions and would ask for your 'aye' vote to override the veto of the Governor. Okay, Frank, your turn."

Speaker Giglio: "Okay. Representative Leverenz moves that the House override the item veto on page nine, lines 18 through 30 of Senate Bill 476. And on that question... Seeing none, Representative Leverenz, to close."

Leverenz: "Thank you. We are trying to restore 2.1 million dollars, as I said, to make equal payments to all people that were in a similar situation, but not reimbursed through a law suit. I ask for your 'aye' vote."

Speaker Giglio: "The Gentleman moves that the House override the specific line item Motion on page nine, lines 18 through 7 of Senate Bill 476, the veto of the Governor notwithstanding. This is final action. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 91 voting 'ays', 26 voting 'no', 1 voting 'present'. And the Motion, having received the Three-Fifths Constitutional Majority, prevails and the item on page nine, lines 18 through 30 of Senate Bill 476 is declared passed, notwithstanding the veto of the Governor. On Reduction and Line Item Motions appears Senate Bill 476 line item veto... Alright. We'll take this one out of the record. They were both filed. The first one passed. Representative Hastert."

Hastert: "Withdraw the Motion."

Speaker Giglio: "Withdraw the Motion. Representative Hastert

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withdraws the Motion. Alright on page 6 of the Calendar, appears the reduction veto of Senate Bill 481. Representative Leverenz. Page one, line 29."

Leverenz: "Thank you, Mr. Speaker and members of the Assembly. In the Department of Law Enforcement's budget in the Administration Division, we put in an amount of 500,000 dollars for the reimbursement to counties and units of local government police departments for the apprehension, bringing back, their prisoners to this state for prosecution. The Governor chose to reduce that to 110,000 dollars. And I would ask for your support to restore that, because the demand exists for the half a million dollars that we put in the budget originally. I'd be happy to answer any question that you have."

Speaker Giglio: "The Gentleman moves that the House restore the item on page one, line 29 of Senate Bill 481. And on that question, seeing none... Representative... Excuse me. Representative Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

Speaker Giglio: "Indicates he will."

Cullerton: "Does this appropriation deal with the issue of extradition of felons?"

Leverenz: "Yes."

Cullerton: "So, would this be an opportunity to put your money where your mouth is if you say you're against crime?"

Leverenz: "That's true."

Cullerton: "Do you think if you vote against this that you'd be saying on one hand that you're against crime, but on the other hand you don't want to pay for fighting it?"

Leverenz: "Well, I didn't know if I wanted you to stand up and ask anything or speak on this one at all, but since you're taking me in that direction I will concur with what you're saying, yes."

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Cullerton: "Well, I just want to be of help."

Leverenz: "Not on this one, thank you. It's money. But I'm all for it, and I would hope that you would join me."

Cullerton: "Well, what's the 110,000 going to be used for?"

Leverenz: "Partial extradition. That might just get them back to one or two states. Look, I don't know. The counties asked for reimbursement from the state. And I want the money there so that your county and my county and all the other counties in the state can apply and get reimbursed. Otherwise, they will not make the attempt to apprehend in the first place."

Cullerton: "I know. And who's to determine which counties get the 110,000 as opposed to the 500,000?"

Leverenz: "I don't know how they do that. I think it's first come first serve. It is reimbursement."

Cullerton: "Do they just extradite part of the body back? Is that possible? They only bring their arms and legs in and then they..."

Leverenz: "Did you want to do impression of Johnny Cash?"

Cullerton: "No, Goforth can do that."

Speaker Giglio: "Further questions? Seeing none, Representative Leverenz, to close."

Leverenz: "Thank you. So that we can help the units of local government perform one of the tasks that is critical to the law enforcement community that we all say we support, I'd ask for your green vote to join with me to restore the 500,000 dollars to this line item. Thank you."

Speaker Giglio: "The question is, 'Shall the reduction item of the appropriation on page one, line 29 of Senate Bill 481 be restored to the original amount, notwithstanding the reduction of the Governor?' This final action will take 60 votes. All those in favor signify by voting 'aye', those opposed 'no'. The voting is open. Have all voted who

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wish? Have all voted who wish? Have all voted who wish?

Representative Leverenz."

Leverenz: "What?"

Speaker Giglio: "Are you seeking recognition?"

Leverenz: "No. I got all I need. Let's just take the roll, I think."

Speaker Giglio: "Have all voted who wish? Mr. Clerk. Take the record, Mr. Clerk. On this question, there are 71 voting 'aye', 44 voting 'no', none voting 'present'. This Motion, having received the Constitutional Majority, prevails and the House overrides the Governor's item reduction on page one line 23 of Senate Bill 481... or line 29, page one line 29. Alright. We will now move to page three of the Calendar on Concurrences... appears House Bill 740, Representative Breslin."

Breslin: "Thank you, Mr. Speaker. But the board is incorrect in its description of the Bill. This is a Conference Committee Report that we are concurring in, dealing with transportation. House Bill 740. Thank you. Ladies and Gentlemen, now that we have the right description of the Bill on the board, please disregard it because the Bill has been... the original Bill has been passed in another form. This Bill has been gutted, and the purpose for that is to reconcile two Bills that were passed last Session. This Bill, as amended, reconciles the Public Utilities Act and the Commercial Transportation Act. This is what we did. We first passed a Bill called the Commercial Transportation Act that took out of the Public... the old Public Utility Act everything dealing with transportation; buses, railroads, pipelines, et cetera, then we came along and passed the Public Utility Act. That was Senate Bill 1021. That Bill left in everything from the old Transportation Act. While everyone was in agreement that that should come

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out because of the lateness of the hour, they did not bring the Bill back to do that and amend it. Since the Public Utility Act Bill passed after the Commercial Transportation Act Bill, the old Public Utility Act supersedes it and will be back into law if we do not reconcile these two Bills. The Governor signed both Bills, and both Bills go into effect January 1 of '86. So this Bill really restores exactly what we intended to do, to separate transportation out of the Public Utility Act and put it into the form of the Commercial Transportation Act. In addition to that, it does eliminate inadvertent errors and omissions from the original Bill, the Commercial Transportation Act, and it provides a smooth fiscal transition to the new Transportation Regulatory Fund by allowing the Public Utility Fund to fund the transportation programs for six months. So that it allows time for the Transportation Regulatory Fund to build up enough money so that it can support the programs for railroads and buses. I would be happy to answer any questions."

Speaker Giglio: "Alright. The question is, 'Shall the House adopt Senate Amendment #1 to House Bill 740?' And on that question, Representative Levin."

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

Speaker Giglio: "She indicates she will."

Levin: "Okay. I have read this very carefully just to make sure in my own mind that the legislation does not make any substantive changes from Senate Bill 1021. And the only thing I find is, in terms of my perusal, is a clarification of what jurisdiction the public counsel would have. Is that correct, that the only substantive change with respect to 1021 that is in this proposal is clarification of the jurisdiction of the public counsel, in terms of what cases he can come into?"

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Breslin: "You are correct; however, we understand that that was never meant to apply to the railroads. So, this puts the Bill in the form that was originally agreed upon. While it is, as you say, a substantive change, it was what was intended by the original drafters."

Levin: "Okay. You're correct. But other than that, there are no other substantive changes that depart from 1021 in here?"

Breslin: "Well, there are things like requiring buses to be insured. That has been put back into the Bill. That was inadvertently taken out of the original Bill. So, there are things like that. But there is nothing that is substantive otherwise."

Levin: "Nothing as far as the public utilities..."

Breslin: "Correct."

Levin: "... that is changed by this."

Breslin: "Correct."

Levin: "Okay. Thank you."

Speaker Giglio: "Further questions? Representative Hastert."

Hastert: "Yes, I just wanted to... Mr. Speaker, Ladies and Gentlemen of the House, I just wanted to concur. I'm a Cosponsor on this Bill. It wasn't the original intent of the Bill, but I have looked at both issues and the rewrite and I know Representative O'Connell spent a lot of time on this issue. And it does coincide with what we tried to do with the Public Utility Act and that was agreed upon last spring. The only reason this Bill didn't go forward last spring, because we didn't know what was going to pass and what wasn't going to pass. So, we didn't want to take this out in the language of the Public... 1021 when it passed because we didn't know what the fate of that Bill was going to be. The issue of the public counsel, Representative Levin did bring that up. The issue of the public counsel, at least in my opinion, and I haven't talked to

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Representative Levin about this, but that wasn't the original intent to have him looking over trains and buses. So, I think this is a pretty good piece of legislation, and I ask for your support."

Speaker Giglio: "Further questions? Seeing none, Representative Breslin to close."

Breslin: "Thank you, Mr. Speaker. The Illinois Commerce Commission supports this Bill. I understand that every association involved in transportation support it also. I know of no opposition to it. So, I would encourage 'aye' votes. Thank you."

Speaker Giglio: "The Lady moves that the... 'Shall the House adopt Senate Amendment #1 to House Bill 740?' This is final action. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'aye', none voting 'nay', 1 voting 'present'. Representative Turner votes 'aye'. On this question there are 116 voting 'aye', none voting 'nay', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page four of the Calendar on Concurrences appears House Bill 1252. Representative Greiman, are you ready? Alright. Representative Greiman on House Bill 1252."

Greiman: "Thank you, Speaker. I would ask your consideration with respect to Senate Amendments #1 and 2 to House Bill 1252. These are Amendments to the Asbestos Abatement Act. You'll recall we passed an Act which provided for the removal and... removal and works be done on buildings, school buildings this is, from... built from '46 through '72 where they used asbestos which were dangerous... dangerous matter. And we found apparently that there was

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nothing that provided for maintenance where there was no significant health hazard. And... So the Bill is included... is changed to that. It also required... This Amendment also provides for some scientific opinion in state of the art concerns with respect to asbestoes action as well as reimbursement for corrective action taken and the formulas for that under the state board. I believe it is like the Bill, supported by most folks. And I would ask that the House do concur in Senate Amendments #1 and 2 to House Bill 1252."

Speaker Giglio: "The Gentleman moves that the House do concur on Senate Amendments #1 and 2 to House Bill 1252. And on that question, Representative Levin."

Levin: "Would the Gentleman yield for a question?"

Speaker Giglio: "He indicates he will. Representative Greiman to address Representative Levin."

Levin: "Representative Greiman has just answered my question. Thank you."

Speaker Giglio: "Further questions? Representative Satterthwaite."

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

Speaker Giglio: "He indicates he will."

Satterthwaite: "Representative Greiman, the original Bill, I believe, covered both public and private schools. Could you explain to me the language on page five of Senate Amendment #1? Does this in some way now restrict the funding only to public schools or what are we doing with that language?"

Greiman: "That's not changed. That remains the same. It is unchanged."

Satterthwaite: "Both public and private schools are still covered by the program."

Greiman: "That's right."

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Satterthwaite: "Is there... This appears to put in some kind of a grant index for public schools."

Greiman: "There's a grant. There are grant indexes for both of those schools, both public and private, apparently. They are not the same. The indexes are not the same, but there are indexes for each."

Satterthwaite: "Who is favored or how does this grant index work?"

Greiman: "Apparently for the public schools it's based upon your EAV, and for privates there's a cap of 50 percent."

Satterthwaite: "50 percent of the total cost of the project."

Greiman: "Yes, that's right. 50 percent of what the cost is."

Satterthwaite: "Do we have any kind of an estimate as to what percentage of the dollars expended under this program would go to public versus private schools?"

Greiman: "We're not sure of the numbers, but of course the public schools are much favored and that the private schools are relatively small amount of it."

Satterthwaite: "With the EAV calculation, however, some schools might only be entitled to a small portion of the cost and others might be entitled to a larger..."

Greiman: "No, there's a minimum of 50 percent. There's also... as there is a floor for privates, there's a... I mean a ceiling for privates, there's a floor for publics so that no one could drop below the 50 percent level. There's a floor under which no matter what their EAV is they could not drop below."

Satterthwaite: "Thank you."

Speaker Giglio: "Further questions? The Gentleman from Marion, Representative Friedrich. Representative Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Friedrich: "I didn't get the answer on this if you gave it, and I

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apologize. Could you tell us what the approximate cost of this is going to be? Is there any way anybody can tell what it's going to cost? You're taking in a whole ballpark of responsibility or what is the cost?"

Greiman: "No... This is subject to appropriation by the Illinois General Assembly on an annualized basis so that there is no specific dollar amount."

Friedrich: "Is there any appropriation made at this present time to take care of it?"

Greiman: "There is a Department of Public Health appropriation for inspectional reasons. In order for us to determine the extent of the problem and to try and develop some kind of a format for beginning to address this problem on a sensible, orderly and reasonable basis."

Friedrich: "Well, it would seem to me then that we ought to let the Department of Public Health make their examination and give us some idea of what we're getting our foot into. You know, once you get in a program around here, I found out you never get out. You get mired down in it no matter what it cost. And I'd like to know what we're talking about within reason before we say we're going to do all these things."

Greiman: "Well, this Bill was worked out specifically with the Department of Public Health at their direction and in their agreement. And they believe that it's an appropriate measure, an appropriate way to begin this most serious problem of controlling asbestoes that's presently... may affect the health of our children."

Friedrich: "Well, one liner, Mr. Speaker. I found out that the bureaucracy never cares what the cost is or who's going to pay for it. They develop the programs, and it's up to the Legislature to come up with the money."

Speaker Giglio: "Representative Cowlishaw."

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Cowlshaw: "Thank you, Mr. Speaker. Will the Sponsor yield to a question, please?"

Speaker Giglio: "He indicates he will."

Cowlshaw: "Representative, I find in the second sentence at the bottom of page five of Senate Amendment #1 and then again the identical sentence which appears again second in the paragraph at the top of page seven. The sentence reads, 'This grant index shall be based upon the equalized assessed valuation of the school district and other measures of relative wealth to determine the percentage of total cost of corrective action for which reimbursement shall be authorized.' Representative, could you please tell me what is the definition of the term, 'other measures of relative wealth'?"

Greiman: "That is the same concept that is contained in the school bond... School Construction Bond Act. And it has been approved by the State Board as the kind of language that is appropriate in this case, as well as the Illinois Association. It is their... It is the kind of language that they believe is necessary to make it clear what should be in the formula."

Cowlshaw: "May I repeat my question, please? Irrespective of who favors this particular language, as the person who is proposing that we adopt this Amendment, I would like to know what you personally regard as something beyond the equalized assessed valuation of a school district that might be used to determine relative wealth."

Greiman: "Well, I think that the probabilities are that they will use that. I can't tell you what other meaning they might ascribe to it. I think it does... there may be factors that go beyond the formula... a stated formula, but I believe that it would be appropriate. And there are obviously appropriate safeguards and the General Assembly,

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of course, becomes the ultimate safeguard."

Cowlishaw: "Alright. Just one other question then. I think this may have been covered earlier and if so, I apologize. But as I understand Senate Amendment #1, it does provide that private schools may be reimbursed for 50 percent of the cost for this program."

Greiman: "That's correct."

Cowlishaw: "Thank you."

Greiman: "Yes, that's correct."

Speaker Giglio: "Further questions? Representative Greiman, to close."

Greiman: "Thank you, Speaker. The General Assembly adopted a policy of addressing the problem of asbestos materials that were used in school construction over a long period of years. It is a serious health problem to the very group that we express our most concern for in this General Assembly day after day after day. This Bill provides a proper adjustment and revision of the legislation we have previously passed, and I would ask, therefore, that we do concur in Senate Amendments 1 and 2 to House Bill 1252."

Speaker Giglio: "The question is, 'Shall the House adopt Senate Amendments #1 and 2 to House Bill 1252?' This is final action. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative LeFlore votes 'aye'. The voting is still open. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 107 voting 'aye', 9 voting 'nay', 1 voting 'present'. And the House does adopt Senate Amendments #1 and 2 to House Bill 1252. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Breslin in the Chair."

Speaker Breslin: "Ladies and Gentlemen, under page seven appear

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Amendatory Veto Motions, Senate Bill 583. Representative Rea. Representative Rea."

Rea: "Thank you, Madam Speaker and Members of the House. Senate Bill 583 amends the Illinois Vehicle Code to issue a supplemental license to new or used dealers outside a franchise market area unless three or more license dealers make application to hold a joint sale and the Secretary has considered the ability of applicants to honor service warranties and guarantees on vehicles offered for sale. Following the sale through a supplemental license, they may, if we don't have this, why they may fold up a tent and return to their original location leaving the consumers who have purchased these vehicles with no one to contact regarding questions on warranties, service on title, and other licensing related problems. These are services consumers expect from dealers and are not available when supplemental licenses are issued for any location in the state regardless of where an individual is originally located. Dealers have sizable investments in their facilities, employ thousands of employees in our local communities, pay local, county and state taxes, as well as supporting their local communities. I feel this supplemental license... it's never been intended to allow individuals to go anywhere in the state, hold a weekend sale, and then permanently leave the area never to return and service those customers whom they have sold to. I would ask for a favorable Roll Call."

Speaker Breslin: "The Gentleman moves to override the Governor's veto of Senate Bill 583. And on that question, is there any discussion? The Gentleman from Cook, Representative Kulas."

Kulas: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Breslin: "He indicates he will."

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Kulas: "Representative Rea, when does the Secretary of State issue supplemental licenses and to whom?"

Rea: "Well, they would issue them ten days prior... a request would have to be made ten days prior... at least ten days prior to the time that they would have the sale. And it would be to those dealers that would be having a sale or requesting a sale."

Kulas: "Are supplemental licenses issued only to dealers?"

Rea: "Well... Or any other group that would fall under the franchise area... under a franchise licensing provision."

Kulas: "Senate Bill 583, did you try to override this Bill before, Representative Rea?"

Rea: "That's correct, yesterday. And I feel that there's a... you know, more information there that should be shared, and I'm not sure that it was clear to everybody as to what it would do."

Kulas: "Well, to the Bill, Madam Speaker."

Speaker Breslin: "Proceed."

Kulas: "Madam Speaker, Ladies and Gentlemen of the House, this is the same Bill that we proceeded to defeat yesterday, and I hope that we will proceed to defeat today. Because here's a Bill which is an anti-consumer, which is anti-business. It will help for collusion for used car salesmen. Here's a Bill where if I want to get a temporary license, I have to go to an area and get permission from three dealers in that area to sell cars. Now at the present time, we don't have that. We want free competition. We don't want restraint of trade. This Bill is a Bill for restraint of trade. Now the credit unions are against this Bill, and I hope that all of you will vote 'no'."

Speaker Breslin: "Is there any further discussion? Hearing no further discussion, Representative Rea, to close."

Rea: "This is definitely a consumer Bill. This will help the

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consumers. It will guarantee them that they will have the dealers within their market area where they can go back, and if they have any problems, they will be able to receive the service and assistance that would be expected for any type of sale of this nature. And I would ask for a green vote in the override of the amendatory veto."

Speaker Breslin: "The Gentleman has moved to override the Governor's veto... amendatory veto of Senate Bill 583. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? 71 votes are required. The Gentleman from Lake, Representative Churchill, one minute to explain your vote."

Churchill: "Thank you, Madam Speaker. I rise in support of this Bill. A lot of times when people go to the marketplace they receive products and service that they think is faulty, and they're always looking to the Legislature to try and protect them from faulty service and from faulty materials. We have a situation right here where we can protect the public so that those people that go and buy automobiles from a tent sale can have somebody that they can look to to warranty their work. This is an important Bill for the protection of the consumers. It's not a restraint of trade. We already have regional areas in which car dealers can operate. We already have service requirements on car dealers. I think this is an extension of what we have. I don't think it's anything that's a restraint of trade, and I would encourage more green votes up on the board."

Speaker Breslin: "The Gentleman from Marion, Representative Friedrich, to explain his vote."

Friedrich: "Madam Speaker, I don't whether most Members are aware or not, but in order to get an automobile dealers license with the state you have to maintain service facilities and

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do a lot of other things which makes you a permanent fixture in the community, also makes you responsible for servicing the cars you sell. And I think it's proper that these people be protected from those who, fly-by-nights, who move in and are gone. When you buy a car from them, and you know from time to time you need service on your car, if you buy it from these other people, it's gone. So, there are a lot of people around here who talk about consumer protection. If you want to have consumer protection, you better vote 'aye' on this Bill."

Speaker Breslin: "Have all voted who wish? 71 votes are required. The Gentleman from Cook, Representative Kulas, for what reason do you rise?"

Kulas: "Thank you, Madam Speaker. If this gets the requisite number of votes, I want to verify this Roll Call."

Speaker Breslin: "Very good. Have all voted who wish? Representative Johnson, for what reason do you rise?"

Johnson: "I guess I don't understand the opposition to this measure. It seems to me that when we set up a system in this state, whether it be for car dealers or anyone else, and decide that it's a privilege to do business under certain conditions that along with those conditions come certain responsibilities. And it seems to me that the existing system that permits the sort of competition that we see that happens really runs against the whole system in Illinois of consumer protection, of certain standards by which you're able and allowed to do business and really hurts Illinois business within the state in a very direct way. I just really don't understand the opposition to this measure. It seems reasonable. It seems moderate. And I hope that we can get a few more of the 'no' votes, the red votes to switch over and give assistance to Illinois business and to consumers in Illinois."

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Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 67 voting 'aye', 36 voting 'no', and 9 voting 'present'. Representative Rea asks for a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Berrios. Braun. Capparelli. Krska. Steczo. Terzich. And Zwick. No further."

Speaker Breslin: "Representative Zwick votes 'aye'. Seeing no one else seeking recognition, on this question, there are 68 voting 'aye', 36 voting 'no', and 8 voting 'present'. And the Motion fails. We are now going to the Order of Supplemental #1. Under Conference Committee Reports appears House Bill 1529, Representative Matijevich. Representative McCracken, for what reason do you rise?"

McCracken: "Point of order, Mr. Speaker... or Madam Speaker. The Conference Committee Report has not been on the desks for the requisite time. It was distributed at about 4:59."

Speaker Breslin: "Your point is well taken. Representative Matijevich."

Matijevich: "Yes, Madam Speaker and Ladies and Gentlemen of the House, I would hope that Representative McCracken would support... I'm going to first ask leave that it be considered and that that rule be suspended, 79(d). I would guess now that he's not going to support that. But I would urge that nobody object to this, because we'd like to get to this tonight. Even though the Report hasn't been on your desks, I think the analysis of the Report, which has been drafted for some time, and it has been the product of some long sessions and agreed to, I would hope that we could proceed. So, I would ask leave and use of the Attendance Roll Call that that 79(d) be suspended. If that... you know, if that's not successful, I'll put in the form of a Motion. But I would hope nobody would object to

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that."

Speaker Breslin: "Representative McCracken."

McCracken: "We have no objection to hearing the Bill tonight; however, we do need time to go over this. This is a major issue. It is unclear to us where the Municipal League is at this time. We're trying to sort that out, because one Amendment is on and another Amendment's not on. We're not trying to kill the Bill. We're not trying to put it off till tomorrow. We'll do it tonight, but we need some time. So, I renew my objection."

Matijevich: "Well, Madam Speaker, then I will put it in the form of a Motion. I do that respectfully too, Tom, because if I don't make that Motion now, in effect, it won't be heard tonight, because we're not going to be in Session that long tonight. So, I would now move that the provision of 79(d) be suspended, which provision is that it be on the desks for one day. I really think that the matter of the Municipal League in our discussion of the Bill will be clarified, Representative McCracken. So, I would ask the Members to support this Motion, which takes 60 votes."

Speaker Breslin: "Representative Matijevich, you also have to move to take this Bill from the table, so if you do it at the same time."

Matijevich: "Oh, yes, I also move to take the Bill also from the table."

Speaker Breslin: "Very good. The Gentleman's Motion is that we suspend Rule 79(d) and Rule 79(e) so that the Bill will be taken from the table. And on that question, the Gentleman from DuPage, Representative McCracken. McCracken."

McCracken: "I move to divide the question. One Bill... or one Motion requires 60 votes. The other Motion requires 71 votes. So, I think they should be considered separately."

Speaker Breslin: "Representative McCracken, I understand, having

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looked at the record, that this Bill... the Chair was incorrect. The Bill does not have to be taken from the table. There was a Motion to put this Bill over until the Fall Session. That Motion carried. So, the Bill was not tabled. So, the only Motion that needs to be put, Representative Matijeich, is to suspend Rule 79(d) so that the Conference Committee Report not have to sit upon our desks for the requirement of one day."

Matijeich: "Thank you."

Speaker Breslin: "And that is the question before us. Is there any discussion on that question? Representative McCracken."

McCracken: "Madam Speaker, I believe the Motion was to a date certain last spring and that date was October 16th, and I don't recall any Motion to extend the deadline or to change that date. If it's not on a date certain, then it's not in order."

Speaker Breslin: "You are correct in that a date certain was set; however, we have already ruled that there are no deadlines on those Bills that were moved over to the Fall Calendar, as you will recall. Is there any further discussion? The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. As Representative McCracken indicated, this Conference Committee Report was just placed on our desks, for all practical purposes. And I, for one, have not had an opportunity to give it the kind of consideration which this kind of an issue deserves. I notice that there were a couple of Members of the Conference Committee who did not sign this Conference Committee Report. I've not had an opportunity to talk with our Member who did not sign it. And I would rise respectfully in opposition to the Gentleman's Motion."

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Speaker Breslin: "There being no further discussion, Representative Matijevec, to close."

Matijevec: "Madam Speaker and Members of the House, let me assure everybody that there's nothing in here that anybody is trying to hide. And, in fact, because of the time limits, we were going to proceed with this thing tomorrow. The proponents of the Bill, knowing how sometimes the last day we're around here can be pretty tough, were urging that we try to get to this today. And so, I made every effort to make sure that we pass this tonight. So, there's nothing being hidden here. I think in the discussion of the Bill you'll find that. And I would urge the Members to support this Motion."

Speaker Breslin: "The question is, 'Shall the House suspend Rule 79(d) so that this Bill can be heard immediately, although the Conference Committee Report has not been on our desks for the requirement of one day?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Sixty votes are required for the adoption of this Motion to suspend this Rule. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 71 voting 'aye', 43 voting 'no' and none voting 'present', and the Motion is adopted. Representative Matijevec, on House Bill 1529."

Matijevec: "Yes, Madam Speaker, Ladies and Gentlemen of the House, the Conference Committee Report #1 on House Bill 1529 represents many negotiating sessions between the police and fire labor groups and management. I would first like to compliment and commend the Assistant Majority Leader, Alan Greiman, for bringing together these groups and to hammer out this compromise agreement. Also, I'd like to thank former Representative Larry Stuffle. As many of you know, Larry pioneered collective bargaining for

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police and fire and did some of the original drafting of the Bill and did a good job in that behalf. Under the Conference Committee Report, Senate Amendment #2 was incorporated. It represents the inclusion of state and non-state police under the existing Illinois Public Relation... Labor Relations Act and was agreed to by all parties. Much of the language dealing with police and agreed to was tracked for the fire fighters also. There were some conflicts with the fire fighter portion of the Bill, and I believe that the Conference Committee Report resolves those issues to virtually everybody's satisfaction. One of the objections was the definition of fire fighter. The Report includes verbatim, word-for-word, the Municipal League's definition of fire fighter. Volunteer, paid, on-call fire fighters are excluded, as are clerks, part-time and auxiliary fire fighters. Another conflict revolved around the definition of supervisor. For peace officers, in new collective bargaining units, rank can be considered but not determinative of supervisory status. It requires consideration of common law... law enforcement policies and relationships between police officer ranks and certification under applicable civil service laws. Application of the preponderance test is deleted. For fire fighters in new units, supervisors are excluded from the unit and all officers above the rank of company officer are, by definition, supervisors. Also, company officers who devote a preponderance of their time in supervisory duties are defined as supervisors. That's the same classification as in the Public Labor Relations Law. And I believe there's some common sense that there be a differentiation as between fire fighters and police in that regard. If there are no officers above the rank of company officer who would be supervisors, the employer is

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specifically empowered to employ watch commanders as supervisors. The language ensures that there will be supervising employees in every fire department and is a compromise between language offered by labor and that offered by the Municipal League. Another issue is the matter of arbitration of safety measures. The Report eliminates language which would have allowed every safety issue, whether to the public or to fire equipment or other safety considerations subject to arbitration. While fire fighters may collectively bargain under this issue, arbitration is limited only to safety issues where the equipment consideration is a specific work assignment and involves a serious risk to the safety of the fire fighter beyond that which is inherent in the normal performance of fire fight... fire fighters' duties. The language there is similar to that regarding safety which is contained in the police Amendment. So, therefore, it is apparently... it apparently satisfies the original objections of public employers. Now, the one issue, if there's one issue that caused some problem in trying to negotiate this agreement, it was the issue of manning as to... regards firefighting. Manning is the issue of how many fire fighters are, for example, on a fire truck. Now, the fire fighters, I think rightfully, are concerned that this ought to be an issue of arbitration... negotiation and arbitration, because the issue of how many fire fighters are on a fire fighting unit, a truck, can go directly to the matter of the safety not only of the public, but the safety of that fire fighter. So, I think that was an issue that we... that we really felt had to be a matter that ought to be resolved in arbitration. The other issue that the Municipal League, a major issue in the Municipal League, they thought the threshold with regards to the applicability of the Act

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ought to be increased. They originally and in the letter to all of us said that it ought to be increased to about 40. The police and fire originally were for the status quo that it be 25. The Bill increases it to 35, which, I think, is about 40, and I think it is reasonable as a compromise. I think, Ladies and Gentlemen of the House, first of all, we all know that now that there is no collective bargaining for fire and police, that there is for all other public employees. We feel, I believe, that it is working. I think the Governor has gone on record as supporting collective bargaining. I think we've got to consider that there's got to be some differences with regards to police and fire because they have a no strike provision in this Act. And I believe that all of these negotiations that went on - which really show that collective bargaining can work here too, because it did work in that negotiating session. And again, I want to compliment all... And by the way, the other issue which was in Amendment #2 were the pension benefits that had all been agreed to under Senate Amendment #2. So, I would now urge the Members of this House, by your support of this Conference Committee Report #1, we include every public employee under collective bargaining. I don't think the police and firemen of the State of Illinois should wait any longer. The longer they wait, the more difficult it will be for them to catch up. So, I would urge your support on this Conference Committee Report."

Speaker Breslin: "The Gentleman has moved that we adopt the First Conference Committee Report on House Bill 1529. And on that question, the Gentleman from Lee, Representative Olson."

Olson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Breslin: "He indicates he will."

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Olson: "Representative Matijevich, that was a very fine explanation of the elements of 1529. For my own interests here, has there been a compromise reached between the position of the Illinois Municipal League and the proponents of this measure?"

Matijevich: "First of all, Representative Olson, let me tell you that when we passed the Collective Bargaining Act that we now have in law, the Municipal League was opposed to it. I believe that there's been more movement with regards to compromise on this... this Report with the Municipal League than the prior Act that we put into law and is working. Now, this is how close we've come. We took their... and Alan Greiman can speak to this better than I, because he was involved in all of the negotiations. But they took their definition of a fire fighter. They increased the threshold to 35 and they said about 40, so I think we came very close to that. We... With regards to the matter of manning - now, I think that's a very crucial issue. Now, if it could be negotiated any farther, maybe I'd say yes, but you've got to understand that manning, with regards to the fire fighters, is different with regards to manning... with rega... with police, because you can live with one-police squad cars because they have radios, they have weapons. And they can do well in safety with regards to one cars... one-police squad cars. But when it regards to manning of fire trucks, it can be more difficult with regards to safety, and I think that ought to be a matter of arbitration. I think it's very inherent in the very historic difference between fire fighters and police. That's the real gut matter, the historic difference of the two, police and fire fighters."

Olson: "Just one additional question. Has the trigger arbitrarily been set at 40 or are we at 25?"

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Matijevich: "At 35."

Olson: "Thirty-five."

Matijevich: "Thirty-five, which I think is reasonable."

Olson: "Thank you very much. To the Bill. We acknowledge the hard efforts of everyone, including organized labor and those supporters of these measures. However, for those of us who represent many small municipalities, this issue is of immediate concern. We're facing the loss of federal revenue sharing funds. We're facing extremely high overtime costs with regard to other elements of our picture. And, therefore, I would respectfully suggest that we do not accept this Conference Committee Report."

Speaker Breslin: "The Gentleman from Cook, Representative Greiman."

Greiman: "Thank you, Speaker. I have a.. just a couple of questions of the Sponsor, if he will yield, for purposes of intent of the Legislature. First, there's a provision now for a three-fifths voting requirement, and is it your understanding that that would be regardless of any contract provision which would have a lesser amount? Is that correct? Mr. Matijevich."

Matijevich: "That is correct, Representative Greiman."

Greiman: "And that it also would not affect any present contracts that might, in fact, where the parties have agreed to binding arbitration, wouldn't change that as well."

Matijevich: "That is correct, also."

Greiman: "And, further, that the notion of preponderance as used in this Bill in terms of defining supervisor, as well as the original 536, means at least 51 percent of an employee's work spent in exercising that supervisory authority."

Matijevich: "That is correct, also."

Greiman: "Thank you. To the Bill, I would just add this comment."

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The parties went a long way to accommodate the concerns of the Municipal League. Out of the five issues that were left, on two we merely banged labor's head and said, 'No.' On two more, we said... we provided a compromise on things like definition of supervisor and on the threshold for applicability of the Act. And on one issue, we said, 'Well, alright, that's labor.' So, the Municipal League, therefore, if you look at its ... sort of its score card, it won two fully, two in part and lost on one. Now, that's not... four out of five is not bad. So, what they're saying to us is, unless we win five out of five, we'll never give you our countenance. Now, what is all this about? The truth of the matter is that in 1983 we put 125,000 educational employees under collective bargaining. We put 125,000 state and local employees under collective bargaining for almost a quarter of a million people. We put... everyone agrees that 20,000 police officers throughout the state should be on collective bargaining. So, that takes care of those. Everyone acknowledges the historic representation rights of Chicago fire fighters, so that those 8,000 men and women in the Chicago fire fighters are already under collective bargaining. So this to-do, then, is about... after putting on 275,000 people on collective bargaining, we are now fighting as to whether 3800 - 3800 downstate policemen should be put under collective bargaining. I submit to you that it is time just to do it, put everyone under this process so that labor relations in this state will be clear, rights will be clear, duties and obligations will be clear and no security employees will be allowed to strike. And so, therefore, I ask you to adopt this Conference Committee Report. Thank you."

Speaker Breslin: "Mr. Clerk, for an announcement."

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Clerk O'Brien: "Supplemental Calendar #2 is being distributed."

Speaker Breslin: "The Gentleman from DuPage, Representative Barger, on the question."

Barger: "Thank you, Mrs... Madam Speaker. After listening to this wonderful compromise agreement that we have come up with, I think maybe what we really ought to do is have the city councils go out and levy taxes and collect money and turn it over to the labor leaders to run the city. This is not a good Bill. This is not a Bill that the municipal officials would like in the least bit. They have been willing to compromise to allow a great majority of these suggestions. But besides the things that they are willing to compromise on, they are being forced to accept union determination as to the manning of fire trucks. Now, fire department equipment can be manned by full-time, paid firemen. It can be manned by voluntary firemen. It can be manned by a mixture of the two. And various different communities in our state have various different requirements and various different types of staffing and it is best for the local municipal officials to be able to make these determinations on their own. Now, also, in the matter of supervisory help, quite often you will end up, in some of the smaller departments, with the chief being one of the members of the crew or, in other instances, where a fire lieutenant will be running the fire truck and he is actually administering, while, at the same time, performing some of the fire fighter operations. These people very definitely are parts of management. They are consulted by the mayor and the city council in making determinations as to how the organization will function. And because of these shortcomings in this Bill, although I don't like the whole thing, I am forced to suggest that probably we should go back and make this just a little more equitable towards

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the part of the city governments. Thank you very much."

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

Tuerk: "Madam Speaker and Members of the House, many years ago, as I remember, when I - oh, it was either in my freshman or sophomore year of college, I took some courses in philosophy which I learned at that time that one of the basic premises of logic is that two wrongs don't make a right. I think, in our deliberations over a period of the last two or three years, we have been wrong on this particular subject at least twice and; therefore, we could add to that that on the third time around, that we don't need to perpetrate that action and vote this Bill into law. Now, it is true of what some of the advocates of this particular Bill espoused that there have been some compromises made in this Bill that haven't been made in the collective bargaining Bill on other public employees. However, there still remains some onerous provisions of the Bill, such as has been pointed out by some previous speaker; namely, the manning issue subject to arbitration and the supervisory elements of the Bill itself. Now, on the one hand, if you can embrace the concept of collective bargaining for public employees being mandated by the state, I suppose you'll vote for the Bill. However, my philosophical bent is that we shouldn't be sitting here telling all municipal officials throughout the State of Illinois that you have to sit down and bargain and you have to have certain provisions of the law that are subject to arbitration. I, therefore, say to you that this is not a good Bill, that it's not a good concept and, therefore, should be defeated."

Speaker Breslin: "The Gentleman from DeWitt, Representative Vinson, on the question."

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Vinson: "Yes, Madam Speaker, I wonder if the Sponsor might yield for a question."

Speaker Breslin: "He indicates he will."

Vinson: "Representative, on page 16... my problem is I'm looking at a copy of the Senate Amendment and I don't have a copy of the Conference Committee Report in front of me. What I'm interested in is in the case of police officers, arbitration... what arbitration applies to. And there is language in there where, as I read the language, arbitration can determine when a police officer can use deadly force. Now, is that... am I reading that correctly or incorrectly?"

Matijeich: "Incorrectly. That's been excluded."

Vinson: "That is excluded."

Matijeich: "Right."

Vinson: "Okay. So that is something that we're..."

Matijeich: "And fire fighters, too, it's excluded."

Vinson: "Okay. So, that is not subject to arbitration."

Matijeich: "Correct."

Vinson: "Okay. And I take it then that the item before that, mutual aid and assistance agreements, that those are also excluded."

Matijeich: "That's excluded."

Vinson: "Okay. Thank you."

Speaker Breslin: "The Gentleman from Winnebago, Representative Mulcahey."

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

Speaker Breslin: "He will."

Matijeich: "Yes."

Mulcahey: "Representative Matijeich, I think we all received a note from the Municipal League this afternoon. It's dated October 29th. First of all, do we... are we looking at Conference Committee Report identified as LBCCR5?"

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Matijeich: "CR7, not 5."

Mulcahey: "LRBCCR5."

Matijeich: "No, no, 7."

Mulcahey: "7. Well, already it's screwed up here in this Report, but let me go ahead and ask you anyway."

Matijeich: "Not me. Not me. I think the Municipal League did it."

Mulcahey: "Pard... Well, yeah. There were two points they objected to, and I just want to make sure that we know where we're coming from. Number one, they said the definition of a supervisor in the fire service should be amended to track the definition of supervisor in the police service. My question is, was it? Was it amended?"

Matijeich: "I think what I... in my presentation I said it's been changed from the original objection to the Municipal League. It's not exactly what they want, but we're almost there. It's a compromise that was developed."

Mulcahey: "So, the answer is no. Alright, another question. The preponderance test eliminated in the police supervisor definition should also be eliminated for fire fighter supervisors. My question is, what it eliminated?"

Matijeich: "No, and the reason it wasn't, Representative Mulcahey, there, again, is... there's a difference between the... the historic difference between fire fighters and... and the police. In other words, there are some fire departments that have one supervi... one fire chief and virtually everybody else is a fire fighter. And what we did in the Act which we thought satisfied the Municipal League, we mandated that the municipal governments can determine that there be shift commanders. For example, there is only a fire chief and nobody else above a company officer, that there be mandated a shift commander in each shift. That shift commander is a supervisor and is

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excluded from the Act. So I think the Municipal League really won their point on that issue."

Mulcahey: "Okay. Also, John, another statement they made was the limitation on items... the limitation on items that can be arbitrated in fire disputes must include manning. Does it?"

Matijevich: "Well, I explained the whole issue of manning, Representative Mulcahey. And on that issue, the local governments... an issue that is not subject to arbitration is the total number of manpower, in fact, the total number of fire fighters. But as to the issue of manning, that goes directly to the issue of the safety of the fire fighters and the safety of the public. And I thought I made it pretty clear that, because of the historic difference of fire fighters and police, I don't think it would have been good public policy to make manning not be the subject of arbitration, because, how many persons are on a fire truck is very, very, I think, important to the issue of safety of those fire fighters."

Speaker Breslin: "The Gentleman from Peoria, Representative Saltsman."

Saltsman: "Thank you, Madam Speaker. For fourteen years I dealt with municipal government on contracts with fire fighters. And after going through three mayors and three or four city managers, the only opposition they ever had to collective bargaining was compulsory arbitration and no strike clause in public safety factors. In this Bill, there is a no strike clause, and there's no compulsory arbitration. Every mayor in the City of Peoria that I dealt with, or city manager, they said this is our only differences. Don't force money down our throats that we don't have. So, the compulsory arbitration has been taken out. The no strike clause has been taken out and this is a watered-down

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Bill. Anyone that can't vote for this Bill is just against anybody bargaining, not just policemen or fire fighters. This Bill is a weak collective bargaining Bill, and it will probably go down in the Nation as one of the weakest ones in existence. The only reason for voting against this Bill is you're... a person being against everybody having a right to negotiate decent working conditions and decent salaries. The good part of the Bill is, under our written contracts, whenever we change mayors, whenever we change city managers, a lot of them think their fire chiefs, a lot of them think their chiefs of police, and they've never had no experience in that field. Right away they come in and change all rules and negotiations that you have had in the past. And even though they're the same mayor and the same city manager, they are still the same person in that office. Their names are just different, and they aren't bound by precedent on cases that have went to court. So, therefore, by a change of offices, which they come and go every four years - our fire fighters are there for 25 and 30 years - and they are tired of this subject to change by these different mayors and different city managers and the court cases that develop because we don't have a written contract to say, 'Here, we've been doing this for 12 or 13 years. At least let us negotiate the changes.' This is a simple Bill for anybody to vote for. The Municipal League would be against it if we gave them all five issues. They'd be against it then. They don't even know what an agreed Bill is. I've had two or three Bills here that we've met in Committee and the Illinois Municipal League will say, 'We can vote for it if you do it this way,' and we did this way and they still stand out here with handbills opposing legislation. Don't go by what the Municipal League says. As far as the manning, the only

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city, I believe, in the State of Illinois that has manning provisions is the City of Chicago and I worked with these men on this contract. I was the one that begged them - take out compulsory arbitration or we'll never get the Bill. The City of Chicago does have compulsory manning. Peoria don't have any, and I'm sure Rockford doesn't have compulsory manning. None of our smaller cities do. But it's negotiable here. We do have agreements with the city in these communities. Where are hazardous areas are, we can at least keep three men on a machine or overtime people to be handling in the case of illness, injury or vacation time. So, they do, in the hazardous areas, mandate that in those hazardous areas - and that was an agreement worked with the city council that never had compulsory arbitration. Some of the cities in the State of Illinois have already got better agreements and better written contracts than what this Bill is. Our police officers and fire fighters and the police and fire organizations of this state have worked for two years on this Bill. I voted against House Bill 53... Senate Bill 536 two years ago. I voted against it because I wasn't satisfied with the way public safety was treated. And all these provisions have been made. Labor has given in. The Police Benevolence and the unions have given in all the way. The Municipal League hasn't given in one thing, and they have got a contract here that they could go back and tell... they can go back and tell the municipal officials they got a Bill passed, but the Bill doesn't have any teeth. It does have good provisions for written contracts and agreements that most cities already have. Anyone that can't vote for this Bill here just don't want nobody to have a right to collective bargaining, not only policemen or firemen, but in the private sector also. Thank you very much. I urge your

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support for this Bill. It's very important."

Speaker Breslin: "The Gentleman from Cook, Representative McGann."

McGann: "Thank you, Madam Speaker. Madam Speaker and Members of the Assembly, first, I would like to thank all of those that were concerned in being part of the Conference Committee Report, both in the Senate and the House. They worked hard to bring about a good piece of legislation through this Conference Committee Report. The peace officers and the fire fighters in the State of Illinois are the forgotten segment of society until they're needed, and then we all rush for their help. I say we should be helping them this evening in bringing about the passage of this legislation. For those that are fearing about the local governments, I believe there is safeguards in this Conference Committee Report that will truly protect their interests. So, let's get... about our business. I ask all of the Members of the Assembly to join and support this Conference Committee Report. Thank you."

Speaker Breslin: "There being no further discussion, Representative Matijevich, to close."

Matijevich: "Thank you... Thank you, Madam Speaker and Ladies and Gentlemen of the House. Only to speak to a couple issues. I think Representative Tuerk or somebody mentioned something about the labor unions running the police and fire departments. Well, who are those labor unions that we're talking about? We have an exclusive representation clause in here and probably in your area the police representation group will be the Illinois Police Association or the Benevolent and Protective Association or the Fraternal Order of Police. As to fire fighters, it will probably be the Associated Fire Fighters of Illinois or the Chicago Teachers' Union. Is that really what the

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definition of what we call labor? You know, I think we're making too much of this Bill, and I think Al Greiman hit the point. We've already passed law for around 150,000 public employees, and the police provisions are all agreed to. So, all we're really talking about is 3800 fire fighters. And the one issue we're talking about, the only one issue, really, that is... that is... the Municipal League says you shouldn't vote for it is the issue of manning. And Representative Saltsman hit the nail on the head. All through the State of Illinois, the only area where it really is an issue is Chicago because all the other areas of the State of Illinois, they don't have that much of a hazard. So, it really hasn't become a matter of dispute as between the employers and the fire fighters. Again, I want to commend all of those who worked on this. This is not only reasonable legislation, it's good legislation. It is time that we protect the fire fighters and police in Illinois. Give them collective bargaining. I believe that you want to do that and make them fit into the whole Act that we now have in the book. I urge your support."

Speaker Breslin: "The question is, 'Shall the House adopt the First Conference Committee Report to House Bill 1529?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative McAuliffe, to explain his vote."

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House, there's another side to this Bill besides collective bargaining for policemen and firemen. There's pension increased benefits for widows of police officers and widows of firemen who retired years ago when the pension was very low. This is going to help raise their pension to an adequate level in retired police officers. I see we have

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enough votes, so I will say no more. Thank you very much."

Speaker Breslin: "The Gentleman from Cook, Representative Panayotovitch, to explain his vote."

Panayotovich: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. We are giving collective bargaining to the people that put their lives on the line on a daily basis. They wanted to be treated as first class citizens. They want to have the right to collective bargain. Remember, every day these men and women put their lives on the line for us. They're asking for a right to collective bargain. Let's give it to them and have more green votes up there."

Speaker Breslin: "Representative Terzich, to explain his vote."

Terzich: "Yes, on behalf of officer McAuliffe and fire fighter Terzich, I appreciate your support on this Bill. It's nice to be appreciated, by the way."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 31 voting 'aye', 26 voting 'no' and 1 voting 'present', and the Conference Committee Report is adopted. Ladies and Gentlemen, under... on page seven on your Calendar, under Amendatory Veto Motions, appears Senate Bill 785, Representative Hensel."

Hensel: "Thank you, Madam Speaker, Members of the House. I move to accept the Governor's amendatory veto on Senate Bill 785. Basically what 785 does is makes technical changes in the Bill, the technical changes that reflects the recent change from the Department of Law Enforcement to the Department of State Police. The other amendatory change was... deleted the provisions which now are included in House Bill 743. I would like to remind everybody that back in June this Bill was presented. It passed with an overwhelming 114 to nothing, and I would just ask for a favorable vote."

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Speaker Breslin: "The Gentleman has moved to accept the Governor's specific recommendations for change on Senate Bill 785. And on that question, the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you very much, Madam Speaker. Will the Gentleman yield?"

Speaker Breslin: "He indicates he will."

Mautino: "Representative Hensel, is this the same legislation we defeated the other... yesterday that mandates that fingerprints for each initial application and every renewal application must be submitted upon anyone applying for a liquor license in the State of Illinois?"

Hensel: "It does not mandate it. It allows the local liquor commissioner to require them to take a fingerprint if he so desires, but it is not a mandated."

Mautino: "What's the cost of this proposal?"

Hensel: "The cost will be determined under House Bill 743."

Mautino: "What's that figure?"

Hensel: "The cost... the processing fees will be established by the Illinois Criminal Justice Information Authority."

Mautino: "How many applicants do we have in the State of Illinois?"

Hensel: "I have no idea at this point."

Mautino: "A hundred thousand?"

Hensel: "I would not have any idea."

Mautino: "You have no idea what the fees are nor what the process is once the fingerprinting is done, is that right?"

Hensel: "The proc... What do you mean? The process of the fingerprints or the fees?"

Mautino: "Yeah, where are they going to go? Where is the tie in and how are they going to be used to do what?"

Hensel: "The fees will be deposited by the Department of State Police and that will go into the Law Enforcement Service

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Fund."

Mautino: "The fingerprinting - where's that going to go?"

Hensel: "That will be retained in the State Police file."

Mautino: "The State Police file."

Hensel: "I believe so, yes."

Mautino: "Ladies and... To the Bill, if I may, Madam Speaker."

Speaker Breslin: "Proceed."

Mautino: "Ladies and Gentlemen, I once again stand in opposition to this legislation. What it says specifically for each individual who applies for the first time or the renewal of an existing license should be... shall be fingerprinted if it's the desire of the local liquor commissioner, which, in many cases, is going to be a fee attached. We just went through the costs of fingerprinting as it pertains to the Department of Law Enforcement on their new programs including I-SEARCH as well as the children's fingerprinting. And we're talking about a million dollars or more - in fact, 1.6 million as it pertains to law enforcement and fingerprinting outside of this legislation. I see no reason why civil and social and fraternal organizations who's changed managers and applications each and every year have to be submitted to having their fingerprints taken when, in fact, on the application it specifically asks if the applicant has a criminal record or is charged with any felonies, et cetera. That, in itself, is enough to eliminate licensure in this state. I don't believe it's needed, and I can't see any reason to make those hundred thousand people or so in this state go through fingerprinting as it pertains to application for a liquor license, which includes but is not limited to the local retail establishments, but grocery stores, drug stores, the individuals who are managers of those facilities, corporations, hotels, churches, American

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Legions, VFWs, KCs, Odd Fellows, every group who has a special application permit for a liquor license or anyone engaged in the business. I think it's ridiculous and request a 'no' vote on this amendatory veto Motion."

Speaker Breslin: "The Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think there's been a lot of confusion created about what's happening here and I think just we have to be careful the buzz word 'fingerprints' doesn't have us do something that's dramatically wrong in terms of this legislation. My understanding is that we have been doing this all along. And I know in communities in my district that they have been taking fingerprints when liquor licenses have been applied for. Now, the reason for that is that under the Dram Shop Act there's a requirement that the state commission and any local commission, before they issue a liquor license, shall make a determination if a person has been convicted of a felony and then there's exceptions for when they can get a liquor license if they have been convicted of a felony, or if they've been convicted of keeping a house of ill fame, or certain other misdemeanor crimes opposed to the decency and morality of the community. Now, what happens is that when you apply for a liquor license, the fingerprints are taken, and they were sent by the municipality or the issuing agency directly to the FBI. The FBI has now said they won't accept those. So, now they have to go to this agency we now call the Department of State Police and they then forward them on to the FBI for determination of whether or not these people have a felony record. And it's as simple as that. And all... We passed this Bill, I think, without any negative votes in the spring and now the Governor's

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amendatory veto, which is on this Bill, only changes the name of this agency from the Department of Law Enforcement to the Department of State Police. Now, the Gentleman from Bureau, who's a good friend of mine and a very good legislator, is misconstruing this. This is not requiring anything that we aren't doing already. And it is in conformance with what we require under the Dram Shop Act and, frankly, is good protection for those situations where a liquor license is issued and... a new liquor license. Now, I've been involved with liquor licenses for 15 years or so, and I've never had them, on a renewal, ask for a fingerprint. There's nothing in this Bill that I read that mandates on a renewal license that they fingerprint. But every time a new license or a transfer of license is applied for, those people then have to give their fingerprints. Now, that is... we're not talking about fingerprinting everybody. We're talking about the people who get the license. And what we're doing is protecting the public interest. We've had people in my district arrested for gambling. You run a liquor establishment, the law says you can't be convicted of gambling and have a liquor license. And that's all we're trying to do, is find out what the situation is, give it to those local liquor commissioners, the mayors, the county board chairmen, those people who have that power. I think this is a good Bill, and I ask for a favorable vote on it. Thank you."

Speaker Breslin: "The Gentleman from Madison, Representative Wolf."

Wolf: "Madam Speaker, I move the previous question."

Speaker Breslin: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the main question is put."

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Representative Hensel, to close."

Hensel: "Thank you, Madam Speaker. I would just like to clarify a statement made by a previous Representative that said the Bill says it shall require fingerprints. If he will look at the Bill, under Section 4-(7), it reads, 'The local liquor control commissioner shall have the right to require.' Now, that does not state 'shall require'. They have the right. And under that statement, there could possibly be no cost to anybody because they may not require any fingerprints to be taken. So, I would just ask for a favorable vote."

Speaker Breslin: "The question is, 'Shall the House accept the Governor's specific recommendations for change in Senate Bill 785 by the adoption of the Amendment?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from Cook, Representative Leverenz, to explain his vote."

Leverenz: "Thank you, Madam Speaker. I rise in support and urge everyone to vote green. On page one of the Bill, it makes it permissive for a liquor commissioner to require whether they want to or not. They can require it. It is not mandatory. Also, on page three of the Bill, something that hasn't even been talked about that I know of, it allows alcoholic liquors to be served in a fire protection district building and provides that they allow the same provisions as we gave to park districts. So, that has, to the best of my knowledge, not been talked about, but I don't see anything wrong with that either. But maybe somebody from the other side of the aisle put that Amendment in there. But I think it's permissive rather than mandatory, and I'd urge your green vote."

Speaker Breslin: "Representative Preston, to explain his vote."

Preston: "Thank you... Thank you, Madam Speaker and Ladies and

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Gentlemen of the House. I rise in opposition to this Motion. As I explained earlier, it's not that I am opposed to fingerprinting applicants in certain sensitive occupational groups where the occupation of the individual has a very sensitive duty that requires that extra measure of protection to find out whether or not the applicant has a prior criminal record. As you know, I'm very much in favor of fingerprinting people who have that sensitive occupation of working in and around little children, who have the custody of little children, to make sure that they haven't had previous convictions for sexual abuse or physical abuse of children. However, in terms of liquor licensees, it's interesting to note that many of the people who are voting in favor of fingerprinting liquor licensees were opposed to a Bill that would require fingerprinting of people who have the care and custody of little children. That would make one wonder if we see a greater need to protecting the occupant, the consumer, at your local bar than we do of protecting the children who we send off to day care centers or send off to school classrooms. I don't think there is a sensitive position that a bartender has or a liquor license owner has. I don't think a tavern owner or operator has such a highly sensitive position that we have to take extraordinary means to see whether or not that individual has a previous criminal record. It makes no sense. I don't know who it is we're trying to protect. The person who goes into a bar can certainly protect herself or himself. So, I... I like seeing those red votes and I encourage more of them."

Speaker Breslin: "Representative Huff, one minute to explain your vote."

Huff: "Thank you, Madam Chairman. I think I can do it under a minute. Speaking from my district, I think that this is a

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reasonable, prudent safeguard for the general public, Madam Speaker and Ladies and Gentlemen of the House. In my district we have a proliferation of foreign nationals, many of whom I believe are 'immigrees' from the PLO, and they have a definite pension for settling all arguments, however transatory, with weapons. In fact, we've had two incidents where innocent bystanders were shot standing outside of these taverns by the licensee. And upon investigation, we found out in each instance that these tavern owners have extensive arms violations, but yet they were given a license. And I must emphasize that this measure allows for permissive enactment of this provision, and I think is reasonable. And I think it's only fair to safeguard unsuspecting tavern customers who would go in and standing belly up to an automatic weapon on the other side of the counter. Thank you."

Speaker Breslin: "Represent... Representative Kulas, one minute to explain your vote."

Kulas: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is a terrible Bill. It was defeated once and it should be defeated a second time. If you really believe that this Bill is not going to cost the state money, then you will believe that if a nuclear bomb hits Chicago it will stop at Howard Avenue because Evanston has declared itself a nuclear freeze zone."

Speaker Breslin: "Representative Van Duynes, to explain his vote."

Van Duynes: "Thank you, Madam Speaker. Madam Speaker, you sponsored a Bill here last year to curb the direction that we are going in, especially in this Bill right now, in that we're providing for open competition in our municipally-owned buildings against the people, the private entrepreneurs, who pay their licenses and pay taxes to engage in the business of selling liquor and food and

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whatever. And I had intended really to vote for this Bill, except when Representative Leverenz brought out the fact that... that this Bill provides that liquor can be delivered to and sold at retail in any building that's owned by a fire protection district - I said whoa. Now, this flies in the face of logic. These people have no license. They pay no taxes. They are a governmental body supported by the taxpayers of the State of Illinois or whatever district they belong to, and I think it's a horrendous practice for us to keep engaging in to allow governmental buildings to... to compete against regular businessmen who have to pay the price to go into that business. They have to pay 800, 900, 1,000 dollars for a city license or a township license to engage in the sale of liquor. And I don't think it's fair competition. I think we should get off of this and I think we should change our direction. And if Representative Hensel wants to change the Bill without the liquor part in selling liquor, well, then I have no objection to the Bill. But I think that part should be taken out, and I think this Bill should be held back until that's changed. And I would ask the people to vote like I am and vote red."

Speaker Breslin: "Ladies and Gentlemen, this Motion requires 60 votes for adoption. Do you still wish to explain your votes? Representative Regan, to explain his 'aye' vote."

Regan: "I'd just like to clarify, Madam Speaker, the last speaker. This is designed as a fund raiser activity for the fire departments. It's limited to six times a year in which they can sell beer in their halls at their firemen's dances. That's all the situation is. Thank you."

Speaker Breslin: "Representative Hensel, to explain his vote."

Hensel: "Thank you, Madam Speaker. I just wanted to clarify what the other Representative said. We are not allowing fire

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protection districts to set up bars in their establishments. The Amendment states that they are allowed, when they have a fund raiser, not to exceed six times a year, to sell liquor to help raise funds so that they can buy equipment and so forth. And I still ask for a favorable vote."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 63 voting 'aye', 45 voting 'no' and 8 voting 'present', and the Motion is adopted. Ladies and Gentlemen, we are now going to page two on your Calendar, Senate Bills Second Reading, Senate Bill 241, Representative Cullerton."

Cullerton: "Yes, Madam Speaker, if we could take this out of the record and come right back to it, I'd appreciate it."

Speaker Breslin: "Fine. Senate Bill 502, Representative Davis. Out of the record. Senate Bill 625, Representative Brunsvold. This is a Bill on Second Reading. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 625, a Bill for an Act to amend Sections of the Metropolitan Civic Center Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #1, Brunsvold, amends Senate Bill 625."

Speaker Breslin: "Representative Brunsvold."

Brunsvold: "Thank you, Madam Speaker. I'd like to withdraw Amendment #1."

Speaker Breslin: "Excuse me?"

Brunsvold: "I'd like to withdraw Amendment #1."

Speaker Breslin: "Withdraw Amendment #1. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #2, Brunsvold, amends Senate Bill 625."

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Speaker Breslin: "Representative Brunsvold."

Brunsvold: "Withdraw #2."

Speaker Breslin: "Withdraw #2. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #3, Wojcik, amends Senate Bill 625."

Speaker Breslin: "Representative Wojcik. Representative Wojcik. Is the Lady in the chamber? What is your pleasure, Representative Brunsvold?"

Brunsvold: "I believe Representative Wojcik was going to withdraw Amendment #3."

Speaker Breslin: "Okay. With that representation, Representative Brunsvold now moves to table Amendment #3 to Senate Bill 625. And on that question, is there any discussion? Hearing none, the question is, 'Shall Senate... Shall Amendment #3 be tabled?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and Amendment #3 is tabled. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #4, Brunsvold."

Speaker Breslin: "Representative Brunsvold."

Brunsvold: "Thank you. Amendment #4 will do five things. Number one..."

Speaker Breslin: "Excuse me, Representative Brunsvold. Representative Van Duynes, for what reason do you rise?"

Van Duynes: "Yes, I would like to address a remark and a request to Representative Brunsvold. This Amendment addresses something that happens in my district. It addresses the Joliet Metropolitan Exposition Authority. And if there are other people on this floor who want to make some changes in the Metropolitan and Exposition Authority of Joliet, I wish that they would do it. And I ask as a favor to Representative Brunsvold to withdraw Amendment #4;

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otherwise, I'm going to oppose it."

Speaker Breslin: "Representative Brunsvold, what is your pleasure?"

Brunsvold: "If he has questions about the Section 18, I wish Representative Van Dwyne would request answers from Representative Davis."

Speaker Breslin: "Do you wish to proceed with presenting your Amendment, Representative Brunsvold? Representative Brunsvold, do you wish to continue to present your Motion?"

Brunsvold: "I'm not prepared to answer questions dealing with this Section of the Amendment."

Speaker Breslin: "I see. Representative Van Dwyne."

Van Dwyne: "Yes, Madam Speaker, I tried to bring out... to point out to you that there's a Section of this Amendment that addresses itself to the Metropolitan and Exposition Center in Joliet, the Will County and Metropolitan... and Representative... If Representative Davis wants to make a change, let him do that. At least be out in front about it instead of trying to get... put Joel... Joel in a box and have him address himself to it. And I'm just trying to get around it by asking..."

Speaker Breslin: "Excuse me, Representative Van Dwyne, you are out of order. Representative Brunsvold, do you wish to present this Motion?"

Brunsvold: "Could we take this out of the record for a minute so I could talk to..."

Speaker Breslin: "Out of the record. Senate Bill 913, Representative Mulcahey. Read the Bill. Representative..."

Clerk Leone: "Senate Bill 913, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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Clerk Leone: "Floor Amendment #1, Steczo - et al, amends Senate Bill 913."

Speaker Breslin: "Representative Steczo."

Steczko: "Thank you, Madam Speaker, Members of the House. I move for the adoption of Amendment #1 to Senate Bill 913 which is cosponsored... or jointly sponsored by myself, Representative Ewing and Representative Mulcahey. Amendment #1 to Senate Bill 913 is an attempt to address a problem that we encountered here two weeks ago when I, as the House floor manager of House Bill 982, attempted to accept the Governor's recommendations for change on the question of tax equity for units school districts. At that time, as you know, that measure passed by a very, very close vote, but the comments and the concerns of Legislators from small unit districts who felt that they were being discriminated against by the Governor's amendatory actions prompted Representative Ewing and Representative Mulcahey and I to seek to find redress to that and that redress is contained in Amendment #1 to Senate Bill 913. As you will recall, the original provisions of House Bill 982 provided that unit districts that were taxing between \$1.60 and \$1.84 could, over a period of four years, raise their taxing level to \$1.84. It also provided that those same unit districts could raise their taxing rate from 12 cents to 20 cents over four years on transportation. Amendment #1 to Senate Bill 913 is a means by which we can redress the concerns and the questions that were raised by the Governor taking the language of the original Senate Bill... House Bill 982 and putting in the arbitrary level of 1499 or 1500 students. You will recall the consternation over that. You will recall the questions and the conversation that alluded to the fact that the Governor was trying to prod consolidation

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and reorganization on those small unit school districts. From my prospective, Madam Speaker, it was my choice, as Sponsor of that legislation, to try to accept the Governor's amendatory veto, although not completely happy with it, because I was afraid that in the Senate we would face hard times and we would be faced with the prospect of all unit districts being shut out and no unit district being assisted at all. However, it's my understanding that the prevalent view in the Senate seems to be that they would like all unit districts to have this access to local tax equity. They would like the House to give this language to them. And it's also my understanding that the Governor is also having a change of heart. I would be pleased to answer any questions and if there are none, Madam Speaker, would move for the adoption of Amendment #1."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to Senate Bill 913. And on that question, the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Madam Speaker. Will the Gentleman yield?"

Speaker Breslin: "He will."

Mautino: "Representative Steczo, am I interpreting this legislation right when I view it as a proposal that would increase the funding mechanism for schools that consolidate? Is that correct?"

Steczko: "Representative Mautino, that is incorrect. The mechanism we are speaking of here applies to unit districts that are currently constituted unit districts. It has nothing to do with the consolidation problem at all. And those districts will be taken care of if they consolidate. So, this takes into account the concerns that we addressed last week and the comments that I heard last week about smaller unit districts not having access to local... to local tax revenue."

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Mautino: "Okay. That increased from... which is basically eight cents on transportation and 21 cents on education, is an increase in the tax rate with our without referendum?"

Steczo: "That is a tax rate subject to back door referendum."

Mautino: "To back door referendum."

Steczo: "That's correct."

Mautino: "Thank you."

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

Piel: "Thank you, Madam Speaker. Will the Gentleman yield for a question, please?"

Speaker Breslin: "He will."

Piel: "Representative Steczo, earlier in the day somebody approached me and said that the Taxpayers' Federation, the realtors, the Farm Bureau were against this Amendment. Can you explain to me why?"

Steczo: "Representative Piel, I think that the opposition by those groups is just the general opposition that they would have to any... any Bill or any Amendment of this type. Keep in mind that with the Motion that we presented two weeks ago to accept the Governor's recommendations for change for this very thing for districts of 1499 and over, they were in support of that, but they're also in support of the whole question of consolidation as well and felt that by doing anything further than that, that that would be a deterrent to consolidation. So, based on their past historic tendency to oppose this type of legislation, they have decided that they should be against it. However, let me indicate to you that notwithstanding that, when I pointed that out to the Members of this House two weeks ago that those groups, in fact, were opposed, it seemed that the consensus of the House was notwithstanding that, that they would like to see this put into place."

Piel: "One final thing, and I apologize because there was some

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people talking next to me when Representative Mautino was asking questions. Did you say this is a back door referendum?"

Steczo: "That is correct, Representative Piel."

Piel: "Thank you. And, Madam..."

Steczo: "Let me... Let me also indicate that this affects unit districts only, and not dual districts."

Piel: "Correct. I realize that. Madam Speaker, I would ask the Chair for a Roll Call on this Amendment please."

Speaker Breslin: "Surely. The Gentleman from Livingston, Representative Ewing."

Ewing: "Madam Speaker, did... was he through questioning?"

Speaker Breslin: "Yes, he was."

Ewing: "I would just like to address this Amendment. When we... When the Governor amendatorily vetoed this legislation, which we approved a few days ago, some 50... 57 percent of the schools in Illinois were cut out of the opportunity to have this additional funds available for both education and transportation. This is a critical issue to these schools as they try to find their way through this period of reorganization and adjustment. I think this Bill is fair. Last spring, when we approved the education package, we felt it was fair. The Governor has changed his mind on his amendatory veto. He is in support of what we're doing here tonight. And I would ask for a favorable approval of this Amendment."

Speaker Breslin: "There being no further discussion, Representative Steczo, to close."

Steczo: "Thank you, Madam Speaker, Members of the House. I would reiterate to the Members of the House that this Bill does not affect any dual school districts in the state, but I also would like to remind everybody of the... of the comments that were made by many Members of the House two

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weeks ago. Two weeks ago, when I presented the amendatory veto Motion to give this same authority to school districts over 1499, there was great consternation in the House and there was a feeling and a sense of the House that small unit school districts were being discriminated against. I felt the same way; however, we felt that, at that time, it was appropriate to try to accept the Governor's recommendations. Because of those conversations, because of those attitudes and comments that we had been privy to, we decided that it would be in our best interests, because this was the language that was put forth by the House Committee on Elementary and Secondary Education as a Committee, as a Committee Bill, as part of the education reform package, to come back and to allow the Members of the House an opportunity to allow those small unit districts to have access to these local rates. The House Members seemed to think it was important. The Members of the Senate think that this issue is important. And the Governor has had a change of heart. He feels this issue is important. And the comments two weeks ago also with regard to trying to use the carrot and the stick approach, and as some Member of the House said, the hammer approach to force local school districts to reorganize now, I think, can be laid to rest as it... as it concerns local unit tax rates or tax equity because of this. Let me mention one more thing. Presently, dual districts have access to tax rates at \$1.84 for general education. An elementary district and a high school district can each tax at 92 cents. Unit districts can only tax at \$1.60. High school and elementary districts can tax 12 cents apiece for transportation which totals 24 cents. Unit districts can tax 12 cents. So, they've been behind for a long, long time. We feel that the time is right. The Education

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Committee felt that the time was right. The General Assembly felt that the time was right last spring to provide that degree of equity, to make everything the same. This is a Bill that would do that. This is an Amendment that would do that, and I would encourage affirmative votes on this Amendment."

Speaker Breslin: "The question is, 'Shall the House adopt Amendment #1 to Senate Bill 913?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 69 voting 'aye', 33 voting 'no' and none voting 'present', and the Amendment carries. Representative... I'm sorry. We've already announced the Roll Call, Ladies and Gentlemen, and the Amendment carries, but you'll have a chance to vote on the Bill later. This is only an Amendment. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. We'll go back now to Representative Brunsvold's Bill, Senate Bill 625. Representative Brunsvold. On Amendment #4, Mr. Clerk."

Brunsvold: "Thank you, Madam Speaker. I would like to withdraw my name as Sponsor of Amendment #4. And I think Representative Davis would like to sponsor that Amendment."

Speaker Breslin: "Representative Davis, on Amendment #4."

Davis: "Well, thank you, Madam Speaker and Ladies and Gentlemen. We had a little altercation about vis-a-vis Amendment 4 and let me... let me explain to..."

Speaker Breslin: "Excuse me. Representative Van Duyne, for what reason do you interrupt?"

Van Duyne: "Yes, parliamentary question, Madam Speaker. As I see it on the Amendment, the only name on that Amendment is Brunsvold."

Speaker Breslin: "Representative Davis, have you filled out a

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slip to become a Sponsor of the Amendment?"

Davis: "I'll be right down. Take it out of the record."

Speaker Breslin: "Representative Van Duyne, for what reason do you rise?"

Van Duyne: "Madam Speaker, another parliamentary inquiry. Am I... Is a tabling Motion in order at this time and may I make it by voice? I had inquired of the Clerk's..."

Speaker Breslin: "Yes... excuse me. Representative Davis has filled out the slip. He is the Sponsor of the Amendment. Your Motion to table the Amendment would be in order, and it may be made orally. And you may do so at this time. Representative Van Duyne."

Van Duyne: "Thank you very much, Madam Speaker. As I alluded to before, well... if you want me to debate it, I will, but at this time I'd like to move... or make a Motion, a verbal Motion, to table Amendment #4 of 625, Senate Bill 625."

Speaker Breslin: "Gentleman... The Gentleman has moved to table Amendment #4 to Senate Bill 625. And on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Is that Motion in writing, Madam Speaker?"

Speaker Breslin: "It is not in writing, but it does have to be in writing if requested by a Member. Representative Van Duyne, we will give you the same courtesy we gave Representative Davis. Did you request it, Representative? Representative Vinson, Members have noted that you still have not made the request. You just inquired as to whether or not it was in writing. Representative Vinson."

Vinson: "Yes, I would make the request, and I'd make the request that he write it himself."

Speaker Breslin: "Very good. Representative Van Duyne's Motion is now made in writing. And we... the question is ready for debate. And on that question for debate, Representative Davis is recognized."

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Davis: "Madam Speaker and Members, it seems that we can't ever come to any agreement between the Gentleman on the other side, my distinguished colleague from Joliet, who thinks, of course, that every... the world rises and sets in Joliet in Will County. It doesn't. There is a great big county up there of 350,000 people that has a Will County Metropolitan Exposition Authority. Every metropolitan and exposition authority in this state that is countywide has appointment powers by the county board in order to disperse appointments throughout the county to increase the activity and bring in people from the perimeters of county to the main activities that exist currently in the City of Joliet. For those of you that understand and the Representative over there, by the way, sponsored the Bill that made it the Will County Metropolitan Exposition Authority. There now currently exists not one, single member outside of the Joliet metropolitan area and yet the entire assessed valuation of the county from Crete, Illinois on the east to Plainfield on the west, from Bolingbrook on north to Wilmington on the south, their assessed valuation is being utilized for a metropolitan exposition authority without any voice whatsoever. The current board is structured three appointments by the Governor, three appointments by the mayor of Joliet and one appointment by the county board chairman. I don't quarrel with that. We don't ask that all members be appointed by the county board chairman. We're just asking here in something that was supposed to have been done in July and got lost in the shuffle, that the Will County Metropolitan Exposition Authority Board be expanded to thirteen and that six additional members be appointed by the county board authority to make it consistent with every other countywide metropolitan exposition authority in the State of Illinois. Now, the

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basic Bill itself, that's an add on, and I did ask DCCA to put that in this Bill because I have a commitment that this should have been done in July and now it is going to be done hopefully here tonight. The base Bill affects the bonding authorities for new civic centers, for all the new civic centers that were created. There are some Democrat ones... in Democrat areas, rather, and there are some in Republican areas. I don't wish to tie up this House any further in this what apparently is another Will County squabble between two Legislators, but I just simply ask you for reason and say that this bonding authority must go forward for those new civic centers to be funded, and I think fairness and equity demand that the Will County Metropolitan Exposition Authority, not the Joliet Metropolitan Exposition Authority, the Will County Metropolitan Exposition Authority have parity and have the kind of countywide experience that other county exposition authorities have. Therefore, I recommend an 'aye' vote".

Speaker Breslin: "Representative Vinson, on the question."

Vinson: "Madam Speaker, I would... pardon me... initially request a Roll Call vote on this matter. And I would ask Members to simply reflect on what the immediate vote is. The immediate vote is an effort to cut off discussion and debate on the subject before this Body. Now, you may choose, after you hear the debate and the discussion on the subject, to reject the concept proposed. But I think that it's appropriate for this kind of a Body to at least entertain the concept, listen to it and, if it's desired to defeat it on the merits, to defeat it on the merits. But when somebody comes to this Body with a proposal to cut off debate and to deny our right to listen to discussion on a subject, then I'm always suspicious. And I'm suspicious in this case particularly, and I would urge a 'no' vote on

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this Amendment (sic - Motion) because it's designed to keep us from listening to a full discussion on the merits of this subject."

Speaker Breslin: "Representative.."

Vinson: "We should not fall into that trap."

Speaker Breslin: "Representative Huff."

Huff: "Yes, Madam Speaker and Ladies and Gentlemen of the House, will the Sponsor yield for a question?"

Speaker Breslin: "He indicates he will."

Huff: "Yes. You know, Representative Davis, I've learned in politics that a little paranoia is not a bad thing. I don't see the Amendment on my desk, so I'll ask you directly, and I believe you can answer me in one word. Is there anything in that Amendment affecting McCormick Place?"

Davis: "No."

Huff: "Thank you."

Davis: "By the way, I want a 'no' vote on this Amendment (sic - Motion). I said yes. I misspoke myself. A 'no' vote on the Motion to table, please."

Speaker Breslin: "Excuse me. Representative Van Duyne is the maker of the Motion. He was recognized to answer the question of Representative Huff. Representative Van Duyne, to answer Representative Huff's question."

Van Duyne: "No, there's nothing in here that has to do with McCormick Place, to my knowledge, at least."

Speaker Breslin: "Any further questions? Representative McNamara, on the question."

McNamara: "Yes, I'm wondering, has the Amendment been published and distributed? I don't have it on my desk either."

Speaker Breslin: "Mr. Clerk. Yes, it has been printed and distributed. Representative Piel, on the question."

Piel: "Thank you, Madam Speaker. Will the Gentleman yield for a

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question, please?"

Speaker Breslin: "He will."

Piel: "Representative Van Duynes, could you explain to me one thing? I was sort of taken back a little bit. I mean, as soon as the Bill was announced, I noticed that you were starting to yell and scream. And then when Representative Brunsvold started to talk, you had to, you know, cut right in. But this is the first time, to the best of my knowledge, of this entire Session that a Gentleman or Lady in the chamber has not even had a chance to present their Amendment. What is the problem with presenting the Amendment and letting the Amendment fall or rise on its merits instead of trying to table it? What is the reason for wanting to table it and not hear the Amendment itself? Obviously, you've got a reason."

Van Duynes: "Okay. The request was made to Representative Brunsvold by me to withdraw the Amendment because I felt that it wasn't proper in that he had really no... no interest in the Will County Metropolitan Exposition Authority. And I asked him if there was someone else that was interested in this and he told me, yes, there was and his name was Representative Davis. So, I said, Joel, I don't really think that's... I think that's a little bit dirty pool for him to go through you to try to get an Amendment which he knows that I am going to object to slip through, so to speak. So, Joel said, well, that he wouldn't really oppose me if I was adamant and that he probably would withdraw it. I said, well, I wish you would and I'd like to ask you a favor to withdraw the Amendment and if someone else wanted to... to present this Amendment on his own name, fine, then let it go that way. So, he more or less agreed to that, and Joel is standing right there listening to me, so he can contradict this if I'm

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saying it wrong. So, it came about as... as you see, that the Amendment was not withdrawn, and I'm doing as I had predicted that I am opposing the Amendment by filing a tabling Motion."

Piel: "Well, oppose the Amendment on its merits. But what I'm saying is you've had a situation where Representative Brunsvold, you know, and it happens all the time, LeRoy. You know it just as well as I do - that a person will ask somebody else because it's their Bill, would you mind putting this in and either one of two things. Either they say, 'Yes, I will', or else, 'Yes, I'll let you present your own Amendment.' So, it so happens that Representative Brunsvold is going to sponsor the Amendment. He, in turn, has dropped his name off and given it to Representative Davis. And I could care less. I'm not talking about a the Amendment per se, but what I am saying, Representative Van Duyne, is, you know, this is the first time this year that this has happened. Every single Amendment that comes up before this Body, the people hear the merits of the Amendment and they vote it either up or down. They don't try and table the Amendment when the person's on the floor. I think the Motion is completely uncalled for. I think we should hear the Amendment, vote it either up or down and go on with the Bill. But when a person comes up with the Sponsor of the Amendment being on the floor, trying to table it, I think it just smacks with dirty politics. And I would ask you to remove your Motion from the floor. Thank you very much."

Speaker Breslin: "Representative Van Duyne, to close."

Van Duyne: "Well, in answer to Representative Piel, I think I'm well within my rights to file a tabling Motion, and I have done that. You know, if I can create a little scenario, the Gentleman in question has become a county chairman.

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And since that time, there have been at least two occasions where we're had the same problem. First, it was the port authority and now it's with the Metropolitan Exposition Authority."

Speaker Breslin: "Representative Van Dwyne, it is against the House rules to go into personalities in your debate. Please discuss your tabling Motion."

Van Dwyne: "So, I do not feel that this is the proper way to terminate a person's term of office. There are methods already built into the law which terminates the office. They run out and they are either reappointed or they are not reappointed and someone else is appointed in their place. The Bill... The Amendment terminates..."

Speaker Breslin: "Excuse me, Representative Van Dwyne."

Van Dwyne: "The reason for me filing the tabling Motion..."

Speaker Breslin: "Representative Van Dwyne, address your closing remarks to the tabling Motion. Have you completed?"

Van Dwyne: "No. No, I'm not. I move to table it because I don't think that the Amendment is fair to the people who now sit on the Will County Metropolitan Exposition Authority. That is my reason for tabling... making the Motion to table..."

Speaker Breslin: "Rep... Representative Vinson, for what reason do you rise?"

Vinson: "The Gentleman is using a ruse to get around the rules. Now, that's not too surprising. But he ought to direct his remarks to a procedural Motion which is a Motion to table and not to the merits of the issue."

Speaker Breslin: "The Member has been admonished to do so. Finish... Bring your remarks to a close, Representative. Representative Van Dwyne."

Van Dwyne: "Madam... Madam... Madam Speaker, I'd like to ask you a question. How much time do I have to... to present my case?"

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Speaker Breslin: "You have ten minutes."

Van Duyn: "Then I will try to do it within the ten minutes."

Speaker Breslin: "You have already used up many minutes.
Proceed."

Van Duyn: "I don't think I should go any further. I think the
Members of this House... The Members of the House of
Representatives are well aware of the power struggle that
is going on here, and I will just suffice to say that I
think this is a despicable way to get yourself a few more
appointments at the expense of very nice people. So, I
will just let my case rest with that, and I ask every
Democrat and all conscientious Republicans to vote 'aye' on
my tabling Motion."

Speaker Breslin: "The question is, 'Shall the House table
Amendment #4 to Senate Bill 3... Senate Bill 625?' All
those in favor vote 'aye', all those opposed vote 'no'.
Voting is open. Representative Friedrich, to explain his
vote."

Friedrich: "Madam Speaker and Members of the House, there are a
number of projects involved in this Bill, and I had
intended to support them. But if the other side of the
aisle is going to put a gag rule and won't even let a guy
pass an Amendment, I can tell you I'll be voting 'no' on
the whole package, and that includes some pretty big deals
for some of the guys on that side of the aisle."

Speaker Breslin: "Representative Davis, to explain his vote."

Davis: "Yes, Madam Speaker, to correct a misconception that the
Representative from the other side said in debate. This
Amendment does not remove any board members from the Will
County Metropolitan Exposition Authority. It merely adds
some new ones so that some appointments can be made in
other parts of the county."

Speaker Breslin: "Representative Vinson, one minute to explain

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your vote."

Vinson: "No, Madam Speaker..."

Speaker Breslin: "Excuse me..."

Vinson: "Just for the purpose... Just for the purpose of requesting a verification should the affirmative appear to prevail."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 58 voting 'aye', 56 voting 'no' and Representative Vinson has requested a verification of the affirmative votes. Poll the affirmative, Mr. Clerk."

Clerk Leone: "Poll of the affirmative. Alexander. Berrios. Bowman. Brookins. Brunsvold. Bullock. Capparelli. Christensen. Cullerton. Currie. Daley. DeJaegher. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi."

Speaker Breslin: "Representative Levin. Representative Levin votes 'aye'. Proceed, Mr. Clerk."

Clerk Leone: "Greiman. Hartke. Hicks. Homer. Huff. Keane. Krska. Kulas. Laurino. LeFlore. Leverenz. Levin. Matijevich. Mautino. McGaun. McPike. Mulcahey. O'Connell. Panayotovich. Pangle. Phelps. Preston. Rice. Richmond. Ronan. Saltsman. Satterthwaite. Shaw. Soliz. Steczo. Stern. Sutker. Terzich. Turner. Van Dyne. Washington. White. Wolf. Anthony Young. Wyvetter Younge. And Mr. Speaker."

Speaker Breslin: "Do you have any questions of the Affirmative Roll? Representative Vinson."

Vinson: "Representative Alexander."

Speaker Breslin: "The Lady is in her chair."

Vinson: "Representative Berrios."

Speaker Breslin: "The Gentleman's in his chair."

Vinson: "Representative Brookins."

Speaker Breslin: "The Gentleman's at his chair."

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Vinson: "Representative Brunsvold."

Speaker Breslin: "Representative Brunsvold is in the chamber."

Vinson: "Representative Bullock."

Speaker Breslin: "Representative Bullock is in the chamber."

Vinson: "Representative Capparelli."

Speaker Breslin: "Representative Capparelli is in the chamber."

Vinson: "Representative Christensen."

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

Vinson: "Representative Cullerton."

Speaker Breslin: "He's in the chamber."

Vinson: "Representative Curran."

Speaker Breslin: "Representative Curran. Representative Curran
voted 'no'. Representative Curran voted 'no'."

Vinson: "Oh. He was read off in the affirmative. Representative
Daley."

Speaker Breslin: "Representative Daley is in his chair."

Vinson: "Representative Farley."

Speaker Breslin: "The Gentleman's in his chair."

Vinson: "Representative DeLeo."

Speaker Breslin: "Representative DeLeo is voting 'present'.

Excuse me. Representative Van Dyne, for what reason do
you rise?"

Van Dyne: "Listen, I want to be fair with everybody and that's
exactly why I'm doing this. Representative McPike,
Representative Cullerton, Representative Giorgi,
Representative Curran have all four said to me, you are
losing nothing by letting the Gentleman present the Motion.
And if you have the votes we can defeat him or whatever.
Now, I don't want my credibility damaged any way, shape or
form, but I felt, parliamentary wise, I had a right to do
this. I still feel that I do. But nevertheless, I want it
done properly and I want my own people on this side of the
aisle to do it with the right palate. So, I'm going to

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withdraw the tabling Motion and let him present his Amendment and then I'm going to oppose it. If that meets the will of the Body, I will withdraw the tabling Motion."

Speaker Breslin: "Representative Van Duynes. Representative Van Duynes, it is too late to withdraw a tabling Motion. I would suggest, however, that Members vote 'no' and we can get on with this procedure at this time. Representative Breslin votes 'no'. Representative Van Duynes votes 'no'. Representative McPike votes 'no'. Representative Giorgi. There are, therefore, now 57 voting 'aye', 59 voting 'no' and 2 voting 'present'. The negatives carry and the Amendment... or the tabling Motion is lost. Representative Davis, present your Motion, please."

Davis: "Thank you, Mr... Madam Speaker and Members of the House. I'm sorry we're taking all this time on this issue, but it is important to some 250,000 people that live outside the Joliet metropolitan area, as I've told you, all the way from Bolingbrook around through Crete and to Wilmington and my hometown of New Lenox and elsewhere. This Amendment does business with the bonding necessary for all of the new monies being transported to the new civic centers that have been created in the last year or two years. It seems to me that common decency and equity demands that every countywide metropolitan exposition authority be treated equally in this state. There's only one way that representation can take effect. We are not disturbing, in the controversial portion of this Amendment, we are not disturbing the current board that sits in the Will County Metropolitan Exposition Authority. All we're asking is that additional members be added to that board so that appointments can be made outside of the metropolitan area of Joliet so that the entire county can participate and bring more business to the Metropolitan Exposition

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Authority. I think it's fair. It's equitable. I don't know what bug is crawling around in my distinguished colleague's veins, but there is nothing sinister, nothing untoward. It's here. It's in front of you. And I ask for your 'aye' vote."

Speaker Breslin: "The Gentleman has moved to adopt Amendment #4 to Senate Bill 625. And on that question, the Gentleman from Will, Representative Van Dwyne."

Van Dwyne: "Thank you, Madam Speaker. I... As I said, I do rise to oppose Amendment #4. I am telling you as honestly as I can that this is a power play to get four more ... five... six more, I'm sorry, Republican appointees on the Metropolitan Exposition Authority. Whether or not they come from a geographic district in Will County or not, that's going to be up to the person that makes the choice, the chairman of the county board. They may all come from Bolingbrook. They may all six come from Joliet. Who knows? That's going to be up to the decision of the county board. So, what the Gentleman said before really makes no sense. Since last year, last March, or whenever the county conferences are made, we had a change in the county chairman of the Republican Party and ever since that day the emphasis has been on replacement, placement takeover, more clout, more people, more gratuitous appointments and so on. There has been no fairness with the people who serve on the board. They have... The attempt was made to replace every member within 60 days on the port authority. Now we have another movement to replace the people on the Metropolitan Exposition Authority."

Speaker Breslin: "There being no further discussion, Representative Davis, to close."

Davis: "Well, you've heard the arguments pro and con. I ask for an 'aye' vote, a Roll Call vote please, Madam Speaker. It

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is that the Representative is wrong. It does not replace the members on the board. It only adds in imparity and equity with every other county metropolitan exposition authority. I don't know what can be fairer than that. The... Currently, the mayor of Joliet is a Republican. The Governor is a Republican and the county board chairman is a Republican. Anyway, the seven sitting there are Republicans. And maybe six Democrats will be appoint... I don't know who's going to be appointed, and frankly, I don't care as long as they're outside the metropolitan area of Joliet. It is a Will County Metropolitan Exposition Authority and should have appointments outside that particular one area in the county."

Speaker Breslin: "The question is, 'Shall the House adopt Amendment #4 to Senate Bill 625?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Friedrich, one minute to explain your vote."

Friedrich: "Madam Speaker, according to history, there was a war fought in this country because of taxation without representation. I think the people who live outside the metropolitan area of Joliet are being taxed without representation. That's what this is all about."

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

Davis: "No, Madam, to ask... Madam Speaker, to ask for a verification should it receive a preponderance of negative votes."

Speaker Breslin: "Have all voted who wish? Please do not vote anyone's switch that is not here. Please abide by the rules. There will be a verification. Have all voted who wish? The Clerk will take the record. On this question there are 52 voting 'aye', 59 voting 'no' and 2 voting 'present'. Representative Davis has requested a

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Verification of the Negative Roll. Poll the negative, Mr. Clerk."

Clerk Leone: "Poll of the negative. Alexander. Berrios. Bowman. Braun. Breslin."

Speaker Breslin: "Representative Friedrich, for what reason do you rise?"

Friedrich: "Apparently my switch didn't register when I pushed it down. Would you vote me 'aye' please?"

Speaker Breslin: "Vote Representative Friedrich 'aye'. Proceed, Mr. Clerk."

Clerk Leone: "Continuing with a Poll of the Negative. Bowman. Braun. Breslin. Brookins. Brunsvold. Bullock. Capparelli. Christensen. Cullerton. Currie. Daley. DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Greiman. Hartke. Hicks. Homer. Huff. Keane. Kulas. Laurino. LeFlore. Leverenz. Levin. Matijevich. Mautino. McGann. McNamara. McPike. Mulcahey. Nash. O'Connell. Pangle. Phelps. Preston. Rice. Richmond. Saltsman. Shaw. Soliz. Steczo. Sutker. Terzich. Turner. Van Duyne. Washington. White. Wolf. Anthony Young. Wyvetter Younge. And Mr. Speaker."

Speaker Breslin: "Do you have any questions of the Negative Roll Call, Mr. Davis?"

Davis: "Well, thank you, Madam Speaker. Representative Flinn."

Speaker Breslin: "Is the Gentleman in the chamber? Representative Flinn. Representative Flinn. How is the Gentleman recorded?"

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

Speaker Breslin: "Remove him."

Davis: "Representative Wolf."

Speaker Breslin: "Representative Wolf. The Gentleman is in the chamber. The Gentleman is in the chamber."

Davis: "Representative Nash."

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Speaker Breslin: "Representative Nash. Representative Nash. How is the Gentleman recorded?"

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

Speaker Breslin: "Remove him."

Davis: "Representative DeLeo."

Speaker Breslin: "Representative DeLeo. Representative DeLeo. How is the Gentleman recorded?"

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

Speaker Breslin: "Remove him."

Davis: "Representative Panayotovich."

Speaker Breslin: "Representative Panayotovich is not recorded as voting."

Davis: "Representative Saltsman."

Speaker Breslin: "Representative Saltsman is in the chamber."

Davis: "Representative Leverenz."

Speaker Breslin: "Representative Leverenz. Representative Leverenz. How is the Gentleman recorded?"

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

Speaker Breslin: "Remove him."

Davis: "Representative Richmond."

Speaker Breslin: "Representative Richmond. Representative Richmond. How is the Gentleman recorded?"

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

Speaker Breslin: "Representative Leverenz has returned to the chamber. Add him to the Roll Call."

Davis: "Representative Laurino."

Speaker Breslin: "Excuse me. Representative Richmond should be removed from the Roll Call and Representative Leverenz should be added as voting 'no'."

Davis: "Representative Laurino."

Speaker Breslin: "Representative Laurino. Is the Gentleman in the chamber? Remove him from the Roll Call."

Davis: "Representative Wyvetter Younge."

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Speaker Breslin: "Representative Wyvetter Younge. Is the Lady in the chamber? Wyvetter Younge. How is the Lady recorded?"

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

Speaker Breslin: "Remove her."

Davis: "Representative Currie."

Speaker Breslin: "Representative Currie is in the chamber."

Davis: "Representative Greiman."

Speaker Breslin: "Representative Greiman is in the chamber. Excuse me. Representative Stern wishes to vote 'no'. Please record her as voting 'no'."

Davis: "Representative Anthony Young."

Speaker Breslin: "Representative Anthony Young is in the chamber."

Davis: "Representative Washington."

Speaker Breslin: "Representative Washington is in his chair."

Davis: "Representative Terzich."

Speaker Breslin: "Representative Terzich is in his chair."

Davis: "Representative... I think he's here. Representative Pangle."

Speaker Breslin: "Representative Pangle is in his chair."

Davis: "Representative O'Connell."

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

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

Speaker Breslin: "Remove him."

Davis: "Representative Hicks."

Speaker Breslin: "Representative Hicks is not in the chamber. Remove him."

Davis: "Representative Homer."

Speaker Breslin: "Representative Homer. Representative Homer is in the chamber."

Davis: "Representative Flowers."

Speaker Breslin: "Representative Flowers. The Lady's in the

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chamber."

Davis: "Representative Hartke."

Speaker Breslin: "Representative Hartke's in the chamber."

Davis: "Did I mention Representative Homer?"

Speaker Breslin: "Yes, you did, and he was in the chamber at the time."

Davis: "Alright. No further."

Speaker Breslin: "On this question, there are... Representative Satterthwaite is recognized and wishes to vote 'no'. On this question, there are 53 voting 'aye', 53 voting 'no', and... There are 53 voting 'aye', 53 voting 'no' and 2 voting 'present', and the Motion fails. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #5, Brunsvold."

Speaker Breslin: "Representative Brunsvold."

Brunsvold: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #5 incorporates all the provisions in Amendment #4 except the controversial portion that was included by Representative Davis. And those do include in Section 2 an additional definition of local bonds. In Section 4, it adds 1983 and '80 and '75 as eligible for funding years on assessed valuation, picking which year is most advantageous for the... for the Civic Center Authority. In Section 5, it revises the amount of money held by the Metropolitan Exposition Authority to 125%. This change assures the bond holder of sufficient funds to retain... will be retained in the fund to pay debt service. And Section 8, it specifies that bond... bond proceeds may be applied to defray costs of obtaining credit enhancement for bond issue. These provisions were requested by bond council in order to proceed into the bond market. And I would ask for the adoption of Amendment #5."

Speaker Breslin: "The Gentleman has moved to adopt Amendment #5

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to Senate Bill 625. And on that question, the Gentleman from Macon, Representative Dunn."

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

Speaker Breslin: "He will."

Dunn: "What does this Amendment do to existing civic center facilities and authorities?"

Speaker Breslin: "Representative Brunsvold, the question is, 'What does this Amendment do to existing civic center authorities?'"

Dunn: "Thank you very much for that translation."

Brunsvold: "It does nothing to existing civic center authorities."

Speaker Breslin: "The answer is nothing. Is there any further discussion? There being no further discussion, the question is, 'Shall the House adopt Amendment #5 to Senate Bill 625?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #6, Vinson."

Speaker Breslin: "Representative Vinson."

Vinson: "Thank you, Madam Speaker, Ladies and Gentlemen. Has... Has the Amendment actually been distributed yet?"

Speaker Breslin: "Mr. Clerk? It has not been printed and distributed."

Vinson: "Could we hold it until we get it?"

Speaker Breslin: "That's the... At the discretion of Representative Brunsvold. He wants to know if we can hold it until his Amendment is printed and distributed. The Gentleman..."

Brunsvold: "Can we bring it back?"

Speaker Breslin: "You may."

Vinson: "No, Speaker..."

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Speaker Breslin: "But you have to... you have to table the Amendment first because it has been filed. But if we get back to it tonight, it does not jeopardize the Bill, and we would be happy to come back to it."

Brunsvold: "That would be fine."

Speaker Breslin: "Okay. The Bill is out of the record. Senate Bill 1249, Representative Hoffman. Representative Hoffman. I should advise people that on this Order of Business if you take the Bill out of the record, it should be read at least a second time so that we can hear it tomorrow. Okay, read the Bill a second time, Mr. Clerk."

Clerk Leone: "Senate Bill 1249, a Bill for an Act to amend an Act relating to counties. Second Reading of the Bill. Amendment #3 was adopted previously."

Speaker Breslin: "The Gentleman wishes to hold this Bill on the Order of Second Reading. Senate Bill 1449, Representative Van Duyne. Representative Van Duyne. Senate Bill 1449, Mr. Clerk, read the Bill on Second."

Clerk Leone: "Senate Bill 1449, a Bill for an Act to amend an Act in relationship to the sale of tickets to certain places of entertainment or amusement. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "No Floor Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1468, Representative Braun. Let's read the Bill and hold it for an Amendment. Senate Bill 1468, read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1468, a Bill for an Act to amend an Act in relationship to state finance."

Speaker Breslin: "Hold the Bill on Second."

Clerk Leone: "Second Reading of the Bill."

Speaker Breslin: "Oh, you're ready to go? Second Reading of the Bill. Are there any Floor Amendments?"

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Clerk Leone: "Floor Amendment #1, Madigan - Cullerton."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Yes, thank you, Madam Speaker, and Ladies and Gentlemen of the House. Senate Amendment #1 does four things. The first thing is to... Section dealing with the Illinois Humanities Council to make them eligible for grants. It would allow these not-for-profit private organizations to be awarded funds from the State Board of Education for purposes of providing summer programs for teacher and other academic staff. The second thing it does is, it deals with the School Aid Formula, basically helping schools where there's a high growth in population or a tremendous drop in the EAV. This is something which we do every year on a case by case basis. This basically sets up the provisions so that we don't have to continue to come back. Also adds the provision regarding public university laboratory schools, providing that these schools, this general state aid, shall always be kept by using the special equalization method regardless of the formula utilized to calculate the... districts general state aid. The third thing deals with parental/pupil transportation grant program so as to allow the same exceptions that's allowed in current law with regard to private schools. Also... the same exceptions currently afforded public schools also be afforded private schools where a pupil has to go to a school within one and a half miles of the residence, and the Department of Transportation determines that there is a serious safety hazard. And finally, it deals with a cleanup of a Bill we passed last year dealing with campus police departments. The two changes are technical in nature; first, deleting an incorrectly cited Section; and the second... second change, deleting language which inadvertently excluded participation by some private

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institutions the original Bill was intended to benefit. So I would move for the adoption of Amendment #1."

Speaker Breslin: "The Gentleman moves the adoption of Amendment #1. And on that question, the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. The person who proposed this Amendment has explained it well and in his quiet and even toned manner. And I rise in support of his Amendment."

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

Piel: "Thank you, Madam Speaker. Will the Gentleman yield please?"

Speaker Breslin: "He indicates he will."

Piel: "Representative Cullerton, just a couple questions in reference to the Amendment we're... so I make sure we are dealing with Amendment #1. Part of it says it provides that even if a student lives within one and a half miles of the school and is not bused to and from the school but the student may apply for reimbursement if walking to school may constitute a serious safety hazard to his health due to vehicular traffic. Could you explain exactly what that means? Does this mean that if a kid walks... lives a block away and has to cross a four lane highway he can be reimbursed for travel back and forth to the school?"

Speaker Breslin: "Representative Cullerton, to respond to the question."

Cullerton: "Yes, this is current law with regard to... This is the current law with regard to public schools. In order for that person to be eligible for the reimbursement, they would have to be certified, in effect, by the Illinois Department of Transportation. They would do a study to determine whether or not there was a serious safety hazard involved with the travel to school. Now, in the case you

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cited..."

Piel: "That's not quite the current law."

Cullerton: "...one block... one block away, I doubt that they would certify it. If it's a mile or a mile and a half away, whether its... they'd have to go over intersections that are heavily traveled or interstate highways or, perhaps, railroad crossings, then under those circumstances, the Department of Transportation may certify it. And I would point out..."

Piel: "In other words, what you're saying is exactly the way this thing is written in here, it is current law."

Cullerton: "For the private... for the public schools, that's correct."

Piel: "Oh, for public schools. But this is adding private schools into it."

Cullerton: "Right."

Piel: "Okay. Let me ask you one other area. The area that changes the definition of private college and private university. Could you explain that or do you want me to go into it further?"

Cullerton: "What was that again? What was the question?"

Piel: "The area that changes the definition of private college and private university by deleting the requirement that those institutions must hold current certificate of approval issued by the State Board of Education... of Higher Education."

Cullerton: "What?"

Piel: "Why is it changing the definition? That's the question I have."

Cullerton: "Well, I don't know if... if you're analysis is accurate. My analysis indicates that we passed a Bill dealing with... which authorized private colleges and universities to establish campus police departments."

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Piel: "Excuse me, John. Madam Speaker, can we have some attention?"

Cullerton: "If it's not interesting, nobody listens."

Piel: "That's about the truth, isn't it?"

Cullerton: "If I understand your question, are you dealing... are you questioning me concerning the... that Section of the Amendment dealing with the campus police departments?"

Piel: "Okay. Representative Hoffman just explained to me that it was covering Bradley University that were formed before... before this was set up, and it's just including in the definition."

Cullerton: "And... And I thank Representative..."

Piel: "Thank you."

Cullerton: "...for answering that question..."

Piel: "No further questions. Thank you."

Speaker Breslin: "Representative Brunsvold, on the question."

Brunsvold: "Will the Gentleman yield for a question?"

Speaker Breslin: "He will."

Brunsvold: "Representative, is this portion... the portion of the Amendment dealing with... with hazardous situations inside of a mile and a half?"

Cullerton: "Yes, Sir."

Brunsvold: "Was that included in an Amendment on 242?"

Cullerton: "It's... No other Amendment has been adopted dealing with this. It may have been included in the Amendment that was filed, but it was not adopted."

Brunsvold: "Okay. Was this included in 730, do you recall?"

Cullerton: "I don't know. Are you referring to a House Bill or a Senate Bill?"

Brunsvold: "The education reform package."

Cullerton: "Back in the summer?"

Brunsvold: "I know that this portion is law for public school children but not for private school children."

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Cullerton: "Yes, that's correct."

Brunsvold: "Right."

Cullerton: "I don't know that it was included. It probably wasn't. If it was, it wouldn't be here now."

Brunsvold: "Right. Thank you."

Speaker Breslin: "Mr. Clerk, would you announce Supplemental #3?"

Clerk Leone: "House Calendar Supplemental #3 is now being distributed."

Speaker Breslin: "Representative Cullerton to close on the Amendment."

Cullerton: "Yes, I think it's been adequately explained. I would move for the adoption of the Amendment."

Speaker Breslin: "The question is, 'Shall the House adopt Amendment #1 to Senate Bill 1468?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #2, Mulcahey."

Speaker Breslin: "Representative Mulcahey."

Mulcahey: "Thank you, Madam Speaker and Members of the House. Pursuant to what occurred earlier this evening on Senate Bill 913, and inasmuch as much of the education reform measures, which we... we adopted last summer are now being initiated or just getting under way, at this time I... I wish to... I wish to withdraw the Amendment..."

Speaker Breslin: "Withdraw Amendment #2."

Mulcahey: "...but keeping in mind that maybe somewhere down the line that we should, possibly in the spring, we might be able to take a look at this and look at some of the ramifications thereof."

Speaker Breslin: "Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Representative Cullerton is

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recognized for a Motion."

Cullerton: "Yes, I would ask leave to hear the Bill on Third Reading now since we're debated the Amendment."

Speaker Breslin: "The Gentleman asks unanimous leave to hear this Bill on the Order of Third Reading immediately. Is there any objection? Hearing no objection, the Gentleman has unanimous leave. Proceed, Mr. Clerk, to read it on Third."

Clerk Leone: "Senate Bill 1468, a Bill for an Act to amend the School Code, an Act in relationship to state finance. Third Reading of the Bill."

Speaker Breslin: "Representative Cullerton. Excuse me. Representative Braun."

Braun: "Thank you, very much, Madam Speaker, Ladies and Gentlemen of the House. The Bill, as amended... amended, was just discussed as we adopted Amendments 1 and 2. The substance of the general Bill, however, is essentially a speedup of state payments to school districts in order to... It has no affect on the total amount of state aid paid during this year. It is simply a function of changing the schedule of payments and the... the schedule of payments. It is the result of a settlement between the Chicago Teachers... Union, and the Board of Education and the Governor's commitment to work out the financial difficulties of that school district. But it will assist and help other school districts throughout the state. I encourage your support for this legislation."

Speaker Breslin: "The Lady has moved for the passage of Senate Bill 1468. And on that question, the Gentleman from Winnebago, Representative Mulcahey."

Mulcahey: "Well, would the Sponsor yield for a question?"

Speaker Breslin: "She will."

Mulcahey: "Representative Braun, is this th... is this the advanced payment of the speedup money that we... we

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promised the Chicago School System as a result of the..."

Braun: "That's what I just said."

Mulcahey: "That's what you just said. Okay. And this has nothing to do with the... with the 72 million dollars that we need additionally now for education reform, and this has nothing to do with the 100 million dollars that we need next year for education, education reform. This is simply... 50 million dollars is going to go out right now. Is that correct?"

Braun: "It just revise... It just revises the schedule of payments, period."

Mulcahey: "Revises the schedule of payments. I see. Thank you very much."

Braun: "You're welcome."

Mulcahey: "This is a..."

Braun: "You think it's a good idea."

Mulcahey: "Thank you. Thank you very much. I'm sure we'll probably be able to get to the real substantive issue which we... which is going to face this Assembly before we leave tomorrow, and that is the process by which we can fund the education reform of 72 million this year and 100 million next year. And I... I'm confident we'll probably deal with that just as effectively as we're dealing with this Chicago situation right now."

Braun: "That's right. Thank you, Representative."

Speaker Breslin: "The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you very much, Ladies and Gentlemen, Madam Speaker. It's important that everyone understands that this not only provides a speedup for Chicago, but it provides a speedup of... of all the state aid in that it provides that at least the assumption is that we will come up with 150 million, at least 150 million new dollars in

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the general distributive fund... additional dollars in the general distributive fund during our spring Session in '86. Now keeping that in mind, that the provision is that if we don't come up with that money, then the... in the Chicago situation, they're going to have to go back and renegotiate that contract. And in regard to the comments made by the previous speaker, I concur. We are going to have to address the funding for this, and I believe that we're going to have to address and we should address the cigarette tax issue and we should tie that to the Common School Fund so that we know for sure that that money is going to go into this pot. And I'm hopeful that we can all stand together on that particular issue."

Speaker Breslin: "The question is, 'Shall Senate Bill 1468 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 102 voting 'aye', 10 voting 'no' and 1 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Going back to the top of the Call, on page two, under Senate Bills Second Reading appears Senate Bill 241, Representative Cullerton. Read the Bill."

Clerk Leone: "... Bill 241, a Bill for an Act to amend the Criminal Code. Second Reading of the Bill."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Yes, I... I think I want to defer this Bill until the spring. I'd like to take it out of the record at this time."

Speaker Breslin: "Out of the record. Senate Bill 502, Representative Davis. Representative Davis, if you want

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this Bill to be heard in this Session, it has to be read once. Out of the record. Senate Bill 625, Representative Brunsvold. Representative Brunsvold, have you made a decision on whether or not you want this Bill called again? Okay. Hold it on Second. House Bill... Again appearing on page two is House Bill Second Reading, House Bill 1954, Representative Vinson. Read the Bill, Mr. Clerk, on Second."

Clerk Leone: "House Bill 1954, a Bill for an Act to amend the Collection Agency Act. Second Reading of the Bill. Amendments #2 and 4 were adopted previously."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "Amendment #5 lost. The next Floor Amendment is Floor Amendment #6, Matijevich."

Speaker Breslin: "Representative Matijevich on Amendment #6."

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House, Amendment #6 is the dental hygienists continuing education Amendment, which I think most of you received a letter from Jerry Shea and Bill Page, urging your... their support. I would move the adoption of Amendment #6."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #6 to House Bill 1954. And on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, Madam Speaker, I have no objection to the Amendment."

Speaker Breslin: "The Gentleman from Lake, Representative Churchill."

Churchill: "Thank you, Madam Speaker. I rise in objection to Amendment #6 to House Bill 1954. This is the same Amendment that we considered the other day. This is the Bill where the dental hygienists will be required to have continuing education. This is a Bill that is opposed by the Dental Society. We defeated this Amendment quite

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overwhelmingly the other day. I would ask that we give it the same treatment tonight."

Speaker Breslin: "There being no further discussion, Representative Matijevich to close. Okay. The question is, 'Shall Amendment #6 to House Bill 1954 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Cullerton to explain his vote."

Cullerton: "Yes, I don't know why anyone would want to support this Bill, as Representative Johnson said. And I think since the World Series is over, we can vote 'no' on this Bill."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 8 voting 'aye', 91 voting 'no' and 3 voting 'present', and the Amendment fails. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #7, Vinson."

Speaker Breslin: "Representative Vinson."

Vinson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #7 establishes the maximum number of years during which a barber or barber teacher may complete his education. It provides for reciprocity for barbers, and it allows barbers and barber teachers to practice pending passage of the examination. It provides for 12 month work permit for registered nurses applying for licensure by means of reciprocity. And I am not aware of any opposition to this Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #7 to House Bill 1954. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "It may be that there's no objection. I just wondered if you could just give me a little synopsis of that one more time."

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Speaker Breslin: "Representative Vinson."

Vinson: "Yes. Number one, it establishes a maximum number of years during which a barber or a barber teacher may complete his education. Number two, it provides for a reciprocity for barbers. Now, reciprocity, John, is a process by which we recognize the licensure process in other states, if they recognize ours. It's a concept you're probably familiar with after the way you voted on the Banking Act."

Cullerton: "How about mental health barbers?"

Vinson: "What?"

Cullerton: "How about mental health dentists? Is that in this Amendment?"

Vinson: "In this Amendment? I don't... I don't believe so."

Cullerton: "As I recall..."

Vinson: "I think we dealt with that in an earlier Amendment."

Cullerton: "No, that's what I'm asking. As I recall, the dentists were going to let dental hygienists go in and clean teeth of people in mental institutions."

Vinson: "Yeah, we put that on in an earlier Amendment."

Cullerton: "I'm just asking."

Vinson: "Yeah, an earlier Amendment. This provides for barbers and barber teachers to practice pending passage of the examination, and it provides a 12 month work permit for registered nurses applying for licensure by means of reciprocity. And I am authoritatively advised that I was correct when I informed you that we dealt with the earlier matter in which you inquired on another Amendment."

Cullerton: "Right. I have no objection to the Amendment. Thank you very much."

Vinson: "Well, thank you."

Speaker Breslin: "The question is, 'Shall the House adopt Amendment #7 to House Bill 1954?' All those in favor say

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'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

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

Speaker Breslin: "Representative Vinson."

Glauberaman: "Hold on."

Vinson: "That's Zale. And this is Amendment #8 to House Bill 1954 which includes controlled substance inspectors of the Department of Registration and Education with individuals who may contribute to the State Police Retirement System. I know of no controversy in regard to the Amendment, and I would urge its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #8 to House Bill 1954. And on that question, is there any discussion? Hearing none, the question is, 'Shall the Amendment be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #9, Vinson."

Speaker Breslin: "Representative Vinson."

Vinson: "Yes... Tim, would you talk to Zale here? Amendment #9 corrects the typographical error in the cosmetology Section of the Barber and Cosmetology Act. I know of no controversy in regard to it, and I would move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #9 to House Bill 1954. Does anyone stand in opposition? Hearing none, the question is, 'Shall Amendment #9 be adopted?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

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Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Vinson, for what reason do you rise?"

Vinson: "Madam Speaker, I would ask leave of the House to hear this Bill on Third Reading at this time."

Speaker Breslin: "The Gentleman asks leave for immediate consideration to hear this Bill, House Bill 1954, immediately. Are there any objections? Hearing no objections, the Gentleman has immediate leave. Read the Bill, Mr. Clerk."

Clerk Leone: "House... House Bill 1954, a Bill for an Act to amend Sections of the Collection Agency Act. Third Reading of the Bill."

Speaker Breslin: "Representative Vinson."

Vinson: "Thank you, Madam Speaker. The Bill, as now amended, is totally noncontroversial. It is a cleanup Bill that has been agreed upon by all of the professions regulated and by the Department, to clean up errors in regard to legislation we previously passed this year for the administration of licensure... licensed professions by the Department of Registration and Education. I don't believe there's any controversy at all in regard to the Bill."

Speaker Breslin: "Representative Vinson has agreed to hold this Bill. Out of the record. On Senate Bills Second Reading, on page two on your Calendar, appears Senate Bill 502. That's a Bill we want to read today and hold on Second. Read the Bill, Mr. Clerk, Senate Bill 502."

Clerk Leone: "Senate Bill 502, a Bill for an Act to amend the Illinois Aeronautics Act. Second Reading of the Bill. Second Reading of this Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Are there any Floor Amendments? Excuse me. We want to hold it on Second. Very good. Out of the record."

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Ladies and Gentlemen, appearing on Supplemental 2 on your Calendar is Senate Bills Second Reading, and it appears Senate Bill 994, Representative Hastert. Clerk, read the Bill. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 994, a Bill for an Act to amend an Act in relationship to public utilities. Second Reading of the Bill."

Speaker Breslin: "Representative Hastert, for what reason do you rise?"

Hastert: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I... My understanding is there's another Amendment being prepared for that Bill, so as long as its read a second time, I'll hold it there."

Speaker Breslin: "That's fine. We'll hold it on Second. Out of the record. Representative Matijevich is recognized."

Matijevich: "Yes, Madam Speaker and Ladies and Gentlemen of the House. My information is... One moment. I'll find out my information. Madam Speaker, I understand we'd ask leave to suspend the posting notice on these three Bills... five Bills, rather, and one House Resolution. I understand this is agreed to. House Bill 516, House Bill 1962, House Bill 2553, Senate Bill 1364, Senate Bill 1037, and House Resolution 831, for the purpose that these Bills can be heard in Rules Committee which will meet immediately after adjournment. Rules Committee will meet in the Speaker's Conference Room immediately after adjournment. Do we have leave and use of the Attendance Roll Call?"

Speaker Breslin: "Representative... Representative Matijevich asks leave to use the Attendance Roll Call to suspend the posting rules for the Rules Committee to meet immediately after Session to consider House Bill 516, 1962 and 2553, plus Senate Bills 1364 and 1037 and House Resolution 331. Does the Gentleman have leave? Hearing no objection, the

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Gentleman has leave. Representative Cullerton now moves that this House stand adjourned until the hour of 9:00 a.m. tomorrow morning. Is there any objection? Hearing none, this House stands adjourned until 9:00 a.m. tomorrow morning. I now call the Second Special Session into... to order. Representative Cullerton moves that we use the Attendance Roll Call from the Regular Session for the purposes of the Second Special Session. Is there any objection? Hearing none, it will be done. Representative Cullerton now moves to adjourn the Second Special Session until 9:30 tomorrow morning. All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the Second Special Session is adjourned until 9:30 tomorrow morning. But we expect to see everyone here at 9:00 a.m. tomorrow morning for the Regular Session. Thank you. Remember, the Rules Committee should meet immediately in the Speaker's Conference Room for a very short meeting. Please go immediately to the Speaker's Conference Room for a very short meeting. Thank you."

12/12/85
13:45

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